



# **TDEC ARP Competitive Grant Frequently Asked Questions (FAQs)**

State Water Infrastructure Grant Program:  
American Rescue Plan

Tennessee Department of Environment & Conservation | August 2023



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# Competitive Grant General Questions

## 1. What projects may be funded through these competitive grants?

TDEC is offering three competitive grant programs focusing on three priority areas for investment across the state: Regionalization, Water Reuse, and Resource Protection. Each of these grant programs has its own grant manual with details and specifications about the program, and each will also have its own application through TDEC's [Grants Management System \(GMS\)](#). Projects funded through these programs must align with the definition and intent of the grant program. TDEC will not fund projects unrelated to these three grant focus areas.

## 2. How much funding is available for each grant program?

TDEC has allocated \$100 million to the regionalization grant program and \$50 million to both the water reuse and resource protection grant programs.

## 3. Can competitive grant funds be used for the same project(s) as non-competitive grant funds?

Grant recipients cannot fund the same activities using multiple funding sources. However, some entities are using non-competitive funds to execute long, multi-phase projects. In this scenario, while the project may be viewed conceptually as one long project, the work may be segmented and separated enough that non-competitive funds can be used for one phase of the project, and competitive funds can be used for a different phase of the project. Note that competitive grant funds **cannot be used as match funding** for non-competitive grant projects and vice versa.

## 4. Which entities are eligible to apply for this grant program?

Eligible grant applicants include all counties and cities, water utility districts, and water utility authorities or similarly governed/authorized entities. For-profit water infrastructure systems may also be eligible if they apply in partnership with an eligible county, city, water utility district, or water utility authority serving as the lead grant applicant. Regionalization

grant proposals must be supported with at least one partnership. 501(c)3 non-profits are eligible to apply for the **resource protection** grant program.

**5. Are collaborative projects eligible? How is a collaborative project defined?**

Unlike the non-competitive grant, there is no conceptual distinction between a collaborative and a non-collaborative proposal. TDEC continues to encourage and support partnerships on projects where feasible and requires at least one partner to be included in regionalization proposals. For proposals with partners, a lead applicant must be identified; TDEC will enter a grant contract with the lead applicant to execute all activities. The lead applicant must meet eligibility requirements as described in Question 4. Proposal funds may be distributed to various systems/entities to accomplish a project(s) completed with partners.

**6. Are eligible entities able to apply for all three grants?**

Yes. Approval for funding under one grant program does not prohibit an entity from also applying for or receiving funding for a highly ranked application under the other two grant programs. Submitting multiple applications will not affect the ranking and evaluation of each application.

**7. Can eligible entities submit more than one application per grant?**

For regionalization and water reuse grants, eligible grant applicants may only lead the submission of a single grant application. However, grant applicants can participate as a partner on additional proposals with a different lead applicant. For resource protection, grant applicants may lead and submit multiple applications. However, at its discretion, TDEC may choose to fund only a single resource protection grant per eligible grant applicant following the competitive ranking process. TDEC reserves the right to consider the feasibility of executing projects under multiple grants when determining awards.

**8. What project activities are eligible under this grant program?**

First and foremost, all activities must be eligible through the [Clean Water State Revolving Fund \(CWSRF\)](#) and [Drinking Water State Revolving Fund \(DWSRF\)](#) programs. Second, the

project must align with one of the three grant program definitions. TDEC strongly recommends that interested applicants review the three grant manuals to understand project eligibility and obtain the necessary insight to select appropriate projects, develop project plans, and construct a fundable application. Proposals will be evaluated based on the strength of the project activity's alignment with the grant definition. The three grant manuals are on the [TDEC ARP website](#) and linked below.

- [Regionalization Grant Manual](#)
- [Water Reuse Grant Manual](#)
- [Resource Protection Grant Manual](#)

## Application Process

### 1. When will the application be available?

The application period will open in May 2023 and close in August 2023.

