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Regional Center for Environmental Information  
U.S. EPA Region III  
1650 Arch St  
Philadelphia, PA 19103

U.S. EPA Region III  
Regional Center for Environmental  
Information  
1650 Arch Street (3PM52)  
Philadelphia, PA 19103

PRELIMINARY CASE REPORT

For the

Henrico County, Virginia  
Wastewater Treatment Facilities

DEEP BOTTOM WEST

July, 1978

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## Introduction

The following report constitutes the Environmental Protection Agency's additional compliance with the National Historic Preservation Act of 1966 and the associated regulations as established by the Advisory Council on Historic Preservation (36 CFR 800). This preliminary case report will serve as the basis for the preparation of the Memorandum of Agreement.

An Environmental Impact Statement has been prepared for the proposed action with the Final EIS being released in March of 1978. Most of the information found in this report has been taken from the Final EIS. More detail can be found in the Final EIS, specifically Appendix D, "Historical and Archeological Resources".

An appendix is included with this case report which includes the more important agency actions and position.

The County of Henrico, Virginia, acting as the grant applicant, has proposed construction of a wastewater treatment plant at a site identified as Deep Bottom West. As a result of the EIS Process, this site has recently been identified by the Keeper of the Register as an eligible site for inclusion in the National Register of Historic Sites.

As required under 36 CFR 800.4(e), EPA has prepared this preliminary case report for review and comment.

The site is presently privately owned and afforded no protection from private developmental interests. EPA feels strongly that a major factor in determining the effect of the undertaking on the identified site should be the consideration of alternative uses of this identified historical resource if the proposed project is not implemented.

In accordance with the definition of adverse effects (36 CFR 800.9), EPA has concluded that an adverse effect determination is necessary. However, through consultation with the County of Henrico and the Virginia State Historic Preservation Officer (Mr. Tucker Hill), a very definitive set of mitigative measures have been proposed which could not only allow for the perpetual preservation of the identified Civil War related historic sites, but would culminate in the establishment of a County Park, designed to make these sites and their educational resources readily available and accessible to the general public. A unique nature of the mitigative measures include the required review and approval of the proposed park plan by the Advisory Council prior to the release of any

EPA federal funds for any treatment plant site-specific work.

I. Background

A. NEPA Compliance

The National Environmental Policy Act of 1969 (NEPA) requires the preparation of an EIS whenever federal funds or approval are considered for projects with potentially significant environmental impacts. Recognizing the potential air and water quality impacts from the expected growth in the service area generated by the provision of sewer service and because of concerns and objections raised by local citizens, EPA decided in the spring of 1976 that an EIS was necessary for the proposed Henrico Regional Wastewater Facilities.

The decision to prepare an EIS early in the planning process has allowed it's preparation concurrently with the development of the Facilities Plan. This permits a greater amount of environmental coordination and integration in the project's development than might be normally anticipated from the preparation of the EIS subsequent to the completion of the Facilities Plan. It is for this reason that the reader

will note that the applicant did not select a recommended plan (including a recommended treatment plant site) until after the Draft EIS was made available for their consideration. Under this process, EPA would then address the applicant's recommended plan in the Final EIS and make it's final recommendations and conclusions on the proposed action.

The issue which this preliminary case report will discuss is the archeologic impacts associated with the treatment plant site location. Of the five treatment plant sites evaluated through the EIS Process, only three were determined to be acceptable for EPA funding. The applicant's proposed site, Deep Bottom West, is one of these three acceptable sites.

B. Description of the Proposed Action

The proposed action involves seventy-five percent federal grant funding under Public Law 92-500, The Federal Water Pollution Control Act Amendments of 1972, for the construction of a wastewater treatment plant and a system of interceptor sewers to serve Henrico County and parts of Goochland and Hanover Counties, Virginia.

The Henrico County 201 Facilities Plan is an outgrowth of the Richmond Regional Water Quality Management Plan which was approved by the State Water Control Board in July, 1974. Briefly stated, this plan called for an interceptor system which would begin in the far west end of Henrico County and proceed in an easterly direction around the City of Richmond and would terminate in the eastern portion of the county at a new wastewater treatment plant. The treated effluent would then be discharged in the James River upstream from Jones Neck Cutoff. The proposed circumferential interceptor system would serve to prevent nearly all county wastewater from entering the City of Richmond's collection system and eventually being disposed of through their combined sewer system. The assumptions and cost analysis pertaining to this plan were reviewed, and it was concluded that the selected plan is the most cost-effective of the feasible alternatives.

