

# EXHIBIT H

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Attorneys for Henry Tosta

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION  
SAN JOAQUIN COUNTY**

IN THE MATTER OF:

HENRY J. TOSTA (DBA HENRY TOSTA DAIRY), HENRY J. TOSTA JR. FAMILY LIMITED PARTNERSHIP, AND HENRY J. TOSTA TRUST

) Administrative Civil Liability  
) Complaint No.: R5-2012-0561

**DECLARATION OF HENRY TOSTA**

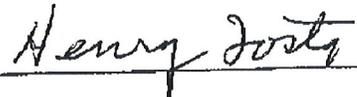
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I, Henry Tosta, declare as follows:

1. The facts stated in this declaration are based on my personal knowledge, and I could and would testify competently to these facts if called upon to do so.
2. I am the owner and operator of Henry Tosta Dairy, which is the subject of the instant proceedings.
3. During my entire time in operation at this location, I have been able to transfer dried manure at no cost by any or all of the following methods:

- a) I also apply some portion of the manure at agronomic rates to agricultural properties which I own or control, including parcels which are contiguous to the dairy, and others which are within San Joaquin and Stanislaus County.
  - b) By allowing farmers who own land near the dairy to remove dried manure, free of charge, for application to their fields. Farmers who have taken manure under this type of arrangement include Joe Enriquez (99 loads of about 20 tons each in 2012 alone), Arnaudo Brothers and Tom Genace.
  - c) By allowing other parties, most notably Bruce Mellor Trucking, to haul dry manure to Hyponex, which in turn bags the material and sells it as fertilizer.
4. Using the methods outlined above, I have been able to get rid of excess dry manure from my dairy without cost.
  5. At all times relevant to this case, I was able to transfer manure at no cost.
  6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6 day of July, 2013, at Tracy, California.

  
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 HENRY TOSTA