### 2. Will the ARP competitive grant program follow the same application process and requirements as the state revolving fund (SRF) loan program?

No. The application process for ARP funds will be unique and streamlined. Applicants will develop and submit a proposal through GMS. TDEC's goal is to streamline the application and reduce administrative burdens during the process.

If an interested applicant is new to TDEC's Grant Management System and needs support creating an account, please visit TDEC's [GMS Resources](#). For GMS-specific questions and support, please reach out to [TDEC.Grants@tn.gov](mailto:TDEC.Grants@tn.gov)

### 3. What is required in an application?

Each grant manual provides detailed instructions about the application process and requirements. Application requirements include but are not limited to: descriptions of proposed activities, timelines, budgets, demonstration of meeting co-funding requirements, and technical documents for construction projects.

**4. Does each application question require a 250-word response?**

Applicants may respond to proposal detail questions with a maximum of 250 words per question; applicants are not required to use all 250 words.

**5. Can an application upload supporting documents to augment the 250-word responses?**

Certain proposal detail questions related to the resource protection grant will ask applicants to upload specific supporting documents. Applicants can also upload supplemental documents within the “Current Documents” tab in GMS. TDEC requests that applicants contain their narrative responses to proposal questions within the 250-word limit and not use attached documentation to provide a lengthier response.

**6. Are applicants allowed to make changes after application submission?**

Applicants will not be able to edit their proposals after submission. Applications will not be reviewed until the solicitation period closes; therefore, there is no incentive to submit applications earlier than the deadline. TDEC recommends that applicants use the full amount of time to review proposals for accuracy before submission.

**7. Are applicants required to complete a Tennessee Infrastructure Scorecard?**

Regionalization and water reuse proposals require submitting information from the Tennessee Infrastructure Scorecard. All systems included in the application (lead applicant and any partners) should complete the Scorecard before applying for these competitive funds. Resource protection proposals do not require the completion or submittal of Scorecards.

**8. Is co-funding required?**

Yes. Co-funding requirements are based on the 2022 Ability to Pay Index (ATPI) determination.

- Grant applicants with an associated ATPI of 50 or below have a co-funding requirement of 5%.
- Grant applicants with an associated ATPI of 60–80 have a co-funding requirement of 15%.
- Grant applicants with an associated ATPI of 90–100 have a co-funding requirement of 20%.

**9. Where can applicants find their community's 2022 Ability to Pay Index (ATPI) determination?**

The 2022 [Ability to Pay Index](#) is located on the TDEC website.

**10. How is the ATPI determined for proposals that span multiple counties?**

TDEC encourages applicants to consider the area the project serves and use the best ATPI comparison for that area (city or county). If an applicant is unsure of the most appropriate ATPI comparison, they should email [TDEC.ARP@tn.gov](mailto:TDEC.ARP@tn.gov) for additional information.

**11. Will engineering reports be required as a part of the application process?**

Most construction-ready project proposals will require the submittal of a justification and alternatives analysis and may require the submittal of plans and specifications before award. Examples of projects requiring plan submittals include modifications to drinking water or wastewater treatment plants and construction projects that propose significant impacts to streams, lakes, or wetlands. Further, all construction projects will be required to demonstrate stormwater permit coverage, identify any water resources within the project's boundaries, and obtain an aquatic resource alteration permit (ARAP) for any impacts to water resources before construction begins. Final plans, specifications, and appropriate permit coverage must be submitted for all construction projects after the grant award and before construction starts.

For projects executing planning, design, and construction after the grant award, the grant contract will specify the documents and approvals required for the grant.

## Evaluation Process

### **1. How will grant awards be decided?**

TDEC will assemble a lead panel of three subject matter experts to review, rank, and recommend proposals for funding. Those recommendations will go to TDEC leadership for final decisions. Proposals will be reviewed and ranked using a scoring rubric based on a 100-point system. Within each row (section) of the scoring rubric, a proposal will receive a score ranging from 0 to the maximum available points, using whole numbers. Proposals with the highest total points will be considered for funding at the end of the scoring. TDEC may not fund proposals that score below 70 points in total.

