

METROPOLITAN COUNCIL LIVABLE COMMUNITIES TAX BASE REVITALIZATION ACCOUNT

CONTAMINATION INVESTIGATION GRANT APPLICATION GUIDE

2019



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Investigation Grant Application Guide Topics

This document provides information for applicants and grant writers on:

- eligible applicants
- eligible communities and sites,
- eligible and ineligible uses for grant funds
- the competitive project selection process including expected redevelopment outcomes
- grant terms and
- reporting and grant administration compliance requirements.

Additional reference information and suggestions are also provided in appendices including

- use of the online mapping tool
- use of the WebGrants online application system
- sample contamination investigation budget
- sample public resolution of support
- checklist of required application contents.

What is the purpose of TBRA grants?

TBRA funding helps make areas that have lost commercial/industrial activity available for economic redevelopment. The grants provide funds for environmental site investigation and cleanup for redevelopments that enhance the city tax base, promote job retention or job growth and/or create or preserve affordable housing.

Investigation grants are intended for applicants that have a redevelopment site with suspected or perceived contamination and are seeking public funding to determine the scope and severity of the contamination and to develop a cleanup plan as part of the pre-development planning for a specific redevelopment project.

ELIGIBLE APPLICANTS and QUALIFYING SITES

Who is eligible to apply for a TBRA grant?

By state statute, applicants must be a local governmental unit, which may be a:

- A. Municipality (a statutory or home rule charter city or township) currently participating in the Metropolitan Livable Communities Housing Incentives Program
- B. Metropolitan county
- C. Housing and Redevelopment Authority, Economic Development Authority, Community Development Authority or Port Authority

Redevelopment projects proposed by applicants in categories (B) and (C) must be located in [participating municipalities](#).

Individuals and/or private or nonprofit developers are not eligible to apply. However, project sites are typically privately owned. Other interested groups such as property owners or private or not-for profit developers must find a public applicant to submit an application on their behalf.

What type of redevelopment sites are eligible to compete for a grant?

Eligible Sites	Ineligible Sites
<ul style="list-style-type: none"> • Properties with contamination that exceeds or is perceived to exceed safe standards set by the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Agriculture (MDA) or the Minnesota Department of Health (MDH) for the intended use. • Properties that are publicly-owned OR privately-owned that will <ul style="list-style-type: none"> ○ increase the tax base AND ○ add or preserve jobs AND/OR ○ add or preserve affordable housing after redevelopment is completed. 	<ul style="list-style-type: none"> • A private responsible party has been identified and is likely financially capable of carrying out the investigation in the foreseeable future; • No known or suspected environmental contamination is demonstrated • TBRA funding is not needed in order for the redevelopment to proceed; • Redevelopment proposals that will not generate property taxes or payments in lieu of taxes (PILOT/PLT); • The application does not score at least 50% (30 points) of the total possible points (60 points) <p>Contamination investigation applications may be determined ineligible for funding if:</p> <ul style="list-style-type: none"> • adequate investigation funding is available from other public and private sources; • any part of a redevelopment site that will be funded by the Federal Superfund Program in the current or following fiscal year • the redevelopment requires extensive new regional infrastructure beyond that which is already planned • the redevelopment is not consistent with the redevelopment component of the municipality's comprehensive plan (Minn. Stat. §473.859, Subd. 5).

ELIGIBLE and INELIGIBLE USE OF GRANT FUNDS

TBRA funding can help pay the cost difference between building on a contaminated site and building on a clean site. TBRA funding can also help pay the environmental costs of adaptive reuse of an existing or obsolete structure that requires the removal or added maintenance of hazardous building materials.