A large number of alternatives for wastewater transportation and treatment were considered in the 201 Facilities Plan/EIS process, including:

- no action;
- design flow - both "no growth" and water conservation were considered;

- transportation - four (4) alternative interceptor routings in the western end of Henrico County, three (3) in mid-eastern Henrico County, seven (7) in eastern Henrico County, and three (3) in Goochland County were evaluated. In addition, alternative routes to the various treatment plant sites were evaluated;
- treatment plant sites - five (5) treatment plant sites, all in eastern Henrico County, were evaluated in detail. Four (4) of these sites were evaluated in the Draft EIS and the fifth site in Addendum Number One;
- treatment process - over forty (40) treatment schemes were evaluated in detail;
- disinfection - alternatives using chlorine and ozone were evaluated;
- effluent disposal - two locations on the James River were considered;
- land application - preliminary land requirements and cost estimates were made for application of effluent in Henrico County. Examination of



raw sludge composting and subsequent land application will be reviewed in step two;

- regional alternatives - the assumptions and cost analysis pertaining to the selection of regional water quality alternatives were reviewed.

The 201 Facilities Plan has recommended that a 28.6 mgd secondary treatment plant be constructed at Deep Bottom West, with discharge to the James River at Segment 24.

C. Treatment Plant Site Selection Process

The Draft EIS was released with the Facilities Plan on May 18, 1977. Four treatment plant sites were identified and evaluated:

- 1) Deep Bottom
- 2) Varina Farms
- 3) Darbytown Road
- 4) Cornelius Creek

A joint public hearing was held on the Facilities Plan and the Draft EIS on June 21, 1977. Following this hearing, the Board of Supervisors of Henrico County met on July 13, July 20, August 3, and August 10, of 1977, to select a single treatment plant site to complete the Facilities Plan and allow EPA to evaluate the applicant's proposed action in the Final EIS. During these meetings,

it became evident that even though the general consensus may have favored the Deep Bottom Site, the displacement of homes and excessive costs which would have had to be borne by the local residents prompted the Board to reject this site. As a result of these considerations, a fifth site was identified and approved by the Board which would not require the displacement of families and would result in a substantial monetary savings. This new site was identified as the Deep Bottom West Site.

Since this was, in a sense, a new site, an addendum to the Draft EIS was released in November of 1977 and both a public information meeting was held on October 25, 1977 and a Public Hearing was held on December 13, 1977 by EPA to allow public comment on the Deep Bottom West Site.

D. EIS Conclusions

The 201 Facilities Planning/EIS process identified five alternative sites for wastewater treatment facilities, all in eastern Henrico County. After careful examination of all available information and consideration of public input, the EIS concludes that two of the

alternative sites, Darbytown Road and Deep Bottom, are environmentally unacceptable. This determination is based on the social impacts which would result from the relocation of local residents. It is EPA's position that because there are acceptable alternatives available, the relocation of residents is unnecessary. The other three sites, Deep Bottom West, Varina Farms, and Cornelius Creek, are environmentally acceptable.

Although among these three sites there would, by necessity, be a relative range of acceptability, it is the responsibility of the locally elected governing body to determine which of the acceptable alternatives best meets the needs of the community. The Board of Supervisors has reviewed the Final EIS and has resolved to maintain their support for the Deep Bottom West Site. As this has been identified as acceptable in the Final EIS, EPA is presently ready to approve federal funds for this site, pending resolution of this issue through the development of a Memorandum of Agreement.

## II. Description of the Affected Properties

The proposed Deep Bottom West Wastewater Treatment Facility site is located south of Kingsland Road, west of Fourmile Creek and east and west of Deep Bottom Road in eastern Henrico County. Treatment Facil-

ities are proposed for the 155 acre west of Deep Bottom Road; a sludge landfill is proposed for the 300 acre area east of Deep Bottom Road. The entire site is currently composed of twenty separate parcels and is bordered by an additional fifty, fourteen of which are occupied by rural residences.

This proposed site is essentially the original proposed Deep Bottom Wastewater Treatment Facility modified in order to avoid taking residences along Deep Bottom Road, to avoid extensive areas of potential gravity sewerage outside the County 1995 phasing line, and to avoid relocation of Deep Bottom Road. This was accomplished by splitting the sites for treatment and landfill, locating the facilities west of the road and the landfill to the east.

Approximately 50% of the facilities site is in agricultural use and 50% is wooded. The entire 155 acres has been designated 'prime agricultural' land by the Henrico County Future Land Use Plan, and the western portion of the area is currently in agricultural production (soybeans). The wooded or eastern portion of the facilities area is in second and third growth pine/hardwood and young hardwood

forest. It includes a patchwork of brushy hardwood and pioneer species bordering the agricultural uses. This woodland habitat supports a variety of animal species including game birds and mammals. A man-made pond of approximately 1/8 acre is located in the open field on the western portion of the facilities area and is surrounded by brushy hardwood vegetation.

