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Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

L. Preston Bryant, Jr.
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

November 15, 2005

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

Don Klima, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 809
Washington, D.C. 20004

Re: Columbia Forest Products Draft Air Permit, Registration No. 30120
Town of Chatham, Pittsylvania County, Virginia
DHR File No. 2006-0144

Dear Mr. Klima:

I am writing to ask the Advisory Council's assistance in requesting the Environmental Protection Agency's evaluation of its responsibilities to comply with Section 106 for its delegation of air quality permits to the Virginia Department of Environmental Quality. Both the Advisory Council and our Department have been copied on letters to the EPA from property owners expressing concern for the effects of noise and emissions on their historic properties in the Town of Chatham, Pittsylvania County, Virginia (copies enclosed). Many of the affected properties are within the Chatham Historic District, a district listed on the Virginia Landmarks Register and the National Register of Historic Places. Other properties outside the district may be individually eligible.

It is our understanding that Columbia Forest Products has applied for an amendment to a permit for installation of a replacement boiler and wood grinder at its facility in Chatham, Virginia. The permit would allow the source to operate its hardwood panel consolidation facility. In response to the property owners' requests to initiate the Section 106 process, the Senior Counsel of Region III Office of Enforcement, Compliance and Environmental Justice responded by letter of February 16, 2006, stating that an individual permit application such as that submitted by Columbia Forest Products pursuant to a federal delegation of authority under the Clean Air Act, is not an undertaking subject to Section 106 review (letter enclosed). We question, however, whether the federal delegation itself

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way
2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Avenue, SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Region Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535

is not an undertaking and if so, we do not believe that the Environmental Protection Agency is not in compliance.

This permit, if issued, appears likely to pose serious and unresolved adverse effects to the historic character of the Chatham Historic District and other potential eligible properties in the vicinity through the introduction of unreasonable noise levels that conflict with the historic setting. In addition, this application raises important policy issues regarding the Environmental Protection Agency's Section 106 responsibilities for the State-delegated operating permits under the Clean Air Act. There is, moreover, considerable public concern for the potential effects of the proposed permit amendment, as you see from the enclosed correspondence. We also understand that the property owners have raised questions about enforcement directly EPA on the grounds that the record keeping has been misleading, and, we are told, EPA has been unresponsive to date.

If we may provide any further information or if you have any questions concerning our comments, please do not hesitate to contact me at (804) 367-2323, ext. 112; fax (804) 367-2391; e-mail ethel.eaton@dhr.virginia.gov.

Sincerely,



Ethel R. Eaton, Ph.D., Manager
Office of Review and Compliance

Enclosures

c: Allen Armistead, Virginia Department of Environmental Quality
Patricia Haman, EPA Federal Preservation Officer
Joyce A. Howell, Region III Office of Enforcement, Compliance and Environmental Justice
John Eddins, ACHP