

# MEAT & POULTRY PROCESSING LOAN APPLICATION INSTRUCTIONS

**\*\*PLEASE READ THESE INSTRUCTIONS CAREFULLY BEFORE PROCEEDING\*\***

Applications will be processed in the order they are received. Completed applications will be reviewed by the loan review committee, who will make a recommendation (along with loan terms and provisions) to the Region XII Development Corporation Board, who will make a final approval or denial. Submit the completed and signed application and **all** required attachments. Incomplete applications will not be reviewed until all sections are complete and all required information is submitted. The following items make up the application packet:

**SECTION 1.** Complete **all sections** regarding business information including full legal name, address, Federal Employer Identification number, etc. NAICS codes can be found at [www.naics.com](http://www.naics.com). Applications must be signed by an authorized representative of the business applying for funds. **\*\*IMPORTANT\*\***: The Federal government requires that all loan applicants for Federal assistance have a Unique Entity ID. Because Region XII Development Corporation's Revolving Loan Fund includes Federal Funds, Unique Entity ID's are required for all RLF applicants. It is a twelve-digit identification number provided by SAM.gov that validates an organization's name and address. Business owners can request a Unique Entity ID for **FREE** by completing an online application. Please visit [www.SAM.gov](http://www.SAM.gov) and follow the instructions below:

1. Click the "Get Started" link under Register Your Entity or Get a Unique Entity ID
2. Click the "Get Started" link again & then ACCEPT
3. Click "Create an Account"
4. Proceed with answering their questions. **Obtain a Unique Entity ID ONLY. Registration is NOT required.**

**SECTION 2.** A goal of the RLF program is to increase employment opportunities and stabilize existing jobs in Iowa. Provide detailed information on the current (if a business expansion) jobs and projected jobs created as a result of the project, including wages and benefits.

Describe the security being offered for the RLF loan (i.e., 2<sup>nd</sup> Mortgage, 1<sup>st</sup> lien on equipment, etc.). Please note that the loan review committee may require alternate or additional security from that offered by the applicant.

**SECTION 3.** Provide detailed information on the budget for the project. Additional sheets may be attached if necessary. Include detailed information on the sources and terms of all funds in the project. Applicants may propose specific loan terms (Section 3.3) on an RLF loan, although the actual terms extended if a loan is approved may vary after review by the loan review committee.

**SECTION 4.** Complete and sign all required forms. Attach additional required items per instructions.

**\*\*APPLICATIONS ARE DUE TO REGION XII COUNCIL OF GOVERNMENTS  
NO LATER THAN THE 15<sup>TH</sup> OF EACH MONTH.\*\***

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)



# REGION XII

## COUNCIL OF GOVERNMENTS

1009 East Anthony St., PO Box 768  
 Carroll, Iowa 51401  
 (712) 792-9914 • FAX (712) 792-1751

FOR OFFICE USE ONLY	
DATE RECEIVED: _____	STAFF: _____
COMMITTEE REVIEW: _____	BOARD: _____
PROJECT NUMBER: _____	
FUND: _____	

## MEAT & POULTRY PROCESSING LOAN APPLICATION

PLEASE TYPE OR PRINT

**\*\*APPLICATIONS MUST BE SUBMITTED NO LATER THAN THE 15<sup>TH</sup> OF EACH MONTH.\*\***

SECTION 1. APPLICANT INFORMATION			
BUSINESS NAME			
FED. ID #			
UNIQUE ENTITY ID			
INDUSTRY NAICS CODE			
ADDRESS			
CITY/STATE		ZIP CODE	
CONTACT PERSON		E-MAIL	
PHONE		FAX	
I, the undersigned, hereby give permission to Region XII Development Corporation to research the company's history, make personal credit checks for major shareholders, contact the company's financial institution(s), and perform any other related activities for the reasonable evaluation of this project and the financial information contained herein.			
TYPED NAME COMPANY OFFICER		DATE	
SIGNATURE			

***I certify by signing below:<sup>1</sup>***

- This loan will be used for commercial meat or poultry processing.
- The company will comply with USDA Food Safety and Inspection Service requirements.
- The company is not owned by Cargill, Tyson Foods, JBS or National Beef Packing.
- The company is current on federal debt and is not barred from doing business with the federal government.
- Please explain below if an employee, officer, director or controlling group of Region XII Council of Governments or Region XII Development Corporation has a direct or indirect interest in the business.