The presence of hardwood species such as sweet gum and sweet spices suggests soils on the plant site are poorly drained and subject to flooding. Since older hardwoods on the plant site are characterized by slow growth and reduced vigor, soils in this area may be nutrient deficient with respect to certain kinds of climax vegetation. Slopes on the plant site range from zero to fifteen percent and runoff is generally slow in the eastern and western portions of the area. On the central portion of the site, soils may be subject to moderate or severe erosion hazard with rapid runoff if vegetation is removed for construction.

All of the 300 acre landfill area is wooded; vegetational types range from successional woodlots to upland and bottomland forests.

Most of the landfill area (above the thirty foot contour) has been cleared at one or more times and is in various stages of recovery. An area to the east of the landfill site consists of bottomland forests bordered by a fresh water marsh in Fourmile Creek. This portion of the site is within the Flood Prone Area identified by HUD under the National Flood Insurance Program. The bottomland hardwood forest is one of the most diverse terrestrial plant communities in the Atlantic Coastal Plain. In addition to this diversity and the wild-life population it supports, these areas act to control drainage to the wetlands. The wetlands act as settling or filtering basins which collect sediments and other suspended material. Wetlands constitute a habitat that is essential to waterfowl and numerous other aquatic and terrestrial animals. Preliminary plans indicate this area, which falls below the 30 foot contour, will not be cleared or used.

Slopes in the area to be filled are shallow, ranging from 0-5%; however, slopes below the 30 foot contour range from 10-20%. Existing vegetation below the 30 foot contour should provide an adequate barrier to construction-related erosion and siltation, if properly controlled. Erosion hazards from the landfill site appear slight to moderate unless slopes below the 30 foot contour are cleared.

Surrounding land uses include scattered rural residences, as well as forested and agricultural lands. The projected facilities and landfill will not be incompatible with forested or agricultural areas; compatibility with nearby rural residences will depend on effective odor control and visual screening with vegetated buffers. Henrico County has stated its willingness to relocate adjacent residents if they so desire. Responses at public meetings held by the County indicate skepticism that adequate relocation assistance will be made available. Fifteen to twenty residences occur directly or nearly adjacent to the proposed site. Recent relocation studies conducted in connection with the proposed routing of I-95 through eastern Henrico County conclude that adequate local sale and rental properties exist for necessary relocation (Federal Highway Administration and Virginia Department of Highways and Transportation, 1977).

Except for the slopes bordering Fourmile Creek to the east, the site is designated as 'prime agriculture' by the Henrico County Future Land Use Plan. This designation does not represent a violation of the plan, but does represent a conflict regarding the compatibility of

nearby land uses with a sewerage facility. The site's eastern slopes are designated as an 'environmental protection area' by the Plan; use as a buffer would not conflict with this designation.

### III. Determination of Effect

The following determinations have been made utilizing the Procedures For the Protection of Historic and Cultural Properties as set forth by the Advisory Council on Historic Preservation (36 CFR 800).

On May 11, 1978, EPA requested a determination of eligibility for inclusion in the National Register pursuant to the National Historic Preservation Act of 1966.

On July 14, 1978, the Keeper of the Register responded in two parts:

- 1) The Deep Bottom West Site is eligible for inclusion in the National Register resulting from it's historic nature (site of a battle fought during the Civil War) and identified historic archeologic features associated with the Civil War;

- 2) As requested by the State Historic Preservation Officer (SHPO), a more detailed survey of certain prehistoric archeologic sites is necessary prior to a determination of eligibility.



As defined in 36 CFR 800.8, EPA has determined that the proposed undertaking will have an effect on the property now eligible for inclusion in the National Register.

In addition, the following has been established:

For Prehistoric Archeologic Resources; a determination of "No Adverse Effect" has been made based on the following grant conditions.

1. A Phase II archeologic survey will be conducted on the five sites as identified by the SHPO and the Keeper of the Register. On completion of this work, all of the necessary information will be forwarded to the SHPO and subsequently to the Keeper of the Register for a determination of eligibility for inclusion on the National Register.

2. No identified archeologic sites will be disturbed prior to a determination of eligibility and the appropriate treatment of resources has been made.

3. No identified archeologic sites will be disturbed for which data retrieval or salvage is not an acceptable and appropriate treatment of resources.

For Historic Archeologic Resources (specifically, the Civil War archeologic sites): a determination of "Adverse Effect" has been made. As will be discussed in Section V, EPA has proposed certain specific grant conditions which it feels will satisfactorily mitigate the adverse effect of the project and would permit the execution of a Memorandum of Agreement.

#### IV. Avoidance of Adverse Effect

In the context of considering alternatives to the proposed action which would avoid the adverse effect, the Final EIS identified two other acceptable alternatives; Varina Farms and Cornelius Creek.