Eligible Costs	Ineligible Costs
<ul style="list-style-type: none"> • Creating or updating environmental investigation documents including * <ul style="list-style-type: none"> ○ Phase I environmental site assessment ○ Phase II environmental site assessment work plans ○ Phase II environmental site assessment ○ Hazardous building materials assessment ○ Development of a Response Action Plan ○ Abatement plans ○ Asbestos emissions control plans (ECP) • limited demolition (as necessary to assess contamination ONLY) • environmental oversight 	<ul style="list-style-type: none"> • “soft costs” such as <ul style="list-style-type: none"> ○ administrative overhead, ○ travel expenses, ○ legal fees, ○ bonds, ○ insurance, ○ permits, ○ licenses or authorization fees, ○ costs associated with preparing grant proposals or applications or bids, ○ applicant’s project coordination costs, operating expenses, planning costs, and prorated lease and salary costs. • cleanup or abatement costs • construction costs (e.g., geotechnical or structural assessments) • costs for environmental assessments outside of the redevelopment site (as identified in the application)

* The costs for the investigation work incurred within 180 days before the application submission deadline may be considered as matching funds.

** Response Action Plan (RAP) - and amendments, if any - must be submitted to the MPCA or MDA for the redevelopment being proposed.

*** Costs associated with asbestos and lead-based paint assessments must meet state standards established by the Minnesota Department of Health and Minnesota Occupational Safety and Health Administration (OSHA) as well as federal standards including Asbestos Hazard Emergency Response Act (AHERA) and the Toxic Substances Control Act (TSCA) and the EPA Renovation, Repair and Painting Rule.

Quality Site Assessments

If contaminants are found and need to be cleaned up, RAP approval by the PCA is required for future applications for cleanup funding. Investigations of soil, ground water or soil vapor paid using grant funds must follow MPCA investigation and RAP development guidelines and enroll in an MPCA voluntary program to ensure the quality of the site assessments.

For more information on the investigation and RAP development process contact staff in the Voluntary Investigation and Cleanup (VIC) program Petroleum Brownfields Program (PBP) at 651-296-6300. To review guidance documents regarding the investigation and RAP development process online see <http://www.pca.state.mn.us/index.php/waste/waste-and-cleanup/cleanup/cleanup-guidance.html>

For hazardous materials assessments, applicants must use contractors currently licensed by the Minnesota Department of Health. Hazardous materials assessments must include information regarding the

- Location, estimated quantity and condition of suspect asbestos-containing materials (ACM) based on analysis of bulk samples and/or lead-based paint (LBP) based on analysis of bulk samples and/or X-ray fluorescence (XRF) spectrometry
- Figures of samples identified on floor plans
- Classification of suspect ACM according to potential for damage, National Emission Standards for Hazardous Air Pollutants (NESHAP) categories, and response action ratings
- For asbestos samples with an asbestos concentration of three percent or less, a quantitative analysis, commonly referred to as a "point count," is required for the assessment costs to be reimbursed using grant funding.

If the investigation finds that a cleanup is needed, future TBRA cleanup grant requests for abatement are limited to asbestos and lead-based paint. Future cleanup reimbursement for other hazardous or regulated materials is not eligible.

Additional Factors Affecting Future Grant Cost Eligibility

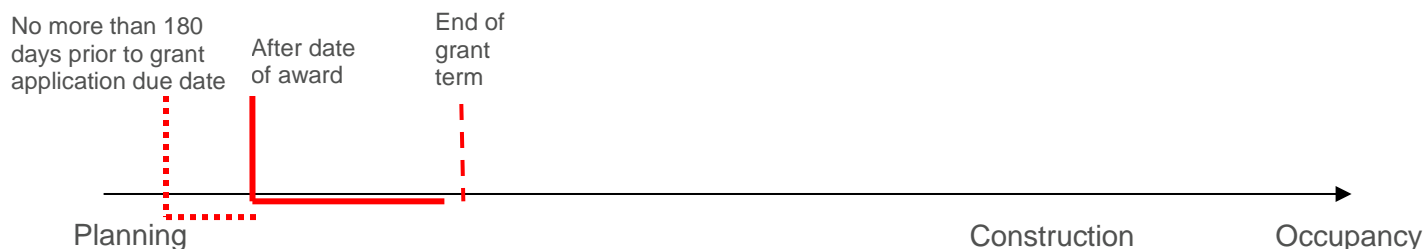
The Council considers the following additional factors when reviewing future costs to be paid using grant funds.