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

**SECTION 2. EMPLOYMENT & JOB CREATION INFORMATION**

**2.1** Current Employees

Full-Time:	Part-Time:

**2.2** How many new employees will the company hire in future years as a result of this project?

	Full-Time	Part-Time
New jobs in first year:		
New jobs within first two years (total, including year one):		
Total new jobs within 5 years:		

**2.3** Will any current employees lose their job if this project does not proceed? If so, provide the number of employees and a detailed explanation of why the job will be lost.

**2.4** What is the projected hourly wage or annual salary for each new employee? Explain fully in detail, including wage information on different job classifications if necessary.

**2.5** What type of security (i.e., mortgage, UCC-1 filing, automobile lien, etc.) and what position (first, second etc.) will the business provide to Region XII Development Corporation to secure this loan if financing is approved?

**SECTION 3. PROJECT BUDGET (SOURCES AND USES OF FUNDS)**

**3.1 Project Costs (Uses of Funds)**

A. Building or property acquisition	\$	_____
B. Building construction or remodeling	\$	_____
C. Machinery/Equipment	\$	_____
D. Working Capital (inventory, operation, startup costs, etc.)	\$	_____
E. Job Training	\$	_____
F. Other (Specify below):		
_____	\$	_____
_____	\$	_____
<b>TOTAL PROJECT COSTS (TPC)</b>	\$	_____

**3.2 Proposed financing sources (Sources of Funds):**

A. Cash/Equity	\$	_____
B. Bank: Term Loan	\$	_____
C. Bank: Line of Credit	\$	_____
D. State Assistance (Grants, Loans, Tax Credits, etc.)	\$	_____
Explain: _____		
E. Other (Specify below):	\$	_____
_____		
<b>F. Revolving Loan Fund Amount Requested:</b>	\$	_____
<b>TOTAL SOURCES OF FUNDS</b>	\$	_____

**3.3 Financing Terms:**

RLF Request Amount (from 3.2-F above)	\$	_____
Interest Rate		_____ %
Term Length (number of years, balloon, etc.)*		_____
Payment Amount	\$	_____
Other terms (explain):*		_____
_____		
Bank Financing Amount (from 3.2-B above)**	\$	_____
Interest Rate		_____ %
Payment Terms (monthly, quarterly, etc.) Number of Payments		_____
Payment Amount**	\$	_____
Other terms (explain)		_____
_____		
<b>TOTAL MONTHLY DEBT SERVICE</b> (all payments, including RLF, bank, etc.)	\$	_____

\*Loans may be offered with different terms than those requested.

\*\*If multiple bank loans are involved, please include additional sheets detailing each loan, and enter combined payment amounts on this page.

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## SECTION 4. ATTACHMENTS

### **READ CAREFULLY AND INCLUDE ALL ATTACHMENTS**

*Incomplete applications will not be reviewed.*

#### **Attached forms required for all applicants**

- \_\_\_\_\_ Manager's Resolution
- \_\_\_\_\_ USDA Form 400-1, Equal Opportunity Agreement and USDA Form 400-4, Assurance Agreement
- \_\_\_\_\_ Environmental Assurance and Compliance Commitment
- \_\_\_\_\_ Environmental Risk Assessment Questionnaire
- \_\_\_\_\_ Data Collection Form *Region XII Development Corporation is required by the Federal Government to request ethnic, racial, gender information from applicants for financial assistance. This information will be kept strictly and confidential, and will have no bearing on the review of your application. Please provide the requested information for all owners. If there are multiple owners, please submit one form for each owner.*
- \_\_\_\_\_ Personal Financial Statement **AND** attach Tax Returns for 2 years of stockholders/owners with greater than 20% ownership interest in the business – Click **HERE** to access personal financial statement document

