



# **BROWNFIELD**

## Redevelopment Area Grant

FY24 Grant Manual

Tennessee Department of Environment & Conservation | February 2024



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# Grant Overview

In 2023, the Tennessee General Assembly authorized the Tennessee Department of Environment and Conservation (TDEC) to establish the Brownfield Redevelopment Area Fund, to support a state-administered brownfield grant program for identification, investigation, and remediation to encourage the redevelopment of brownfields.<sup>1</sup> The fund also promotes conservation of Tennessee’s agricultural, recreational, and open space lands by encouraging environmentally sound redevelopment of properties blighted by real or perceived contamination. Through this fund, TDEC administers the **Brownfield Redevelopment Area Grant (BRAG)**, which is described in this grant manual.

TDEC may award grants to eligible entities for the identification, investigation, or remediation of brownfield sites. Grants may also cover reasonable administrative expenses, not to exceed 5% of any grant awarded, relative to the redevelopment of brownfield sites. Grant funding is capped at five hundred thousand dollars (\$500,000) from the fund in a fiscal year for each eligible entity. Applicants must demonstrate how their project will improve or enhance the identification, investigation, or remediation of a site, to encourage the redevelopment of brownfield properties in their communities.

## ***Project Types***

To support BRAG’s purpose of supporting identification, investigation, or remediation activities, TDEC will award grants for the ***identification, investigation, and remediation*** of brownfield sites across the state. These three project types are highlighted below and described in detail throughout the manual.

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<sup>1</sup> T.N. Leg. Assemb. Reg. Session 2023., Public Acts of 2023, Pub. Chp. 86, [pc0086.pdf](https://www.tnsosfiles.com/legislation/public-acts/2023/086) (tnsosfiles.com)

Project Type	Description	Maximum Grant Funding	Contract Term
<i>Identification</i>	The creation of an inventory of brownfield sites, which may span multiple locations.	\$20,000	12 months
<i>Investigation</i>	Conducting a Phase I Environmental Site Assessment (ESA) in accordance with the current ASTM E-1527 standard; a Phase II Environmental Site Assessment conducted in accordance with the current ASTM E1903 standard; or other environmental investigation such as an Analysis of Brownfield Cleanup Alternatives (ABCA).	\$100,000	24 months
<i>Remediation</i>	Any action to contain, remove, mitigate, or dispose of hazardous substances, pollutants, other contaminants, or petroleum products at a brownfield site. This may include certain types of demolition performed at a brownfield and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield property usable.	\$500,000	24 months

For FY24, eligible entities may submit **multiple** applications through BRAG and must select from the project types listed above. Each eligible entity may submit **one\*** application per project type for up to three total applications (one identification, one investigation, and one remediation). Multiple sites may be submitted in an investigation grant, with a total budget not exceeding \$100,000 for all sites. Eligible entities may be awarded multiple grants but cannot receive a total of more than \$500,000 in BRAG funds for a given fiscal year. Additionally, eligible entities must complete the contract term or the activities within their active contracts prior to submitting a BRAG application for a new project under that same project type. TDEC expects to open applications through BRAG on an annual basis.

\*Development districts and development boards encompassing numerous counties and municipalities may apply for multiple grants under the identification project category to cover identification activities across their jurisdiction.

## **Definitions**

- **Brownfield:** Brownfields are defined by the United States Environmental Protection Agency (EPA) as property, where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- **Brownfield Site:** A brownfield site is a brownfield (as defined above) with additional specific characteristics for the purposes of the Voluntary Cleanup Oversight and Assistance Program (VOAP). Therefore, TDEC defines a brownfield site as a parcel or adjacent or related parcels of real property that is currently, or at any time since January 1, 2000, has been the subject of an investigation, remediation, or mitigation as a brownfield project under a voluntary agreement or consent order pursuant to Tennessee Code Annotated section 68-212-224.<sup>2</sup>
- **Brownfield Redevelopment Areas:** Properties that are included in an identification, investigation, or remediation grant through the BRAG program. These properties are considered potential brownfield sites. All grantees with Brownfield Redevelopment Areas will be listed on the BRAG website.
- **Brownfield Voluntary Cleanup Oversight and Assistance Program (VOAP):** A voluntary program administered by TDEC that allows willing and able parties to investigate and, if necessary, clean up an inactive hazardous substance site. VOAP offers relief from liability under all environmental statutes administered by the State of Tennessee that is transferable to successors in title for a broad range of contaminants, including petroleum.
- **Eligible Entity:** A political subdivision of the state, including but not limited to a county, municipality, development district, or development board.<sup>3</sup>
- **Greenspace:** Land that is partly or completely covered with trees, shrubs, grass or other vegetation. This includes urban parks, trails, and community farms or gardens including rooftop gardens. This does not include schoolyards, playgrounds, public seating areas,

