



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 No. 205 and the new requirements adding sections 16000.3 and 16100.3 to the California Business and Professions Code and Section 13383 to the California Water Code.

SECTION 1: ABOUT SENATE BILL 205

1. What is Senate Bill 205 about?

Existing law requires the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Water Boards) to prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the National Pollutant Discharge Elimination System (NPDES) permit program established by the Federal Clean Water Act and the California Water Code. The existing law requires regulated municipalities and industries to obtain a storm water permit.

Senate Bill 205 (2019) requires a person applying to a city or county for a new or renewed business license to demonstrate enrollment under the NPDES Industrial Storm Water General Permit when conducting regulated industrial activities described below.

2. What is the purpose of Senate Bill 205?

The purpose of Senate Bill 205 is to ensure industrial businesses obtain coverage when subject to regulation under the Industrial General Permit. Numerous industrial businesses have not acquired coverage to discharge storm water. This Bill aims to minimize unauthorized storm water discharges and requires applicable industrial businesses to manage their industrial storm water prior to receiving or renewing their business license.

3. When was Senate Bill 205 signed into law?

Senate Bill 205 was signed into law by Governor Newsom on October 2, 2019 and became effective January 1, 2020.

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

Visit the [California Legislative Information website](http://leginfo.legislature.ca.gov) (<http://leginfo.legislature.ca.gov>) and search for Bill Number "Senate Bill 205" in the 2019-2020 legislative session.

SECTION 2: SENATE BILL 205 AND NPDES PERMIT COVERAGE

1. What is an NPDES permit?

An NPDES permit is a federal permit that regulates point source discharges of pollutants into waters of the United States. The Clean Water Act prohibits discharge of pollutants from point sources into waters of the United States unless regulated by an NPDES permit. The NPDES permit sets discharge requirements, including monitoring and reporting requirements.

2. Which NPDES permit do industrial businesses have to obtain for their storm water discharges?

The State Water Board issues regulatory permits for different discharge types, including storm water discharge (rainfall flowing over surfaces into water ways) from industrial activities. The industrial business activities defined below must obtain coverage under the [Industrial General Permit](https://waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/unoff_igp_amend.pdf) (https://waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/unoff_igp_amend.pdf) to discharge storm water from industrial activities into waters of the United States.

Please contact stormwater@waterboards.ca.gov for additional information about NPDES storm water permitting.

SECTION 3: SENATE BILL 205 AND BUSINESS REQUIREMENTS

1. What does Senate Bill 205 require of a business?

A business license applicant with storm water discharges from regulated industrial activities must obtain coverage under the NPDES Industrial General Permit and provide the city or county documentation of Notice of Intent coverage, No Exposure Certification coverage, or a certified Notice of Non-Applicability from the Water Board (detailed in Question 6 below).

2. Does Senate Bill 205 impact all businesses?

No. The requirements of Senate Bill 205 solely impact industrial businesses operating facilities with the following *primary* Standard Industrial Classification (SIC) codes:

- (1) Feedlots of a specific size (SIC codes 0211-0272): [Feedlot SIC codes](https://gov.ecfr.io/cgi-bin/text-idx?SID=42c184dd9f16ffe191c33735daf97807&mc=true&tpl=/ecfrbrowse/Title40/40cfr412_main_02.tpl) (https://gov.ecfr.io/cgi-bin/text-idx?SID=42c184dd9f16ffe191c33735daf97807&mc=true&tpl=/ecfrbrowse/Title40/40cfr412_main_02.tpl);
- (2) Manufacturing Facilities (SIC codes 20XX-39XX and 4221-4225);
- (3) Oil and Gas/Mining Facilities (SIC codes 10XX-14XX);
- (4) Hazardous Waste Treatment, Storage, or Disposal Facilities (often SIC code 4953);
- (5) Landfills, Land Application Sites, and Open Dumps (SIC code 4953);
- (6) Recycling Facilities (SIC codes 5015 and 5093);
- (7) Steam Electric Power Generating Facilities (specific activities under SIC code 4911);
- (8) Transportation Facilities (SIC codes 40XX-45XX [except 4221-25] and 5171); and
- (9) Sewage or Wastewater Treatment Works (SIC Code 4952).

