



## SB205 requirements, SIC code unscrambling and a new type of NONA you might not know about.

Out of sight, out of mind. The old adage has really hit home in this month's edition of **The Rain Events**. While self-storage facilities may keep your stuff out of sight, out of contact with storm water, and completely contained, they're not quite out of mind when it comes to Industrial General Permit coverage. Did you know that self-storage units need to apply for a NONA? Most of these storage facilities don't have any industrial activities that would require them to obtain Permit coverage, but just because they don't need Permit coverage doesn't mean that they don't have to prove that they don't need it. (*Doesn't make sense? ... keep reading!*)

When the start of the new year rolled around, businesses started filing for a renewal of their municipal business licenses. But for some self-storage units, this process turned into an unexpected headache. Even though most self-storage facilities don't need Permit coverage, they still have to prove they don't need Permit coverage in order to renew their business license in accordance with the new [SB205 law](#). One particular self-storage facility recently encountered just that. The city where they were located wouldn't renew their license until they had a NONA. But wait. Aren't NONAs just for facilities that have no discharge? Do NONAs apply to other situations? *Not according to what we were reading in the Permit*. After contacting the city and the Water Board, the complexity of the situation these self-storage facilities face came more to light. The problem seemed to stem back to the SIC code – are self-storage facilities SIC 4225 (which specifies “self-storage”) or are they 4226 (which specifies storage of household goods)? So, which one is it? 4225 or 4226? To make matters even more complicated, 4226 has an exemption, whereas 4225 does not. *Is anyone else's brain*

*getting tied in knots thinking about this?* To further muddle the issue, OSHA classifies SIC codes 4221-4226 as transportation, whereas the IGP classifies SIC codes 4221 - 4225 as Category 2 (manufacturing) while classifying SIC 4226 as Category 8 (transportation)? So, why the split? Diving deeper down that rabbit hole, in the former Industrial General Permit, SIC codes 4221 and 4225 were located in a category that no longer exists today – Category 10 (which also had a bunch of exemptions similar to

Category 8). Today, Category 10 is compiled into Category 2, but without the exemptions. So where did the exemptions go? Why did these categories get combined? *Confused? Yeah, so were we.*

The problem was getting messier by the moment, so it was time to turn to the Water Board for assistance figuring out which SIC code is appropriate, what type of coverage a self-storage facility needs, and what similar facilities should be doing when faced with the same issue. Here's what they said...



According to the Water Board and the Self-Storage Association, self-storage units, as of February 2020, are officially considered SIC 4226.

After trading several emails with the Water Board and doing a Zoom interview with Salvador Chapparo and Tiana Huling (which you can watch by clicking the adjacent video box), we got some answers. With the advent of SB205, and the need to prove Permit coverage or non-applicability when applying for a business license, came the need to provide language and clarification on this process. And that has been what the Water Board has been working on. According to the Water Board and the Self-Storage Association, self-storage units, as of February 2020, are officially considered SIC 4226. Why? The Water Board said that, although SIC 4225 specifies “self-storage, SIC 4226 is more appropriate for these facilities since they primarily store household goods. Therefore, if a self-storage unit has no vehicle maintenance on site (*which is prohibited at most self-storage facilities*), then the facility can apply for a Notice of Non-Applicability (NONA). Yes, you heard right! **NONAs are not just for facilities with no discharge** (*keep reading to find out more*). Because there has been so much confusion with self-storage SIC codes – SMARTS being filled with hundreds of filers using either code, both of which have filed NONAs, the Water Board is working on outreach to these facilities to assist them with realigning their compliance program accordingly. For any self-storage facilities claiming the SIC code 4225, the Water Board suggested they change their SIC code on SMARTS through a Change-of-Information (COI). The only way for SIC 4225 to legitimately have a NONA is for the facility to demonstrate that it has no discharge. Basically, any facility operating under a transportation SIC code (including the other SIC codes listed in Category 8 of [Attachment A](#)) will need to apply for a NONA if there is no vehicle maintenance on site. And if your self-storage facility SIC code is in the wrong category, appropriate steps must be taken. But good news! The NONA process doesn't take long, and there is no fee attached. During the interview, Salvador assured everyone that the NONA process just takes a few minutes. Plus, the Water Board has provided some excellent resources to assist you in this process – you can even contact the Storm Water Help Desk ([stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)) and they



will answer any questions you might have. Be sure and watch **The Rain Events'** interview with the Water Board to find out more!

