



# SENATE BILL NO. 205

## BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

### Frequently Asked Questions - Cities & Counties

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 13383.10 to the California Water Code.

#### SECTION 1: 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 for each business location 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 subject to regulation under the Industrial General Permit obtain coverage. Numerous applicable 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 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 on 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](mailto:stormwater@waterboards.ca.gov) for additional information about NPDES storm water permitting.*

## SECTION 3: CITY AND COUNTY REQUIREMENTS

### 1. What does Senate Bill 205 require of a city or county?

Senate Bill 205 requires cities and counties to confirm that a licensed business has NPDES permit coverage for industrial storm water discharges. NPDES permit registration for an industrial business is a Notice of Intent, No Exposure Certification, or a certified Notice of Non-Applicability.

### 2. How does a city or county confirm that an industrial business has obtained storm water permit coverage?

A city or county must require the license applicant to provide 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.

### 3. Does Senate Bill 205 impact all businesses?

No. The requirements of Senate Bill 205 impact industrial businesses with one or more of 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) (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 through 45XX [except 4221-25] and 5171; and
- (9) Sewage or Wastewater Treatment Works (SIC code 4952).

**4. 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](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](https://www.waterboards.ca.gov/water_issues/programs/stormwater/sicnum.shtml))

**5. Is NPDES Industrial General Permit coverage required if an industrial business is described by of the above SIC codes but is not conducting a regulated industrial activity under the Industrial General Permit?**

Possibly not. The business owner should contact [Water Board storm water staff](https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html) ([https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/contact.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.html)) or email [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov) to determine if the industrial business qualifies for a Notice of Non-Applicability.

**6. Are cities and counties required to look up a business' SIC code?**

No. Senate Bill 205 does not require cities and counties to determine or provide the business license applicant with applicable SIC code(s). The business is responsible for identifying the correct primary SIC code(s). Cities and counties are responsible for determining whether the primary SIC code(s) provided by the business are regulated by the Industrial General Permit. The city or county must ensure that the business provides the information outlined in Section 3, Question 2 above.

**7. What if a business requests the city or county staff to assist in identifying the SIC code?**

The city or county staff should direct the business representative to the following resources: [U.S. Department of Labor SIC code search](https://www.osha.gov/pls/imis/sicsearch.html) (<https://www.osha.gov/pls/imis/sicsearch.html>). The business representative may search by keyword(s) (for example, metal recycling) to identify the correct primary business SIC code(s).

Other resources include:

- (1) The electronic list of SIC codes regulated under the Industrial General Permit at the following links:

- [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)
- [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)

- (2) The North American Industry Classification System (NAICS) Association tool that converts 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/).
- (3) The list of regulated SIC codes and 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).

**8. Does Senate Bill 205 require the city or county to visit or inspect an industrial business?**

No. Senate Bill 205 solely requires that the city or county ensure industrial businesses have Industrial General Permit coverage when approving a business license.

**9. Does Senate Bill 205 require the city or county to determine a business’ compliance with NPDES permit requirements?**

No.

**10. Does Senate Bill 205 require the city or county to assist an industrial business in obtaining regulatory coverage under an NPDES permit?**

No.

**11. What information can a city or county provide a business requesting assistance with the NPDES storm water permit application process?**

Cities and counties can provide the following information to businesses:

- (1) State Water Board storm water contacts for general permit and SMARTS inquires:
  - Email: [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)
  - 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).

**12. What if a city or county does not issue business licenses?**

If a city or county does not issue business licenses, then no action is required by the local municipality. Senate Bill 205 applies to cities and counties that issue business licenses.