##### Varina Farms

As part of the Facilities Plan, a preliminary archaeologic survey was conducted in June of 1977 to determine the existence and probable significance of any prehistoric or historic artifacts. The conclusions of the survey included the discovery of three prehistoric sites; two which were likely to be significant based on available data and location. It was strongly recommended that a more detailed survey of the two sites be made.

Based upon this information, it can be concluded that similar coordination efforts would be necessary with the SHPO and Keeper of the Register with no assurance that this site might be eventually determined to have any less adverse effect on historic or cultural resources than the Deep Bottom West Site.

Cornelius Creek

Although this site offers some environmental advantages, the location of a major Nabisco factory directly adjacent to this site significantly threatens the feasibility of this sites' implementation. It is EPA's stated position in the EIS that certain special control measures could be introduced at the treatment plant which should prevent any anticipated adverse effects from effecting the operations of the Nabisco bakery. However, noting the effect on the local economy and employment should the factory be forced to relocate, and the most probable prolonged negotiations and delays which would be anticipated should this site be chosen, it would be highly advantageous for the County to consider other, possibly more implementable, alternative sites.

Thus, although certain alternatives to the proposed action are available which would avoid the adverse impacts on the archeologic resources of the Deep Bottom West Site, those sites similarly have

serious obstacles associated with them which would, by necessity, consume substantial time commitments before they could be implemented.

#### V. Mitigation of Adverse Effects

The proceeding mitigative measures have been developed in consultations with the SHPO and the County of Henrico (the project applicant). It is the opinion of these representatives and EPA that selection of the Deep Bottom Site for the treatment plant will have two advantageous effects on the identified Civil War-related archeologic sites:

1. All but one of the sites will be located in the proposed undisturbed buffer zone, thus afforded protection by their public ownership and perpetual preservation, and;

2. The implementation of a park program which will make publicly available a local educational resource.

As special mitigative measures, the following will be required as grant conditions to the approval of the Facilities Plan and subsequent Step II grant awards in addition to those grant conditions previously mentioned in Section III (Prehistoric Archeologic Sites):

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1. With the exception of Site Number 44 He 124, the sludge disposal area will be restricted so that all of the identified Civil War-related archeologic sites will remain in the undisturbed buffer zone.

2. Site Number 44 He124 will not be disturbed if data retrieval or salvage is determined by the SHPO and Advisory Council not to be an appropriate treatment of resources.

3. The southern boundary of the sludge disposal property shall be extended south to connect the sludge disposal property to the existing publicly owned boat launch with a minimum width of 40 feet.

4. The County shall prepare and implement a Park Plan to include the following elements as a minimum:

a. a graded path linking the identified Civil War-related archeologic sites with the existing boat launch on the James River.

b. four permanent trail markers at appropriate locations with narrative descriptions of the sites.

c. a permanent marker at the path entrance from the boat launch which in sufficient detail discussing the nature and significance

of the area, persons associated with the area, and any other appropriate information.

d. a public information brochure describing the actions and significance of the area, description of the path and other appropriate information suitable for distribution for local schools, libraries, tourist information centers, adjacent historical parks, etc.

5. The County shall submit five copies of the Park Plan to EPA within 120 days of the initial grant award. The Plan shall include all of the information necessary for immediate implementation including costs and time schedule for development.

EPA and the Advisory Council will review and comment on the Plan within 15 working days from reception. Based upon the County's completion of the preceding conditions, the Advisory Council and EPA will concur with the Plan. (It is understood that the County is responsible for the development of the Plan in accordance with these predetermined

elements; thus, approval by EPA and the Advisory Council must be based solely upon the satisfactory performance of these stated elements. Conversely, the County must prepare the Plan in accordance with these elements in good faith; with the goal of developing a viable, educational and implementable Plan). The concurrence of the Plan by EPA and the Advisory Council will conclude the Memorandum of Agreement. Only after the conclusion of the Memorandum of Agreement will EPA approve any Step II grant awards for any site-specific contracts.



APPENDIX ONE

OFFICIAL CORRESPONDENCE



# COMMONWEALTH of VIRGINIA

## *Virginia Historic Landmarks Commission*

Virginia Research Center for Archaeology

Wren Kitchen

THE COLLEGE OF WILLIAM AND MARY

Williamsburg, Virginia 23186

October 26, 1977

### MEMORANDUM

TO: T.F. Turner

FROM: W. M. Kelso, Commissioner

SUBJECT: Deep bottom 201 Facilities Plan

### COMMENTS:

- ☐ There are no known archaeological sites affected by this project.
- ☒ There are archaeological sites affected by this project.
- ☒ Survey is necessary for adequate evaluation of archaeological resources affected by this project

### ADDITIONAL COMMENTS.

There are two known prehistoric archaeological sites located adjacent to the project area, as well a known sites of the Civil War period is located within the project area. This location has excellent potential for the presence of additional archaeological sites of the prehistoric and historic periods and therefore should be surveyed prior to submission of the preliminary engineering report. (Map reference: J.F. Gilmer's "Richmond and Part of the Peninsula," 1864.) Please find enclosed a list of educational institutions which have satisfactorily completed surveys in the state.

