

SENATE BILL 205

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares that the provisions of this measure address the health and safety of drinking water sources throughout the state, a matter of statewide concern, and that these provisions therefore apply to charter cities, charter counties, and charter cities and counties.

SEC. 2.

Section 16000.3 is added to the Business and Professions Code, to read:

16000.3.

(a) When applying to a city for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code, shall demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program by providing all of the following information, under penalty of perjury, on the initial business license or business license renewal application:

- (1) The name and location of facilities operated by the person of that business.
- (2) All primary Standard Industrial Classification Codes, as defined in Section 25244.14 of the Health and Safety Code, for the business.
- (3) Any of the following for each facility operated by the person of that business:
 - (A) The storm water permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Resources Control Board.
 - (B) The WDID application number issued for the facility by the State Water Resources Control Board.
 - (C) The “notice of non-applicability identification number” (NONA) issued for the facility by the State Water Resources Control Board.
 - (D) The “no exposure” certification identification number (NEC) issued for the facility by the State Water Resources Control Board.

(b) Prior to the issuance or renewal of the business license, the city shall determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, and if applicable, the city shall confirm that the WDID, WDID application number, NONA, or NEC corresponds to the business requesting the initial business license or business license renewal. To determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, the city may use

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information provided by the State Water Resources Control Board, including information posted pursuant to Section 13383.10 of the Water Code for these purposes. To confirm the WDID, WDID application number, NONA, or NEC, the city shall only need to keep record of the applicable documentation.

(c) The city shall transfer compliance information received in subdivision (a) to the State Water Resources Control Board as requested by the board.

(d) For business license renewals, a city may develop a provisional license procedure that provides businesses three months to comply with the requirements of this section.

(e) "City" includes a charter city and a charter city and county.

(f) This section shall apply to applications for initial business licenses and business license renewals submitted on and after January 1, 2020.

(g) This section shall not apply to a city that does not have an application process for issuing or renewing business licenses or does not issue or renew business licenses.

(h) This section shall not be construed to impose any additional liability on a city under the National Pollutant Discharge Elimination System permit program for non-enrollment under a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities by a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code.

SEC. 3.

Section 16100.3 is added to the Business and Professions Code, to read:

16100.3.

(a) When applying to a county for an initial business license or business license renewal, a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code, shall demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) permit program by providing all of the following information, under penalty of perjury, on the initial business license or business license renewal application:

(1) The name and location of facilities operated by the person of that business.

(2) All primary Standard Industrial Classification Codes, as defined in Section 25244.14 of the Health and Safety Code, for the business.

(3) Any of the following for each facility operated by the person of that business:

(A) The storm water permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by the State Water Resources Control Board.

(B) The WDID application number issued for the facility by the State Water Resources Control Board.

(C) The "notice of non-applicability identification number" (NONA) issued for the facility by the State Water Resources Control Board.

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(D) The “no exposure” certification identification number (NEC) issued for the facility by the State Water Resources Control Board.

- (b) Prior to the issuance or renewal of the business license, the county shall determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, and if applicable, the county shall confirm that the WDID, WDID application number, NONA, or NEC corresponds to the business requesting the initial business license or business license renewal. To determine whether any of the primary Standard Industrial Classification Codes are applicable to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5 of the Water Code, the county may use information provided by the State Water Resources Control Board, including information posted pursuant to Section 13383.10 of the Water Code for these purposes. To confirm the WDID, WDID application number, NONA, or NEC, the county shall only need to keep record of the applicable documentation.
- (c) The county shall transfer compliance information received in subdivision (a) to the State Water Resources Control Board as requested by the board.
- (d) For business license renewals, a county may develop a provisional license procedure that provides businesses three months to comply with the requirements of this section.
- (e) “County” includes a charter county and a charter city and county.
- (f) This section shall apply to applications for initial business licenses and business license renewals submitted on and after January 1, 2020.
- (g) This section shall not apply to a county that does not have an application process for issuing or renewing business licenses or does not issue or renew business licenses.
- (h) This section shall not be construed to impose any additional liability on a county under the National Pollutant Discharge Elimination System permit program for non-enrollment under a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities by a person who conducts a business operation that is a regulated industry, as defined in Section 13383.5 of the Water Code.

SEC. 4.

Section 13383.10 is added to the Water Code, to read:

13383.10.

On or before April 1, 2020, the state board shall post on its internet website, for the purpose of the determinations made by the city pursuant to Section 16000.3 of the Business and Professions Code and a county pursuant to Section 16100.3 of the Business and Professions Code, a list of all Standard Industrial Classification codes

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applicable to a General Permit for Storm water Discharges Associated with Industrial Activities Excluding Construction Activities, as referenced in Section 13383.5, and known as the Industrial General Permit. The state board shall update that list on its internet website within 90 days of any final updates by the United States Department of Labor or the United States Environmental Protection Agency.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.