### Did you know that NONAs aren't just for facilities with no discharge?

If you are like us, you may have been thinking that NONAs are only for facilities with no discharge—and facilities that can file for a NONA being few and far between. But according to the Water Board, NONAs also apply to any Category 8 transportation facilities that are not applicable to the Permit. If transportation category facilities do not perform any vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication or other operations identified under the Permit as associated with industrial activity) on site, then they have to file a NONA on SMARTS. *You might, like we did, be trying to find this reference in the Permit—but it's not there.* This facet of NONAs came directly out the need to implement SB205, where the law specifies that facilities with regulated SIC codes have only three options: **1)** Provide a WDID number for active permit coverage; **2)** provide a WDID for a No Exposure Certification (NEC); or **3)** provide a WDID number for a NONA. In the past, these non-applicable transportation facilities would simply state that the Permit didn't apply to them, but because that would not satisfy the requirements of SB205, the Water Board is requiring them to file a transportation category NONA (even though the facility may have discharges of storm water).

Other transportation facilities without

vehicle maintenance, such as those having SIC code 5171, will now need to apply for a NONA. In the past, these facilities were able to file a NOT based on not having vehicle maintenance activities—and the NOTs were approved by the Water Board. But now, even though their NOT was previously approved, they must apply for a NONA. ☹️

What is your SIC Code?  
Look it up on the link below.



## The Rain Events

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## **Attention!**

Does your facility qualify for a NONA?  
Need assistance figuring out the  
Notice Of Non-Applicability process?

[Find out more](#)

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*we're here to help.*

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# *Storm Water Contest...*

Each month, we invite our readers to participate in a contest to test their knowledge of the Industrial General Permit and show their storm water compliance program. We enter all submittals to our monthly newsletter question into a drawing and one person is selected at random to receive a \$25 gift card. Last month's contest question was:

*Which should be completed first: the Annual Evaluation or the Annual Report?*

Congratulations to Shaun who answered our contest question - *"The Annual Evaluation must be completed before filing the Annual Report."* Shaun, we hope you enjoy a delicious meal at Chipotle!

## *...This Month's Contest*

*Are NONAs just for facilities with no discharge?*

We need industrial storm water sleuths to help us with this month's question. Submit your answers by Friday, June 11th. Email your answer to [jteravskis@wgr-sw.com](mailto:jteravskis@wgr-sw.com). One winner will be selected by a random drawing to receive a \$25 gift card to *Amazon*.

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## ATTACHMENT A

### FACILITIES COVERED BY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (GENERAL PERMIT)

1. Facilities Subject To Storm Water Effluent Limitations Guidelines, New Source Performance Standards, or Toxic Pollutant Effluent Standards Found in 40 Code of Federal Regulations, Chapter I, Subchapter N (Subchapter N):  
  
Cement Manufacturing (40 C.F.R. Part 411); Feedlots (40 C.F.R. Part 412); Fertilizer Manufacturing (40 C.F.R. Part 418); Petroleum Refining (40 C.F.R. Part 419), Phosphate Manufacturing (40 C.F.R. Part 422), Steam Electric (40 C.F.R. Part 423), Coal Mining (40 C.F.R. Part 434), Mineral Mining and Processing (40 C.F.R. Part 436), Ore Mining and Dressing (40 C.F.R. Part 440), Asphalt Emulsion (40 C.F.R. Part 443), Landfills (40 C.F.R. Part 445), and Airport Deicing (40 C.F.R. Part 449).
2. Manufacturing Facilities:  
  
Facilities with Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225. (This category combines categories 2 and 10 of the previous general permit.)
3. Oil and Gas/Mining Facilities:  
  
Facilities classified as SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 Code of Federal Regulations. 434.11(1) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Acts authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
4. Hazardous Waste Treatment, Storage, or Disposal Facilities:  
  
Hazardous waste treatment, storage, or disposal facilities, including any facility operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act.
5. Landfills, Land Application Sites, and Open Dumps:  
  
Landfills, land application sites, and open dumps that receive or have received industrial waste from any facility within any other category of this Attachment; including facilities subject to regulation under Subtitle D of the Federal Resource, Conservation, and Recovery Act, and facilities that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance).
6. Recycling Facilities:  
  
Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093.
7. Steam Electric Power Generating Facilities:  
  
Any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
8. Transportation Facilities:  
  
Facilities with SICs 40XX through 45XX (except 4221-25) and 5171 with vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified under this Permit as associated with industrial activity.
9. Sewage or Wastewater Treatment Works:  
  
Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 Code of Federal Regulations part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.