Wayne E. Clark

Martha W. McCartney

Ph. 804-253-4836

For further information please contact

cc: Wayne Burgess, State Water Control Board

RS  
RICK HERMAN, CHAIRMAN  
R. PORT VICE CHAIRMAN  
TH. WMAN  
HIL. MD BUNDY JR  
A. HARRISON, III  
J. D. HAYNES  
EN. TH. R. HIGGINS  
RICH. D. NICHOLS  
N. M. SUTHERLAND



# COMMONWEALTH of VIRGINIA

*Virginia Historic Landmarks Commission*

TUCKER HILL  
EXECUTIVE DIRECTOR

221 GOVERNOR STREET  
RICHMOND, VIRGINIA 23219  
TELEPHONE 786 3143

February 6, 1978

Miss Helen Waldorf, Ecologist  
Ecol Sciences, Inc.  
127 Park Street, N.E.  
Vienna, Virginia 22180

Re: Project #20-14  
Sewerage treatment plant and attendant pipelines  
Deep Bottom, Henrico County, Virginia

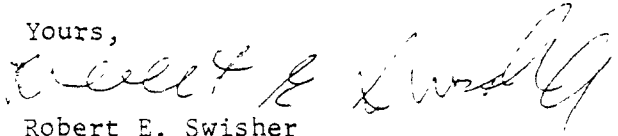
Dear Miss Waldorf:

Mr. Tucker Hill has asked me to thank you for your inquiry of January 20. While the Civil War associations of Deep Bottom may be of interest and some importance, the staff of the Landmarks Commission believes that such associations would not qualify Deep Bottom for the National Register of Historic Places. The Yarborough House is of architectural significance to Henrico County and should be preserved although our staff believes that it would not be eligible for the National Register. Because of its proximity to the proposed location of the sewerage plant, the Yarborough House apparently would be affected by the facility, visually and otherwise. Any pronouncements of possible National Register eligibility of archaeological sites at Deep Bottom must await our review of Mr. James Cleland's archaeological survey which should be available to us shortly.

I have discussed with you the Civil War breastworks at Deep Bottom and the Tuckahoe Creek Canal in upper Henrico County as these would be affected by the sewerage plant and a sewer line, respectively. A good many breastworks or earthworks yet remain in lower Henrico County, but the number is dwindling as a result of development. Ordinarily such structures would not qualify for the National Register, unless associated with an important battle. We believe that the earthworks at Deep Bottom would not qualify for the Register. Though, as the region suburbanizes, hopefully as many Civil War earthworks as possible will be preserved concurrent with development. In that interest we would like to see the breastworks at Deep Bottom either preserved or restored after construction, wherever feasible. We have no immediate plan to nominate the Tuckahoe Creek Canal to the National Register, but in order that the structure's integrity remain intact, we would like to see the sewer line there buried beneath the canal bed.

I hope that I have adequately answered your questions.

Yours,

  
Robert E. Swisher  
Environmental Officer

RES/cw



BERS  
ERIK HERMAN, CHAIRMAN  
S R. SHORT, VICE CHAIRMAN  
ATTORNEY  
WILLIAM D. BUNDY, JR.  
J A. HARRISON, III  
LD. BYNES  
KEITH R. HIGGINS  
LD. MOORE  
ERICK D. NICHOLS

# COMMONWEALTH of VIRGINIA

## *Virginia Historic Landmarks Commission*

April 27, 1978

TUCKER HILL  
EXECUTIVE DIRECTOR

221 GOVERNOR STREET  
RICHMOND, VIRGINIA 23219  
TELEPHONE 786-3143

Mr. E. R. Simmons, Director  
Division of Construction Grants  
Post Office Box 11143  
Richmond, Virginia 23230

Re: Henrico County 201 Facilities Plan

Dear Mr. Simmons:

With regard to possible historical resources in the area of the proposed sewage treatment plant at Deep Bottom in Henrico County, this office has completed its initial evaluation. At its meeting of February 21, 1978, the Register Committee of the Virginia Historic Landmarks Commission reaffirmed the Commission's long-standing policy of not registering battlefields as landmarks, unless they are the subject of on-site interpretation programs. Thus, archaeological resources would be the only basis for considering the area for landmark registration.

