



SENATE BILL NO. 205

BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

Frequently Asked Questions - Industrial Businesses

This *Frequently Asked Questions* document provides background information and guidance on California Legislative Senate Bill (SB) No. 205 and the new requirements adding Sections 16000.3 and 16100.3 to the California Business and Professions Code, and Section 13383.10 to the California Water Code.

SECTION 1: ABOUT SB 205



1. What is SB 205 about?

- a. Under the existing law, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Boards) prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System (NPDES) permit program and the Porter-Cologne Water Quality Control Act. The existing law requires regulated municipalities and industries to obtain a stormwater permit.
- b. SB 205 would require a person or entity who conducts a business operation that is a regulated industry to demonstrate enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on their application when applying to a city or a county for an initial business license or business license renewal.

2. What is the purpose of SB 205?

- a. To address the health and safety of drinking water sources statewide, the regulated industry is required to provide proof of enrollment with the NPDES permit program.

3. When was SB 205 signed into law?

- a. SB 205 was signed into law by Governor Gavin Newsom on October 2, 2019. It takes effect January 1, 2020.

4. Where can I find the full text and additional information about the law?

- a. Visit <http://leginfo.legislature.ca.gov>
Search Bill Number: "SB 205"

SECTION 2: BUSINESS REQUIREMENTS



1. What does SB 205 require?

- a. SB 205 requires specific types of businesses to demonstrate they have a stormwater permit when applying for an initial business license or when renewing its business license with the city or county of jurisdiction.

2. Does SB 205 impact all businesses?

- a. No. Only those businesses with *primary* Standard Industrial Classification (SIC) codes that are identified in or are applicable to the General Permit for Storm Water Discharges Associated with Industrial Activities (Excluding Construction Activities), also known as Stormwater Industrial General Permit.

3. What SIC codes are impacted by SB 205?

- a. The State Water Board maintains an electronic list of regulated SIC codes:

- Alphabetical
https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml
- Numeric
https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml

- b. Attachment A of the General Permit for Storm Water Discharges Associated With Industrial Activities (or Stormwater Industrial General Permit) identifies nine categories of facilities subject to enrollment under the Stormwater Industrial General Permit, including the following:

- (1) Feedlots of a specific size (SICs 0211-0272): https://gov.ecfr.io/cgi-bin/text-idx?SID=42c184dd9f16ffe191c33735daf97807&mc=true&tpl=/ecfrbrowse/Title40/40cfr412_main_02.tpl
- (2) Manufacturing Facilities (SICs 20XX-39XX and 4221-4225);
- (3) Oil and Gas/Mining Facilities (SICs 10XX-14XX);
- (4) Hazardous Waste Treatment, Storage, or Disposal Facilities (often SIC 4953);
- (5) Landfills, Land Application Sites, and Open Dumps (SIC 4953);
- (6) Recycling Facilities (SICs 5015 and 5093);

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- (7) Steam Electric Power Generating Facilities (specific activities under SIC 4911);
 - (8) Transportation Facilities (SICs 40XX through 45XX [except 4221-25] and 5171); and,
 - (9) Sewage or Wastewater Treatment Works (SIC 4952)
- c. To access a copy of Attachment A, Stormwater Industrial General Permit, click on the following link:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/2014indgenpermit/atta.pdf
- 4. How do I find my SIC code to determine if I am impacted by SB 205?**
- a. Visit <https://www.osha.gov/pls/imis/sicsearch.html>
Search by keyword(s) (for example: metal recycling)
 - b. Your insurance broker should also know your SIC code.
- 5. What if my business has more than one SIC code?**
- a. Establishments with one or more *primary* SIC codes that are regulated require stormwater permit coverage. See also Questions 2 and 3 above.
- 6. My business falls under the regulated SIC codes, and I have a stormwater permit... so, what's next?**
- a. When you apply for a business license renewal to a city or county, provide the name(s) and location(s) of the facilities operated by your business, all corresponding primary SIC codes, and one of the following:
 - (1) Stormwater permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Board
 - (2) WDID application number issued for the facility by the State Water Board
 - (3) Notice of Non-applicability (NONA) identification number issued for the facility by the State Water Board
 - (4) No Exposure Certification (NEC) identification number issued for the facility by the State Water Board
- 7. My business falls under the regulated SIC codes, and I DO NOT have a stormwater permit...so, what's next?**
- a. In order to complete your business license application or renewal, you need to enroll under the Stormwater Industrial General Permit and provide the city or county with your permit number as described in Question 6 above.

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- b. For guidance on how to apply for coverage under the Stormwater Industrial General Permit, contact the local Regional Board or the State Water Board. See links in Question 10 below.
- 8. What if the city or county I am located in does not issue a business license?**
- a. SB 205 only applies to cities and counties that issue business licenses.
 - b. Contact the State Water Board or local Regional Board to inquire about stormwater permit requirements or regulations, as you may still be required to enroll in the Stormwater Industrial General Permit based on your SIC code(s).
- 9. Are there resources to help me learn more information about permit coverage?**
- a. State Water Resources Control Board Industrial Storm Water Tool Box: https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html
 - b. State Water Resources Control Board Storm Water Multiple Application and Report Tracking System (SMARTS) help guides: https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html
 - c. The California Storm Water Quality Association (www.casqa.org) and Metals Industry Storm Water Group (www.stormwatergroup.org) are good resources.
- 10. How do I apply for coverage under the Industrial General Stormwater Permit?**
- a. Contact the State Water Board to apply for a stormwater permit, or visit the State Water Board: www.waterboards.ca.gov/waterboards_map.html
State Water Board Storm Water Contacts General Inquiries: stormwater@waterboards.ca.gov
Toll Free: 1-(866)-563-3107

State and Regional Stormwater contacts: https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html

Types of Stormwater Industrial Permit Coverage: https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/types_of_coverages.pdf
 - b. Contact the local Regional Board or visit their website for contact information: https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/sw_index.html