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<sup>2</sup> Tenn. Code Ann. § 7-53-316

<sup>3</sup> Tenn. Code Ann. Section 68-212-220(a)(3)

public plazas, or vacant lots. *Proposed projects must not cause the loss of greenspace in the community.*

- **Hazardous Substance:** **(A)** Any substance designated pursuant to section 311(b)(2)(A) of the Clean Water Act, 33 U.S.C. §§ 1251-1389; **(B)** Any element, compound, mixture, solution, or substance designated pursuant to section 9602 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9628; **(C)** Any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 (but not including any waste the regulation of which under the Resource Conservation and Recovery Act has been suspended by an Act of Congress); **(D)** Any toxic pollutant listed under section 307(a) of the Clean Water Act, 33 U.S.C § 1317(a); **(E)** any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412; and **(F)** Any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act, 15 U.S.C. § 2606. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).<sup>4</sup>
- **Liable Party:** **(A)** The owner or operator of an inactive hazardous substance site; **(B)** Any person who at the time of disposal was the owner or operator of an inactive hazardous substance site; **(C)** Any generator of hazardous substance who at the time of disposal caused such substance to be disposed of at an inactive hazardous substance site; or **(D)** Any transporter of hazardous substance which is disposed of at an inactive hazardous substance site who, at the time of disposal, selected the site of disposal of such substance.<sup>5</sup>
- **Remediation Costs:** Costs that are directly related to the investigation, remediation, or mitigation of a brownfield property as required by a voluntary agreement or consent order pursuant to Tennessee Code Annotated section 68-212-224.<sup>6</sup>

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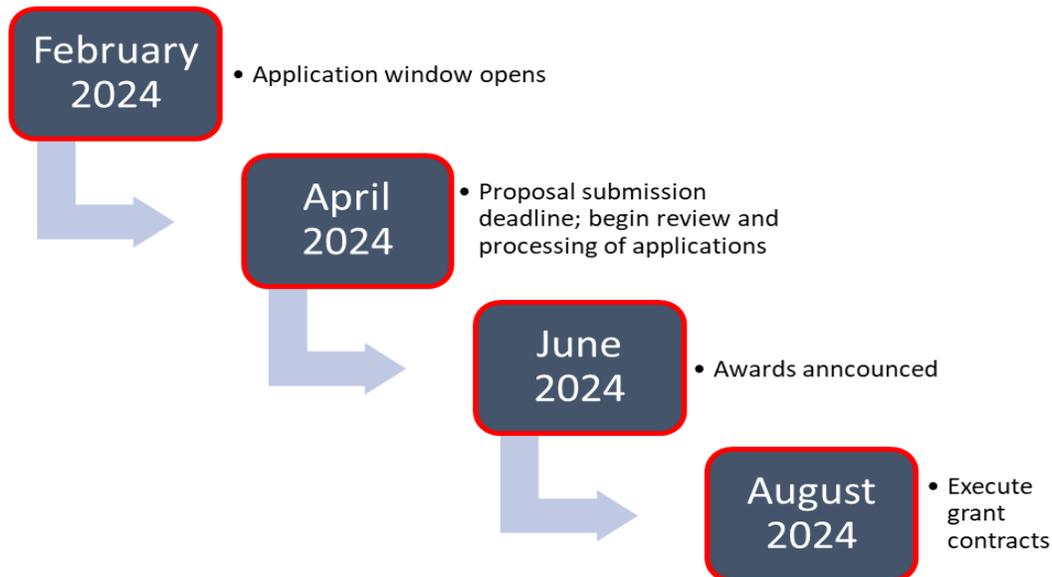
<sup>5</sup> Tenn. Code Ann. § 68-212-202

<sup>6</sup> Tenn. Code Ann. section 68-212-220(a)(4)

- **Enhancement County:** Enhancement counties are those designated by the department of economic and community development ([view map here](#)). The department of economic and community development designates a county as a Tier 1, Tier 2, Tier 3, or Tier 4 enhancement county based on unemployment, per capita income, and poverty levels of all Tennessee Counties and publishes the enhancement counties annually.

