



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

Mr. Milford Wayne Donaldson, Chairman
Advisory Council on Historic Preservation
ATTN: Section 3 Progress Report
1100 Pennsylvania Avenue NW
Room 803
Washington, D.C. 20004

Dear Mr. Donaldson:

The U.S. Environmental Protection Agency (EPA) is pleased to submit its *2011 Section 3 Report on Historic Properties (Report)*. EPA's *Report* provides information in response to the questions included in the ACHP's *Advisory Guidelines Implementing Executive Order 13287, "Preserve America"* published in April 2011 in the appropriate sections of the report.

EPA appreciates ACHP's positive comments in response to our previous Progress Reports and its guidance and suggestions to improve future reporting efforts. As part of its continual improvement process and quality assurance program, the Agency incorporated ACHP's guidance and suggestions, as well as those from its own review, to further improve resource management programs, including those related to historic properties. EPA will continue to report enhancements in its program in future Progress Reports to the ACHP and the Secretary of the Interior.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget C. Shea", is written over a horizontal line.

Bridget C. Shea
Director, Facilities Management and
Services Division

cc: **Caroline D. Hall**, Assistant Director, ACHP
Craig E. Hooks, Assistant Administrator, OARM, EPA
Renee Page, Director, Office of Administration, EPA

EXECUTIVE ORDER 13287

PRESERVE AMERICA

**SECTION 3 PROGRESS REPORT
ON HISTORIC PROPERTIES**



September 30, 2011

**Facilities Management and Services Division
Architecture, Engineering, and Asset Management Branch
1200 Pennsylvania Avenue, NW
Washington, DC 20460**

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I. INTRODUCTION

The United States Environmental Protection Agency (EPA) is pleased to submit the 2011 Update to the Section 3 Report to the Advisory Council on Historic Preservation (ACHP) and the Secretary of the Interior in accordance with the requirements of Executive Order 13287 (EO 13287), “Preserve America,” specifically Section 3(c) (Section 3). Section 3 of the EO requires each federal agency with real property management responsibilities to prepare an assessment of the current status of its inventory of historic properties mandated by Section 110(a)(2) of the National Historic Preservation Act (NHPA) (16 U.S.C. 470h-2(a)(2)). It also requires agencies to report on the general condition and management needs of such properties, as well as steps underway or planned to meet those needs.

In April 2011, the ACHP released the *Advisory Guidelines Implementing Executive Order 13287, “Preserve America” Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties*. This publication contains questions for federal agencies with real property management responsibilities. The ACHP will use the responses from these questions to measure the effectiveness of historic preservation within federal agencies. The broad categories of questions are Identification, Protection, and Use.

This report provides an update of the Section 3 Progress Report submitted by EPA to the ACHP and the Secretary of the Interior in September 2005 and September 2008, as well as EPA’s initial Section 3 Report submitted in May 2005. Please refer to these earlier reports for more detailed information regarding EPA’s management policies and protocols as they relate to the care and maintenance of its historic properties.

It is important to note that only one property under EPA’s ownership is either listed in, or eligible for listing in, the National Register of Historic Places (National Register). As a result of an ACHP-accepted 1992 Memorandum of Agreement (MOA) with the New Jersey (NJ) State Historic Preservation Officer (SHPO), the EPA’s Edison Laboratory Facility is treated as eligible for National Register listing and maintained appropriately.

II. THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Just four months after his January 1969 inauguration, President Richard Nixon established in his cabinet the Environmental Quality Council, as well as a complementary Citizens' Advisory Committee on Environmental Quality. By April 1970, the President's advisors advocated a separate regulatory agency devoted solely to the pursuit of anti-pollution programs.

Acting on their advice, the President decided to establish an autonomous regulatory body to oversee the enforcement of environmental policy. In a message to the House and Senate, he declared his intention to establish the EPA, and left no doubts about its far-reaching powers. Nixon declared that its mission would center on:

- Establishing and enforcing environmental protection standards consistent with national environmental goals;
- Conducting research on the adverse effects of pollution and on methods and equipment for controlling it; gathering information on pollution; and using this information to strengthen environmental protection programs and recommend policy changes;
- Assisting others, through grants, technical assistance and other means, in arresting pollution of the environment; and
- Assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

The President accompanied his statement with Reorganization Plan Number 3, dated July 9, 1970, in which he informed Congress of his wish to assemble the EPA from parts of three federal Departments, three Bureaus, three Administrations, two Councils, one Commission, one Service, and many diverse offices [<http://www.epa.gov/aboutepa/history/publications/print/origins.html>].

