



# 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 (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 existing law, the State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Boards (Regional Water 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 established by the Federal Clean Water Act and the California Water code. The existing law requires regulated municipalities and industries to obtain a stormwater permit.
- b. Senate Bill 205 (2019) requires a person applying to a city or county for a new or renewed business license to demonstrate enrollment in an NPDES permit, if such a permit is required.

##### 2. What is the purpose of SB 205?

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

##### 3. When was SB 205 signed into law?

- a. SB 205 was signed into law by Governor 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> and search Bill Number "SB 205" in the 2019-2020 legislative session.

#### SECTION 2: CITY AND COUNTY REQUIREMENTS

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

- a. SB 205 requires that cities and counties confirm on the business license that a regulated industrial business has a form of NPDES permit coverage for discharges of stormwater, which may include a No Exposure Certification, or a certified Notice of Non-Applicability.

**2. How do I confirm that an industrial business has stormwater permit coverage?**

- a. During the business license or renewal application, you will require an industrial business to provide the name(s) and locations of all facilities operated by the business, all corresponding *primary* Standard Industrial Classification (SIC) codes, and one of the following for each facility operated by the business.
  - (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

**3. Does SB 205 impact all businesses?**

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

**4. What types of businesses have SIC codes that fall under SB 205?**

- a. Attachment A of the IGP identifies nine categories of facilities subject to enrollment under the IGP, including the following:
  - (1) Feedlots of a specific size (SIC codes 0211-0272): [Feedlot SIC codes](#);
  - (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)
- b. To access a copy of Attachment A of the IGP, click on the following link: [IGP Attachment A](#)
- c. The State Water Board maintains an electronic list of regulated SIC codes:
  - (1) Alphabetical: [Alphabetical list of SIC codes](#)
  - (2) Numeric: [Numeric list of SIC codes](#)

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- 5. Is a stormwater permit required if a business is described by one of the above SIC codes but is not conducting a regulated industrial activity under the IGP?**
  - a. Possibly not. Have the business contact the State Water Board or local Regional Water Board. Please see links in Question 11 below.
  - b. The facility may qualify for a NONA and would require an electronic application submittal.
- 6. Is the city or county required to look up a facility's SIC code?**
  - a. No. SB 205 does not require cities or counties to determine or provide the SIC code of a facility. Finding the SIC code is the business' responsibility. However, cities and counties are responsible for determining whether the primary SIC code(s) that the business provides for the facility are applicable to the IGP. If the SIC code(s) is applicable, the city or county must ensure that the business provides the information outlined in Question 2 above.
  - b. For the electronic list of regulated SIC codes, please see links in Question 4 above.
- 7. What if a business asks our city's or county's business license department how to find a SIC code?**
  - a. Direct them to visit: [U.S Department of Labor SIC code search](#), and search by keyword(s) (for example: metal recycling).
  - b. The company's insurance broker should also know the SIC code.
  - c. For the electronic list of regulated SIC codes, please see links in Question 4 above.
  - d. If your business license application only asks for the business' North American Industry Classification System (NAICS) code, not the SIC code, the NAICS Association has developed a tool to convert NAICS codes to SIC codes, available at [NAICS to SIC crosswalk](#).
  - e. Additionally, the United States Environmental Protection Agency's Industrial Multi-Sector General Storm Water NPDES Permit has an appendix that lists SIC codes and their corresponding NAICS codes found by clicking the following link: [USEPA Multi-Sector Permit](#)
- 8. Does SB 205 require the city or county to visit or inspect an industrial business?**
  - a. No. SB 205 only requires that the city or county ensure regulated facilities have coverage under the IGP.
- 9. Does SB 205 require the city or county to make sure the industrial business is compliant with stormwater rules or permit requirements?**
  - a. No.
- 10. Does SB 205 require the city or county to help an industrial business get a stormwater permit?**
  - a. No.
- 11. What resources can the city or county provide a business that asks about the stormwater permit application process?**

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- a. To apply for a stormwater permit, direct them to the State Water Board or local Regional Water Board: [State and Regional Water Boards map](#)
- b. State Water Board storm water contacts, general inquires:
  - (1) Email: [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)
  - (2) Toll Free: 1-(866)-563-3107
- c. State and Regional storm water contacts: [State and Regional Storm Water Contacts](#)
- d. Types of IGP coverage: [IGP Types of Coverages \(PDF\)](#)
- e. Other resources:
  - (1) State Water Resources Control Board Industrial Storm Water Toolbox: [IGP Toolbox](#)
  - (2) California Storm Water Quality Association ([www.casqa.org](http://www.casqa.org))
  - (3) Metals Industry Storm Water Group ([www.stormwatergroup.org](http://www.stormwatergroup.org))

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

- a. No action is required. SB 205 only applies to cities and counties that issue business licenses.
- b. However, you may also direct the business owner to inquire about stormwater requirements or regulations that may be applicable to their facility by contacting the State Water Board or local Regional Water Board.