



# **Section 1**

# **Notice to Proceed**

**Amendment 1 – 10/1/2010**

### Notice to Proceed

Before you proceed with the scope of work of the project, the Project Owner must have a signed *Notice to Proceed* from the Oregon Department of Energy (ODOE) Project Manager. A sample of the form is attached as **Form 1-1**. The Project Manager will initiate this form and e-mail the Project Owner an electronic copy when approval to move forward is given. It is possible you will receive only Conditional Approval to move forward. Pay close attention to the activities which are covered by the Conditional Approval and do not move forward without additional approvals: large projects may have multiple Conditional Approvals covering activities such as design, procurement and final construction. Items considered in notice to proceed include:

1. A fully executed agreement with the ODOE Energy which has had all contingencies removed. Most Project Owners have no additional contingencies, but a small subset of sub-recipients have additional steps to complete before they move forward.
2. ODOE has received acceptable Certificate of Insurance for all insurance categories.
3. State Historic Preservation Office (SHPO): all remodeling/renovation activities must have SHPO clearance. Buildings less than 50 years old are excluded. ODOE has executed a Programmatic Agreement (PA) (**Exhibit 1-A**) with the SHPO which covers many activities in buildings older than 50 years-old. Your Project Manager will tell you if your activities are covered by the PA or if an individual Clearance Form (**Form 1-2**) is required and how to proceed.
4. National Environmental Policy Act (NEPA): ODOE has a NEPA categorical exclusion for public buildings for most projects and has sought and received categorical exclusions for other types of projects. If your project does not fit within one of the received categorical exclusions, your Project Manager will contact you to identify the information needed to complete the EF-1, the application form used by the federal government for clearance. ODOE will make all necessary application as this process proceeds through the US Department of Energy for American Recovery and Reinvestment Act funds.
5. **Schools and public buildings built before 1978**

The U. S. Environmental Protection Agency (EPA) issued a new rule, called the "Lead: Renovation, Repair and Painting Rule." Beginning April 22, 2010, contractors performing renovation on homes, child care facilities, and **schools and public buildings built before 1978** must be certified and follow specific work practices to prevent lead contamination.

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The rule basically states that any retrofit, remodeling, weatherization, etc. involving removal, remodeling, etc. of a painted surface in a building (built 1978 or prior) that serves children will need a trained person to direct the activity such as the disposal of the material with the paint, putting up barriers so the paint dust doesn't travel, etc. The Project Owner needs to ensure that they hire someone or have someone on staff who is trained to deal with lead paint if they are going to be working in an area where there is lead paint. More information is available at the Public Health Division for the State of Oregon:

<http://www.oregon.gov/DHS/ph/lead/index.shtml>

The ARRA funding will pay for the additional labor required for dealing with lead paint within schools if the project requires it. The ARRA funding will **not** cover costs to train contractors or in-house staff to take the training class.

**Form 1-1A** must be completed by the Project Owner, signed and returned to the ODOE Project Manager prior to start of work.

# Notice to Proceed

Contract number: \_\_\_\_\_

Approval Date:

\_\_\_\_\_

\*Amendment #: \_\_\_\_\_

Project owner \_\_\_\_\_

Project name \_\_\_\_\_

Project Manager initials	Date	Item
		Project owner representative attended training Webinar.
		Fully executed contract has been received by Project Owner and all contingencies removed. Comments: (any contingencies which were cleared)
		ODOE received acceptable Certificate(s) of Insurance.
		SHPO: (NA, PA, or individual) Comments:
		NEPA: Comments

\*If "Notice to Proceed" is amended; prior "Notices" remain binding.

[ ] Conditional Approval: the above named project is ready to proceed with specific activities as listed:

Signature

Date

[ ] Full Approval: the above named project is ready to proceed with implementation of all phases of the Scope of Work as included in the fully executed contract.

Signature

Date



OREGON  
DEPARTMENT OF  
ENERGY

# SHPO Programmatic Agreement – Exhibit 1-A

## PROGRAMMATIC AGREEMENT BY AND AMONG OREGON DEPARTMENT OF ENERGY AND THE OREGON STATE HISTORIC PRESERVATION OFFICE REGARDING HISTORIC PROPERTIES AFFECTED BY USE OF AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA) FUNDS FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS/PROGRAMS/INITIATIVES

By and among Oregon Department of Energy (Agency) and Oregon State Historic Preservation Office (SHPO), regarding properties affected by use of ARRA federally funded energy efficiency and renewable energy projects/programs/initiatives.