To determine the extent of the area's archaeological resources, a Phase I study (that is a preliminary assessment based on artifacts recovered from the ground surface and from very small test pits) of the area was prepared by archaeologists at Virginia Commonwealth University under contract with Henrico County. That study was submitted to the Landmarks Commission for review. Because such a Phase I study is inherently an initial, cursory survey and not a definitive examination, this study should have been conducted in the early planning stages for the treatment plant, so that any further testing or adjustment of construction plans could have been accommodated within the development of plans for the facility.

The Phase I report lists two archaeological sites that would be directly affected by construction of the sewage plant, eight sites adjacent to the construction area and possibly affected, three sites within the proposed boundaries of the sludge dump area, and thirty-five sites downhill from the sludge dump area and possibly by soil chemistry changes. Many sites date from the prehistoric period, many others from the eighteenth and nineteenth centuries.

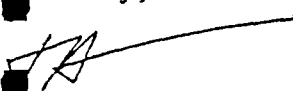
The Phase I report, concurred in by the Landmarks Commission staff archaeologists, notes that a number of the sites found may be eligible for the National Register of Historic Places. The report and the Commission staff recommend Phase II testing of certain sites within the area. Such testing through more extensive excavation work, will determine 1. the extent and significance of the sites tested, 2. whether the sites are eligible for the National Register, and 3. necessary measures and costs for mitigation of any adverse effects from the proposed sewage treatment plant.

Consequently, upon recommendation of the Commission's archaeological staff, I request that Phase II testing be conducted on the two sites directly affected by construction (sites 44He98 and 44H3102) and on the three sites within the proposed sludge dump area (sites

Mr. E. R. Simmons, Director  
April 27, 1978  
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44Hel23, 44Hel24, and 44Hel39). Upon completion of such testing, the final comments of this office will be issued forthwith.

Sincerely,

  
Tucker Hill  
Executive Director

TJ/cw

c: EIS Preparation Section  
EPA

The Honorable Clive L. Duval, 2d

Chairman, Henrico County Board of Supervisors

Mrs. Walter Lemon

Miss Helen Waldorf  
Ecol Science, Inc.

Bill Kelso



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
6TH AND WALNUT STREETS  
PHILADELPHIA, PENNSYLVANIA 19106

In Reply Refer To (3IR60)

MAY 11 1978

Mr. William J. Murtagh  
Keeper of the National Register  
Heritage Conservation and Recreation Service  
United States Department of the Interior  
Washington, D.C. 20240

Dear Mr. Murtagh:

In accordance with the Advisory Council on Historic Preservation's procedures (36 CFR 800), which implement the National Historic Preservation Act of 1966, I am requesting that a determination of eligibility for inclusion in the National Register be made by your office regarding the following property. This site, being considered for development by Federally-funded sewage treatment facilities, is known as the Deep Bottom West Site.

The opinion of the Virginia State Historic Preservation Officer, Mr. Tucker Hill, is enclosed. In addition, the archeological survey and the Final Environmental Impact Statement (EIS) discussing this site is included. In the Final EIS, please note pages II-2 through II-4, II-9, II-10, III-4, V-6 through V-8, and Appendix d.


As you are aware, I am very concerned about any excessive delays which could jeopardize the availability of State funds for this project.

I am aware of our responsibilities to coordinate our project with the Advisory Council on Historic Preservation (ACHP) should your office make a positive determination of eligibility. In an effort to expedite this total process, I am forwarding the same enclosures to Amy Schlagel (ACHP) for her information.

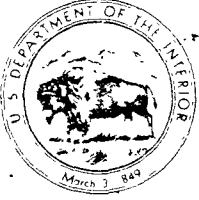
I understand Bob Pickett, of my staff, has been in contact with your staff with regards to this issue already.

If you feel that a joint meeting of our respective offices could be beneficial in defining the most expeditious roles in resolving this issue, please contact Mr. Pickett by phone (597-8337) and we will be glad to set up the arrangements for a D.C. meeting.

Sincerely yours,

  
George D. Pence, Jr., Chief  
Environmental Impact Branch

cc: Amy Schlagel, ACHP  
Tucker Hill, SHPO  
Wayne Burgess, SWCB  
Pat Brady, Henrico County  
Taylor Turner, WWR  
Carl Mitchell, Ecol Sciences  
James Cleland, UCU



# United States Department of the Interior

HERITAGE CONSERVATION AND RECREATION SERVICE  
WASHINGTON, D. C. 20240

IN REPLY REFER TO:  
H32-NR

George D. Pence Jr., Chief  
Environmental Impact Branch  
U.S. Environmental Protection Agency  
Region III  
6th and Walnut Streets  
Philadelphia, Pennsylvania 19106

JUN 09 1978

Dear Mr. Pence:

Thank you for your letter requesting a determination of eligibility for inclusion in the National Register pursuant to Executive Order 11593 or the National Historic Preservation Act of 1966, as amended. Our determination appears on the enclosed material.

