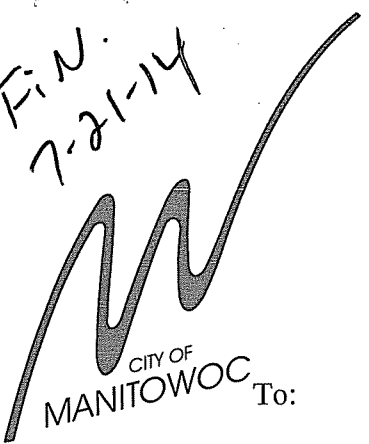


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July 21, 2014



CITY OF
MANITOWOC

David Less
City Planner

To: Mayor and Common Council
From: Brownfields Advisory Committee (BAC)
Subject: **Brownfields Revolving Loan Fund (BRLF) Grant - Program Policies and Procedures, and Application Documents**

Dear Mayor and Common Council:

The BAC was appointed by Council under the requirements of the City's EPA 2011 Community Wide Assessment grant, and 2013 Brownfields Revolving Loan Fund (BRLF) grant. The BAC is responsible for assisting in the implementation of these grants.

The BAC has met on multiple occasions over the past few months towards preparing a policies and procedures manual for implementation of the current BRLF program (and which defines the roles of the BAC as the entity responsible to review and approve financial assistance under that program as the City's agent), and an application document to be completed for funding requests under the BRLF program. These foundational documents would be used going forward in marketing and implementing the current BRLF grant.



OFFICE OF CITY PLANNING,
CITY PLAN COMMISSION

Attached are the documents that have been reviewed and approved by the BAC. The BAC, subsequent to its meeting on July 15, 2014, did unanimously recommend to Council: (i) that it approve the attached documents, subject to any changes required by EPA; (ii) that upon Council approval, that the City Planner be authorized to forward the documents to EPA for their review and approval; (iii) that if there were additional minor and non-significant changes to the documents requested by EPA, that they be incorporated into the final version of the document without any further approval required by the City Council; and (iv) that upon approval of this report, that the BAC move forward as the City's agent to implement the policies and procedures of the BRLF program as outlined in the attachments.

Respectfully Submitted,

David Less
City Planner

Attachments



City of Manitowoc WI

Brownfields Revolving Loan Fund (BRLF) Program

Policies and Procedures Manual

Rev. 7/16/2014

Approved by U.S. EPA on _____

Adopted by the Manitowoc Common Council on _____

For information, please contact:

Manitowoc City Planning Department

900 Quay Street

Manitowoc WI 54220-4543

(920) 686-6930

FORWARD

The City of Manitowoc's (City) Brownfields Revolving Loan Fund (BRLF), administered by the City's Planning Department (Department), provides loans and subgrants for environmental cleanup of brownfield properties meeting BRLF program requirements.

In May, 2013, the City was awarded a grant from the United States Environmental Protection Agency (USEPA) for \$1,000,000 to establish a BRLF. The purpose of the BRLF is to provide loans to public and private property owners, and subgrants for eligible nonprofit organizations, to facilitate environmental remediation and cleanup. The BRLF expands the City's brownfields assessment program that has been operating since 2011 providing environmental assessments for properties to help facilitate remediation and redevelopment.

This policies and procedures document (Document) contains the BRLF policies and procedures that have been adopted by the EPA on _____, and the City's Common Council (Common Council) on _____ to govern the BRLF program. For further information, please contact the Department at (920) 686-6930.

TABLE OF CONTENTS

Chapter 1: Description of the BRLF	
1. Introduction and Purpose	4
2. Mission Statement	4
3. Definitions	4
4. Confidentiality	6
Chapter 2: Eligibility	
1. Eligible Applicants	8
2. Ineligible Applicants	9
3. Eligible Sites	10
4. Ineligible Sites	10
5. Eligible Activities	10
6. Ineligible Activities	11
Chapter 3: Underwriting and Loan Terms	
1. Underwriting Guidelines for BRLF Loans	12
2. Loan Standards	12
3. Terms and Conditions	13
4. Davis-Bacon Wage Rate Compliance	14
Chapter 4: Approval of Loans and Subgrants	
1. Criteria for Approval	15
2. Approval Process	16
A. Loan and Subgrant Application	16
B. Application Review	16
C. Application Approval	16
D. Closing and Closing Costs	16
E. Disbursement of BRLF Monies	17
Chapter 5: Servicing of Loans and Subgrants	
1. Performance Monitoring	18
2. Meetings and Records	18
3. Default	18
Chapter 6: Roles, Reports and Monitoring of Loans and Subgrants	
1. The City	20
2. The Applicant/Borrower or Subgrantee	20

Chapter 1
Description of the City's BRLF Program

- 1. Introduction and Purpose.** The BRLF is designed to provide financial assistance as an economic incentive to encourage eligible entities to remediate and cleanup environmental contamination on brownfield sites with the City limits. The fund is primarily focused on providing low interest loans on flexible lending terms. The BRLF “revolves” using loan repayments, interest, and other program income, such as fees, to provide funding for future projects. Under special conditions, subgrants may be awarded to eligible nonprofits.

The purpose of this Document is to provide a system for the uniform administration (management and processing procedures) of the BRLF program by the City, and to meet long-term brownfield remediation and cleanup lending /subgrant objectives. The Common Council has approved these policies and procedures, and by that approval, authorizes the Department to administer the BRLF by following the guidelines provided within this Document, and authorizes the Brownfields Advisory Committee (BAC) to serve as the City's agent, authorized to review, and approve or not approve loans and subgrants.

This Document may be amended from time to time by the Common Council. Any amendments shall also require approval by the BAC and the EPA before the amendment becomes effective.

- 2. Mission Statement.** The City is a municipal corporation under the laws of the State of Wisconsin. The BRLF program's mission statement is:

The BRLF is a financial tool to assist and encourage environmental remediation and cleanup and sustainable reuse of brownfield properties in the City thus improving the quality of life for the community.

- 3. Definitions.** When used in context with the BRLF program, the following definitions shall apply:

APPLICANT means any individual, firm, LLC, corporation, association or partnership entity including nonprofit organizations, desiring to be a borrower, and to obtain financial assistance under the BRLF program.

BORROWER means an eligible loan applicant entering into an agreement with the City to borrow BRLF monies for environmental remediation and cleanup.

BROWNFIELD means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant as defined in CERCLA § 101(39).

BROWNFIELDS ADVISORY COMMITTEE (BAC) means the committee appointed, authorized and approved by the City's Mayor and Common Council, to serve as the City's agent, and to provide guidance to the City in implementing the BRLF program, including but not limited to the review, approval and disapproval of loans and subgrants.

BROWNFIELDS LAW means the “Small Business Liability Relief and Brownfields Revitalization Act (Public Law No. 107-118)(HR2869).

CERCLA means the Comprehensive Environmental Response, Compensation, and Liability Act enacted by Congress on December 11, 1980 (United States Code Title 42 Chapter 103).