### **2. Will TDEC request any revisions from the applicant during the evaluation process?**

TDEC may choose not to engage with grant applicants to answer specific questions about projects or proposals between the application solicitation opening and the awards announcement. TDEC will not allow grant applicants to revise or add to applications following submission. Proposals will be reviewed and ranked based on the merits of the submitted application. Incomplete applications may not be eligible for funding. Following the awards announcement, TDEC will engage closely with applicants to ensure accurate project details before contract execution.

### **3. Will grant awards be given to the highest-scoring applications in order until funds run out?**

The assessing panels will recommend funding proposals based on the evaluation, using the top-scored proposals up to the funding maximum. TDEC may, in its sole discretion, consider factors such as the feasibility of project/proposal completion and diversity of project types, applicants, and geographic distribution in making final funding recommendations. Applications will be ranked compared to other applications, not on a rolling basis.

### **4. How many applications does TDEC expect to award?**



TDEC does not have a target number of applications to award. The funding pool for each grant ranges from \$50 - \$100 million, and the proposal budget maximums vary within each grant. Thus the number of projects funded will depend on the types and quality of applications that TDEC receives. A high-quality \$20 million regionalization project involving construction will affect the funding pool differently than a high-quality \$2 million regionalization project focused on investigation and planning. TDEC cannot predict the number of applications funded until after the application period closes and proposals are ranked.

**5. The grant manuals state that TDEC may choose to fund select portions of a proposal. How would that work?**

Considering the \$50 or \$100 million funding cap for the grant programs, TDEC allows flexibility to optimize funding for each grant. TDEC cannot predict what this might look like until the review of applications is received.

## **Grant Agreement Contract**

**1. Will activities that otherwise meet grant program eligibility but were completed before the start of the competitive grant program qualify as allowable expenditures?**

The U.S. Treasury's Final Rule authorizes reimbursement for eligible project expenditures that occurred on or after March 3, 2021. TDEC is working with state procurement partners and legal counsel to develop grant contract language to allow reimbursement of eligible expenses that occurred on or after March 3, 2021. Therefore, grant contracts through the competitive grant program are anticipated to have a start date of March 3, 2021. Activities occurring before March 3, 2021, will not be eligible for reimbursement or leverage as co-funding.

**2. Can funds used on a project after March 3, 2021, be considered for use as co-funding for a competitive grant project?**

Yes. Funds expended on a project after March 3, 2021, can be used as co-funding for the project if those funds are **not sourced** through the non-competitive grant program. The

portion(s) of a project covered by co-funding should follow the procurement rules, regulations, and requirements of those funding sources.

## **Procurement**

### **1. What are the general procurement rules?**

Procurement shall be made on a competitive basis, including using competitive bidding procedures, with few exceptions. If only one vendor provides an acquisition or service or there is an appropriate explanation, a non-competitive selection may be made, but it must be approved by TDEC and documented with a memorandum.

The grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this grant contract. In each instance where it is determined that using a competitive procurement method is not practical, supporting documentation shall include a written justification for the decision and for the use of a non-competitive procurement.

Any activities using federal money are subject to federal rules. If a grantee uses their co-funding funds for project activities and does not seek federal reimbursement for those goods/services, the grantee may use their local/state procurement rules. If the grantee does seek reimbursement for those funds, then those goods/services must be procured utilizing federal rules.

### **2. Are local procurement practices allowed?**

Yes. Local procurement practices will be allowed, provided they comply with [Uniform Guidance 2 C.F.R. Part 200, specifically 2 C.F.R. §§ 200.318—200.327](#). If local and federal policy requirements do not align, you must follow whichever policy has stricter standards.