WHEREAS, the Agency has determined that the administration of these programs may have an affect on properties included in or eligible for inclusion in the National Register of Historic Places (National Register) and has consulted with the Oregon State Historic Preservation Office (SHPO) pursuant to 36 CFR 800.13 of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470F),

NOW THEREFORE, the Agency and SHPO agree that the programs will be administered in accordance with the following stipulations to satisfy the Section 106 responsibilities for all individual undertakings of the ARRA-funded energy efficiency and renewable energy programs. The purpose of this Agreement is paperwork reduction.

### Stipulations

#### I. APPLICABILITY OF AGREEMENT

The review process established by this Agreement will be completed prior to Agency approval of any property owner altering the property eligible for assistance under these programs.

#### II. EXEMPT ACTIVITIES - PROJECTS NOT REQUIRING REVIEW BY SHPO

A. Projects affecting only properties less than fifty (50) years old at the time the work takes place; provided it has not been determined to be eligible under National Register Criterion Consideration G for exceptional significance (36 CFR 60.4).

#### B. Interiors:

- 1) Projects limited to the interior spaces of properties not listed in the National Register where the work will not be visible from the exterior of the building.
- 2) Repairing or upgrading electrical or plumbing systems, installing fire, smoke or carbon dioxide detectors, and installing mechanical equipment, in a manner that does not affect the exterior of the building.
- 3) Conducting weatherization or energy conservation activities including insulating attics, floors and walls, and exterior walls provided repairs are made by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #3: Conserving Energy in Historic Buildings*.

- C. Roofing:
- 1) Repairing or replacing roofing with materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.
  - 2) Installing continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
- D. Exterior painting:
- 1) Painting exterior surfaces unless the property is subject to review by SHPO under ORS 358.475 or local landmark ordinance provisions, provided destructive surface preparation treatments, including, but not limited to, water-blasting, sandblasting and chemical removal, are not used.
  - 2) Conducting Lead-based Paint Abatement or "Management in Place" activities carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.
- E. Masonry:
- 1) Power-washing exterior masonry performed by a qualified contractor at no more than 500-psi with mild detergent, using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #1, The Cleaning and Waterproof Coating of Masonry Buildings*.
  - 2) Repairing masonry, including repointing, and rebuilding chimneys if the joints are done by hand and the mortar matches the original composition and color, and installing chimney flue liners, provided repairs are made by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in *Preservation Brief #2: Re-pointing Mortar Joints in Historic Brick Buildings*.
- F. Windows and Doors:
- 1) Repairing or replacing caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds, in a manner that does not harm or obscure historic windows or trim.
  - 2) Installing storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.
  - 3) Installing insulated exterior replacement doors where the openings are not altered and they cannot be viewed from the public right-of-way.
- G. Foundations:
- 1) Underpinning and ventilating crawl spaces provided the underpinning materials are set at least 2 inches behind the outer face of piers or foundations on the front facade.
  - 2) Installing foundation vents, if painted or finished to match the existing foundation material.
- H. Site Work:
- 1) Repairing or replacing driveways, parking areas, and walkways, in a manner that does not disturb historic landscape materials or features.

- 2) Repairing or replacing sewer lines, water lines and drain connections in a manner that does not disturb historic exterior building or landscape materials or features.

### III. AGENCY RESPONSIBILITIES

- A. The Agency will retain access to pre- and post- documentation of the energy-efficiency and renewable energy project work completed, including the work write-ups and photographs as part of its permanent project records.
- B. The Agency will monitor every program for compliance with this Agreement according to established guidelines.

### IV. SHPO RESPONSIBILITIES

- A. SHPO is permitted thirty (30) calendar days after the receipt of any submitted documentation to review and comment on such material. If SHPO does not provide comments within this time period, it may be assumed that SHPO accepts the documentation to meet the reporting requirements of this Agreement.
- B. SHPO will provide technical assistance and training on the requirements of Section 106 and application of the Secretary of Interior's Standards for Rehabilitation to the extent possible.

### V. DISCOVERIES AND UNFORESEEN EFFECTS

If, during the implementation of these programs, a previously unidentified property that may be eligible for inclusion in the National Register is encountered, or is affected in an unanticipated manner, the Agency will assume its responsibilities pursuant to 36 CFR 800.13.