CITY means the City of Manitowoc, Wisconsin. Unless specified otherwise, references to the CITY shall mean the Common Council.

CONTRACTOR means the environmental consultant retained to perform environmental remediation and cleanup of a contaminated site.

COOPERATIVE AGREEMENT (CA) means an agreement between the City and EPA dated September 23, 2013, and further referenced as BF-00E01242, which includes the City’s approved work plan.

DAVIS-BACON ACT means the requirement described by the US Department of Labor in WH Publication 1246 and United States Code Title 40 Chapter 31.

DEPARTMENT means the CITY’s Department where planning and economic development functions are centralized, and which may be also referred to as the Planning Department, or Community Development Department.

ELIGIBLE AND ALLOWABLE COST means the costs that are eligible uses of the BRLF loan or subgrant based on the criteria contained within this Document, and as defined by the EPA RLF Administrative Manual dated December, 2008, and CA with the City.

ELIGIBLE ENTITY means an entity determined to be eligible for either a BRLF loan or subgrant based upon criteria contained within this Document, and as defined by the EPA RLF Administrative Manual dated December, 2008, and CA with the City.

ENFORCEMENT STANDARD (ES) means groundwater protection standards as established by the WDNR which define when a violation has occurred. When a substance is detected in the groundwater in concentrations equal to or greater than its ES, the activity, practice or facility that is the source of the substance is subject to immediate enforcement action. See Wis. Stat. § 160.01(2) and Chapter NR 140, Wisconsin Administrative Code.

EPA means the U.S. Environmental Protection Agency.

FUND MANAGER means the person responsible for the financial management of the BRLF. The fund manager assists the City in carrying out its responsibilities on a site-specific basis, and works on behalf of the City.

LOAN means the financial transaction between a borrower and the City, through which the City provides financing to the borrower for a project, to be repaid upon terms and conditions of a loan agreement, and other security documents.

OWNER means a person(s) with a fee simple title, unless EPA approves a different arrangement.

PLANS AND SPECIFICATIONS means a detailed description of the construction to be performed to remediate and cleanup a brownfield property.

PREVENTIVE ACTION LIMIT (PAL) means groundwater protection standards as established by the WDNR which are a lesser concentration of a substance than the ES, and which is used in design codes for facilities and management practices so that contamination is prevented through the use of stringent designs, and to serve as a trigger for remedial action. See Wis. Stat. § 160.01(6) and Chapter NR 140, Wisconsin Administrative Code.

PROGRAM INCOME means the gross income received by the BRLF program, directly generated by the CA or earned during the term of the CA. Program income includes principal repayments, interest earned on outstanding loan principal, interest earned on accounts holding BRLF income not needed for immediate lending, all loan fees and loan-related charges received from applicant/borrowers, and other income generated from BRLF operations including proceeds from the sale, collection, or liquidation of assets acquired through defaults in loans.

PROJECT MANAGER means the person assigned to the daily oversight and administration of brownfield programs including all EPA grants, environmental assessments and the BRLF program.

SUBGRANT means a grant awarded to an eligible subgrantee by the BAC through the BRLF program for a remediation project in accordance with the terms and conditions of a subgrant agreement.

SUBGRANTEE means the eligible nonprofit owner of a brownfield property that is the recipient of a BRLF subgrant for a project in accordance with the terms and conditions of a subgrant agreement.

WDNR means the Wisconsin Department of Natural Resources.

4. **Confidentiality.** To the fullest extent allowed by law, personal and business financial information will be held in confidence to be reviewed only by the Department and City Attorney's office, for use exclusively in the evaluation of a BRLF application. The applicant/borrower understands that materials submitted to the Department may constitute public records subject to disclosure under WI's Open Records Law (Chapter 19, Wis. Stat.). Furthermore, the applicant/borrower understands project related information will be submitted to EPA and may be subject to the Freedom of Information Act (FOIA). The Department shall not reveal or disclose to any non-government person or entity financial or other information or materials provided by the applicant/borrower, if the applicant/borrower has indicated that such information or materials are sensitive and should be kept confidential. The applicant/borrower must indicate that such materials are to be protected by marking the documents "confidential".

If the applicant/borrower contends that any information provided to the Department is exempt from disclosure under WI's Open Records Law, for reasons including that the document(s) qualify as a trade secret under Wis. Stat. § 134.98 the applicant/borrower: (i) shall clearly mark the document(s)

as not subject to disclosure, or as “Confidential Trade Secret”; (ii) shall provide the Department with a concise, written explanation describing the basis for contending the document(s) are not subject to WI’s Open Record Law; and (iii) if applicable, shall provide the Department with two (2) copies of the document(s) the applicant/borrower contends are exempt – a clean copy and a copy with the exempted information redacted.

Should the disclosure or delivery of such information be compelled by court order or otherwise at law, the Department and/or City Attorney will give the applicant/borrower not less than ten (10) consecutive calendar days notice of such proposed disclosure or delivery, providing the applicant/borrower an opportunity to seek such relief as may be appropriate.

Chapter 2 Eligibility

The City will only provide loans and subgrants to eligible borrowers and subgrantees for properties or sites with eligible and allowable remediation and cleanup activities as described in this chapter. In addition to the eligibility requirements described in this Document, applications will be reviewed by EPA to establish eligibility and allowable expenses.

1. **Eligible Applicants.** An eligible applicant/borrower can be any public or private entity with ownership of an eligible brownfield site. Funds cannot be used to pay for cleanup activities at a site for which a loan or subgrant recipient is potentially liable under CERCLA § 107. For approved eligible petroleum-contaminated brownfield sites, the person remediating the site must be a person who is not potentially liable for cleaning up the site. An entity generally will not be considered potentially liable for petroleum contamination if it has not dispensed or disposed of petroleum or petroleum products at a site, has not exacerbated the contamination at the site, and has taken reasonable steps with regard to the contamination at the site.

Prior to BRLF approval, all eligible applicant/borrowers will be evaluated based on additional criteria specified within the application documents, and must meet EPA and Department approval for eligibility.

Borrowers or subgrantees who are eligible, or seek to become eligible, to receive a loan or subgrant based on a liability protection from CERCLA as a: (1) bona fide prospective purchaser (BFPP), (2) contiguous property owner (CPO), or (3) innocent landowner (ILO) (collectively known as the "landowner liability protections"), must meet certain threshold criteria and satisfy certain continuing obligations to maintain their status as an eligible borrower or subgrantee. These include, but are not limited to the following:

- A. All borrowers or subgrantees asserting a BFPP, CPO or ILO limitation on liability must perform (or have already performed) "All Appropriate Inquiry," as found in CERCLA § 101(35)(B), on or before the date of acquisition of the property.
- B. Borrowers, or subgrantees seeking to qualify as a BFPP or CPO must not be potentially liable, or affiliated with any other person that is potentially liable for response costs at the site through;
 - i. any direct or indirect familial relationship; or
 - ii. any contractual, corporate, or financial relationships; or
 - iii. a reorganized business entity that was potentially liable or otherwise liable under CERCLA § 107(a) as a prior owner or operator, or generator or transporter of hazardous substances to the facility.
- C. Landowners must meet certain continuing obligations in order to achieve and maintain status as a landowner protected from CERCLA liability. These continuing obligations include:
 - i. complying with any land use restrictions established or relied on in connection with the response action at the site, and not impeding the effectiveness or integrity of institutional controls;

- ii. taking reasonable steps to stop any continuing hazardous substance releases, prevent any threatened future release, and prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance;
- iii. providing full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration;
- iv. complying with information requests and administrative subpoenas (applies to BFPP and CPO); and
- v. complying with legally required notices (again, applies to BFPP and CPO [see CERCLA § § 101(40)(B)-(H), 107(q)(1)(A), 101(35)(A)-(B)]).