### **3. Can a grantee use outside services, such as a consulting firm, to support administrative activities, including monitoring and oversight?**

Yes, administrative activities, whether accomplished in-house or through outside services, are eligible expenses of fiscal recovery funds. TDEC limits administrative expenses that a subrecipient may claim to 6% of the proposal budget.

Grantees should ensure that proper procurement practices are used if seeking outside support for administrative activities. Procurement should comply with [Uniform Guidance 2 C.F.R. Part 200](#) and [2 C.F.R. §§ 200.318—200.327](#) when procuring property and services under a federal award.

#### **4. Can previously procured engineering firms be considered for sole sources?**

Generally, sole sourcing is **not** allowed. There are exceptions for specific circumstances in which non-competitive procurement procedures are appropriate. The burden of proof for sole sourcing is high and requires strong documentation to provide proper justification. Non-competitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (\$10,000);
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The Federal awarding agency or pass-through entity expressly authorizes a non-competitive procurement in response to a written request from the non-Federal entity; or
5. After soliciting several sources, competition is determined inadequate.

Generally, it is recommended that grantees still advertise bids so they can provide documentation to the federal government that no other vendors can provide the equipment. If a grantee believes they have a circumstance to justify sole sourcing, please contact [TDEC.ARP@tn.gov](mailto:TDEC.ARP@tn.gov) as soon as possible to discuss.

## **Oversight**

- 1. What are the reporting requirements for this grant?**

As requested, the grantee shall submit brief, periodic progress reports to the TDEC State Water Infrastructure Grants (SWIG) team. The grantee must submit an annual report within three months of the conclusion of each calendar year of the term. In the final year of the term, the grantee shall submit a final report that will replace the annual report. Annual and final report templates for the grantee to complete will be uploaded to the [TDEC ARP website](#) or as an attachment to the grant contract. The grant contract is subject to the Federal Funding Accountability and Transparency Act (FFATA). The grantee is responsible for reporting applicable FFATA requirements to the State, including reporting of total compensation of the grantee's executives.

## 2. Will grantees need to complete quarterly reporting in GMS?

The grantee is required to provide **annual** reports to TDEC. TDEC will use grantee information entered in GMS related to regular reimbursement activities to provide quarterly reporting to U.S. Treasury. For construction projects, quarterly progress reports must be submitted to the State. All Quarterly Progress Reports, Annual Reports, or requested Final Reports should include the following:

- Grantee name
- Grant contract's Edison identification number
- Total grant funding amount spent-to-date
- Partners, project owners, or other responsible parties
- A narrative section, **by individual project**, that describes:
  - Individual project goals and outcomes, including whether the project addressed identified critical needs
  - Successes and setbacks
  - Defined Key Performance Indicators (KPIs) to determine progress
  - Construction start dates
  - Mid-point dates
  - Initiation of Operation dates
  - Close-out dates, if other than Initiation of Operations
  - Activities not completed
  - Any individual projects not started to date
  - Other relevant details requested by TDEC

### **3. What mechanisms will be in place to ensure grantees are spending funds correctly?**

TDEC will conduct routine grantee monitoring. Oversight mechanisms typically consist of evaluating risks, reviewing reimbursement-supporting documentation (i.e., invoices, receipts, proof of payment, etc.), and performing site inspections and desk reviews. TDEC will also review procurement procedures and respective supporting documentation to ensure alignment with [2 CFR 200 Subpart D](#).

### **4. What oversight is there for construction projects?**

All grantees should expect a level of oversight, from procurement through construction close-out commensurate with the sub-recipient monitoring requirements imposed by US Treasury for the use of ARP funds. In addition, the Division of Water Resources will continue to provide oversight on any project with a water resource permits or PWSID. All grantees executing construction projects must secure all applicable local, state, and federal permits prior to the project start. The State will require grantees upload permits and any other relevant documents to ensure the grantee is compliant with regulatory requirements. During project construction, qualified inspectors will conduct site inspections periodically to ensure the project has necessary permits, complies with approved plans and specifications, and is on schedule. For construction projects, quarterly progress reports must be submitted to the State. Grantees should prepare for three site inspections, construction start, mid-point, and construction end or Initiation of Operations. The actual number of site visits will depend on the complexity of the project and the likelihood of success.

