

SECTION 10.0**INDUSTRIAL FACILITIES MONITORING AND CONTROL**

[4.3.2 NDOT shall develop a list of industrial facilities subject to stormwater permitting requirements within their control]

[4.8.1 A description of a program to monitor and control pollutants in stormwater discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:]

[4.8.1.1 Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges; and]

[4.8.1.2 Describe a monitoring program for stormwater discharges associated with the industrial facilities identified in this section, to be implemented during the term of the permit in accordance with the monitoring programs defined in section 5.1.1.]

[4.6.1.5 A description of a program to evaluate and as necessary monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste.]

The regulations of the U.S. EPA have formed 11 categories of industrial facilities which apply to the storm water permitting requirements in 40 CFR 122.26(b)(14)(i)-(xi). Discussions with NDOT and NDEP have determined that the maintenance yards operated by NDOT do not fall within any of the eleven industrial categories. Therefore, NDOT does not own or operate any industrial facilities and will not address Permit requirements associated with owned or operated industrial facilities. The letter from NDEP Bureau of Water Pollution Control reporting this finding is located in Appendix B.

To address industrial facilities that may be discharging into NDOT owned and operated storm drain system, NDOT will evaluate the discharges when discovered and follow the established reporting procedures.