D. CERCLA requires additional obligations to maintain liability protection. These obligations are found at §§ 101(35), 101(40), 107(b), 107(q) and 107(r).

Subgrants may be awarded to an eligible entity or nonprofit organization to clean up sites *owned* by the eligible entity or nonprofit organization at the time the subgrant is awarded. Eligible subgrant recipients include eligible entities as defined under CERCLA § 104(k)(1) and nonprofit organizations as defined in Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible for subgrants. Subgrantee eligibility factors must be taken into consideration and documented for the extent to which a subgrant will:

- Facilitate the creation of, preservation of, or addition to a park, greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;
- Meet the needs of a community that has the inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of an area in which a brownfield site is located because of the small population or low income of the community;
- Facilitate the use or reuse of existing infrastructure; and
- Promote the long-term availability of BRLF monies.

2. Ineligible Applicants. The following are not eligible for funding under the BRLF program:

- Borrowers and subgrantees potentially liable under CERCLA;
- Current and immediate past owners that are potentially liable, or affiliated with any other person or party that is potentially liable for remediation and cleanup costs through any direct or indirect familial relationship, or any contractual, corporate or financial relationship;
- A recognized business entity that was potentially liable;
- Anyone otherwise liable under CERCLA § 107(a) as a prior owner/operator, generator or transporter of hazardous substances to a property; and
- An entity that is currently suspended or debarred from participating in federally funded projects as reported on the System for Award Management database (<https://www.sam.gov/portal/public/SAM>) or other database.

3. Eligible Sites. BRLF can be used for remediation and cleanup on eligible sites located in Manitowoc that:

- Meet the federal definition of a brownfield;
- Are abandoned, idle, underused, or vacant industrial or commercial facilities or properties, where the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination;
- Are complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant (i.e. lead-based paint and asbestos); petroleum and petroleum products (determined by the WDNR to be relatively low risk, with no liable and viable responsible party, and not subject to any corrective action order issued under Section 9003(h) of the Resource Conservation and Recovery Act (RCRA) regarding underground storage tanks) and controlled substances;
- Demonstrate and document environmental need, a potential for redevelopment, community benefit, and a positive direct and/or indirect cost: benefit of the project relative to the use of BRLF monies; and
- Are enrolled in a WDNR environmental oversight program with an approved Site Investigation Report and Remedial Action Plan.

Eligible sites may also include mine-scarred lands, and sites previously closed by an environmental regulatory agency where additional cleanup is warranted to facilitate proposed redevelopment.

4. Ineligible Sites. BRLF funds can't be used on:

- Sites listed, or proposed for listing on the National Priorities List (NPL);
- Sites subject to a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree issued or entered into by parties under CERCLA;
- Sites subject to the jurisdiction, custody or control of the U.S. government;
- Sites excluded from the definition of a brownfield site for which EPA has not made a property-specific funding determination;
- Petroleum-impacted sites subject to a corrective action order under RCRA Section 9003(h); and
- Petroleum-impacted sites receiving Petroleum Environmental Cleanup Fund Award (PECFA) funding, unless a property specific determination is obtained from WDNR.

5. Eligible Activities. BRLF funds are designated for eligible remediation and cleanup activities only, and will be reviewed by the Department, EPA, and/or the WDNR on a project-specific basis. Examples of eligible activities are summarized below:

- Oversight of remediation and cleanup activities;
- Installation of fences, warning signs, or other security or site control precautions;
- Installation of drainage controls;
- Stabilization of berms, dikes or impoundments, or drainage or closing of lagoons;
- Capping of contaminated soils;

- Using chemicals and other materials to retard the spread of a release or mitigate its effects;
- Excavation, consolidation, or removal of contaminated soils;
- Removal of source materials, including free product recovery;
- Removal activities, including a demolition and/or site preparation, which are part of a site remediation or cleanup; and
- Site monitoring and assessment activities, including sampling and analysis, which are reasonable and necessary during the remediation and cleanup process, including determination of the effectiveness of a cleanup.

6. Ineligible Activities. BRLF funds are designated for eligible remediation and cleanup activities only and will be reviewed by the Department, EPA, and/or WDNR on a project-specific basis. Examples of ineligible activities are summarized below:

- Environmental assessment activities, including Phase I and Phase II Environmental Site Assessments;
- Monitoring and data collection necessary to apply for, or comply with, environmental permits under other federal and State laws, unless such a permit is required as a component of the cleanup action;
- Construction, demolition, and development activities that are not integral to the cleanup actions, and addressing public or private drinking water supplies that have deteriorated through ordinary use;
- Job training unrelated to performing a specific cleanup at a site covered by a loan or subgrant;
- To pay for a penalty or fine;
- To pay a federal cost share requirement (i.e. a cost-share required by another federal grant) unless there is specific statutory authority;
- To pay for a response cost at a brownfield site for which the recipient of the loan is potentially liable under CERCLA § 107;
- To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the cleanup;
- Unallowable costs (i.e. lobbying and fund raising) under applicable OMB Circulars; and
- Applicant's administrative costs, including all indirect costs, loan administration, and overhead costs.

Chapter 3 Underwriting and Loan Terms

1. **Underwriting Guidelines for BRLF Loans (to the Department's Satisfaction).** For applicants and projects deemed eligible under the BRLF program, the following criteria will be used in reviewing the underwriting of a project:
 - Evaluate credit – must have a satisfactory credit score or equivalent measure to determine the potential risk of an applicant/borrower;
 - Evaluate security – loans may be secured by real estate or other available assets, or may be unsecured based on the creditworthiness of the applicant/borrower;
 - Demonstrate repayment ability; and
 - Lien position – may take a subordinate collateral position.

These underwriting guidelines are intended to be used in a general structuring of economic development projects. However, the Department and BAC reserves the right to modify these underwriting criteria in order to develop successful projects, as long as the community attains overall BRLF grant requirements in the areas of number of loans closed, completion of remediation and cleanup at a brownfield site, leveraging of other funds, and job creation.