### **5. What are the expectations regarding site inspections?**

Applicants should plan for three site inspections for each project: at the start, mid-point, and close-out. When a construction start date is indicated in GMS, TDEC will schedule the site inspection. All site inspection staff will use the same simple, one-page-front-and-back form. A formal document with the recorded observations will be provided at the conclusion of the site inspections. TDEC will share further details about the competitive grant site inspection process in the coming months. In the meantime, general information regarding

ARP grant site inspections can be found in the [ARP Non-Competitive Grant Implementation Guide](#).

## Reimbursement of Costs Incurred

### 1. Are grantees responsible for an initial payment of costs incurred?

Grantees may submit a reimbursement request one time each month. The first reimbursement request submitted by a grantee only needs to include an invoice, purchase orders (or pay applications), and any relevant documents demonstrating costs incurred in compliance with contractual requirements. Proof of payment is not required for the initial disbursement. The second reimbursement request will require proof of payment for invoice #1 and details for reimbursement requested for invoice #2. Each subsequent reimbursement request should follow this process. Proof of payment for prior submissions must be on file and fully substantiate the previous payment before the next reimbursement is approved. Please note that bridge loans or interim financing cannot be submitted for reimbursement.

### 2. How much funding are applicants eligible to receive?

TDEC developed proposal budget maximums based on the project award type for each of the three competitive grant programs. The proposal budget maximums include both funding eligible for reimbursement and applicable co-funding requirements. Therefore, an applicant applying for an investigation and planning regionalization project with a 5% co-funding requirement could submit a proposal for up to \$2 million, with \$1.9 million available for reimbursement and \$100,000 in co-funding. Each grant manual provides example scenarios with additional details regarding proposal budget maximums and reimbursable funds.

The proposal budget maximums by project award type are outlined in the table below:

<u>Regionalization</u>	<u>Resource Protection</u>	<u>Water Reuse</u>	
		<u>Non-Potable Reuse</u>	<u>Potable Reuse</u>

Investigation and Planning	\$2 Million	\$1 Million	\$500,000	\$3 Million
Investigation, Planning and Design	\$7 Million	\$2 Million	\$1.5 Million	\$7 Million
Planning, Design and Construction	\$20 Million	\$5 Million	\$6.5 Million	N/A
Construction Only	N/A	\$5 Million	\$5 Million	N/A

**3. Are the dollar amounts above the maximum funding grantees can receive?**

No. It is important to note that these numbers represent the total proposal budget maximums, not the total reimbursement maximums. The total reimbursement allowed will depend on the applicant’s ATPI and corresponding co-funding requirement.

**4. When will grantees receive grant funds?**

TDEC will announce grant awards in October 2023 and aims to execute all contracts by February 2024. Grantees must have an executed grant contract in place before being eligible to submit reimbursement requests and receive funds.

**Regionalization Grant**

**1. What activities are eligible for the regionalization grant?**

Regionalization projects strategically connect Tennessee infrastructure, including that in rural communities, to improve services and optimize capacity. These efforts seek to provide cooperative support across water and wastewater systems to enhance system capacity, reduce costs, and/or obtain a higher level of service. All regionalization projects should improve the sustainability, affordability, and/or reliability of systems include in the proposal. Further details may be found in the [regionalization grant manual](#).

**2. What project award types exist for the regionalization grant?**

The regionalization grant includes three project award types: Investigation and Planning; Investigation, Planning, and Design; and Planning, Design, and Construction.