- In order to minimize the amount of funds needed to replace contaminated soils, applicants are encouraged to design and implement projects in a way that minimizes the amount of backfill needed to replace the contaminated soils (e.g. underground parking, basements). Any underground use must be consistent with the approved RAP.
- Future mitigation costs associated with soil vapor mitigation must be based on data provided that shows soil vapors are over 33 times the MPCA intrusion screening value thresholds.
- Contractor markups for subcontractor costs are eligible but limited to 10% or less.

When can I incur costs to be paid using grant funding?

To be eligible for grants, all eligible investigation activities must occur after the grant award date but before the grant term ends (one year). No grant extensions will be considered. Projects that are awarded an investigation grant for soil or ground water investigations under review by the MPCA Voluntary Investigation and Cleanup (VIC) program are required to submit a sampling work plan to VIC for review and comment **prior** to submitting a RAP to the MPCA.

Investigation Grant Timeline



Exceptions

- Investigation costs for eligible *site investigation activities* incurred up to 180 days before the date of application may be included to meet matching fund requirement.

Other Requirements

Matching funds

The applicant or other public or private partner must pay for at least 25% of the total estimated investigation costs as a local match. Matching costs may include eligible investigation activities incurred up to 180 days prior to the date of application.

Affordable Housing

Affordable housing is defined as ownership or rental housing affordable to households earning 80% of the area median income (AMI) or less. Units must be affordable for 15 years or more.

For information on corresponding affordable rents and sales prices see <https://metro council.org/Communities/Services/Livable-Communities-Grants/2018-Ownership-and-Rent-Affordability-Limits.aspx> (Updates to the income limits for 2019 are expected in April.)

Projects will be evaluated on the amount of affordable housing relative to the amount of TBRA funding requested for the project. **A minimum of 20% of the total housing units proposed must be affordable for a project to be considered for affordable housing points.**

Fair Housing

A Fair Housing Policy is a written statement regarding the local municipality's commitment to fair housing, typically including the policy's purpose, procedures for complaint identification and referral, designating a fair housing officer, and outlining internal and external actions the municipality will undertake to advance fair housing. A best practices guide including a model local fair housing policy (page 46 of the PDF) can be found here:

<https://metro council.org/Handbook/Files/Resources/Best-Practices/Fair-Housing-Policy-Guide.aspx>

All applicants proposing to build or renovate housing that receive a Livable Communities Act grant must have adopted a Fair Housing Policy prior to the disbursement of LCA funds. (For more information about Metropolitan Council requirements on Fair Housing policies contact Hilary Lovelace at Hilary.Lovelace@metc.state.mn.us or 651-602-1555.)

Residential Marketing Plans

All proposed redevelopments that include housing – market-rate or affordable – must have an affirmative fair housing marketing plan in place before offering the units for rent or for sale. See the following examples of typical considerations to include in a marketing plan: [Minnesota Housing Sample Affirmative Fair Housing Marketing Plan](#). For additional information see <http://fairhousingmn.org/providers/toolkit/>

AWARDING GRANTS/COMPETITIVE PROCESS

The Metropolitan Council will consider how well a proposed project will meet statutory requirements and regional development goals described in the Thrive MSP 2040 plan when awarding grants. Council staff will consult with external partners, including DEED, Hennepin and Ramsey County, the MPCA, and others when evaluating applications.

The Council will rank investigation applications according to the extent they demonstrate the following:

Site Investigation Evaluation Criteria	Possible Points
Increase to the Tax Base	
Increase to the tax base of the recipient municipality based on a redevelopment proposal.	5
Access to jobs and/or affordable housing (and economic competitiveness)	
<ul style="list-style-type: none"> • Potential to increase or retain the number of new full-time equivalent jobs for the region through adaptive reuse, infill development or redevelopment • Potential for construction of distribution facilities and commercial-industrial space for freight-generating industries near regional intermodal freight terminals • Potential to add affordable rental or ownership housing units for households with incomes at or below 80% of Area Median Income (AMI) OR • Preserve existing affordable housing if <ul style="list-style-type: none"> ○ the building undergoes substantial rehabilitation ○ ensures the extension of long-term affordability with income restrictions on tenants with incomes at or below 80% of Area Median Income (AMI) AND ○ includes federal subsidy (e.g., project-based Section 8) as part of the redevelopment financing 	5
Brownfield clean up/environmental health improvements	
<ul style="list-style-type: none"> • Investigation of the most contaminated sites to provide the greatest improvement in the environment and the greatest reduction in human health risk 	15

