

AMENDED IN SENATE MAY 17, 2019

AMENDED IN SENATE MARCH 21, 2019

SENATE BILL

No. 205

Introduced by Senator Hertzberg

February 4, 2019

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.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as amended, Hertzberg. Business licenses: stormwater discharge compliance.

Existing law authorizes the legislative body of an incorporated city and the county board of supervisors, in the exercise of its police power, to license any kind of business not prohibited by law that is transacted and carried on within its jurisdiction, and to impose license fees. Existing law imposes various requirements on cities and counties prior to issuing specified business licenses, including verifying that a person applying for a business license to conduct business as a contractor is licensed by the Contractors' State License Board.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the federal National Pollutant Discharge Elimination System (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Existing law requires regulated municipalities and industries to obtain a stormwater permit.

This bill would require, when applying to a city or a county for an initial business license or business license renewal, a person who

conducts a business operation that is a regulated industry to demonstrate ~~compliance~~ *enrollment* with the NPDES permit program by providing specified information, under penalty of perjury, on the application, including, among other things, the Standard Industrial Classification ~~code~~ *Code* for the business. The bill would apply to all applications for initial business licenses and business license renewals submitted on and after January 1, 2020. The bill would permit a city or county to develop a provisional license procedure for business license renewals that provides businesses 3 months to comply with these provisions. By requiring that the information be submitted under penalty of perjury, this bill would expand the crime of perjury and impose a state-mandated local program.

This bill would require the city or county to ~~confirm~~ *confirm, as specified*, that the information submitted to demonstrate ~~compliance is valid, active, and~~ *enrollment* corresponds to the business requesting the initial business license or business license renewal, and would require the city or county to transfer that information to the State Water Resources Control Board. The bill would require the State Water Resources Control Board, on or before April 1, 2020, to post on its internet website a list of applicable Standard Industrial Classification codes for the purpose of ~~validation~~ *confirmation* by cities or counties, and would require the state board to update that list annually.

This bill would also find and declare that the provisions of the bill 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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 provisions of this measure address the health and safety of drinking
- 3 water sources throughout the state, a matter of statewide concern,

1 and that these provisions therefore apply to charter cities, charter
2 counties, and charter cities and counties.

3 SEC. 2. Section 16000.3 is added to the Business and
4 Professions Code, to read:

5 16000.3. (a) When applying to a city for an initial business
6 license or business license renewal, a person who conducts a
7 business operation that is a regulated industry, as defined in Section
8 13383.5 of the Water Code, shall demonstrate ~~compliance~~
9 *enrollment* with the National Pollutant Discharge Elimination
10 System (NPDES) permit program by providing all of the following
11 information, under penalty of perjury, on the initial business license
12 or business license renewal application:

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

15 (2) The Standard Industrial Classification Code, as defined in
16 Section 25244.14 of the Health and Safety Code, for the business.

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

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

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

24 (C) The “notice of nonapplicability identification number”
25 (NONA) issued for the facility by the State Water Resources
26 Control Board.

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

29 (b) Prior to the issuance or renewal of the business license, the
30 city shall confirm that the *Standard Industrial Classification Code*,
31 WDID, WDID application number, NONA, or no exposure
32 certification ~~is valid, active, and~~ corresponds to the business
33 requesting the initial business license or business license renewal.
34 ~~The~~ *To confirm a Standard Industrial Classification Code*
35 *corresponds to the business, the city may use information posted*
36 *on the internet website of the State Water Resources Control Board*
37 *pursuant to Section 13383.10 of the Water Code for these purposes.*
38 *To confirm the WDID, WDID application number, NONA, or no*
39 *exposure certification, the city shall only need to keep record of*
40 *the applicable documentation.*

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

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

7 (e) “City” includes a charter city and a charter city and county.

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

11 SEC. 3. Section 16100.3 is added to the Business and
 12 Professions Code, to read:

13 16100.3. (a) When applying to a county for an initial business
 14 license or business license renewal, a person who conducts a
 15 business operation that is a regulated industry, as defined in Section
 16 13383.5 of the Water Code, shall demonstrate ~~compliance~~
 17 *enrollment* with the National Pollutant Discharge Elimination
 18 System (NPDES) permit program by providing all of the following
 19 information, under penalty of perjury, on the initial business license
 20 or business license renewal application:

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

23 (2) The Standard Industrial Classification Code, as defined in
 24 Section 25244.14 of the Health and Safety Code, for the business.

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

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

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

32 (C) The “notice of nonapplicability identification number”
 33 (NONA) issued for the facility by the State Water Resources
 34 Control Board.

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

37 (b) Prior to the issuance or renewal of the business license, the
 38 county shall confirm that the *Standard Industrial Classification*
 39 *Code*, WDID, WDID application number, NONA, or no exposure
 40 certification ~~is valid, active, and~~ corresponds to the business

1 requesting the initial business license or business license renewal.
2 ~~The~~ *To confirm a Standard Industrial Classification Code*
3 *corresponds to the business, the county may use information posted*
4 *on the internet website of the State Water Resources Control Board*
5 *pursuant to Section 13383.10 of the Water Code for these purposes.*
6 *To confirm the WDID, WDID application number, NONA, or no*
7 *exposure certification, the county shall only need to keep record*
8 *of the applicable documentation.*

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

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

15 (e) “County” includes a charter county and a charter city and
16 county.

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

20 SEC. 4. Section 13383.10 is added to the Water Code, to read:

21 13383.10. On or before April 1, 2020, the state board shall post
22 on its internet website, for the purpose of ~~validation~~ *confirmation*
23 by the city pursuant to Section 16000.3 of the Business and
24 Professions Code and a county pursuant to Section 16100.3 of the
25 Business and Professions Code, a list of all Standard Industrial
26 Classification codes applicable to a General Permit for Stormwater
27 Discharges Associated with Industrial Activities Excluding
28 Construction Activities, as referenced in Section 13383.5, and
29 known as the Industrial General Permit. The state board shall
30 update that list on its internet website annually.

31 SEC. 5. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 a local agency or school district has the authority to levy service
34 charges, fees, or assessments sufficient to pay for the program or
35 level of service mandated by this act or because costs that may be
36 incurred by a local agency or school district will be incurred
37 because this act creates a new crime or infraction, eliminates a
38 crime or infraction, or changes the penalty for a crime or infraction,
39 within the meaning of Section 17556 of the Government Code, or

- 1 changes the definition of a crime within the meaning of Section 6
- 2 of Article XIII B of the California Constitution.

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