Stanislaus County
Striving to be the Best

DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

August 2, 2016

Brad Jackman
11501 Pioneer Ave.
Oakdale, CA 95361

TRANSMITTAL OF CITATION NO. DER-16C-007 FOR TCR MCL FAILURE

The Pioneer Equine Hospital Water System violated the Maximum Contamination Level (MCL) for total coliform bacteria during the month of July 2015, as specified in the Domestic Water Quality a Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-16C-007 in response to this violation. The citation is being transmitted to the Pioneer Equine Hospital Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of $106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

James Sanders

James Sanders EHS
Environmental Health Specialist

Enclosure (1)

STANISLAUS COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES

DIVISION OF ENVIRONMENTAL HEALTH

TO: Pioneer Equine Hospital Water System
11536 Cleveland Ave
Oakdale, CA 95361

Attn: Brad Jackman, Owner
Pioneer Equine Hospital Water System

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,

TITLE 22, SECTION 64426.1 (b)

TOTAL COLIFORM RULE VIOLATION

WATER SYSTEM NO. 5000581

C I T A T I O N NO. DER-16C-007

Issued on August 4, 2016

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Citation (hereinafter "Citation") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Pioneer Equine Hospital Water System (hereinafter, "Pioneer Equine") for violation of Title 22, California Code of Regulations (CCR), Section 64426.1 (b).

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APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars ($1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, in relevant part:

(b) A public water system is in violation of the total coliform Maximum Contaminant Level ("total coliform MCL") when any of the following occurs:

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(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E.coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E.coli-positive routine sample is total coliform-positive.

STATEMENT OF FACTS

Pioneer Equine is operated under Water Supply Permit No. 2013-12-018, which was issued on December 16, 2013.

Pioneer Equine water system is located in Stanislaus County along Valley Home Rd, approximately 3.8 miles north of the City of Oakdale. Pioneer Equine's service area is approximately 19.48 acres in size.

Pioneer Equine's water system is classified as a Non-Transient Non-Community water system that serves the employees and patrons of the veterinary hospital. According to the 2014 Annual Report to the Division, Pioneer Equine serves approximately 25 people through one service connection. One (1) of the service connections is metered and zero (0) of the service connections are unmetered. The water system obtains its water supply from one active well located on Pioneer Equine property.

The well discharges to two storage tanks that total 67,623-gallons, prior to entering the domestic water system. Irrigation demands are not provided by this well.

With a population of 25, the Pioneer Equine water system is required to have one sample examined for bacteriological quality every month from its distribution system.

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The Pioneer Equine's contract laboratory, Far West Laboratories, utilizes the testing Colilert method for bacteriological analyses.

Specifically, on July 7, 2015, the Pioneer Equine water system collected one routine sample for bacteriological quality from the designated site in the distribution system. The sample, collected from the North East stable hose bib, tested positive for total coliform bacteria. The sample was negative for fecal coliform bacteria.

On July 9, 2015, the Pioneer Equine water system collected four repeat samples (one sample each from the routine coliform positive sample location, the downstream locations, the upstream locations and the well head). Three of the repeat samples tested positive for total coliforms and none were fecal coliform positive.

DETERMINATION

The Division has determined that Pioneer Equine failed to comply with the requirements of Section 64426.1 (b) due to the fact that Pioneer Equine had more than one sample during the month of July 2015 that was total coliform-positive. Therefore, Pioneer Equine is in violation of Section 64426.1 (b) of the California Code of Regulations.

DIRECTIVES

Pioneer Equine is hereby directed to take the following actions:

1. By July 16, 2015, notify the consumers served by the Pioneer Equine of the bacteriological quality (Total Coliform Rule) failure in conformance with Section 64464.3(a)(1), Title 22, CCR. The notification shall be provided in accordance with the following:

a. Provide written notice of the bacteriological water quality MCL violation by mail or by direct hand delivery to every customer and by publication of notice in a newspaper of general circulation in the area served by the Pioneer Equine. The notice shall be published and delivered once, no later than the above mentioned date.

   This notification shall be given in English. In addition, if the Pioneer Equine water system serves a large proportion of other non-English speaking consumers, notices must contain some information in the appropriate language(s) on the importance of the notice as provided in the Department's guidance for the Consumer Confidence Report.

b. The contents of the notice, including the mandatory language, shall be approved by the Department prior to publication and delivery.

   A sample notification form that can be used to satisfy the public notification requirement has already been provided to Eric Tackett by email.

2. By August 16, 2015, perform an investigation to determine the cause of possible significant rise in bacterial count in the Pioneer Equine distribution system during the month of August 2015. A report of the investigation shall also be prepared in accordance with Section 64426 (b)(2), Title 22, CCR, and submitted to the Department by the above date. A form that should be used to meet this requirement also has already been sent to Eric Tackett by email.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Pioneer Equine of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

James Sanders, EHS
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358

PARTIES BOUND

This Citation shall apply to and be binding upon Pioneer Equine, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Pioneer Equine shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Department to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public

water system if the system has violated applicable law or regulations or has failed to comply with an order of the Department; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Department. The Department does not waive any further enforcement action by issuance of this citation.

8/4/16

Date

Rachel Riess, REHS
Senior Environmental Health Specialist
Division of Environmental Health
Department of Environmental Resources
Stanislaus County

Attachments:

1. Public Notification
2. Proof of Notification Form

Certified Mail No. 7014 3490 0001 6851 2874

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