#### **Additional documents required with the application**

- \_\_\_\_\_ Business Plan - at a minimum please include the following:
  - Description and history of the business
  - Detail the proposed project for which funding is being requested
  - Brief Timeline for the proposed project. If project has started, please explain
  - Description of the project costs. Include details on specific equipment, inventory, etc.
  - Analyze target market and competition
  - Explain your marketing and sales strategies
  - Background of owners and/or management if resume not provided
  - Feasibility study
- \_\_\_\_\_ Current Balance Sheet, Profit & Loss Statement **AND** past three years of tax returns (*if existing business*)
- \_\_\_\_\_ Letter of commitment from private or other financing proposed to be part of the capital stack
- \_\_\_\_\_ Income Statement projections for the next three years with Notes & Assumptions
- \_\_\_\_\_ Detailed cost estimates of construction, machinery/equipment, etc.
- \_\_\_\_\_ Resumes of principals or detailed history of employment in business plan
- \_\_\_\_\_ Stockholder list (*List Percentage of Ownership for Each Owner*)

#### **Additional Items to include if completed and applicable**

- \_\_\_\_\_ Copy of lease or purchase agreement
- \_\_\_\_\_ Independent appraisal of the property involved (*if purchase is part of the project*)
- \_\_\_\_\_ Copy of deed to the property involved (*if purchase is part of the project*)
- \_\_\_\_\_ Franchising agreements
- \_\_\_\_\_ Other attachments (describe):

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## MANAGER'S RESOLUTION

I, \_\_\_\_\_ as \_\_\_\_\_  
*(Name)* *(Title, i.e. manager, owner, etc.)*  
of \_\_\_\_\_ an Iowa\* \_\_\_\_\_  
*(Business Name)* *(type of company, i.e., Sub-S Corp., LLC, proprietorship, etc.)*

Hereby certifies the following:

**Whereas, (for business expansion projects):** It has been determined that the company has outgrown its current facilities, which has curtailed growth OR *(for new business start-up projects):* It has been determined the need to start this company to provide a necessary good or service; and,

**Whereas,** the company has prepared a comprehensive business plan and projects future growth; and,

**Whereas,** as "Manager", I have determined that the start-up or expansion of the business has created a need for additional employees or is needed to retain the existing employees; and,

**Whereas,** the company is able and intends to raise funds through owner equity, conventional financing, and/or other sources to apply to the project costs, as detailed in the application budget; and,

**NOW, THEREFORE** be it resolved that this company seeks to obtain funding in the amount detailed in the loan application from the Region XII Development Corporation and the owners of the company shall execute an application to the Region XII Development Corporation and shall execute such loan documents as are necessary to obtain and close said loan, if approved; and that the company shall make closing such a loan from the Region XII Development Corporation conditional upon the securing of adequate conventional financing and equity requirements as set forth by the Region XII Development Corporation.

On this date below has caused this resolution to be approved by its duly authorized officers, or, if a natural person, has hereunto executed this resolution.

Signature: \_\_\_\_\_

Printed Name of Authorized  
Business Official: \_\_\_\_\_

Date: \_\_\_\_\_

\*Applicants are not required to be Iowa-based, but projects must be located within the region. If applicant is based in a state other than Iowa, cross through "Iowa" and insert the correct state on the next line.

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated \_\_\_\_\_ between \_\_\_\_\_

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the 'Secretary') issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

*A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 0575-0201. Public reporting for this collection of information is estimated to be approximately 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are voluntary. However, in order to obtain or retain a benefit, the information in this form is required 7 CFR 1901-E. Rural Development has no plans to publish information collected under the provisions of this program. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Rural Development Innovation Center, Regulations Management Division at [ICRMTRequests@usda.gov](mailto:ICRMTRequests@usda.gov).*

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as , but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

\_\_\_\_\_  
Recipient

\_\_\_\_\_  
Recipient

(CORPORATE SEAL)

\_\_\_\_\_  
Name of Corporate Recipient

Attest:

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
President



**USDA**  
Form RD 400-4  
(Rev. 08-22)

*Position 3*

**ASSURANCE AGREEMENT**  
(Under Title VI, Civil Rights Act of 1964)

The

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*(name of recipient)*

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*(address)*

As a condition of receipt of Federal financial assistance, you acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits you from discriminating on the basis of race, color, or national origin (42 U.S.C. 2000d et seq.), and 7 CFR Part 15, 7 CFR 1901, Subpart E.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs [in accordance with USDA RD LEP Guidance for RD Funded (Assisted) Programs]. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>;

2. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating on the basis of sex in education programs or activities (20 U.S.C. 1681 et seq.) [as implemented by 7 CFR Part 15, 7 CFR 1901, Subpart E];

3. The Age Discrimination Act of 1975, as amended, which prohibits you from discriminating on the basis of age (42 U.S.C. 6101 et seq.) [as implemented by 7 CFR Part 15, 7 CFR 1901, Subpart E];

4. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits you from discriminating on the basis of disability (29 U.S.C. 794) [as implemented by 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E];

5. Title VIII of the Civil Rights Act, which prohibits you from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units, i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) be designed and constructed with certain accessible features, see 24 CFR Part 100.201; and

6. Titles II and III of the Americans with Disabilities Act, which prohibit you from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and 7 CFR Part 15, 7 CFR Part 15b, 7 CFR 1901, Subpart E.

*A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 0575-0201. Public reporting for this collection of information is estimated to be approximately 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are voluntary. However, in order to obtain or retain a benefit, the information in this form is required by 7 CFR 1901-E. Rural Development has no plans to publish information collected under the provisions of this program. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Rural Development Innovation Center, Regulations Management Division at [ICRMTRRequests@usda.gov](mailto:ICRMTRRequests@usda.gov).*

You also acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions governing USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) access to records, accounts, documents, information, facilities, and staff :

1. You must cooperate with any compliance review or complaint investigation conducted by USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service).
2. You must give USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by Title VI, Title IX, Age, and Section 504 implementing regulations and other applicable laws or program guidance.
3. You must keep such records and submit to the responsible Department official or designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to ascertain whether you have complied or are complying with relevant obligations.
4. You must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Rural Development or the U.S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
6. If, during the past three years, you (the recipient) have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, you must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements.
7. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against you, or you settle a case or matter alleging such discrimination, you must forward a copy of the complaint and findings to USDA Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), Office of Civil Rights.

The United States has the right to seek judicial enforcement of these obligations.

You also acknowledge and agree that you must comply (and require any subgrantees, subrecipients, contractors, successors, transferees, and assignees to comply) with applicable provisions of program-specific nondiscrimination policy requirements found at CFR Part 15, 7 CFR Part 15 b, 12 CFR Part 202, 7 CFR 1901, Subpart E., DR4300-003, DR4330-0300, DR4330-005.

#### Period of Obligation

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with federal assistance extended to the Recipient by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), this assurance obligates the Recipient for the period during which federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which federal assistance is extended. If any personal property is so provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Recipient for the period during which the federal assistance is extended to the Recipient by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service).

#### Employment Practices

Where a primary objective of the federal assistance is to provide employment or where the Recipient's employment practices affect the delivery of services in programs or activities resulting from federal assistance extended by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service), the Recipient agrees not to discriminate on the grounds of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment, advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

Data Collection

The Recipient agrees to compile and maintain information pertaining to programs or activities developed as a result of the Recipient's receipt of federal assistance from Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service). Such information shall include, but is not limited to the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age and disability in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by Rural Development (Rural Housing Service, Rural Business and Cooperative Service, and Rural Utilities Service) to be relevant to the obligation to assure compliance by recipients with laws cited in this assurance agreement.