**3. Why is the Construction Only project award type not available under the regionalization grant?**

The regionalization grant does not include Construction Only as a project award type because TDEC would like to see partnership and collaboration through the planning and design phases of the project. If a proposal demonstrates that they have sufficiently moved through planning and design phases, they may begin construction upon TDEC approval of required documentation.

**4. How is co-funding applied under the regionalization grant?**

For regionalization proposals, the required co-funding percentage will be based on the lowest ATPI of the partners included in an application.

**5. Is extending water service to a rural community through partnership considered an eligible regionalization project?**

The underlying goal of regionalization is to produce economies of scale by consolidating services or utilities. Expanding the customer base for an existing utility is not a regionalization activity. Regionalization is less about expanding delivery of water services and more about creating operational benefits from sharing services. Applicants should make a clear case in the proposal that project activities will make the water utilities operate better and relieve smaller communities of their burdens, rather than just expanding service.

## **Water Reuse Grant**

**1. What activities are eligible for the water reuse grant?**

Water reuse is the practice of capturing water that would otherwise be discarded, treating it to an appropriate level, and reusing it for beneficial purposes.



- **Non-Potable Water Reuse**: Water is captured, treated, and used for non-drinking purposes, such as toilet flushing, clothes washing, and irrigation.
- **Potable Water Reuse**: Water that will be used for drinking water.

## **2. Are stormwater reuse activities eligible under the water reuse grant?**

No. Stormwater reuse activities fall under the resource protection grant.

## **3. What project award types exist for the water reuse grant?**

Eligible project award types vary between non-potable and potable water reuse activities. For non-potable water reuse, there are four project award types: Investigation and Planning; Investigation, Planning, and Design; Planning, Design, and Construction; and Construction only. For potable water reuse, there are two project award types: Investigation and Planning; and Investigation, Planning, and Design.

## **4. Why is there no funding for potable reuse construction projects under the water reuse grant?**

The State of Tennessee requires a pilot prior to engaging in operational potable reuse activities. Given the federal requirement to have all funds obligated by December 31, 2024 and fully spent by December 31, 2026, it is not feasible for potable reuse projects to complete both the pilot and construction within the timeframe. All pilot projects for demonstration of potable reuse activities fall under Investigation and Planning. Those that anticipate developing plans and specifications for operational potable reuse by December 31, 2026 should apply under the Investigation, Planning and Design project award type.

## **5. Why are the proposal budget maximums for planning projects so much higher for potable reuse projects compared to non-potable reuse?**

The State of Tennessee requires a pilot prior to engaging in potable reuse activities, and pilot activities are eligible under the Investigation and Planning project award type. These pilot activities are costly; therefore, TDEC allocated more money for these activities than similar project award types for non-potable water reuse.

## **6. How will technical, managerial, and financial (TMF) capacity be ranked?**

TDEC will primarily consider the applicant's Tennessee Infrastructure Scorecard when evaluating TMF capacity.

## **Resource Protection Grant**

### **1. What activities are eligible for the resource protection grant?**

Resource protection projects are those that improve water infrastructure resilience to extreme weather events, improve stormwater management or water quality, and/or restore natural landscape features for improved hydrology. Primarily, projects should focus on green (i.e., natural) infrastructure while minimizing components of gray (i.e., hard) infrastructure.

TDEC anticipates three types of projects to be submitted under the resource protection grant: Stormwater Management, Stream or Wetland Rehabilitation, and Infrastructure Resilience. Please refer to the [resource protection grant manual](#) for further details on project definitions.

### **2. What project award types exist for the resource protection grant?**

The resource protection grant includes four project award types: Investigation and Planning; Investigation, Planning, and Design; and Planning, Design, and Construction; and Construction Only.