2. **Loan Standards.** BRLF monies will be provided on flexible lending terms to an applicant/borrower meeting minimum program requirements. Loans shall be structured on the basis of need and ability to repay. Minimum standards include the following:
 - A. **Loan Amount.** Based upon BRLF availability, with no minimum or maximum specified.
 - B. **Interest rate.** 0 – 3%, based upon expected time for project to generate adequate revenues, or coordination with other debt payment schedules. Interest rate is fixed as of the date of loan approval by the BAC.
 - C. **Repayment Terms.** Maximum of 20 years, but the Department and/or BAC reserves the right to provide a custom repayment schedule for projects that may take time to generate expected revenues, or that need coordination with other debt payment schedules. Payment of principal and interest may be deferred for up to four (4) years from the date of loan closing, if justified and warranted by a project's cash flow needs. Interest during the deferral period accrues, and shall be added to the principal amount of the loan. Thereafter, principal and interest payment shall be repaid and collected for the remaining terms of the loan to maturity. Terms may include longer amortization schedules with balloon payments.
 - D. **Prepayment.** Loans shall not be subject to any penalty for prepayment.
 - E. **Collateral.** Reasonable security may be required for the loan. Collateral may consist of: (i) a first or subordinate lien on real estate; (ii) a first or subordinate lien on all other assets owned by the borrower; (iii) personal assets and guarantees; (iv) corporate guarantees; and/or (v) any other collateral arrangement acceptable to the Department and borrower.
 - F. **Fees.** A non-refundable application fee of \$500 shall be payable to the BRLF program at the time an application for funding has been filed with the Department.

3. Terms and Conditions. The following special terms and conditions will be included in BRLF loan agreements and subgrant awards:

- A. Borrowers or subgrant recipients shall use funds only for eligible activities, which are in compliance with the requirements of CERCLA § 104(k), and applicable federal and State laws and regulations.
- B. Borrowers or subgrant recipients shall ensure that the cleanup protects human health and the environment.
- C. Borrowers or subgrant recipients shall document how funds are used. If a loan or subgrant includes cleanup of a petroleum-contaminated brownfields site(s), borrower or subgrant recipient must maintain separate records for costs incurred at that site(s).
- D. Borrowers or subgrant recipients shall maintain records for a minimum of three (3) years following completion of the cleanup financed all or in part with BRLF funds. Borrowers or subgrant recipients shall obtain written approval from the Department prior to disposing of records. Borrower or subgrant recipient are required to provide access to records relating to loans and subgrants supported with BRLF funds to authorized representatives of the federal government.
- E. Borrowers or subgrant recipients shall certify that they are not currently, nor have they been, subject to any penalties resulting from environmental non-compliance at the site subject to the loan.
- F. Borrowers or subgrant recipients shall certify that they are not potentially liable under CERCLA § 107 for the site or that, if they are, they qualify for a limitation or defense to liability under CERCLA. If asserting a limitation or defense to liability, the borrower or subgrant recipient must state the basis for that assertion. When using grant funds for petroleum-contaminated brownfields sites, borrowers or subgrant recipients shall certify that they are not a viable responsible party or potentially liable for the petroleum contamination at the site. Refer to the most recent issue of EPA's *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants* for a discussion of these terms.
- G. Borrowers or subgrant recipients shall conduct cleanup activities as required by the loan or subgrant.
- H. Subgrant recipients shall comply with applicable EPA assistance regulations (40 CFR Part 31 for governmental entities or 40 CFR Part 30 for nonprofit organizations). All procurements conducted with subgrant funds must comply with 40 CFR Part 31.36 or 40 CFR Part 30.40-30.48, as applicable.
- I. Borrowers and subgrant recipients must comply with all applicable federal and State laws and requirements. In addition to CERCLA § 104(k), federal applicable laws and requirements include: 40 CFR 31 and OMB Circular A-87 for governmental recipients of subgrants, 40 CFR 30 and OMB Circular A-122 for nonprofit recipients of subgrants, and 40 CFR 30 and OMB Circular A-21 for educational institutions that are recipients of subgrants.
- J. Borrowers and subgrant recipients must comply with Davis-Bacon Act prevailing wage requirements for all construction, alteration and repair work.
- K. Federal cross-cutting requirements include, but are not limited to, MBE/WBE requirements found at 40 CFR 33; OSHA Worker Health & Safety Standard 29 CFR 1910.120; the Uniform Relocation Act; National Historic Preservation Act; Endangered Species Act; permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal

Employment Opportunity, and implementing regulations at 41 CFR 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333); the Copeland Anti-Kickback Act (40 USC 276c); and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.

- 4. Davis-Bacon Wage Rate Compliance.** Applicants are required to comply with the federal Davis-Bacon Act. Cleanup activities subject to Davis-Bacon include, but are not limited to excavation of contaminated sites, construction of caps and barriers, abatement of contamination in buildings, and demolition (if followed by new construction). The Davis-Bacon Act:
- A. Requires that local prevailing wages as determined by the Department of Labor (DOL) are included in bid specifications for covered contracts, and that at minimum prevailing wages are paid to workers employed under such contracts (most wage determinations are available at www.wdol.gov);
 - B. Applies to contracts in excess of \$2,000 for construction, alteration, or repair of public buildings and public works;
 - C. Requires contractors and subcontractors to pay all mechanics and laborers employed directly upon the site of work, unconditionally not less often than once per week, prevailing wages not less than those stated in the advertised specifications for corresponding classes of laborers and mechanics, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor, and the laborers and mechanics; and
 - D. Requires prevailing wages to be determined in advance by the DOL, and physically included in bid specifications and contracts for covered contracts.

Davis-Bacon is a tricky regulation, so the applicant is advised to consult with qualified parties to identify if the law applies to the planned remediation tasks. Once contracts are awarded, the wage rates are “locked” and stay in effect for the duration of the project.

For compliance under the BRLF program, applicants shall be required to: (i) complete Attachment “A” of the BRLF Application including a then current wage determination; and (ii) be required to have secured a “final” wage determination (as these are modified periodically) not less than 15 consecutive calendar days prior to the start of work, and to provide a copy of the “final” wage determination to the Department.

Chapter 4 Approval of Loans and Subgrants

1. Criteria for Approval. A successful applicant for a BRLF loan or subgrant must meet all criteria outlined below, as well as the requirements of the EPA RLF Administrative Manual:

- Meet Department and EPA eligibility requirements;
- Be the owner of an eligible brownfield site at the time loan or subgrant funding is awarded;
- Request funds for eligible activities;
- Meet BRLF underwriting requirements;
- Propose a project that supports EPA's Mission "To Protect Human Health and the Environment", and meets at least one (1) of EPA's goals:
 - A. Clean air and global climate change;
 - B. Clean and safe water;
 - C. Land preservation and restoration;
 - D. Healthy communities and ecosystems; and
 - E. Compliance and environmental stewardship.
- Comply with all applicable federal and State regulations;
- Comply with Environmental Cleanup Responsibilities as stated in the EPA RLF Administrative Manual, December, 2008;
- Complete all application forms and provide all information required by the Department; and
- Demonstrate reasonableness of remediation costs through a competitive procurement process.