Today, the EPA utilizes more than 10.1 million square feet of office buildings and laboratories located throughout the United States, a portfolio composed of both EPA and General Services Administration (GSA)-managed properties. To ensure that EPA's buildings and practices reflect its environmental protection mission, the Agency implements a wide range of strategies to reduce the environmental impact of its facilities and operations, from building new, environmentally sustainable structures to improving the energy efficiency of older buildings.

III. IDENTIFICATION OF HISTORIC PROPERTIES

The NHPA and 36 CFR Part 800 requires federal agencies to identify historic properties, which can occur either through an agency-wide survey (Section 110 survey) or through identification efforts tied to specific projects (Section 106 surveys). Both types of surveys are specified in the NHPA and are referenced in 36 CFR Part 800. Due to budget and manpower constraints, many federal agencies are completing their Section 110 surveys via individual Section 106 actions.

ACHP Advisory Guidelines Question 1: *Building upon previous Section 3 reports, please explain how many historic properties have been identified and evaluated by your agency in the past three years? Has your inventory improved? Please explain.*

EPA's 2008 Section 3 Progress Report update states that the Agency commissioned historic building surveys at all of its owned properties that are identified as being potentially historic. These surveys, which applied to three EPA-owned properties 50 years of age or older, are part of EPA's condition assessment update process and determined that two facilities are ineligible for the National Register: the Gulf Ecology Division in Gulf Breeze, Florida, and the Large Lakes Research Station in Grosse Ile, Michigan, which houses the Large Lakes and Rivers Forecasting Research Branch. The surveys also revealed that the Edison Laboratory Facility in Edison, NJ is treated as National Register-eligible under the terms of a 1992 MOA. No additional EPA-owned facilities have required historic building surveys in the last three years.



EPA's only National Register-eligible property, the Edison Laboratory Facility in Edison, New Jersey

ACHP Advisory Guidelines Question 2: *Describe your agency policies that promote and/or influence the identification and evaluation of historic properties.*

When EPA undertakes a project or action that could potentially affect a historic property, it follows its National Environmental Policy Act (NEPA) review process and regulations as well as Section 106 compliance procedures. As a routine part of its NEPA and Section 106 processes, EPA evaluates the site after identification of potential archaeological/historic resources. For identified sites, a determination of eligibility is performed using National Register criteria. EPA also coordinates with the appropriate SHPO, local historic preservation representatives, and federally-recognized Native American tribes to ensure that all information is consistent and that these entities have an opportunity to consult.

ACHP Advisory Guidelines Question 3: *How has your agency established goals for the identification and evaluation of historic properties including whether they have been met?*

All EPA-owned potentially historic properties have been identified and evaluated.

ACHP Advisory Guidelines Question 4: *Describe any internal reporting requirements your agency may have for the identification and evaluation of historic properties, including collections (museum and archaeological).*

EPA OARM - The Director of the Office of Administration and Resources Management (OARM) is EPA's Federal Preservation Officer (FPO). The EPA FPO's responsibility is to ensure conformance with regulatory and EO requirements regarding historic preservation. The EPA FPO also oversees communications with EPA and the ACHP, the EPA White House Liaison, and other agencies, as appropriate.

EPA FMSD/AEAMB – The day-to-day management, communication, and reporting responsibilities regarding Section 110 requirements of the NHPA have been assigned to the Facilities Management and Services Division (FMSD) within OARM, specifically the Architecture, Engineering, and Assessment Management Branch (AEAMB), due to its hands-on knowledge and responsibilities relating to EPA's real property inventory and portfolio management. AEAMB's responsibilities include compiling data and developing reports for OARM to submit to the ACHP, the EPA White House Liaison, and other agencies (e.g., Office of Management and Budget), as required.

A Deputy FPO and a Historic Preservation Point of Contact (POC) coordinate and manage the day-to-day responsibilities. AEAMB also is responsible for complying with Section 106 requirements related to undertakings affecting properties in EPA's real property inventory.

EPA OFA – The NEPA Compliance Division within the Office of Federal Activities (OFA) determines the applicability of Section 106 requirements and provides technical support to EPA and the regional office programs (e.g., funded projects, permits, contracts, and grants). OFA follows the NEPA review process to make these determinations, and works with the local SHPO and/or Tribal Historic Preservation Officer to ensure that historic integrity is preserved and adverse impacts are mitigated or minimized. OFA also compiles EPA's data regarding undertaken efforts and costs incurred for site discovery and evaluation, looting and vandalism prevention, and artifact protection.