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations as herein described, that the information submitted in conjunction with this Document is accurate and complete, and that the recipient is in compliance with the nondiscrimination requirements set out above.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, \_\_\_\_\_ on this  
*(name of recipient)*  
date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

(S E A L)

\_\_\_\_\_  
*Recipient*

\_\_\_\_\_  
*Date*

*Attest:* \_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

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## Revolving Loan Fund

### ENVIRONMENTAL ASSURANCE AND COMPLIANCE COMMITMENT

NAME OF BUSINESS: \_\_\_\_\_

Hereinafter called the BORROWER, AND ITS PRINCIPALS (list all),

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agree to indemnify and hold harmless REGION XII DEVELOPMENT CORPORATION, hereinafter called the LENDER, its agents, and assigns from and against any damages, cost, liability or expense, including attorney and other professional fees directly or indirectly attributable to the release, threatened release, discharge, manufacture, production, storage, disposal or presence of hazardous toxic substances, either on or under BORROWER'S property or property in which the BORROWER has an interest, including adjoining real property, brought on by the BORROWER'S conduct of business.

The indemnification will specifically survive, and is entirely independent of: 1) the BORROWER'S contractual obligation to repay the primary obligation held by LENDER as amended, extended or renewed by BORROWER; 2) the repayment in full of the BORROWER'S indebtedness to LENDER; and 3) the release of LENDER'S liens on BORROWER'S real or personal property by payment, foreclosure or other action, including LENDER'S discretionary abandonment of lien.

Furthermore, the BORROWER, and its principals, as individuals, hereby assures the LENDER it will abide by all federal and state statutes and/or regulations regarding environmental protection issues. Additionally, the BORROWER and its principals agree to address environmental issues by area of compliance, and to operate under the latest applicable standards, including, but not limited to, the following:

AIR QUALITY: Clean Air Act of 1970, as Amended (42 U.S.C. 7401-7642) EPA Regulation 40 CFR Part 50, and Partially 40 CFR Part 51, 52, 61;

HISTORIC PROPERTIES: National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470-4704); Preservation of Historic and Archaeological Data Act of 1974 (16 U.S.C. 469-469c); Executive Order 11593 -- Protection and Enhancement of the Cultural Environment;

FLOODPLAIN: Flood Disaster Protection Act of 1973 (PL 93-234) and Implementary Regulations; Title 24, Chapter X, Subchapter B, National Flood Insurance Program (44 CFR 59-75);

WETLANDS: Executive Order 11990, Protection of Wetlands and Applicable State Legislation or Regulations;

COASTAL ZONE: Coastal Zone Management Act of 1972, as Amended (16 U.S.C. 1451-1464);

WATER QUALITY: Federal Water Pollution Control Act, as Amended (33 U.S.C. 1251-1376); Safe Drinking Water Act of 1974 (42 U.S.C. 300f-300j-10), as Amended; Kansas Storage Tank Act of 1989; Kansas Groundwater Pollution and Protection Act of 1989;

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SOLID WASTE DISPOSAL: Solid Waste Disposal Act, as Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987); U.S. Environmental Protection Agency (EPA) Implementing Regulations (40 CFR Parts 240-265);

FISH AND WILDLIFE: Fish and Wildlife Coordination Act (16 U.S.C. 661-666c);

ENDANGERED SPECIES: Endangered Species Act of 1973, as Amended (16 U.S.C. 1531-1543); and,

CHEMICALS AND HAZARDOUS WASTE: Toxic Substances Control Act, (15 U.S.C. 2601 et seq).

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Business

Date

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Current Executive Officer-Type or Print Name

Signature

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Other Principal or Owner-Type or Print Name

Signature

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Other Principal or Owner-Type or Print Name

Signature

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Other Principal or Owner-Type or Print Name

Signature

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# ENVIRONMENTAL RISK ASSESSMENT