### VI. REPORTING

The Agency will forward projects covered by the terms of this Agreement that were exempted from review to SHPO. The projects should be listed by the property address including city and county, and should include the construction date of the property and the type of project.

### VII. MONITORING

SHPO may monitor any activities carried out pursuant to this Agreement. The Agency will cooperate with SHPO in carrying out these monitoring and review responsibilities.

### VIII. DISPUTE RESOLUTION

If the Agency and SHPO are unable to resolve any disagreement arising under the provisions of this Agreement, the Agency will, unless the dispute relates to the National Register eligibility of any property, forward full documentation regarding the project, the basis for the dispute, and initiate consultation with the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.9.

IX. AMENDMENTS

Any party to this Agreement may request that it be amended, whereupon the parties will consult with each other. No amendment to this Agreement will become effective without the written concurrence of all the parties.

X. TERMINATION

- A. Any party to this Agreement may terminate the Agreement by providing thirty (30) days notice to the other parties, provided that the parties consult during the period prior to the termination to seek agreement on amendments or other actions that would avoid termination.
- B. In the event of termination, the Agency will ensure compliance with 36 CFR 800.4-6 with respect to individual undertakings covered by this Agreement.
- C. This Agreement will expire ten (10) years from the date on which it becomes effective, unless it is modified or re-issued prior to that date.

XI. FAILURE TO COMPLY WITH TERMS OF AGREEMENT

In the event that the terms of this Agreement cannot be carried out by the Agency, no action will be taken or sanction of any action or any irreversible commitment by the Agency that would result in an adverse effect to historic properties or would foreclose the Council's consideration of modifications or alternatives to the undertaking.

APPROVED:

Oregon State Historic Preservation Office

By:  Date: 2-19-10  
Roger Roper, Deputy State Historic Preservation Officer

The Agency

By:  Date: 2/25/2010



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## OREGON SHPO CLEARANCE FORM

### SECTION 4: ALTERATIONS

*Only complete this section for buildings that are at least 50 years old or older. Describe any material replacement, including siding, windows, and doors; any additions, including garages; and any removal or addition of architectural details, such as brackets, columns, and trim. Attach additional pages as necessary.*

### SECTION 5: PROJECT DESCRIPTION

*Describe what work will be done, including what materials will be used and how they will be installed. Specifically identify what historic materials will be retained, restored, replaced, or covered. Include drawings, photos, cut sheets (product descriptions), additional sheets, and other materials as necessary. For vacant lots, please describe the intended use.*

#### REQUIRED

- ☐ 3 – 4, color, 4 x 5 photographs of the subject property, digital or print.  
One photo is sufficient for vacant property

#### AS NEEDED

*Contact SHPO staff with questions*

- ☐ Project area map, for projects including more than one tax lot  
☐ Additional drawings, reports, or other relevant materials

### SECTION 6: AGENCY CONTACT INFORMATION

Federal, State, or Local Agency Name: Oregon Department of Energy

Contact Name and Title: Paul Egbert - ARRA Project Manager

Application #: 356

Street Address, City, Zip: 625 Marion St. NE Salem, OR 97301

Phone: 503.378-4032

Email: paul.egbert@state.or.us

**SHPO Mailing Address: Review and Compliance, Oregon SHPO, 725 Summer St. NE, Suite C, Salem OR, 97301**

## Lead: Renovation, Repair and Repainting Rule Certification

Contract number: \_\_\_\_\_

Project owner \_\_\_\_\_

Project name \_\_\_\_\_

The above named project

[    ]      **Does NOT** involve retrofit, remodeling, weatherization, etc. involving removal, remodeling, etc. of a painted surface in a building (built 1978 or prior) that serves children.

[    ]      **Does** involve retrofit, remodeling weatherization, etc. involving removal, remodeling, etc. of a painted surface in a building (built 1978 or prior) that serves children in the following buildings/areas:

I understand it is the Project owner's responsibility to ensure we have hired appropriately-trained individuals to assess our lead paint involvement and to complete all retrofit, remodeling, weatherization etc. tasks involving removal, remodeling, etc. of a painted surface in the building structures and areas noted above.

\_\_\_\_\_  
Project Owner printed name

\_\_\_\_\_  
Project Owner signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
(Date: mm/dd/yyyy)