



Sun Post file photo

COMING FULL CIRCLE: This file photo of the San Joaquin River shows the area where city sewage is being discharged. Public Works Director Mike Brinton hopes that part of the fines the city has paid for polluting the river will go toward improving habitat in the area.

Sewage-violation fines could be used to improve habitat

By Ben Marrone
Sun Post

MANTECA — Public Works Director Mike Brinton hopes some of the money the city keeps paying in fines for sewage violations will return to Manteca in the form of an improved wildlife refuge.

Meanwhile, the City Council approved a study of the sewage system's increasing costs on Monday, which may result in raising sewer rates in Manteca.

The fines the city has paid will be factored into the calculation of the rates, Finance Director Suzanne Mallory said.

Last month, the city paid \$207,000 to the Regional Water Quality Control Board for a years' worth of fines that planner Phil Govea blames on ramped-up disinfection procedures he did not expect would create any pollution problems.

A proposal the city submitted to the water board asks for \$111,000 of that payment to be spent on foliage for a riparian brush rabbit habitat in Manteca, in line with a California law that allows some fine money to go toward projects that improve the environment.

Fine money usually goes into a cleanup account used for high-priority projects throughout California.

Last year, the city was able to spend \$204,000 of its \$463,000 fine to create brush rabbit habitat in another location, which Govea said was "very, very similar" to the project proposed this year.

Water board engineer Pat Leary said she was reviewing the proposal and hoped to resolve the issue soon.

The city has been fined during both of the past two years for exceeding its limits

of trihalomethane — a potential carcinogen — in the treated water it pumps into the San Joaquin River.

Govea said city had agreed to an acceptable limit on trihalomethanes in 2004, but it could not keep to those levels after it expanded its disinfection process to reduce ammonia, which caused the amount of trihalomethanes to jump.

The water board increased how much of the compounds Manteca can release into the Delta in July, but it could not erase the fines for previous violations.

Water board engineer Bill Marshall said the limits were raised because it was more important to disinfect thoroughly than to avoid producing trihalomethanes.

"It's better to remove ammonia and have more THM," Marshall said. "Especially because it's only temporary until the city starts using ultraviolet disinfection."

The city's UV disinfection system should be ready to go by 2009.

If the board had anticipated that the city's new disinfection process would produce more pollutants, Marshall said, it could have allowed the increase in 2004, before the fines started.

Govea said the board had been aware that the new disinfection process was going into effect, but no one from the city thought it would be a problem when the limits were set.

"It was something that we believed would not be an issue," he said. "We didn't anticipate that changing the treatment process would change the by-products."

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Safety-tax opponents spot trouble

By Ben Marrone
Sun Post

A line in the Public Safety Tax Ordinance passed by City Council last Monday and set to go on the ballot in November has supporters re-reading the bill and opponents crying foul.

Halfway through the body of the measure, a clause says "the City Council of the City of Manteca may amend or repeal this ordinance, and any of its exhibits, but not increase or extend the rate of tax imposed herein without a vote of the people."

Joe DeAngelis, who said he opposes the tax, told the City Council that he believes this line allows the city to change the ordinance in any way it sees fit, except by increasing the tax amount, after the measure has been passed.

City Manager Bob Adams immediately responded that the bill only allows the council to repeal or lessen the tax, but the man he cited for that opinion, attorney Craig Steele, now says that it allows more leeway than that.

Steele, who the city hired to help with the sales tax, said the wording would give the City Council grounds to change any part of the ordinance, as long as the change did not conflict with the promise to fund "public safety." That's described in the proposed law as buying or maintaining police or fire equipment, paying police or firefighter salaries and benefits and paying "such other police (or fire) protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the city."

Steele confirmed that the establishment of a citizen's oversight committee was one of the things that the council could do away with without a vote.

He said that the line that allows the council to change the resolution was added to allow the ordinance to withstand changes in state law, and it is common for opponents to highlight this part of special tax ordinances to create a "smokescreen."

DeAngelis said he was suspicious because of the amount of cash the tax increase would give the city.

"They still don't know what to do with the money — there's a big surplus," DeAngelis said. "And those kind of sentences didn't just get in there by themselves."

Councilman Vince Hernandez said he met with DeAngelis after the meeting and scheduled an appointment to go over the law with DeAngelis with the help of the City Manager Bob Adams and the City Clerk.

"I want to make sure I can explain why (the wording) is appropriate," Hernandez said.

Councilman John Harris said he had told city staff to prepare an ordinance that did not allow any changes, except for a repeal or reduction of the tax, but he would take a closer look at the language.

City Clerk Joann Tilton deferred questions on the ordinance to the city attorney.

Brinton and Adams did not return calls for comment.

"... the City Council of the City of Manteca may amend or repeal this ordinance, and any of its exhibits, but not increase or extend the rate of tax imposed herein without a vote of the people."

— Excerpt from Public Safety Tax Ordinance Passed by Manteca City Council