

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLES 1 AND 8 OF CHAPTER
22 OF THE ESCONDIDO MUNICIPAL CODE
TO CLARIFY WASTEWATER DISCHARGE
AND PERMITTING REQUIREMENTS OF
BREWERIES, WINERIES, AND DISTILLERIES

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. Article 1, Chapter 22 of the Escondido Municipal Code is hereby
amended to add the following definitions:

Article 1 – In General.

Sec. 22-1. Definitions.

Beer Manufacturer shall mean a manufacturer of beer as defined in California
Business and Professions Code Section 23012.

Brandy Manufacturer shall mean a manufacturer of brandy as defined California
Business and Professions Code Section 23014.

Distilled Spirits Manufacturer shall mean a manufacturer of distilled spirits as
defined in California Business and Professions Code Section 23015.

Winegrower shall mean a winegrower as defined in California Business and
Professions Code Section 23013.

SECTION 2. Article 8, Section 22-176 of Chapter 22 of the Escondido
Municipal Code is hereby amended to read as follows:

Article 8 – Industrial Wastewaters.

Sec. 22-176. Permit requirement.

(h) Any Beer Manufacturer, Winegrower, Brandy Manufacturer, or Distilled
Spirits Manufacturer must obtain a permit prior to initiating a discharge.

SECTION 3. Article 8, Section 22-185 of Chapter 22 of the Escondido Municipal Code is hereby amended to read as follows:

Sec. 22-185. Pretreatment.

(c) Pretreatment requirements for a Beer Manufacturer, Winegrower, Brandy Manufacturer, or Distilled Spirits Manufacturer may be determined administratively by the director based on the quality and quantity of the operations and in accordance with all provisions of this Chapter.

SECTION 4. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 5. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

ATTACHMENT A

UTILITIES DEPARTMENT – CITY OF ESCONDIDO

WASTEWATER DISCHARGE REGULATIONS TIER STRUCTURE - BREWERIES, WINERIES, and DISTILLERIES

TIER	PERMIT TYPE	FLOW RANGE (gpd)	BOD LOADING (lbs. per day)	SAMPLE FREQUENCY	REQUIRED DATA
I	Food Service Establishment	0 to 50	0 to 2.1	Sampling at City cost; 1 sample for each new type of fermenting	BOD, pH, TSS, TDS
II	Industrial Waste Permit; Fermenter Batch Discharge Permit	> 50 to 500	> 2.1 to 21	2 x/mo. during first 6 months; After first 6 months, every 6 mo.; Subject to "compliance sampling"	
III	Industrial Waste Permit; Fermenter Batch Discharge Permit	> 500 to 5000	> 21 to 105	2 x per month; Subject to "compliance sampling"	
IV	Industrial Waste Permit; Design review by Utilities Engineering, HARRF Operations, and Water Quality Lab	> 5000	> 105		

ATTACHMENT B

CITY OF ESCONDIDO UTILITIES DEPARTMENT

WASTEWATER DISCHARGE REGULATIONS FOR BREWERIES, WINERIES, & DISTILLERIES

All breweries, wineries, or distilleries in the City of Escondido require an Industrial User Discharge Permit (“Permit”) prior to discharging to the City’s sewer. In addition to the Escondido Municipal Code (“EMC”), the following regulations apply to the permitting of all Beer Manufacturers, Winegrowers, Brandy Manufacturers, and Distilled Spirits Manufacturers for discharges into the City’s sewer.

Industrial Waste Discharge Application

Each applicant must submit an Industrial Waste Discharge Application to obtain a Permit. The Application requires information on the applicant’s operations concerning wastewater. After an application is completed and submitted, the City will issue a Permit with terms and conditions for the proposed discharges. The terms and conditions will depend on the volume of discharge as outlined in the tiers below as well as other requirements as stated in Chapter 22 of the EMC.

Volume and Characteristic Tiers

TIER	FLOW RANGE (Gallons per Day)	BOD¹ LOADING (Pounds per Day)
I	0 to 50 gpd	0 to 2.1 lbs. per day
II	50 to 500 gpd	2.1 to 21 lbs. per day
III	500 to 5000 gpd	21 to 105 lbs. per day

¹ BOD means

IV	> 5000 gpd	>105 lbs. per day
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Best Management Practices (“BMP”)

Tier I

A Tier I facility may be issued a Food Service Establishment (FSE) Grease Control Permit, where applicable. Site specific BMPs may be required.

Tier II - III

All wastewater discharge must be screened for residual grain and solids and disposed of offsite. Wastewater discharged to the sanitary sewer must be metered with a flow totalizer. Batch treatment and pH adjustment prior to discharge.

Tier IV

All wastewater discharge must be screened for residual grain and offsite disposal of solids. The facility must incorporate pretreatment approved by the director to assure the reduction of conventional pollutants to meet established local limit discharge requirements for pH, BOD and TSS. Wastewater discharged to the sanitary sewer must be metered with a flow totalizer.

Sampling and Reporting

All facilities, excepting Tier 1, are subject to unannounced sampling of discharge by the City at the City’s cost to periodically confirm discharge quality.

Tier I

Each new type of process (e.g., new style of beer) will require a sample testing BOD, TSS, and pH. The sample will be collected and analyzed at City cost.

Tier II - III

Discharge sample testing for BOD, TSS, and pH will be required twice monthly. After six months, Tier II facilities that remain in permit compliance will be required to test twice yearly. Failure to comply with discharge requirements may, at Utility staff discretion, require sampling twice monthly for an additional six months. A facility must ensure a convenient sampling point for purposes of monitoring the facility’s discharge.

Tier III

Discharge sample testing for BOD, TSS, and pH will be required twice monthly. A facility must ensure a convenient sampling point for purposes of monitoring the facility's discharge.

Tier IV

A facility must ensure a convenient sampling point for purposes of monitoring the facility's discharge. A water quality report must be submitted monthly in a form approved by the City. The water quality report must include:

1. Daily Flow
2. BOD (2 times each month)
3. TSS (2 times each month)

Fees

Tier I

Wastewater Volume Service Charges and sewer charges for Tier I dischargers are based on "Restaurant" classification. Sewer discharge volume will be calculated as 90% of the facilities monthly potable water use.

Tier II - III

Annual Inspection Fee. Wastewater Volume Service Charge. A facility will be billed at the highest strength analyzed by samples collected in last 12 months.

Tier IV

Annual Inspection Fee. Wastewater Volume Service Charge. A facility will be billed at the highest strength analyzed by samples collected in last 12 months.

Local Limits

The City's established local limit discharge requirements for pH, BOD and TSS can be found at Chapter 22 of the EMC, Article 8 Sec. 22-174.

Violations

Violations of discharge requirements may result in fines, additional Best Management Practices requirements, more frequent sampling at the cost of the Permit holder, reclassification into a higher tier, and the revocation of the Permit among other options as stated in Chapter 22 of the EMC.

Contact

If you have any questions please contact Vasana Vipatipat in the Utilities Department at (760) 839-6290 ext. 7050.