In addition to the criteria listed above, priority will be given to eligible sites that meet at least one (1) of the following:

- Has a consistent relationship with the City's 2009 Comprehensive Plan, as may be amended from time to time;
- Has been targeted through an inventory or study;
- Has a demonstrated and documented environmental need;
- Has a potential for redevelopment based on the proposed condition, surrounding area, location, market conditions, and/or commitment from an owner or developer to redevelop;
- Has a community benefit from the use of BRLF monies in the form of economic, health and/or environmental improvement; or
- Has a positive direct and/or indirect cost-benefit of the project relative to the use of BRLF monies. Direct benefits would include job creation and retention, increased tax base and private investment; indirect benefits would include spin off effects that strengthen the economic base, creation of a visible symbol of positive economic change, promotion of the City's Comprehensive Plan, and diversification of the local economy.

2. **Approval Process.** Prior to submitting an application, the applicant/borrower shall discuss the proposed project with the Department. An application form shall be provided to the applicant at that time. The Department shall assist the applicant/borrower, as may be reasonably necessary, in completing the application. All financial information shall be kept confidential to the fullest extent permitted by law. Applications may be submitted at any time during the calendar year, and shall be reviewed and evaluated in the order received. Priorities for loan are established in this Document.

- A. **Loan or Subgrant Application.** The applicant/borrower shall submit a complete application for a BRLF loan or subgrant to the Department on forms provided by the Department. The Department, EPA, and/or WDNR will review the application to determine property, recipient and project eligibility as specified in this Document. The Department may perform a credit analysis and financial evaluation for the applicant/borrower and the project. The Department may require submittal of current financial statements, title work, appraisals and the like, the cost of which, if any, shall be borne by the applicant/borrower, and shall be in addition to the required application fee. By filing an application, the applicant/borrower is authorizing the Department to conduct its due diligence including, but not limited to securing personal credit reports, title checks, Wisconsin Circuit Court liens, and other financial information in the possession of third parties deemed necessary to determine the capabilities of the applicant/borrower, and the feasibility and fundability of the project. The Department will discuss the terms and conditions of a loan or subgrant with the applicant/borrower.
- B. **Application Review.** The Department shall provide a summary of the project and proposed plan of financing to the BAC. The BAC will review each application, and evaluate it based on the information provided, and compliance with the terms and conditions detailed in this Document. The BAC will make the final funding decision, which includes a requirement that the applicant/borrower submit remediation and cleanup bids from a contractor approved by the Department. If the loan or subgrant is not approved, the Department shall inform the applicant/borrower, and state the reasons for denial in writing. An applicant/borrower can submit a new application upon receipt of the denial letter from the Department. New applications shall require payment of a new application fee.
- C. **Application Approval.** Successful loan and subgrant applications will require that all loan or subgrant closing and collateral documents be executed prior to disbursing BRLF loan proceeds. The Department will meet with the applicant/borrower to: (i) finalize all terms and conditions of the loan or subgrant; (ii) discuss approval and next steps in the remediation and cleanup process; (iii) cause the preparation of all loan and security agreements; and (iv) drawdown procedures. The Department and the applicant/borrower will then work towards scheduling a loan closing date.
- D. **Closing and Closing Costs.** Closing the BRLF loan shall take place as soon as possible following BAC approval, and the fulfillment of any contingencies related to the project. If the BRLF loan is not closed within 180 consecutive calendar days from the date of BAC approval, the BAC's commitment of funding shall automatically be revoked (unless the BAC and applicant/borrower agree to extend the deadline for closing), and the applicant must re-apply for funding. At the closing, the parties will execute a loan agreement, promissory note, and any and all security documents as are required by the Department. Closing costs shall be paid in full by the applicant/borrower at closing. The Department will provide the applicant with a statement of closing costs prior to the date of closing. The applicant/borrower is responsible to have a Davis-Bacon prevailing wage rate determination in place within 15

consecutive calendar days prior to the start of work at the site (see Attachment "A" of the Application).

- E. **Disbursement of BRLF Monies.** Prior to disbursing BRLF monies, all required documentation shall be in place to the Department's satisfaction, including, but not limited to: (i) organizational documents for the borrowing entity such as certificates of status, articles of incorporation or organization, borrowing resolutions, and environmental assessments; (ii) executed loan agreement, promissory note, and all security documents; and (iii) all required permits, licenses or authorizations for the applicant/borrower. BRLF monies shall be disbursed by an 'actual expense' disbursement process which will require the applicant/borrower to submit documentation of non-City expenditures (i.e. invoices, cancelled checks) to the Department prior to requesting payment.

Chapter 5 Servicing of Loans and Subgrants

- 1. Performance Monitoring.** The Department shall monitor the use of BRLF monies, and all funding commitments related to an approved project. The Department shall be provided documentation, which may include, but not be limited to invoices and receipts for materials and supplies, commitment letters from lenders, disbursement records, and copies of cancelled checks. Additionally, the Department shall monitor any required job creation efforts through quarterly reporting requirements contained in a loan agreement. The Department shall be responsible for the day-to-day administration of the BRLF loans, including ensuring compliance with the loan terms and conditions, record keeping, monitoring the financial health of the applicant/borrower, establishment and maintenance of recordkeeping and tickler file systems, preparing and submitting progress reports to EPA and any other third parties, collecting and analyzing financial statements, conducting field visits, monitoring repayments, and working with problem loans. The Department may engage outside staff (i.e. legal, appraisal, accounting and title services) to assist with the administration of BRLF loans.
- 2. Meetings and Records.** All meetings of the BAC shall comply with WI's Open Meeting Law. Written records of all BRLF activities, including meetings, applications, and related documents shall be maintained by the Department in appropriate files. All individual project files shall be maintained as confidential, to the fullest extent permissible by law.
- 3. Default.** The loan agreement shall specify events of default, which may include, but not be limited to:

 - A. Failure to make any payments of principal and/or interest within 30 consecutive calendar days after the payment is due and payable;
 - B. Defaulting on loans with private or other public lenders; and
 - C. Cessation of operations at a project site.

If the applicant/borrower defaults on any terms and conditions of the BRLF loan agreement, or other agreements issued to a third party in connection with the BRLF loan, all BRLF sums due and owing, including penalties, may, at the discretion of the Department, become immediately due and payable. The City may commence actions to recover the unpaid balance of the note and account. To exercise this option, the loan agreement shall detail the procedure to implement this protocol, including issuance of a written notice of default which shall specify the following:

- A. The event(s) of default;
- B. The action required to cure the default;
- C. A date, not less than 30 consecutive calendar days from the date the event of default first occurred, by which the default must be cured to avoid the City taking any further corrective actions, which remedies shall be cumulative, at law or at equity; and
- D. Any penalties, late fees or liquidated damages incurred as a result of the default.

Should the applicant/borrower default, and the Department accelerate the repayment of the loan in its entirety, this matter will be turned over to legal counsel for action in order to recover BRLF

monies and loan losses by proceeding against the assets pledged as collateral, the exercising of guarantees, or any other remedies at law or at equity.

