INDUSTRY CIRCULAR
DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226
Number: 74- 11 Date: October 30, 1974

ENVIRONMENTAL RESPONSIBILITIES

All industry members and others concerned:

PURPOSE. The purpose of this Industry Circular is to advise proprietors of the responsibilities of the Bureau with respect to the National Environmental Policy Act of 1969, the Federal Water Pollution Control Act, and the National Historic Preservation Act, and of the possible effects of these requirements upon their activities.

BACKGROUND.

National Historic Preservation Act and Executive Order 11593

Federally licensed undertakings which may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places must be submitted to the Advisory Council on Historic Preservation for review and comment prior to the approval of any such undertaking by the Federal agency. It is realized that formal action by the Bureau on activities involving construction applicable to licenses and permits under ATF jurisdiction normally takes place after such construction has been completed. Since the language of this Act stresses consideration at the earliest stage of planning, proprietors are advised to discuss planned expansion or other construction with their respective Regional Directors in order to avoid any unnecessary subsequent difficulties. Details of the procedures to be followed by agencies in complying with this Act have been set forth in Volume 39, No. 18 of the Federal Register.

National Environmental Policy Act (NEPA)(42 U.S.C. 4321-4347)

This Act applies to all Federal departments and agencies and requires a detailed statement of the environmental impact for every major Federal action which the agency concludes could significantly affect the environment. Activities involving Federal licenses or other entitlements for use, such as those administered by the Bureau, have been determined to be in that category of Federal actions that may require preparation of environmental impact statements. The procedures for furnishing environmental information for which applications, notices, bonds and formulas are filed with the Bureau are set forth in Revenue Procedure 72-20.

Federal Water Pollution Control Act Amendments of 1972 (FWPCA)(33 U.S.C. 1251-1376)

The Act requires any applicant for a Federal license or permit to conduct an activity which may result in any discharge into the navigable waters of the United States to provide the licensing agency a certification (or waiver) from the State in which the discharge originates that such discharge will comply with the provisions of the Act. The procedures for obtaining information relating to water quality consideration as a part of applications for licenses or permits issued by the Bureau are set forth in Revenue Procedure 71-22.

RECOMMENDED ACTION. In order to fulfill its responsibilities under NEPA, FWPCA, and the National Historical Preservation Act, the Bureau must review information concerning environmental effects, water quality considerations, and historical and cultural consequences of proposed operations under its jurisdiction. Proprietors and other applicants should familiarize themselves with their responsibilities with respect to the environmental impact of their proposed activities and file the environmental information as required by Revenue Procedures 71-22 and 72-20 as soon as possible. Timely filing of this information will enable the Bureau to act as expeditiously as possible. However, proprietors should anticipate the possibility of delays in final actions on applications, notices, registrations and other activities which may involve potential environmental impact. In cases where it is found that the proposed activity would have an extremely adverse effect on the environment, final action may result in disapproval of the application.

In the event that activities are contemplated which may possibly have environmental effects, proprietors should feel free to discuss their requirements as they may be affected by any environmental laws and regulations with the Regional Directors in their respective regions.

INQUIRIES. Inquiries regarding this circular should refer to its number and be addressed to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D. C. 20226.

Rex D. Davis

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Director

GPO 882-448