As you understand, your request for our professional judgment constitutes a part of the Federal planning process. We urge that this information be integrated into the National Environmental Policy Act analysis in order to bring about the best possible program decisions. This determination does not serve in any manner as a veto to uses of property, with or without Federal participation or assistance. Any decision on the property in question and the responsibility for program planning concerning such properties lie with the agency or block grant recipient after the Advisory Council on Historic Preservation has had an opportunity to comment.

We are pleased to be of assistance in the consideration of historic resources in the planning process.

Sincerely yours,

William J. Murtagh  
Keeper of the National Register

Enclosure



# E.O.11593

## DETERMINATION OF ELIGIBILITY NOTIFICATION

### NATIONAL REGISTER OF HISTORIC PLACES

### OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

### HERITAGE CONSERVATION AND RECREATION SERVICE

request submitted by: Mr. George D. Pence EPA

request received: 5/16/78

name of property: Deep Bottom Site State: Virginia

location: Richmond vicinity

position of the State Historic Preservation Officer:

☐ Eligible ☐ Not eligible ☐ No response

Comments:

the Secretary of the Interior has determined that this property is:

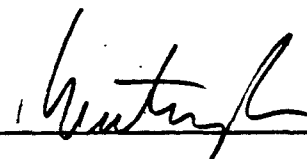
☐ Eligible ☐ Applicable criteria:

Comments:

☐ Not eligible

Comments:

☐ Documentation insufficient (see accompanying sheet explaining additional materials required)

  
Keeper of the National Register

Date: 6/9/78

# E.O. 11593

## REQUEST FOR ADDITIONAL INFORMATION TO DETERMINE ELIGIBILITY OF PROPERTY(S) FOR INCLUSION IN THE NATIONAL REGISTER

NAME OF PROPERTY Deep Bottom West

STATE Virginia

**Description:** Please locate and describe the sites (both historic and archeological) in terms of their context in the local cultural-historical framework and discuss the complete nature of the survey that identified the properties. Please note, we are interested in the full range of historic and archeological resources, including not only the prehistoric sites, but also the 19th century historic sites. Appendix 3, which was left out of the submission sent to us, may provide some of this information.

**Statement of Significance:** Please discuss the significance of the full range of the resources in terms of specific research and interpretive potential for all the sites, historical as well as archeological.

**Bibliography:** Please provide a bibliography that refers to all the disciplines that are involved in the resource evaluations.

**Geographical Data -- Acreage:** Please provide for each of the sites and for the entire complex.

**UTM Reference(s):**

**Verbal Boundary Description:** Please provide for all the sites.

**Photographic Coverage:**

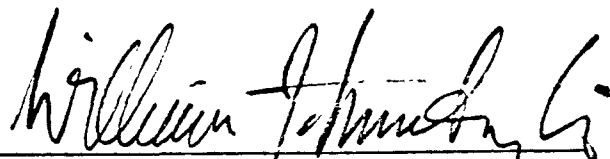
**Map Coverage:** Please provide for all the sites and please provide an overall map that shows the sites in regional context.

**Other:** We are concerned that the archeological and historic survey was not designed to identify the full range of historic properties within the project area. It must be recognized that the National Register considers not only unusual sites but also sites representative of the history and development of an area. Hence, "common sites" may also be considered eligible. Statements on pages 4 and 5 (con't)

Questions concerning additional information may be directed to Lucy Franklin or Sarah Bridges

on the National Register staff, telephone 202-523-5483

Thank you for your attention to the above items.

  
Keeper of the National Register

E.O. SHEET CONTINUED:

of the survey report and in the appended research proposal indicates a possible bias in the approach against historic period sites, in particular, the Black Civil War site. The Federal agency is responsible for the identification and evaluation of all historic and archeological resources, not just those that are of interest to the individuals conducting the research for the agency. Pursuant to our conversation of June 2 with Mr. Bob Pickett of Region III, the National Register staff will continue to coordinate the gathering of historical information with historians from a local university.

In Reply Refer To (3IR60)

JUN 5 1978

Lucy Franklin  
Office of the National Register  
Heritage Conservation and Recreation Service  
Department of the Interior  
Washington, D.C. 20240

Dear Lucy:

In order to expedite the archeologic and historic review of the "Deep Bottom West" sewage treatment plant site, I am forwarding the Appendix 3 of the Archeological Survey to you. The author has requested this not be released for public review due to security purposes.

Sarah Bridges read your office's letter to me which requests additional information from EPA. This Appendix 3 is all of the additional information available to EPA at this time. In response to certain specific requests, an aerial photo of the area is on page II-5 of the Final EIS (which you have) and a bibliography of references is on page 22 of the Phase I archeological survey which you also have.

This document and my letter is our response to your office's request. Therefore, I will assume that your review will continue when this is received.