In the event of a loan default, the Department will make reasonable efforts to enforce the terms of the loan agreement including proceeding against the assets pledged as collateral to cover losses to the loan. If the cleanup is not complete at the time of default, the Department will: (1) document the nexus between the amount paid to the borrower (bank or other financial institution) and the cleanup that took place prior to the default; (2) secure the site (i.e., ensuring public safety); and (3) notify the appropriate State agency and the EPA to ensure an orderly transition should additional activities become necessary.

Chapter 6

Roles, Reports and Monitoring of Loans and Subgrants

1. The City. The Department must report to EPA quarterly on the BRLF performance, in compliance with the terms and conditions of the CA. The Department must:

- Submit quarterly progress reports to EPA within 30 consecutive calendar days of the end of each federal fiscal quarter;
- Determine site eligibility for projects;
- Oversee the work of the City's qualified environmental professional, which, with the assistance of the Department, conducts remediation and cleanup oversight of contractor work for all projects;
- Maintain adequate accounting records and source documentation to substantiate the amount and percentage of program income expended for eligible programmatic costs;
- Comply with applicable Office of Management and Budget (OMB) cost principles when charging costs against program income;
- Maintain BRLF records for three (3) years after the submission of the financial status report, closeout of the CA, or completion of an ongoing loan, whichever is the longest retention period;
- Receive written approval from EPA before destroying any records; and
- Ensure that any required audits are conducted by an outside auditor in accordance with Government Accounting Office (GAO) accounting standards, or generally accepted government auditing standards.

2. The Applicant/Borrower or Subgrantee. The applicant/borrower or subgrantee must demonstrate that they have:

- Documented and used BRLF monies only for eligible activities at eligible sites;
- Adequate collateral, and have repaid funds within the terms and conditions of the loan agreement and associated security documents;
- Provided financial records to the Department on a regular basis;
- Complied with Davis-Bacon prevailing wages for all construction, demolition (if followed by new construction), alteration and repair contracts and subcontracts funded with BRLF monies;
- Kept records of compliance with the terms and conditions of the BRLF loan, as well as State and federal requirements; and
- Maintained records and provided access to records for three (3) years after the submission of the financial status report, closeout of the CA, completion of an ongoing audit, or completion of an ongoing loan, whichever is the longest retention period.

RunDate: 7/16/2014

Filename: Y:\Planning\Brownfields Advisory Committee\BRLF Policies and Procedures – 7162014.docx

City of Manitowoc
Brownfields Revolving Loan Fund (BRLF) Application
Rev. 7/16/2014

Questions Regarding this Application, contact Harris Byers, Stantec
Harris.Byers@Stantec.com
(414) 581-6476

TO BE COMPLETED BY CITY:		
Project No:	Date App. Submitted:	Date App. Approved:

PROSPECT/APPLICANT INFORMATION

Legal Name:	
Applicant Type:	<input type="checkbox"/> Corp <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Municipal <input type="checkbox"/> Nonprofit /Trustee <input type="checkbox"/> Individual <input type="checkbox"/> Other:
Funding Request:	<input type="checkbox"/> Loan <input type="checkbox"/> Subgrant (eligible nonprofit organizations only; please complete Attachment B)
FEIN #: <small>(Federal Employee Identification Number –Tax ID or Social Security Number)</small>	State of Incorporation: <small>(Per Articles of Incorporation/Organization)</small>
Applicant Contact:	Title:
Address:	
City, State, Zip:	
Tele. #:	Fax #:
Email Address:	
Company Website: http://www .	
Individual to Contact Regarding Questions about the Application (i.e. applicant’s consultant if different than contact person above):	
Application Contact:	Title:
Address:	
City, State, Zip:	
Tele. #:	Fax #:
Email Address:	
Individual to Contact Regarding Questions about the Project (i.e. property owner or project manager if different than contact person above):	
Project Contact:	Title:
Address:	
City, State, Zip:	
Tele. #:	Fax #:
Email Address:	

PROPERTY DETAILS

Project Street Address:	Property Size (Acres):
Current Zoning:	Proposed Zoning/CUP Status:
Current Assessed Value:	Projected Assessed Value:
Current Owner of Property:	
If you (applicant) expect to obtain ownership, when will this occur?	
What steps will be taken to obtain ownership?	
<input type="checkbox"/> Condemnation <input type="checkbox"/> Purchase (attach purchase agreement) <input type="checkbox"/> Tax Delinquency	

BRLF FUNDING REQUEST

- | | |
|--|--|
| <input type="checkbox"/> Category 1 Not to exceed \$250,000 | Minimum Match: 10% of total project costs |
| <input type="checkbox"/> Category 2 Greater than \$250,000, but not to exceed \$600,000 | Minimum Match: 15% of total project costs |
| <input type="checkbox"/> Category 3 Greater than \$600,000 | Minimum Match: 20% of total project costs |

*Eligible Match – complete Table 1 in the “Budget Table” Excel spreadsheet and report values from Table 2 of the “Budget Table” Excel spreadsheet in cells below. Also see Ch. 2, Sec. 5, Policies and Procedures Manual.

Manitowoc BRLF Funding Request:	\$	Applicant Match:	\$	Total Project Cost:	\$
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INITIAL ELIGIBILITY

Please answer the following to demonstrate eligibility:

Yes No

- 1. The property is a former industrial or commercial facility that is contaminated, or is perceived to be contaminated.
- 2. The property is owned or will be owned by the applicant at the time funding is awarded, and the applicant will retain ownership of the property during the cleanup process.
 - (a) If the property is currently owned by the applicant, provide the date the All Appropriate Inquiry (i.e. Phase I ESA) was completed and the date the property was transferred:
 Phase I ESA Completion Date: _____
 Property Transfer Date: _____
 - (b) If the property is currently owned by the applicant, attach documentation that the following conditions were met after taking ownership (or explain why the conditions did not apply):
 - i. Compliance with any land use restrictions and institutional controls;
 - ii. Steps taken to stop any continuing releases, prevent future releases, and prevent exposure to any previous releases;
 - iii. Provided full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration;
 - iv. Complied with information requests, administrative subpoenas, and legally required notices; and
 - v. Complied with additional CERCLA requirements of §§ 101(35), 101(40), 107(b), 107(q) and 107(r).
- 3. The applicant is not potentially liable, or affiliated with any other person that is potentially liable for response costs at the property through:
 - (a) any direct or indirect familial relationship; or
 - (b) any contractual, corporate, or financial relationships; or
 - (c) a reorganized business entity that was potentially liable or otherwise liable under CERCLA § 107(a) as a prior owner or operator, or generator or transporter of hazardous substances to the property.
- 4. The applicant will comply with all applicable federal and State laws and requirements.