This data is reported to the National Park Service (NPS) Federal Archaeology Program. OFA handles this responsibility for EPA since it manages the activities covered under the scope of NPS reporting requirements. Drafts of these reports are submitted to the EPA FPO for communication and comment.

OFA also has a Deputy FPO and a Historic Preservation POC within its NEPA Compliance Division to coordinate and manage the day-to-day responsibilities of OFA as they relate to Section 106. They also communicate with AEAMB's Historic Preservation POC when appropriate, and report activities to the EPA FPO. Additionally, OFA provides technical support to OARM and other EPA offices through its historic preservation subject matter experts, as needed.

ACHP Advisory Guidelines Question 5: *Explain how your agency has employed the use of partnerships to assist in the identification and evaluation of historic properties.*

EPA continues to effectively use partnerships to assist in the identification, evaluation, and protection of historic properties. As a matter of process, EPA consults with the appropriate SHPO to review its eligibility determinations. In the case of EPA's Edison Laboratory Facility, EPA established a MOA with the NJ SHPO to treat this property as eligible for listing in the National Register and maintain it appropriately. EPA also performed a Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) in accordance with the MOA, and consults with the SHPO when initiating qualified undertakings at the Edison Laboratory Facility.

ACHP Advisory Guidelines Question 6: *Provide specific examples of major challenges, successes, and/or opportunities your agency has experienced in identifying historic properties over the past three years.*

Please refer to the response to ACHP Advisory Guidelines Question 1 above – no additional EPA-owned historic properties have been identified during the last three years.

IV. PROTECTION OF HISTORIC PROPERTIES

The consideration of historic properties, both agency owned and non-agency owned, is a responsibility of federal agencies that is specified in 36 CFR Part 800 and Section 106 of the NHPA. Consideration of historic properties can lead to protection through the Section 106 process as various outcomes are examined, including avoidance and mitigation.

ACHP Advisory Guidelines Question 7: *Explain how your agency has protected historic properties.*

As noted in the above response to Question 5, in the case of EPA's Edison Laboratory Facility, EPA established a MOA with the NJ SHPO to treat this property as eligible for listing in the National Register and maintain it appropriately. EPA also performed HABS/HAER documentation in accordance with the MOA, and consults with the SHPO when initiating qualified undertakings at the Edison Laboratory Facility. EPA also has developed a Historic Resources Management Plan (HRMP) for this facility.



Maintenance at the Edison Laboratory Facility

ACHP Advisory Guidelines Question 8: *Describe the programs and procedures your agency has established to ensure the protection of historic properties, including compliance with Sections 106, 110, and 111 of NHPA.*

EPA has a systematic approach to inventory and evaluate all of its historic properties. In 2005, EPA completed a formal screening of its Agency-owned properties for historic potential. Those properties identified as having historic potential were surveyed against National Register criteria to determine potential eligibility for listing. As previously stated only one of EPA's properties, the Edison Laboratory Facility in Edison, NJ, is considered eligible for the National Register.

It is EPA's policy to perform more in-depth survey work, including archaeological investigations and historic structures evaluations, within the context of NEPA reviews for qualified EPA projects. This is consistent with EPA's goal of managing these properties with consideration of both cultural and historic values, as well as environmental impacts.

ACHP Advisory Guidelines Question 9: *Describe your agency policies that promote and/or influence the protection of historic properties.*

EPA established a MOA with the NJ SHPO to treat the Edison Laboratory Facility as eligible for listing in the National Register and maintain it appropriately. EPA consults with the SHPO when initiating undertakings at the Edison Laboratory Facility, and has also developed a HRMP for this facility.

ACHP Advisory Guidelines Question 10: *Explain how your agency has employed the use of partnerships to assist in the protection of historic properties.*

EPA continues to effectively use partnerships to assist in the protection of historic properties. In the case of EPA's Edison Laboratory Facility, EPA established a MOA with the NJ SHPO to treat this property as eligible for listing in the National Register and maintain it appropriately. EPA also performed HABS/HAER documentation in accordance with the MOA, and consults with the SHPO when initiating undertakings at the Edison Laboratory Facility. EPA is currently partnering with a utility company to install and operate an electricity-producing solar plant on the Edison Laboratory property in a manner that will not adversely affect this historic property.