Site Investigation Evaluation Criteria	Possible Points
<ul style="list-style-type: none"> The site and suspected contamination will use green remediation practices. The applicant's capacity to oversee environmental investigations and successfully complete site cleanup with prior Council-funded environmental investigations 	
Orderly and Efficient Land Use	
<p>Show how the investigation supports the Council's Thrive MSP 2040 goals by:</p> <ul style="list-style-type: none"> Likelihood of potential development to increase the use of transit, and/or Supporting growth in the region through adaptive reuse, infill development or redevelopment The Council will give priority to the re-use of vacant or abandoned sites 	15
Readiness/Market demand	
<ul style="list-style-type: none"> Demonstrate readiness to proceed with cleanup-site investigation Demonstrate readiness to proceed with site cleanup Demonstrate market demand for proposed redevelopment elements in the project area and demonstrate readiness to implement the proposed project if/when TBRA funding is provided, including identifying a developer and commitments by occupants. or future owners 	15
Partnership	
Demonstrate established financial partnerships. Points are awarded for committing matching funds beyond the required minimum 25% match.	5
TOTAL	
Applications must score 30 points or more out of 60 points to be considered for funding.	

Funding Limits

If requests for grants exceed the available funds for an application cycle,

- no more than one-half of the funds may be granted to projects in a single city and
- no more than three-quarters of the funds may be granted to projects located in Minneapolis and St. Paul.

There are no limits on the number of TBRA applications submitted.

LOCAL SUPPORT

Any application for funds under this program must include a resolution supporting the application from the local unit of government within which the proposed project is located. The resolution must confirm that the project would not occur through private or other public investment without Council funding.

Municipalities occasionally partner with counties or other agencies (e.g., a county, housing or development/redevelopment authority; collectively, “Partners”) when preparing application for funds; however, only one eligible entity may be cited as the applicant. If the application is successful, that applicant will become the grantee.

REPORTING REQUIREMENTS

Recipients of TBRA grants must submit quarterly progress reports for active grants. At the end of the grant term, contamination site investigation grant award recipients must also submit a copy of the environmental investigation documents and approval of the response action plan by the MPCA VIC and/or PBP programs.

PROCEDURES and PERMISSIONS

How do I apply?

An online WebGrants application information and attachments must be submitted by the grant application deadline (**May 1, 2019**) by **5:00 PM**.

Attachments submitted with a completed application form should recognize text (either through a file conversion or use of optical character recognition (OCR)), allow text searches and include bookmarks to each of the application sections and application attachments.

The application form is available online at <https://metrocouncilgrants.org/>

- 1) Select the WebGrants link under the heading ‘Using WebGrants’ to log in. (More information on using WebGrants is provided below.)
- 2) Next, select the link to the funding opportunity with the title ‘**2019 TBRA Site Investigation Fall Round.**’

Contact the TBRA coordinator at 651-602-1054 if you have questions.

This Notice of Funding Availability is subject to applicable federal, state, and municipal laws, rules and regulations. The Metropolitan Council reserves the right to modify or withdraw this RFP at any time.

Use of Application Images

By submitting any renderings, images, perspectives, sections, diagrams, photos or other copyrightable materials (collectively, “copyrightable materials”) with an application, you certify that your organization is the owner of the copyrightable materials or is fully authorized to grant permissions regarding the copyrightable materials and that the copyrightable materials do not infringe upon the copyrights of others.

Your organization also agrees that:

- 1) the Council has a nonexclusive royalty-free license and all necessary permissions to reproduce and publish any copyrightable materials for noncommercial purposes, including but not limited to press releases, presentations, reports, and on the internet; and
- 2) your organization will not hold the Council responsible for the unauthorized use of the copyrightable materials by third parties. If your organization desires attribution on the copyrightable materials, you may include a discreet transparent watermark.

