



SB 205 HERTZBERG . BUSINESS LICENSES: STORMWATER DISCHARGE COMPLIANCE

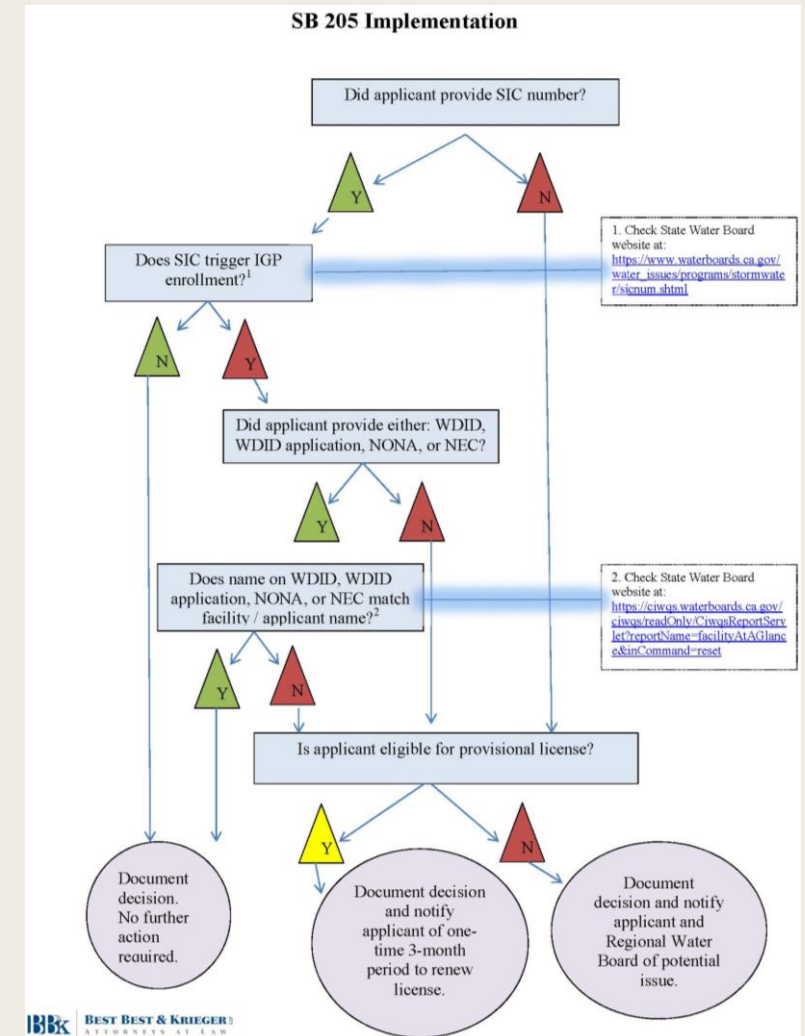
An act to add Sections 16000.3 and 16100.3 to the Business and Professions Code, and to add Section 13383.10 to the Water Code, relating to business.

Cities Issuing Business Licenses Mandated by State to Verify National Pollution Discharge Elimination System (NPDES) Permit Compliance

- Effective January 1, 2020, California cities issuing business licenses are required to determine first whether a business's activities are subject to coverage under the Industrial General Permit (IGP).
- The Business License Applications and renewal forms shall be updated to include:
 1. *Primary Standard Industrial Classification (SIC) Codes applicable to the business's primary activity*
 2. *Declaration that the business either is or is not subject to the California Industrial Permit*
 3. *Line for Businesses Waste Discharge Identification (WDID) number when subject to the IGP*

NPDES Permit Compliance Provisions

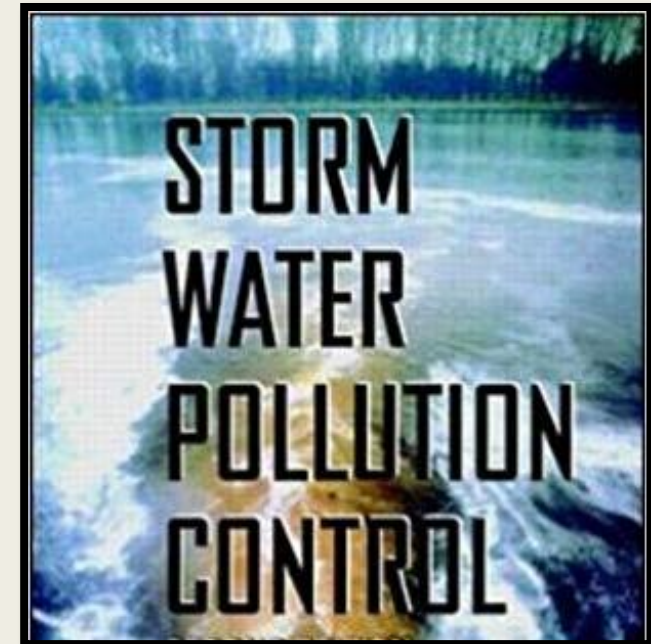
- Upon receiving a business license application, City staff will determine whether the Standard Industrial Classification Code (SIC), is regulated by the Industrial General Permit (IGP) for Storm Water Discharges Associated with Industrial Activities.
- If an applicant for a business license has a SIC code that is required to enroll under the IGP, the city must confirm that the business requesting the business license (initial and/or renewal) has obtained permit coverage.
- If an applicant needs an IGP but does not have one, the City has legal authority to establish provisional license procedures that provide business 3 months to comply with NPDES requirements.
- City is required to notify Regional Water Board of Violators.



(flow chart attachment 5)

Regulated Industries

- Regulated Industries are defined in Attachment A of the Industrial General Permit (attachment 2 of this agenda item).
- These Regulated Industries Include
 1. *Manufacturing Facilities*
 2. *Oil and Gas Mining Facilities*
 3. *Hazardous Waste Treatment Storage or Disposal Facilities*
 4. *Landfills*
 5. *Recycling Facilities*
 6. *Combustion Power Generation Facilities*
 7. *Transportation Facilities*
 8. *Sewage or Wastewater Treatment works*
- Standard Industrial Codes (SIC) are a four digit code system of classifying industries by the primary type of activity that occurs at their facility.



Facilities subject to the permit

- Only businesses with primary SIC codes that are identified in General NPDES Permit for Storm Water Discharges Associated with Industrial Activities are subject to these requirements.
- Businesses which fall under the regulated SIC Codes, that have the permit, just submit the certification information.
- Businesses which fall under the regulated SIC Codes that do not have coverage;
 - *Will be issued a provisional 3 month extension on their Business License application to allow time for obtaining coverage.*
 - *Guidance for Businesses seeking coverage for the first time are encouraged to review the FAQ's for Businesses (Attachment 4).*
- Need help finding your SIC Code? <https://www.osha.gov/pls/imis/sicsearch.html>
- State Water Board Industrial Storm Water Toolbox:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/toolbox.html

Conclusion



- Discharge of stormwater by industries are regulated by the National Pollutant Discharge Eliminations System (NPDES) permit program established by the Federal Clean Water Act and the California Water Code and enforced by the State Water Board.
- The Purpose of SB 205 is 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.
- This required state mandate has the potential to impact a handful of local businesses.
- Staff recommends that Council adopt the Resolution to provisionally allow businesses needing to obtain coverage be granted temporary business license extensions.