Contact the City for eligibility information if any answers in this Section are “NO”

REGULATORY INFORMATION

WDNR Project Manager Name and Address

Tele. #: _____

Fax #: _____

Email Address: _____

Indicate the various WDNR case numbers or BRRTS #'s that have been assigned to the project site:

1) _____ 2) _____ 3) _____

Date Site Investigation Approved: _____

Date Remedial Action Plan Approved: _____

EXTENT AND DEGREE OF CONTAMINATION

Yes No Check the appropriate answers, and attach or reference supporting documentation:

1. Is contamination present on the project site?

2. Is soil impacted at the project site?

If yes, indicate the contaminant, the measured concentrations, and supporting documents demonstrating soil impacts (i.e. report, page number, table number): _____

3. Do soil contaminants exceed a direct contact residual contaminant level established by WDNR?

4. Have the extents of soil impacts been delineated horizontally and vertically?

5. Is groundwater impacted at the project site?

If yes, indicate the contaminant, the measured concentrations, and supporting documents demonstrating groundwater impacts (i.e. report, page number, table number): _____

6. Has a Preventive Action Limit been exceeded at the project site?

7. Has an Enforcement Standard been exceeded at the project site?

8. Have the extents of groundwater impacts been delineated horizontally and vertically?

9. Is surface water impacted at the project site?

If yes, indicate the contaminant, the measured concentrations, and supporting documents demonstrating those impacts (i.e. report, page number, table number): _____

10. Are any critical habitats (i.e. wetlands) threatened or affected at the project site?

11. Is drinking water *threatened* by contamination?

If yes, identify the source of drinking water and distance from the contamination plume: _____

12. Is drinking water *affected* by contamination?

If yes, identify the source of drinking water and distance from the contamination source: _____

13. Has vapor intrusion been evaluated at the site? If yes, indicate supporting documents demonstrating the evaluation (i.e. report, page number, table number): _____

ENVIRONMENTAL NARRATIVE AND REMEDIATION BUDGET

Please provide detailed descriptions and documentation of the following:

1. Provide a summary of the environmental condition of the site, the progress achieved in environmental investigation and remediation, and safety concerns for the neighborhood or the community due to the contaminants (2 page limit).
2. Provide copies of all Phase I and II Environmental Assessments, Site Investigations, and Remedial Action Plans performed on the project property. Also identify and provide copies of any subsequent environmental reports or correspondence produced that are relevant in demonstrating the progress of the environmental activities at your project site.
3. Describe specific remediation activities to be performed with BRLF funding and provide cost estimates for the work. **Complete and submit the Excel spreadsheet budget summary table and Attachment A.**
4. Describe any work completed at the property to date regarding the Endangered Species Act and/or the National Historic Preservation Act. If no work has been completed to date, please note.

POSSIBLE STATE REIMBURSABLE COSTS

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1) Does petroleum, dry-cleaning solvents, agricultural products contaminate the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2) If yes, are the environmental costs eligible for reimbursement by the Petroleum Environmental Cleanup Fund (PECFA), the Dry Cleaner Environmental Response Fund (DERF), or Agricultural Chemical Cleanup Program (ACCP)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) If yes, have the reimbursable costs been placed under "Other Activities" in the project budget and not under "Project Activities"? | <input type="checkbox"/> | <input type="checkbox"/> |

Please list any State environmental awards on the lower half of the attached budget.

REDEVELOPMENT TIME-LINE

Secure all financing by:	Break ground/lease by:
Begin operations/occupancy by:	Achieve full operations/occupancy by:

REDEVELOPMENT NARRATIVE

Please provide detailed descriptions regarding the following aspects of your project:

- Project Implementation:** Describe the redevelopment project and summarize the project implementation schedule (1 page limit).
- Project Budget:** Summarize the redevelopment project budget, and describe why BRLF funding is needed at this property and if other funding sources are available (1 page limit).
- Project Financing:** Describe the various methods that will be used to fund the redevelopment project and include the progress of establishing or receiving funds (1 page limit). Attach supporting documentation that demonstrates the success of obtaining financing (e.g. commitment letters from lending institutions) (1 page limit).
- Project Innovativeness:** Address the unique aspects of the project. Discuss innovative reuse, community involvement and unique private/public partnerships (1 page limit).
- Economic Development Potential:** Describe the potential for the project to promote economic development in the area. Describe projected job creation. A response should consider the impact on the area's economic distress and any other factors of significant impact (1 page limit).

BUSINESS INFORMATION

Date Established:	SIC or NAICS:
Minority Owned: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, the Minority Classification is: <input type="checkbox"/> Hispanic <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Eskimo/Aleut <input type="checkbox"/> Native American <input type="checkbox"/> Other <input type="checkbox"/> Asian-Indian <input type="checkbox"/> Asian-Pacific <input type="checkbox"/> African American	
Women Owned: <input type="checkbox"/> Yes <input type="checkbox"/> No	Owned by a Person with a Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Foreign Owned: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: Country:	% of ownership:
Primary Product or Service:	
Total Company Employment: Full Time: Part Time:	
Total Wisconsin Employment: Full Time: Part Time:	
Total Project Location Employment: Full Time: Part Time:	
% of Project Location Full Time Employees that are WI Residents:	
Provide the Following for All Other Existing Wisconsin Operations:	
Address(Street, City, Zip):	Number of Full Time Employees:

LEGAL INFORMATION		YES/NO
Has the applicant, or any owner, officer, subsidiary or affiliate, been involved in a lawsuit in the last 5 years?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the applicant, or any owner, officer, subsidiary or affiliate, ever been involved in a bankruptcy or insolvency proceeding or are any such proceedings pending?		<input type="checkbox"/> Yes <input type="checkbox"/> No
In the last 5 years, has the applicant, or any owner, officer, subsidiary or affiliate, been charged with a crime, ordered to pay or otherwise comply with civil penalties imposed, or been the subject of a criminal or civil investigation?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the applicant, or any owner, officer, subsidiary or affiliate, have any outstanding tax liens?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Please attach a detailed explanation of any YES responses.		

ESTIMATED EMPLOYMENT COMMITMENTS									
Full Time Positions Only (2,080 hours/year)									
Positions Retained		Position Title	Positions Created					Total Retained & Created	
			Year 1#		Year 2#	Year 3#	Year 4#		Year 5#
Average Hrly Wage	Number Retained		Avg. Starting Hourly Wage	Number Created					

BENEFIT INFORMATION			
Check if Health Insurance Provided to Employees:	<input type="checkbox"/> None	<input type="checkbox"/> Individual	<input type="checkbox"/> Family
Percent of Health Insurance Premium Paid by Company:		%	%
Average Deductible Paid by Employee:		\$	\$
Other Benefits Provided to the Majority of the Workforce:	<input type="checkbox"/> Life Insurance	<input type="checkbox"/> Pension	<input type="checkbox"/> 401(k) <input type="checkbox"/> Childcare
	<input type="checkbox"/> Tuition Reimbursement	<input type="checkbox"/> Other: (Specify)	
Will new employees be provided with substantially the same benefits as described above:	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Attach letters from end users that are committed to occupy the property and create the full-time positions. Letters should confirm the positions to be created, the hourly wage, and benefits offered for each position.			