Appendices and Attachments

Appendix A: Enabling Legislation and Requirements for Participating Cities:

The Livable Communities Act (MN Statutes Chapter 473.25) created a voluntary, incentive-based approach to address the metropolitan area's affordable and lifecycle housing issues and to help communities grow and succeed. It established the Metropolitan Livable Communities Fund, including three ongoing accounts from which eligible communities may apply for funding:

- The Tax Base Revitalization Account (TBRA) helps cities clean up contaminated urban land and buildings for subsequent redevelopment that could include commercial, industrial or housing opportunities. Restoring the tax base, developing more jobs near existing housing and services, and adding affordable housing to the region are primary objectives of this account
- The Livable Communities Demonstration Account (LCDA) awards grants to cities for development and redevelopment projects that achieve connected development patterns linking housing, jobs and services and maximizing the development potential of existing or planned infrastructure and regional facilities.
- The Local Housing Incentives Account (LHIA) helps preserve and expand lifecycle and affordable rental and ownership housing in the metropolitan area.

A fourth account, the Inclusionary Housing Account (IHA), operated during 1999-2000 with a single appropriation to support affordable housing developments in which the reduction of local controls and regulations resulted in reduced development costs.

To be able to request grant funding, communities choose to participate by:

- negotiating long-term affordable and lifecycle housing goals with the Council;
- adopting an LCA Housing Action Plan to identify and give direction to the city's use of programs, official controls and fiscal devices to help accomplish these negotiated goals; and
- contributing to affordable housing activities at least the minimum annual amount required by a formula provided in the law. The formula is based on each community's share of the tax levy supporting the Livable Communities Demonstration Account and determines an Affordable and Lifecycle Housing Opportunities Amount (ALHOA) specific to each community.

A list of communities participating in the Livable Communities Act program may be found at <http://www.metrocouncil.org/Communities/Services/Livable-Communities-Grants/Communities-Participating-in-the-Livable-Communiti.aspx?source=child>

Appendix B: Using WebGrants Online Application Forms

For information on using WebGrants see the **WebGrants Manual** located at <http://www.metrocouncil.org/Communities/Services/Livable-Communities-Grants/Maps,-forms-misc/Using-the-Council-s-Online-Grant-Application.aspx>.

Information is provided on

- registration
- security
- selecting a funding opportunity
- the user interface

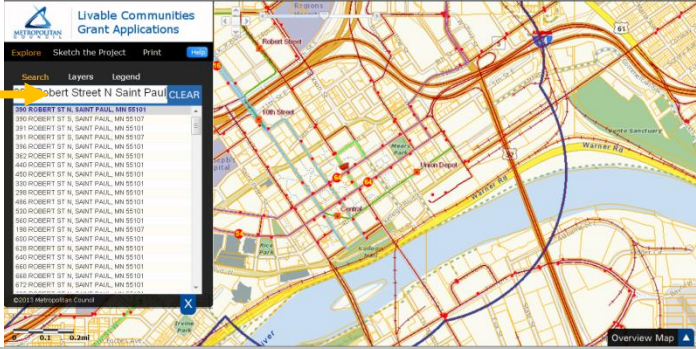
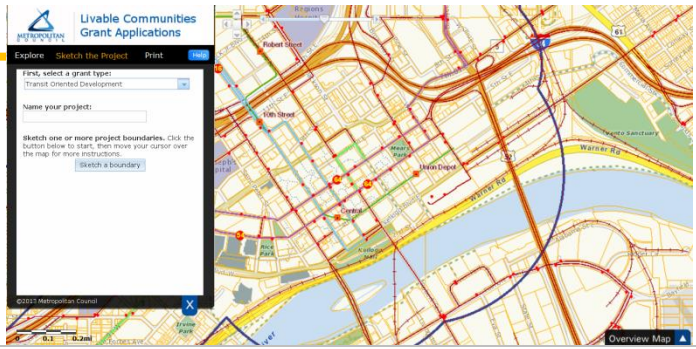
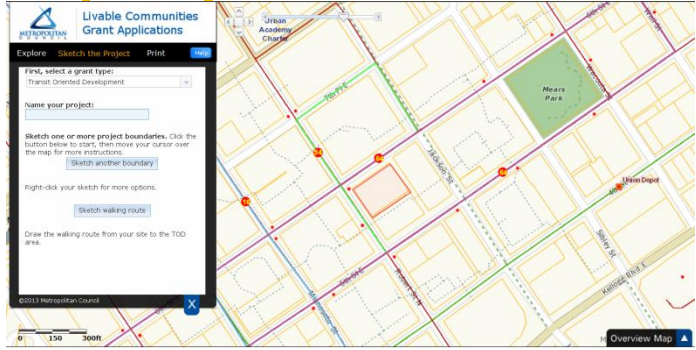
and other topics to help you get started and familiarize you with using the online form.