ACHP Advisory Guidelines Question 11: *Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three years.*

EPA owns one property – the Edison Laboratory Facility – that is considered historic. EPA is currently evaluating a proposed project to lease a portion of the facility's grounds to a utility company to build and operate an electricity-producing solar plant. Under the terms of the MOA for this facility, EPA is working in consultation with the NJ SHPO to ensure that the solar facility is located and designed in a manner that will not adversely affect this historic property.

V. USE OF HISTORIC PROPERTIES

The use of historic properties enhances agency awareness of historic preservation through constant exposure to the needs of these properties. Maintaining and using historic properties also provides a richer landscape for the public as they experience the progression of type, style, and use of properties.

ACHP Advisory Guidelines Question 12: *Explain how your agency has used historic properties.*

EPA owns and maintains one historic property, the Edison Laboratory Facility, also known as the Edison Environmental Center. This facility supports the activities of various EPA organizations, including the Office of Solid Waste and Emergency Response's Environmental Research Branch, the Office of Research and Development's Release Control Branch, the Region 2 Division of Environmental Science and Assessment, the Region 2 Division of Emergency and Remedial Response, and the Region 2 Division of Enforcement and Compliance Assistance.

ACHP Advisory Guidelines Question 13: *Explain the overall condition of the historic properties within your agency's control.*

EPA owns and maintains one historic property, the Edison Laboratory Facility, which is maintained in good condition in accordance with the facility's HRMP.

ACHP Advisory Guidelines Question 14: *Describe your agency policies that promote and/or influence the use of its historic properties.*

EPA has implemented policies that promote and/or influence the protection of historic properties, such as incorporating consideration and protection of historic properties in its Master Planning process, and tracking information on historic properties in its Strategic Lease Asset Tracking Enterprise (SLATE) system.

Every ten years, EPA performs a comprehensive site inspection and appraisal of its historic properties to assess their current condition and to document changes in their condition over time. Every five years, EPA performs a condition assessment of its historic properties. As part of the condition assessment, the Agency updates key characteristics of each building to provide information about the physical size and functional purpose of the building, as well as a detailed analysis of the current condition of the base building (e.g., structure, exterior, and roof) and interior characteristics (e.g., floor, walls, ceilings, and infrastructure systems). The condition assessment includes supporting documentation, such as photographs, maps, and drawings for further illustration and clarification. After these characteristics are identified and assessed, a maintenance schedule is developed that identifies the current condition, any required corrective actions, priority level, cost, and time frame for implementation. Cost estimates are developed for labor and supplies and materials used to repair and improve these properties using industry benchmark data from various sources (e.g., *R.S. Means*). EPA captures and analyzes this information about its historic properties, and then tracks it in the SLATE system.

EPA monitors and manages the condition and maintenance of its historic properties at the facility level on a continual basis. Each facility is responsible for maintaining its own operation and maintenance plans, which are then incorporated into each historic facility's master plan.

ACHP Advisory Guidelines Question 15: *Explain how your agency has used Section 111 (16 U.S.C. § 470h-3) of NHPA in the protection of historic properties.*

EPA is not authorized to lease property. Instead, MOAs have been developed in certain instances for the transfer of funds to allow other agencies to utilize buildings or parts of buildings within EPA's inventory. However, EPA retains responsibility for maintaining these properties. EPA would use the policies below if it were to excess historic property. It is important to note that based on master planning and customer considerations EPA does not anticipate the excessing or disposal of any of its currently-owned historic properties, as these assets are fully used and considered critical for supporting EPA's mission.

- EPA's Asset Management Plan;
- EPA's NEPA Regulations (40 CFR Part 6) and Review Procedures;
- EPA's Environmental Due Diligence Process, Policies, and Procedures; and
- GSA's policies and procedures to excess real property.

Once EPA decides to excess and transfer real property, EPA prepares a Report of Excess (ROE). The ROE contains salient due diligence information (e.g., boundary survey, historic data, environmental studies, and title information). The ROE, with supporting documentation, is submitted to GSA's Office of Real Property Disposal operating unit assigned to a GSA Public Buildings Service regional office for processing and closure. EPA follows the legislatively mandated process set forth in the 1949 Act for real properties to guide disposal actions, and engages GSA's Office of Property Disposal as its disposal agent. The GSA Property Disposal Team processes the disposition. The Team is bound by its policies and procedures for managing excessed property, which include consideration of historic properties for leasing, adaptive use, and preservation.