I do appreciate your involvement in this project. Understanding that we both don't want to further delay this project, I urge you to call me if you have any further needs.

Sincerely yours,

Robert W. Pickett  
EIS Preparation Section

Enclosure

cc: Amy Schlagel, ACHP  
Tucker Hill, SHPO  
Wayne Burgess, SWCB

Pat Brady, Henrico County  
James Cleland, VCU



# United States Department of the Interior

HERITAGE CONSERVATION AND RECREATION SERVICE  
WASHINGTON, D. C. 20240

IN REPLY REFER TO:  
H32-NR

JUL 14 1978

Mr. George D. Pence Jr.  
Chief, Environmental Impact Branch  
U.S. Environmental Protection Agency  
Region III  
6th and Walnut Streets  
Philadelphia, Pennsylvania 19106

Dear Mr. Pence:

Thank you for your letter requesting a determination of eligibility for inclusion in the National Register pursuant to Executive Order 11593 or the National Historic Preservation Act of 1966, as amended. Our determination appears on the enclosed material.

As you understand, your request for our professional judgment constitutes a part of the Federal planning process. We urge that this information be integrated into the National Environmental Policy Act analysis in order to bring about the best possible program decisions. This determination does not serve in any manner as a veto to uses of property, with or without Federal participation or assistance. Any decision on the property in question and the responsibility for program planning concerning such properties lie with the agency or block grant recipient after the Advisory Council on Historic Preservation has had an opportunity to comment.

We are pleased to be of assistance in the consideration of historic resources in the planning process.

Sincerely, yours,

*William J. Murtagh*  
William J. Murtagh  
Keeper of the National Register

Enclosure

# E.O. 11593

## DETERMINATION OF ELIGIBILITY NOTIFICATION

### NATIONAL REGISTER OF HISTORIC PLACES

### OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

### HERITAGE CONSERVATION AND RECREATION SERVICE

Request submitted by: Mr. George Pence EPA

Date request received: 5/16/78 additional information received 6/9/78, 6/20/78

Name of property: Deep Bottom Site State: Virginia

Location: Richmond vicinity

Opinion of the State Historic Preservation Officer:

☒ Eligible ☐ Not eligible ☐ No response

Comments: "(It is) the Commission's long-standing policy of not registering battlefields as landmarks, unless they are the subject of on-site interpretation programs. Thus, archaeological resources would be the only basis for considering the area for landmark registration... more extensive excavation work will determine 1. The extent and significance of the sites tested, 2. whether the sites are eligible for the National Register."

The Secretary of the Interior has determined that this property is:

☒ Eligible Applicable criteria: A, B, C, and D

Comments: Please see attached comments.

☐ Not eligible

Comments:

☐ Documentation insufficient (see accompanying sheet explaining additional materials required)

*acty*  
Charles H. H. H. H.  
Keeper of the National Register

Date: 7-14-78

The Deep Bottom West site, made up of 106, 108, 110, 111, 112, 112a, 113, 114, 115, 116, 117, 124, 125, 126, 127, 128, 129, 130, approximately 500 acres in which is located the EPA sewage treatment plant site, is the important historical site of a battle fought during the Civil War in July 1864. Four Black regiments withstood an assault at this site and Major Thomas Hawkins received the Medal of Honor for rescuing the regimental flag during this campaign. Thus, because of this site's association with important historical events, trends, and individuals and because of the structural and archeological remains of this site, it has been determined that it is eligible for listing in the National Register under criteria A, B, C, and D. This determination includes the entire historic site identified in the documentary records and the archeological features associated with this Civil War site located during the preliminary reconnaissance. We note that Mr. Tucker Hill, Virginia State Historic Preservation Officer, asks for additional information on archeological sites 44He98, 44Hel02, 44Hel23, 44Hel24, 44Hel39, because they are in the areas of direct impact. Therefore, we ask that you provide the SHPO with the descriptive and significance information that we outlined in our letter of June 9, 1978, for those sites which may be affected after you have conducted the more intensive survey recommended by Mr. Hill and request Mr. Hill's opinion on the eligibility of these sites. Subsequent to the receipt of Mr. Hill's opinion, please send us the full documentation on this site, including the additional descriptive, contextual, and significance data and the SHPO opinion letter so that we may give you our determination of these sites' eligibility.

We understand from Mr. Robert Pickett of your office that the final design of the facility has not been approved and that there is some possibility the final design may avoid some or all of the 43 other identified historic and prehistoric archeological sites. We await your final decision and look forward to reviewing the complete documentation on those sites which may be within the area of probable impact so that these properties may be afforded appropriate treatment during the course of your project planning. If we may be of additional assistance, please do not hesitate to call either Sarah Bridges or Lucy Franklin of the National Register staff.