3. Where are the regulated SIC codes available on the State Water Board website?

The regulated SIC code lists are available on the State Water Board website as follows:

- (1) Alphabetical: [Alphabetical list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sic.shtml).
- (2) Numeric: [Numeric list of SIC codes](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml).

4. How do I find my industrial business SIC code to determine if I am impacted by Senate Bill 205?

- (1) Use the [U.S. Department of Labor SIC code search](https://www.osha.gov/data/sic-search)
(<https://www.osha.gov/data/sic-search>), and search by keyword(s) (for example: metal recycling) to identify the correct primary economic business SIC code(s).
- (2) Reference the list of regulated SIC codes in Question 3 above.
- (3) Reference the North American Industry Classification System (NAICS) Association's tool to convert NAICS codes to SIC codes, available at [NAICS to SIC crosswalk](https://www.naics.com/naics-to-sic-crosswalk-2/)
(<https://www.naics.com/naics-to-sic-crosswalk-2/>).
- (4) Reference the list of regulated SIC codes and their corresponding NAICS codes in the United States Environmental Protection Agency's Industrial Storm Water [NPDES Multi-Sector General Permit](https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf) Appendix N
(https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf).

5. What if an industrial business has more than one SIC code?

An industrial business with one or more regulated *primary* SIC codes require storm water permit coverage. See also Questions 2 and 3 above.

6. What if an industrial business has one or more regulated SIC codes and I have a Notice of Intent, No Exposure Certification, or Notice of Non-Applicability?

Provide the city or county the following information on the business license or renewal application:

- (1) The name(s) and location(s) of all businesses;
- (2) All corresponding *primary* Standard Industrial Classification (SIC) codes; and,
- (3) One of the following for *each industrial business (commonly referred to as a facility)*:
 - Storm water permit number, known as the Waste Discharger Identification number (WDID) and WDID application number issued by the State Water Board,
 - No Exposure Certification (NEC) identification number issued by the State Water Board, or
 - Notice of Non-Applicability (NONA) identification number issued by the State Water Board.

7. What if an industrial business falls under the regulated SIC codes and I do not have a Notice of Intent, No Exposure Certification, or Notice of Non-Applicability?

The business owner must:

- (1) Enroll the industrial business under the Industrial General Permit using the Stormwater Multiple Application and Report Tracking System (SMARTS).
- (2) Provide the city or county with the information described in Question 6 above to complete your business license application or renewal.

8. What if an industrial business has a regulated SIC code but is not required to obtain coverage?

Contact the Water Board (information provided in Question 10 below) to determine if the industrial business qualifies for a Notice of Non-Applicability.

9. What if the city or county of my industrial business location does not issue business licenses?

Senate Bill 205 solely applies to cities and counties issuing business licenses.

Enrollment in the Industrial General Permit may be required based on the industrial business primary SIC code(s) described in Questions 2 and 3 above.

10. What Industrial General Permit information is available to assist with applying and complying?

Below are links to Industrial General Permit information and contacts:

- (1) State Water Board storm water contacts for general permit and SMARTS inquires:
 - o Email: stormwater@waterboards.ca.gov
 - o Toll Free Phone Number: 1-(866)-563-3107
- (2) [Stormwater Multiple Application and Report Tracking System \(SMARTS\) Help Guides](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.html).
- (3) [State Water Board or a local Regional Water Board storm water contacts](https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html).
- (4) [Water Board Office Locations](https://www.waterboards.ca.gov/waterboards_map.html)
(https://www.waterboards.ca.gov/waterboards_map.html).
- (5) [State Water Resources Control Board Industrial Storm Water Toolbox](https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html)
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html).