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## UPDATE: Beaumont Accused of State Water Code Violations, Assessed \$66,000 in Mandatory Penalties

The city of Beaumont intends to review the alleged violations and may appeal, City Manager Alan Kapanicas says. A pH-level meter giving incorrect readings was responsible for some of the violations, Kapanicas says.

By [Guy McCarthy](#) | [Email the author](#) | May 18, 2011

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**Updated at 9 p.m.** The Santa Ana Regional Water Quality Control Board has notified the city of Beaumont of alleged state Water Code violations and assessed \$66,000 in mandatory minimum penalties.

The maximum administrative civil liability for the alleged violations, if imposed upon the city of Beaumont, would exceed \$3.6 million, according to the Santa Ana Regional Board.

Between June 2006 and January 2011, the city of Beaumont violated its waste discharge requirements 30 times, and was in violation for a total of 366 days, according to a May 10 certified letter from Santa Ana Region Division Chief Robert Holub to Beaumont City Manager Alan Kapanicas.

The alleged violations occurred at the City of Beaumont Wastewater Treatment Plant, 715 W. 4th St., south of Interstate 10 and State Route 60, Kapanicas said Wednesday. It is the only wastewater treatment plant in Beaumont and it serves about 12,000 homes, Kapanicas said.

Aquarion United Water was the contractor at the plant on 4th Street until late last summer, Kapanicas said.

"They were let go in August 2010," Kapanicas said.

Aquarion United Water was replaced by Utility Partners, the contractor currently running the city's 4th Street plant, Kapanicas said.

According to an itemized list of the violations, eight "non-serious" violations were not subject to mandatory penalties, but 22 violations were. At \$3,000 per violation, the total mandatory penalty was \$66,000.

According to Holub, the city of Beaumont has two options: To accept expedited payment by June 1, or to contest and challenge the violations before June 1.

Holub also pointed out the Santa Ana Regional Board can alternatively impose "discretionary administrative civil liability" for the 30 violations, which represent 366 days of violation because some violations involved weekly and monthly limits.

"Consequently, the maximum administrative civil liability in accordance with Section 13385 (c) that may be imposed is \$3,660,000 (\$10,000 per day of violation), plus an additional assessment of \$10 per gallon of effluent discharged during the duration of the violation episode, in excess of the first 100 gallons of effluent," Holub's letter states.

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"Effluent" is defined by Oxford American Dictionaries as "liquid waste or sewage discharged into a river or the sea."

If the city accepts expedited payment and waives right to a hearing, the Regional Board will forgo issuing a formal administrative complaint, and waive its right to seek additional discretionary civil liabilities, according to Holub.

Kapanicas said Tuesday night he plans to meet with engineers to discuss the board's findings. He said he was not yet sure whether the city will appeal the board's findings or pay the penalties.

Twelve of the 22 violations subject to mandatory penalties involved coliform averages or levels, three involved turbidity, and seven had to do with pH levels, according to Holub.

"Coliform" is a "rod-shaped bacterium . . . found in the intestinal tract of humans and other animals. Its presence in water indicates fecal contamination and can cause diarrhea and other dysenteric symptoms," according to Oxford American Dictionaries.

Kapanicas said he'd received the letter Friday and a report addressing it earlier Tuesday.

"We've got a pH meter that's not reading right," Kapanicas said. "We're going to actually talk to the board about it. . . ."

"This organization is a real positive to us, it's not a negative," Kapanicas said. "They're the ones that watch to make sure. Where they're right, we're more than willing to pay.

"We believe this is a good learning experience," Kapanicas added. "We found out the meter wasn't hooked up right. Had they not told us, we would not have known the meter wasn't working right.

"We found some things our operator was not doing correctly," Kapanicas said. "This is how we learn. That's the reason this organization does us so much good, is it gives us an outside perspective. You never learn from what you're doing right. You learn from what you're doing wrong. They show us how to improve it and then we improve it."

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6:00 pm on Saturday, May 21, 2011

It is not the operator being fined for violations- it is the City of Beaumont who is responsible for that part of the wastewater facility's operations. Kapanakis saying that they contract those services out is wrong- they contract out some, but not the parts that got these violations. Those problems rest solely on the shoulders of those who run Beaumont, taking in over \$100 wastewater fee a month from every single Beaumont resident. Yet 30 violations- some for thousands upon thousands of untreated sewage going straight into the groundwater, and some for too much recycled water with excess salts destroying the natural habitat down there. Why isn't every single person demanding to know where their money is going? That wastewater facility is outdated, and was never meant to handle the influx of thousands of new residents, yet Beaumont with all these millions in fees are dragging their feet when it comes to making it come up to code and preventing the contamination of their own groundwater. All I have to say- if the issue of Cherry Valley and septic systems come up again- Beaumont has alot of nerve hiding their pollution and pointing fingers elsewhere.

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8:39 am on Monday, May 23, 2011

This is the problem with private, contract operated facilities. The contractor is only interested in the bottom line and making a profit. Meanwhile the city owned plant gets run into the ground (maintenance costs money) and, as we now see, the environment suffers.

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7:16 pm on Saturday, May 28, 2011

Maintenance costs money?? Beaumont has over \$10 million in reserves and counting, and charges a wastewater fee per 12,000 households, which comes to quite a lot of money taken in by Beaumont for the sole purpose to take care of this service. Yet their own warrant list and contracts with various operators they hire to run just the operations part of their wastewater facility show that nowhere near that amount is going towards to pay an operator. At this very moment Beaumont is dumping all their recycled water into their groundwater, and constantly being fined for doing so, rather than fulfill their prior agreement with the water district to put it to viable use. Why???? Beaumont wants the water district to pay to fix the old or build a new wastewater facility for BEAUMONT. That would mean that all ratepayers of the water district would be paying for something Beaumont is legally supposed to take care of with the fees they collect- Beaumont citizens would pay twice (fee plus district cost) and Cherry Valley residents would pay even though they have no sewers and no reason to pay. No wonder Beaumont tries so hard to say Cherry Valley needs sewers. So this all makes a lot of people believe that this "perfect" town is not perfect but rotten, what with money that should be there not there, and polluting for profit. Perhaps Zellerback can help Beaumont make better decisions?

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