

**ORDINANCE O2025-XX**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MANTECA, STATE OF CALIFORNIA, AMENDING SECTION  
13.16.011 TO THE MANTECA MUNICIPAL CODE  
REVISING THE INDUSTRIAL SEWER SYSTEM SERVICE  
CHARGE FOR ECKERT COLD STORAGE**

WHEREAS, The City Council is empowered by California Health and Safety Code Section 5471 to prescribe, revise and collect rates and charges, including sewer service charges, for services and facilities furnished by the City in connection with its sewer system; and

WHEREAS, Eckert Cold Storage (“Eckert”) is a food processor in the City that has historically discharged its domestic wastewater and industrial wastewater to the City’s sanitary sewer collection and treatment systems; and

WHEREAS, Eckert now discharges its industrial wastewater to a separate collection and disposal system (the “Industrial Sewer System”), for which Eckert is the only user. The Industrial Sewer System conveys Eckert’s industrial wastewater around the City’s sanitary sewer collection system and around the City’s Wastewater Quality Control Facility (WQCF) for direct disposal on City farmland; and

WHEREAS, On May 19, 2009, the City Council adopted Ordinance No. 1439 to establish the industrial sewer system service charges for Eckert, effective July 1, 2009 through December 31, 2009. On July 20, 2010, the City Council adopted Ordinance No. 1469, effective September 1, 2010 through December 31, 2012. On November 5, 2013, the City Council adopted Ordinance No. 1534, effective December 1, 2013 through December 31, 2015. On June 6, 2017 the City Council approved Ordinance O2017-10, effective June 6, 2017 through December 31, 2019. On April 21, 2020 the City Council approved Ordinance O2020-04, effective June 1, 2020 through December 31, 2021. On December 21, 2021 the City Council approved Ordinance O2022-01, effective March 1, 2022 through December 31, 2022. On February 7, 2023 the City Council approved Ordinance 2023-02, effective March 1, 2023 through December 31, 2023. On February 20, 2024 the City Council approved Ordinance O2024-03, effective March 1, 2024 through December 31, 2024; and

WHEREAS, City staff prepared an analysis entitled “Industrial Sewer System, Service Charge Analysis, 2013 – 2022”, dated November 17, 2021 (the “Staff Analysis”), which estimates the costs for Eckert to discharge industrial wastewater to the Industrial Sewer System for calendar years 2013 through 2015. This analysis was also utilized to estimate costs for 2015-2017, 2017-2019, 2020-2021, 2022, 2023, 2024 and 2025 seasons. In general, the Staff Analysis identifies 1) a variable charge that is based on actual monthly utility usage, chemical usage and laboratory analysis, and 2) a fixed charge that is based on estimated operations, maintenance and replacement costs. The Staff Analysis is on file in the office of City Clerk; and

WHEREAS, The City Council desires to establish the industrial sewer system service charge for Eckert, effective April 1, 2025 through December 31, 2025; and

WHEREAS, The City has committed to certain development activities in the previous calendar years as well as 2025 which will place new limits on the acreage available for industrial wastewater farmland disposal; and

WHEREAS, The City's National Pollution Discharge Elimination System ("NPDES") permit, issued in 2021, has placed new limits on total dissolved solids (TDS) and specifies a limit on biochemical oxygen demand (BOD) loading. The limit for TDS is an annual average of 600 milligrams per liter and for BOD is 300 pounds per acre daily. The City may partner with Eckert to investigate treatment options to reduce Eckert BOD and TDS loading.

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1: Amendment.** Manteca Municipal Code section 13.16.011 is hereby amended to read as follows:

**13.16.011 INDUSTRIAL SEWER SERVICE CHARGE FOR ECKERT COLD STORAGE**

- A. Effective April 1, 2025, the industrial sewer system service charge for Eckert shall be as provided in paragraphs B. through D. of this Section.
- B. The variable charge is the sum of: (1) the actual electricity costs for the Moffat Boulevard pump station, the pond pump station and the pond aerator system, (2) the actual wastewater laboratory testing costs for the Industrial Sewer System and (3) 50 percent of rental costs associated with treatment option investigation in year one. Variable charges are payable each month, are based on actual usage, and shall be billed monthly based on the previous month's actual costs.
- C. The fixed charge is an annual charge that is based on estimated operations, maintenance and replacement costs. The annual fixed charge for 2025 is \$196,482. The annual fixed charge is payable in six equal installments on the first business day of each month, beginning in June and ending in November of each year.
- D. In the event Eckert's flows exceed the storage capacity of the industrial pond system or if the monthly flow exceeds the NPDES permit limits driven by BOD and TDS, the City will make all reasonable efforts to accommodate the ex-

cess flow. The City may allow Eckert's to discharge the excess flow to the domestic sanitary sewer system subject to approval from the Director of Public Works. All industrial wastewater discharged to the domestic sanitary sewer will incur charges at the sanitary sewer per Municipal Code Section 13.16.010 Monthly Rates.

- E. In any calendar year in which Eckert does not discharge industrial wastewater to the Industrial Sewer System or the Modified Industrial Sewer System due to acts of God, acts of a government, fires, floods, epidemics, quarantine restrictions, strikes, earthquakes, explosion or any similar catastrophic event or occurrences beyond the control of Eckert, the City shall determine the fixed charge per the following formula:

$$\begin{array}{rcl}
 \text{Fixed Charge in} & & \text{Actual days discharged in} \\
 \text{Calendar Year of} & = & \text{calendar year of catastrophe} \\
 \text{Catastrophe} & & \\
 & & \text{-----} \\
 & & \text{Average total days discharged in} \\
 & & \text{immediately preceding three} \\
 & & \text{consecutive calendar years}
 \end{array}$$

**SECTION 2: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: \_\_\_\_\_  
GARY SINGH

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
CITY CLERK

STATE OF CALIFORNIA

}

COUNTY OF SAN JOAQUIN      SS:  
CITY OF MANTECA

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 20<sup>th</sup> day of February, 2025, and had its second reading and was adopted and passed during the public meeting of the City Council on the 4<sup>th</sup> day of March, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
CITY CLERK