Appendix C: Using Livable Communities Grant Application Mapping Tool

An online customized mapping tool has been created for applying for LCA Grants. To access the Livable Communities Grant Application Mapping Tool, follow this link:

<http://giswebsite.metc.state.mn.us/publicmaps/lca>

Follow the steps below to define your project boundary to save and print the required maps using the LCA Make-a-Map tool. For more detailed instructions, click the blue “help” button

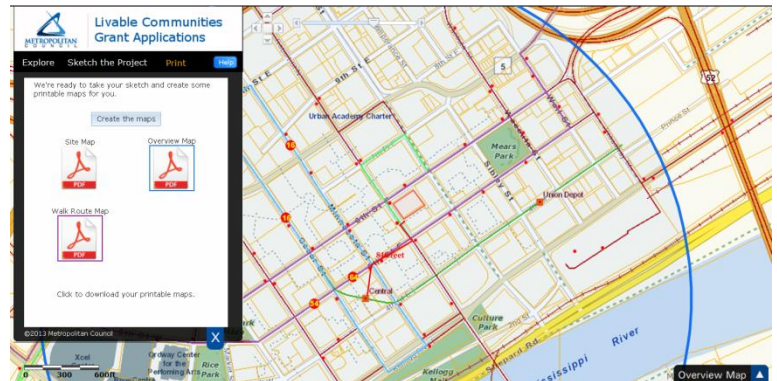
<p>Enter an address or landmark in the search bar to navigate to your project area.</p>	
<p>Click “Sketch the Project” and select the appropriate grant category, Tax Base Revitalization Account. Provide a name for your project. (This name will appear at the top of the map once the map is created.)</p>	
<p>You may use the zoom and pan buttons to navigate to your project site. Click “Sketch a Boundary” and, using the crosshair as a guide, draw the project boundary. A gray polygon with a red outline will begin to appear. Once you have finished outlining the boundary, double click to close the polygon. If there are multiple, non-contiguous parcels that are part of your Project, you have the option of sketching another boundary.</p>	

Select “Print” and “Create the maps”. The system will generate 3 maps:

- Parcel Map
- Aerial View Map
- Overview Map

(Please be patient – depending on your connection, it can take up to 1 minute to generate the maps.)

Click each PDF to download them separately.



Attachment A – SAMPLE SITE INVESTIGATION & REMEDIATION PLAN DEVELOPMENT BUDGET

Tax Base Revitalization Account

PROPOSED PROJECT BUDGET FOR BLOCK "Z" SITE

____City____, MN

I. USES

A. Phase I environmental site assessment (Complete, March).....	\$4,500
B. Hazardous Materials Survey* (0% Complete)	\$3,000
C. Phase II environmental site assessment* (0% Complete).....	\$35,000
mobilization/demobilization.....	\$
# of soil samples.....	\$
# ground water samples	\$
# soil vapor samples.....	\$
# of test pits.....	\$
# total field hours at \$_/hour	\$
equipment/supplies.....	\$
report preparation.....	\$
D. Preparation of RAP* (0% Complete).....	\$18,000
E. MPCA _hours at \$125/hour	\$
Total	\$60,500

II. SOURCES

A. TBRA (75 % of eligible project budget)/ Pending [Date].....	\$42,000
B. Property Owner (previously incurred costs)	\$4,500
C. Developer (25% match)	\$14,000
Total	\$60,500

Attachment C - Application Checklist

Applications are due by 5:00 PM on May 1, 2019. All forms and attachments must be submitted using WebGrants. (The attachments should recognize text (either through a file conversion or use of optical character recognition (OCR)) and allow text searches.)