## QUESTIONNAIRE

Name of Business: \_\_\_\_\_

Your Name: \_\_\_\_\_

Street Address & City: \_\_\_\_\_

Nature of Your Business: \_\_\_\_\_

1. In the course of your business, do you use, generate, store, or dispose of any hazardous substances, toxic materials or toxic pollutants?  YES  NO
2. Do you own or lease your current premises?  OWN  LEASE
3. Are there, or were there ever, any underground fuel or chemical storage tanks on the property?  YES  NO
4. If petroleum products are stored above ground, is the storage capacity of any single container more than 660 gallons, or is the aggregate storage greater than 1,320 gallons?  YES  NO  N/A  
If yes, has SPCC plan been prepared for the EPA?  YES  NO
5. Is there a well located on the property?  YES  NO
6. Is there, or was there ever, a septic system or other type of waste treatment system on the property?  
 YES  NO  
If so, please describe: \_\_\_\_\_  
\_\_\_\_\_

7. Has the property ever been used for any of the following: (If so, please check all which apply and describe below.)

<input type="checkbox"/> gas station	<input type="checkbox"/> car wash	<input type="checkbox"/> auto, truck, bus, or boat maintenance or repair
<input type="checkbox"/> auto dealership	<input type="checkbox"/> auto body shop	<input type="checkbox"/> electronic component manufacturing
<input type="checkbox"/> chemical manufacturing	<input type="checkbox"/> metal plating	<input type="checkbox"/> dry cleaning
<input type="checkbox"/> machine shop	<input type="checkbox"/> railroad yard	<input type="checkbox"/> tanning
<input type="checkbox"/> coal, gas, or tar plant	<input type="checkbox"/> sand or gravel pit	<input type="checkbox"/> landfill (including waste disposal site)
<input type="checkbox"/> pig farm	<input type="checkbox"/> electrical substation	<input type="checkbox"/> junkyard

Describe: \_\_\_\_\_

8. Are there any environmental or land use licenses, permits, approvals, authorizations, registrations, certifications, notices or filings required by any governmental agency for the operation of your business, construction of facilities, or alterations on the property?  YES  NO  
If so, please indicate which and attach copies: \_\_\_\_\_

9. Are you (your company or partners, if applicable) now subject to, or have you ever been subject to, an environmental regulatory proceeding or private lawsuit relating to environmental law violations?  YES  NO

The undersigned certifies he/she has exercised due diligence and made all appropriate inquiries in completing this questionnaire and that the foregoing information is true and correct to the best of his/her knowledge. In the event that additional environmental analyses are required by Region XII Development Corporation (RDC) as a condition of its decision to lend, the undersigned authorizes the lender or its agencies to directly discuss the results of those analyses with any consultants the undersigned has retained to perform them.

The undersigned acknowledges that this questionnaire is for RDC's lending risk assessment purposes only. Should RDC lend to the borrower after review of this questionnaire and any other evaluations it may require, such lending decision should not be construed as RDC's determination or implicit representation that the borrower's real property or mode of operation is free of actual or potential environmental problems.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

# DATA COLLECTION FORM

## IMPORTANT NOTICE TO ALL APPLICANTS FOR ASSISTANCE

The following information is requested by the Federal Government in order to monitor compliance with Federal Laws prohibiting discrimination against applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. However, if you choose not to furnish it, we are required to note the race/national origin of individual applicants on the basis of visual observations or surname. The information on this page will not be used in evaluating your application or to discriminate against you in any way. The information on this sheet will be kept strictly confidential. Please note that this sheet will be removed from the application prior to distribution of application materials to Loan Review Committee members.

<b>Business Name:</b>	
<b>Owner Name :*</b>	

*\*\*If the business seeking assistance is owned by more than one individual, please provide the following information for each individual owner.*

I DO NOT WISH TO PROVIDE THIS INFORMATION.

*NOTE: MARK ONLY ONE BOX PER SECTION*

RACE	ETHNICITY	GENDER
<input type="checkbox"/> ASIAN <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK OR AFRICAN-AMERICAN <input type="checkbox"/> AMERICAN INDIAN/ALASKA NATIVE <input type="checkbox"/> NATIVE HAWAIIAN OR PACIFIC ISLANDER	<input type="checkbox"/> HISPANIC OR LATINO <input type="checkbox"/> NON-HISPANIC OR LATINO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE

*FOR OFFICIAL USE ONLY*

INFORMATION COMPLETED BY:     Applicant     Region XII Staff: \_\_\_\_\_