SUMMARY OF HISTORICAL FINANCIAL INFORMATION			
FYE	___/___/___	___/___/___	___/___/___
Total Sales			
Net Income			
Total Assets			
Total Liabilities			
Equity			
WI Income Tax Liability (C Corporations Only)			

OWNERSHIP INFORMATION (unless publicly owned)		
Name: (First, Middle Initial, Last)	Phone Number	Ownership %*
1.		
2.		
3.		
All Others:		
*Personal Financial Statements (PFS) are required for all owners with 20% or more of the equity of the applicant/business. The City may order a personal credit report on each individual that owns 20% or more of the company, as well as a Dun and Bradstreet report on the applicant. Submittal of this application serves as authorization for the City to perform the above noted searches. A sample PFS is attached as part of this application.		100%

CERTIFICATION STATEMENT

This application, and the information being submitted to the City of Manitowoc, is true and correct to the best of my (our) knowledge. This also certifies that:

1. The recipient of BRLF funds shall provide the City quarterly project progress reports, and a final report in accordance with the contract between parties. The recipient of BRLF funds must maintain project records for 3 years after project completion.
2. The recipient agrees to follow the prevailing wage requirements of the Davis-Bacon Act for work completed utilizing BRLF funding.
3. The applicant certifies that to the best of its knowledge and belief, the information being submitted to the City is true and correct.
4. The applicant certifies that it is in compliance with all laws, regulations, ordinances and orders of public authorities applicable to it.
5. The applicant certifies that it is not in default under the terms and conditions of any grant or loan agreements, leases, or financing arrangements with its other creditors.
6. The applicant certifies that the City is authorized to obtain a credit check, and Dun and Bradstreet on the applicant, the business and/or the individual(s).
7. The applicant certifies that it has disclosed and will continue to disclose any occurrence or event that could have an adverse material impact on the project. An adverse material impact includes, but is not limited to lawsuits, criminal or civil actions, bankruptcy proceedings, regulatory intervention or inadequate capital to complete the project.
8. The applicant acknowledges the City has the responsibility to access and secure the property in the event of default, or if the cleanup is not completed.
9. The applicant understands that this application, and other materials submitted to the City may constitute public records subject to disclosure under Wisconsin's Public Records Law, § 19.31 et seq. The applicant will mark documents "confidential" where appropriate for financial and other sensitive materials that should be, to the extent possible, be kept in confidence. The City will notify the applicant if it receives a public records request for materials marked confidential.
10. The applicant understands submitting false or misleading information in connection with an application may result in the applicant being found ineligible for financial assistance under the funding program, and the applicant or its representative may be subject to civil and/or criminal prosecution.

Signature: _____ Date: _____
(Authorized Representative)

Printed Name: _____ Title: _____

SAMPLE

PERSONAL FINANCIAL STATEMENT

Submitted to:

CITY OF MANITOWOC

Please complete the following for EACH owner with 20% or more interest. Make additional copies as necessary.

Name: _____ **Social Security Number:** _____

Address: _____ **Date of Birth:** _____

City: _____ **State:** _____ **Zip:** _____ **Phone:** _____

ASSETS		LIABILITIES	
Cash (Schedule 1)		Secured Notes Payable (Sch. 5)	
Listed Securities (Schedule 2)		Unsecured Notes Payable (Sch.5)	
Unlisted Securities (Schedule 3)		Accounts Payable	
Real Estate Owned (Schedule 4)		Unpaid Income Taxes	
Automobiles		Real Estate Mortgages (Sch. 4)	
Personal Property		Real Estate Taxes	
Cash Value Life Insurance		Credit Cards	
Vested Profit Sharing/Pension		Other Debts (list below)	
Other Assets (list below)			
TOTAL ASSETS	\$	TOTAL LIABILITIES	\$
		EQUITY =(Total Assets – Total Liabilities)	

INCOME:	CONTINGENT LIABILITIES:
Salaries/bonuses	Endorser/Co-maker/Guarantor
Dividends/interest	Legal Claims
Other:	Other:

Schedule 1 Cash and Equivalents

Type	Financial Institution	Amount	Account Name	PLEDGED?

Schedule 2 Listed Securities

Cost	Description	Market Value	Account Name	PLEDGED?

Schedule 3 Unlisted Securities

Cost	Description	Market Value	Account Name	PLEDGED?

Schedule 4 Real Estate Owned

Property Type and Address	Cost	Market Value	Mortgage Amt

Schedule 5 Notes Payable

Secured?	Financial Institution	Original Balance	Current Balance	Date Due

I hereby certify that to the best of my knowledge and belief, this represents a full and accurate disclosure of my assets and liabilities as of the date signed below. I also understand submitting false or misleading information in connection with an application may result in the applicant being found ineligible for financial assistance under the funding program and may be subject to civil and/or criminal prosecution.

Signature

Date

TABLE 1
CITY OF MANITOWOC
BRLF PROJECT BUDGET SUMMARY

Project Activities (eligible for Match*)	Date of Past Costs	Amount of Past Costs	Manitowoc BRLF Funding Request Amount	Source of Additional Project Funds			Total Dollar Amount
				Applicant	Non-BRLF Public Funds	Applicant In-Kind	
Asbestos Removal / Abatement							\$ -
Demolition							\$ -
UST Removal							\$ -
AST Removal							\$ -
Removal of Impacted Soil							\$ -
Treatment of Impacted Groundwater							\$ -
Confirmation Sampling							\$ -
Purchase Environmental Insurance							\$ -
Other Remedial Activities (describe):							\$ -
Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Activities (not eligible for Match)**							\$ -
New Construction							\$ -
Env. Site Assessment (including Phase I, II, III, RI/FS, etc.)							\$ -
Permitting							\$ -
Grant Administration / Project Overhead							\$ -
State Reimbursable Environmental Costs (e.g. PECFA, DERF, ACCP)							\$ -
Other expenses:							\$ -
Subtotal		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Please Complete and Submit Excel Spreadsheet

* "Project Activities" are eligible for match. These activities are reimbursable through the Manitowoc BRLF program. Manitowoc will remove ineligible budget items. See Ch. 2, Sec. 5. of "Policies and Procedures Manual" for examples of match expenditures.

** "Other Activities" are not eligible for match. These activities demonstrate the financial investment necessary for redevelopment, but are not reimbursable through the Manitowoc BRLF program.

Table 2
City of Manitowoc
BRLF Project Funding Summary

Funding Source	Amount
Manitowoc BRLF Funding Request	\$ -
Applicant Match	\$ -
Other Activities	\$ -
Total Project Cost	\$ -

Attachment A: Davis-Bacon Act (Required for All Applications)

Remedial work funded utilizing City BRLF funding is subject to the Davis-Bacon Act. Please complete the following information.

Source* of prevailing wages summarized below: _____

Date prevailing wage determined: _____

Work Classification	Wage Rate	Fringe Benefit Rate

If the Davis-Bacon Act does not apply to this BRLF request, please explain why. If applicable, the wage rate determination is required to be in place by the date the project loan closes.

*Davis-Bacon wage determinations can be obtained at <http://www.wdol.gov>.

See Ch. 3, Sec. 4, Policies and Procedures Manual.

