

NATIONAL HISTORIC PRESERVATION ACT REVIEW

To meet its obligations under the Clean Water Act and the National Historic Preservation Act (NHPA), and to promote the goals of those Acts, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this General Permit for Publicly Owned Treatment Works (POTWs) and other treatment works treating domestic sewage (collectively “facilities”) do not adversely affect properties that are listed or eligible for listing on the National Register of Historic Places (National Register). Facilities seeking coverage under this general permit must determine whether their discharges have potential to affect a property that is either listed or eligible for listing on the National Register. For existing facilities with no new or increased discharges, a visual inspection may be sufficient to determine whether historic properties are affected. However, any facility proposing a new or increased discharge should conduct a detailed assessment to determine whether historic properties might be affected by the discharge.

Facilities seeking permit coverage should first determine whether any historic properties either listed or eligible for listing on the National Register are identified in the path of the facility’s discharge(s). The National Register, which is maintained by the National Park Service, is available on the internet at: <http://www.cr.nps.gov/nr>. The addresses of the State Historic Preservation Officers are listed in Part II, below. The address of the Tribal Historic Preservation Officer for Indian Country Land in Massachusetts is listed in Part III, below. Facilities seeking general permit coverage may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

Any facility seeking coverage under this general permit must demonstrate that it meets one or more of the following criteria:

- (1) Historic properties are not identified in the path of the facility’s wastewater discharge(s);
- (2) Historic properties are identified in the path of the facility’s wastewater discharge(s) but the facility determines that such properties will not be affected by the discharge(s), and EPA reviews and affirms this determination.
- (3) Historic properties are identified in the path of the facility’s wastewater discharge(s), but the facility’s discharges have been authorized in a prior individual permit that addressed the effects of those discharges, if any, on all historic properties currently listed or eligible for listing on the National Register, and EPA reviews and affirms the continued validity of this prior evaluation. Any measures required under this prior individual permit to mitigate or prevent adverse effects on historic properties must be included in the facility’s Discharge Management Program for this general permit.
- (4) Historic properties are identified in the path of the facility’s wastewater discharge(s) and the facility determines that its discharge(s) may adversely affect the property, but the facility has obtained and agreed to comply with a written agreement with the appropriate State or Tribal Historic Preservation Officer that outlines measures the facility will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility’s Discharge Management Program for this general permit.

In situations where an agreement cannot be reached between a facility and the State or Tribal Historic Preservation Officer, the facility should contact the Advisory Council on Historic Preservation listed in Part IV, below, for assistance.

The term “adverse effects” includes but is not limited to damage, deterioration, alteration or destruction of

the historic property or place. EPA encourages facilities to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Facilities are also subject to applicable State, Tribal and local laws concerning the protection of historic properties and places.

I. The National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

The National Register of Historic Places can be accessed on the Internet at: <http://www.cr.nps.gov/nr>

II. State Historic Preservation Officers

Massachusetts

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125
617/727-8470
TTD: 1-800-392-6090

New Hampshire

New Hampshire Division of Historic Resources
P.O. Box 2043
Concord, NH 03302-2043
603/271-6435
TDD: 1-800-735-2964

III. Tribal Historic Preservation Officer

Massachusetts

Wampanoag Tribe of Gay Head (Aquinnah)
Attn: Cheryl Andrews-Maltais
Tribal Historic Preservation Officer
20 Black Brook Road
Aquinnah, MA 02535-1546

IV. Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. ACHP is

the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements.

As directed by NHPA, ACHP serves as the primary Federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our Nation's heritage; advocates full consideration of historic values in Federal decision making; and reviews Federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

Main Office

Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004
Phone: (202) 606-8503
Fax: (202) 606-8647/8672
E-mail: achp@achp.gov
Internet: <http://www.achp.gov/>