### **3. If an applicant is considering applying for multiple projects under the resource protection grant, should the applicant submit one application with all the projects, or submit separate applications, one for each project?**

Each proposal should only include one project. However, TDEC understands that a project will consist of various phases or activities. Applicants should review the specific proposal detail questions laid out in the grant manual; if the application proposal detail questions can be answered for all proposed activities within one application, then the applicant may submit one single application. If the application proposal detail questions cannot be

answered for all proposed activities within one application, then TDEC recommends splitting the proposed activities into multiple applications. If, for example, an applicant is proposing multiple projects that address the same watershed and can conceptually tie them together as one overarching group of beneficial activities, then it may be possible to submit the activities within a single application.

**4. If the lead applicant is a regional non-profit, is the ATPI based on the applicant's location or the project location?**

The applicant should use the ATPI of the area serviced by the project. If the applicant believes that the designated ATPI of that location does not accurately reflect the communities being serviced by the project, the applicant may ask TDEC to reconsider the ATPI designation by emailing [TDEC.ARP@tn.gov](mailto:TDEC.ARP@tn.gov) with applicable information regarding the project area (for more details, review the grant manual) by June 16, 2023. This primarily applies to projects serving small pockets of disadvantaged communities that exist within a more advantaged city or county. TDEC will respond to these requests no later than July 7, 2023.

**5. Is dam removal an eligible project under the resource protection grant?**

Yes, dam removal projects are eligible as habitat protection and stream restoration. Applicants should demonstrate improvement to the current stream or wetland, returning the feature to a more stable state, therefore providing improved resource values. It is important to note that the restoration potential of any stream or wetland rehabilitation site is limited based, in part, on land use protection or conservation easements. Therefore, we encourage applicants to showcase not only the immediate benefits of a dam removal, but also how the site should function with protection over the long-term. Applicants must provide a quantitative assessment as a part of the application.

**6. The grant manual states that green infrastructure is preferred over grey infrastructure. Is there a specific percentage of green infrastructure required for a project to be funded under the resource protection grant?**

TDEC does not require a specific percentage of green infrastructure for resource protection projects. There is no set ideal percentage between green and gray infrastructure, and TDEC

recognizes that green infrastructure often comes with many gray infrastructure elements. Additionally, the type of project being completed will impact the percentage of green and gray infrastructure elements. For example, an infrastructure resilience project is expected to have a higher percentage of gray infrastructure components than a stream or wetland rehabilitation project.

## Other

### 1. **Can asbestos cement (a/c) pipe be replaced via pipe bursting or pipe breaking?**

Pipe replacement projects involving A/C pipe are subject to the requirements of the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, subpart M. The Asbestos NESHAP is a collection of work practice standards intended to minimize the release of asbestos fibers during activities involving the handling of asbestos. In order to be eligible under the SRF programs and in compliance with federal crosscutters, an A/C pipe replacement project must comply with the Asbestos NESHAP. Neither pipe breaking nor pipe bursting activities comply with the Asbestos NESHAP.

There are currently only three options for replacing A/C pipe that comply with the Asbestos NESHAP: open trenching, abandonment in place, and close tolerance pipe slurrification (CTPS). Open trenching involves excavating the entire A/C pipe, wet-cutting the pipe into sections using a snap cutter or similar tool, wrapping the pipe for containment, and removing the pipe for disposal. In lieu of open trenching, A/C pipe may be abandoned in place, with the new pipeline laid in a separate area without acting upon the existing A/C pipe. In addition, in 2019, EPA approved CTPS as an alternative work practice. The CTPS alternative work practice is a form of trenchless technology that provides an alternative to open trench for A/C pipe replacement that meets the requirements of the Asbestos NESHAP. Unlike pipe bursting and pipe breaking, CTPS does not leave friable asbestos (defined in the Asbestos NESHAP) in the ground. EPA has not approved an alternative work practice for other trenchless technologies such as pipe bursting, pipe breaking, or other similar methods.

Forces such as those required for pipe bursting or pipe breaking of A/C pipe create friable asbestos. Leaving friable asbestos in the ground does not comply with the requirements of

the Asbestos NESHAP. Visit [this link](#) for general information about the Asbestos NESHAP and [this link](#) for information about CTPS.