

Appendix E - Historic Properties Requirements

Eligibility Criteria

You must certify on your NOI that you meet one of the eligibility criteria below. Suggested steps are included below as a guide to how to determine the correct eligibility criterion that applies to your site.

EPA Note: These eligibility criteria are draft, and subject to change as EPA continues its consultation with the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Offices (SHPOs), and the Tribal Historic Preservations Offices (THPOs). The eligibility criteria included below are modeled after the criteria used in EPA's multi-sector general permit (MSGP) for stormwater discharges associated with industrial activity.

- Criterion A. Your stormwater discharges and allowable non-stormwater discharges do not have the potential to have an effect on historic properties; or
- Criterion B. Your stormwater discharges and allowable non-stormwater discharges will not affect historic properties; or
- Criterion C. Your stormwater discharges allowable non-stormwater discharges have the potential to have an effect on historic properties, and you have consulted with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other tribal representative regarding measures to mitigate or prevent any adverse effects on historic properties, and you have obtained and are in compliance with a written agreement that outlines all such measures; or
- Criterion D. You have contacted the State Historic Preservation Officer, Tribal Historic Preservation Officer, or other tribal representative and EPA in writing informing them that you have the potential to have an effect on historic properties and you did not receive a response from the SHPO, THPO, or tribal representative within 30 days of receiving your letter.

If you have been unable to reach agreement with a SHPO, THPO, or other tribal representative regarding appropriate measures to mitigate or prevent adverse effects, you must notify EPA's Regional Office NHPA contact prior to submitting your NOI.

Guidelines on Determining the Eligibility Criterion Applicable to Your Site

EPA note: These procedures have been left intentionally blank because of the ongoing consultation between EPA and the ACHP, SHPOs, and THPOs.