TBRA Contamination Investigation Application Contents:

- 2019 TBRA Site Investigation Form (WebGrants Online Form)

Application Attachments

- Resolution from applicant (Sample in Appendix B) authorizing TBRA application submission (PDF). Name the file "TBRA Resolution – [Project Name]."
- Legal Description of Site (PDF). Name the file "TBRA Legal Descrip – [Project Name]."
- Maps (include project boundary)
 - Parcel Map using LCA – a street map showing parcels and parcel identification numbers (including a unique county ID) for the redevelopment project.(PDF)
 - Aerial Map using LCA online mapping tool – An aerial map showing the redevelopment project boundary. (PDF)
 - Overview Map using LCA online mapping tool – An aerial map showing ¼ mile and ½ mile radius from the project site. (PDF)
 - Site Plan. Name the file "TBRA Site Plan– [Project Name]."
- Project Images and Figures
 - Current Conditions (Include image(s) of building interiors for abatement requests.) Name the file "TBRA Current Images – [Project Name]."
 - Proposed Development (e.g., elevations, architectural renderings, concept sketches, etc.). Name the file "TBRA Development Images – [Project Name]."
- Environmental Reports
 - RAP (PDF) Name the file "TBRA RAP– [Project Name].”and/or
 - Phase I Environmental Site Assessment (PDF) Name the file "TBRA Phase I ESA – [Project Name]."
 - Other prior environmental reports e.g., Limited Site Investigation, Limited Hazardous Materials Report, Asbestos or Lead-based paint Survey, etc.

Attachment D: Selected Brownfield Resources:

Brownfields Resource Guide: <http://mnbrownfields.org/wp-content/uploads/2016/03/MN-Brownfields-Resource-Guide-2016-PDF.pdf>

Dakota County, Redeveloping Brownfields:

<https://www.co.dakota.mn.us/Environment/WaterResources/ContaminatedSites/Brownfields/Pages/default.aspx>

Hennepin County Environmental Response Fund:

<http://www.hennepin.us/business/property/environmental-response-fund>

Metropolitan Council, Tax Base Revitalization Account:

[http://www.metrocouncil.org/Communities/Services/Livable-Communities-Grants/Tax-Base-Revitalization-Account-\(TBRA\).aspx?source=child](http://www.metrocouncil.org/Communities/Services/Livable-Communities-Grants/Tax-Base-Revitalization-Account-(TBRA).aspx?source=child)

Ramsey County Environmental Response Fund:

<https://www.ramseycounty.us/businesses/property-development/property-development-programs/environmental-response-fund>

Minnesota Department of Employment & Economic Development, Contamination Cleanup & Investigation Program: <http://mn.gov/deed/government/financial-assistance/cleanup/contamination.jsp>

Minnesota Pollution Control Agency, Cleanup of Contaminated Sites:

<http://www.pca.state.mn.us/index.php/waste/waste-and-cleanup/cleanup/cleanup-of-contaminated-sites.html>

U.S. Environmental Protection Agency, Brownfields: <http://epa.gov/brownfields/>

Minnesota Brownfields: <http://www.mnbrownfields.org/>

Minnesota Lead Contractors and Consultants:

http://www.health.state.mn.us/divs/eh/lead/find_firm/pb_firms_by_state.cfr?state_code=MN

Minnesota Asbestos Contractors and Consultants:

http://www.health.state.mn.us/divs/eh/asbestos/find_contractor/asbestos_contractor_report.cfr?region_code=ME

Other Service Providers:

<http://www.mda.state.mn.us/chemicals/spills/incidentresponse/guidelist/gd22.aspx>,
<http://mnbrownfields.org/land-recycling-101/directory-of-service-providers/>

(Brownfield resources are provided for educational purposes. The Metropolitan Council does endorse individual organizations, firms, or programs.)



METROPOLITAN
C O U N C I L

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metro council.org

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