EPA adheres to its established procedures and GSA's requirements for excessing properties. When an asset no longer meets the mission needs of an EPA program or region based on its performance results and trend data, EPA considers adaptive and beneficial use options to the extent practicable. If these are not viable options, EPA will then pursue excessing the property to GSA (i.e., real property transfer), demolition, or replacement options. Any of these actions will trigger the NEPA process and NHPA Section 106 compliance, which considers the impact of the federal action to potentially historic properties. In addition to NEPA and Section 106, EPA's real property transfers (i.e., acquisition, lease acquisition or termination, or disposal of real property) will also trigger an Environmental Due Diligence Process (EDDP) review of the site and its historical uses and value. Among other things, EPA's EDDP process ensures that all historical resources (potential and confirmed) are identified, documented, and fully disclosed during the property transfer process. EPA's EDDP process is well defined in *Guidelines for Acquiring and Transferring EPA Real Property and Complying with the Community Environmental Response Facilitation Act (CERFA)*, EPA 100-B-00-002, December 2000. The transfer and excessing of EPA-owned property has occurred only a few times in the last two decades with small buildings and parcels of land.

ACHP Advisory Guidelines Question 16: *Explain how your agency has employed the use of partnerships to assist in the use of historic properties.*

EPA continues to use partnerships effectively to assist in the use of historic properties. EPA is currently partnering with a utility company to install and operate an electricity-producing solar plant on the Edison Laboratory property in a manner that will not adversely affect this historic property.

ACHP Advisory Guidelines Question 17: *Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three years.*

As noted above in the response to Question 11, EPA owns one property – the Edison Laboratory Facility – that is considered to be historic. EPA is currently evaluating a proposed project to lease a portion of the property's facilities grounds to a utility company to build and operate an electricity-producing solar plant. Under the terms of the MOA for this facility, EPA is working in consultation with the NJ SHPO to ensure that the solar facility is located and designed in a manner that will not adversely affect this historic property. EPA continues to adhere to the facility's HRMP as part of its on-going use of the Edison Laboratory Facility.

ACHP Advisory Guidelines Question 18: *Describe your agency's sustainability goals in accordance with EO 13514 and how these goals are being met, taking stewardship of historic properties into account.*

EPA's Strategic Sustainability Performance Plan (SSPP) is a comprehensive, multi-year planning document that identifies targets for reducing Agency-wide greenhouse gas emissions by Fiscal Year 2020, and outlines steps that the Agency will take to achieve those reductions. Through this report, EPA not only meets the federal requirements of EO 13514, but also reiterates its plans to reduce energy, water, waste, and other resource use, and to incorporate sustainable design and operations across its facilities. EPA incorporates the goals and steps contained in its SSPP as part of its on-going use and stewardship of its historic Edison Laboratory Facility.

VI. CONCLUSION

To maintain leadership in environmental protection, EPA must lead by example. Agency facilities, both new and existing, should serve as models for a healthy workplace with minimal environmental impacts. To achieve this goal, EPA utilizes both innovative, state-of-the-art technologies and a holistic approach to design, construction, renovation, and use.

EPA currently owns one historic property, the Edison Laboratory Facility. This historic resource is maintained in accordance with its HRMP and EPA's overall SSPP. While the needs for safety and security at this facility preclude most public partnerships for its protection and use, EPA is partnering with a utility company to produce green energy at the facility in a manner that will not adversely affect the property. As its other facilities continue to age, EPA is committed to identifying, protecting, and using any newly identified historic properties in a sustainable manner that fit both the Agency's mission and its leadership role in environmental protection.

LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
AEAMB	Architecture, Engineering, and Assessment Management Branch
CERFA	Community Environmental Response Facilitation Act
CFR	Code of Federal Regulations
EDDP	Environmental Due Diligence Process
EO	Executive Order
EPA	U.S. Environmental Protection Agency
FMSD	Facilities Management and Services Division
FPO	Federal Preservation Officer
GSA	U.S. General Services Administration
HABS/HAER	Historic American Buildings Survey/Historic American Engineering Record
HRMP	Historic Resources Management Plan
MOA	Memorandum of Agreement
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NJ	New Jersey
NPS	National Park Service
OARM	Office of Administration and Resources Management
OFA	Office of Federal Activities
POC	Point of Contact
ROE	Report of Excess
SHPO	State Historic Preservation Officer
SLATE	Strategic Lease Asset Tracking Enterprise
SSPP	Strategic Sustainability Performance Plan
U.S.C.	United States Code