

MEMORANDUM OF UNDERSTANDING FOR THE PROTECTION OF HISTORIC
PROPERTIES IN LOUISIANA REGARDING LPDES PERMITS

BETWEEN

THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AND
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICE

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To conserve historic properties in the state in accordance with the National Historic Preservation Act, the Louisiana Department of Environmental Quality (LDEQ) and the Louisiana State Historic Preservation Officer (LSHPO) agree to work together in a cooperative manner in the implementation of the Louisiana Pollutant Discharge Elimination System (LPDES) program by ensuring that SHPO has the opportunity to investigate and comment on permit activities.

1. Upon receipt of each individual discharge permit application for new facility locations (including expansions at existing sites), a copy shall be sent to the LSHPO for review and comment. This shall include Notices of Intent to be covered by a general permit, if requested for review by the LSHPO. The LSHPO shall have 30 days after receipt of the application to provide comments on the development of a permit for the discharge. If no comments are received by the LDEQ within the 30-day comment period, the LDEQ may consider that the LSHPO has waived the right to provide comments, and the LDEQ may proceed with the permitting action.

2. The LDEQ will work with the LSHPO to address and resolve, to the extent practicable, areas of concern identified by that office. The LDEQ shall request that the applicant conduct a cultural resources survey of a permit site and the results of the survey submitted in conjunction with the permit application, if required by the LSHPO.

3. The LDEQ-drafted permit package submitted to EPA Region 6 for review shall include any comments from the LSHPO, and/or a statement that the 30 days have passed and that the right to comment has been waived.

4. The LSHPO agrees to review all permit applications sent to them by the LDEQ and to provide the LDEQ with appropriate information on sensitive historic and archaeological areas needed to develop permit conditions within 30 days of receipt of the application.

5. The LSHPO agrees to work with the LDEQ in the development of the draft permit to address the areas of concern that have been identified.

6. If the LSHPO and the LDEQ have not been able to address all historic preservation issues identified, and the LSHPO has further concerns to the public proposal of a permit, the LDEQ will make these concerns known to EPA Region 6.

7. The EPA shall then determine whether or not to make a formal objection in accordance with 40 CFR 123.44.

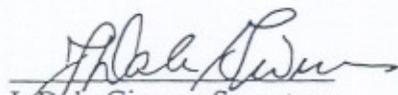
8. If the EPA makes a formal objection to the permit, the procedures set forth in the LDEQ/EPA MOA shall be followed.

9. The EPA will work with the LDEQ and the LSHPO to resolve issues of concern. Should the EPA be able to facilitate a resolution of the issues that prompted the formal objection, the formal objection may be withdrawn by the EPA, and the LDEQ may proceed with issuance of the permit.

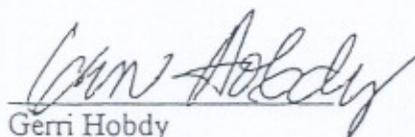
The LSHPO and the LDEQ agree that the above-listed procedures are an appropriate mechanism for the protection of sites and properties listed on or eligible for listing on the National Register of Historic Places for LDEQ issued LPDES permits and that the authorization of the Louisiana State permitting program under NPDES, as outlined above, will properly consider the effect of this program on historic properties in the State of Louisiana.

This MOU may be modified at any time during the period of performance by mutual consent of the signatory agencies.

Signed:


J. Dale Givens, Secretary
Louisiana Department of Environmental Quality

3/15/96
Date


Gerri Hobdy
Louisiana State Historic Preservation Officer
Office of Cultural Development
Louisiana Department of Culture, Recreation and Tourism

3/25/96
Date