### ***Timeline (Tentative)***

The following is a tentative timeline of the application and review process for this competitive grant offering. This is subject to change and extensions may be granted solely at TDEC's discretion, upon written request. Awards for this grant cycle are subject to available funds and awarded at the discretion of TDEC.



## **Funding**

Of the available BRAG program funds, no more than \$500,000 may be awarded to any one eligible entity in each fiscal year. If for any reason the funds become unavailable, TDEC may cancel any awarded BRAG program contracts or award announcements.

## ***BRAG Funding FY24***

The total amount of funding available for BRAG in FY24 is **\$5 million**. TDEC is not designating a certain proportion of the available funding by project type. Rather, TDEC will assess all proposals to determine which projects to fund. Please note that TDEC may select all or part of a proposal for funding and may offer to fund more or less than the eligible grant amounts or a larger or smaller amount than requested in the application.

All grants will be awarded through a grant contract, which may include terms and conditions other than those found in this manual. Full execution and acceptance of a complete, valid grant contract is required before funds can be allocated to a grantee. TDEC has the sole discretion to terminate awarded grant contracts, refuse to allocate funds, or require a refund of funds from grantees if sufficient progress or compliance has not been demonstrated through required reporting.

**\*No reimbursable work shall begin on grant projects until an executed contract has been signed by all parties.**

## ***Match Requirement***

For FY24, there is no match requirement for BRAG proposals. However, grantees of investigation and remediation projects are required to enroll the brownfield redevelopment area in the Brownfield Voluntary Cleanup Oversight and Assistance Program (VOAP) and pay the associated schedule of fees (Attachment A). These fees may be considered grant expenses (reimbursable) for Tier 3 or Tier 4 counties, utilizing the Department of Economic and Community Development's Tennessee Jobs Tax Credit Enhancement County designation. Tier 1 and Tier 2 counties cannot utilize BRAG funds for VOAP fees and must agree to pay these fees through other means.

## ***Administrative Use of Funds***

Up to 5% of a grant applicant's total grant contract may be used for reasonable and allocable administrative expenses. Administrative expenses may include reporting, compliance assurance, monitoring, or direct or indirect costs associated with administering the grant award.

## ***Procurement and Reimbursement***

All activities and procurements funded through the BRAG program are required to follow State of Tennessee procurement standards and requirements,<sup>7</sup> or equivalent local policy (whichever is more stringent). When the terms of a grant award allow disbursements for the cost of goods, materials, supplies, equipment, or contracted services, such procurement must be made on a competitive basis whenever possible, including using competitive bidding procedures.

The BRAG funding will be provided to grantees through requests for payment for costs incurred. A request to receive funding for eligible expenses must be submitted through TDEC's [Grants Management System](#) (GMS). Supporting documentation will be required to substantiate the costs requested for funding, which may include purchase orders, pay requests, invoices, and proof of payment.

The first request for funding submitted to TDEC shall include proof of costs incurred, including all applicable purchase orders, pay requests, invoices, and proof of payment. This first request shall not be for more than 50% of the total grant award. Subsequent requests for funding submitted to TDEC shall include any applicable purchase orders, pay requests, invoices, and proof of payment. Grantees may only request up to 80% of the reimbursement of grant funds until all applicable deliverables outlined in the grant contract have been received and approved by TDEC.

## ***Ineligible Expenditures***

Eligible uses of funds are described for each project type in that relevant section. Below is a list of ***ineligible expenditures*** across all project types:<sup>8</sup>

1. Conducting environmental assessment activities not part of a Brownfield Voluntary Agreement (BVA).

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<sup>7</sup> State public contracting laws under Tennessee Code Annotated Title 4, Chapter 56; Title 12, Chapter 3; and Title 12, Chapter 4.

<sup>8</sup> TDEC may, in its sole discretion, add additional activities to the list of ineligible expenditures.

2. Monitoring and collecting data necessary to apply for, or comply with, environmental permits under other federal and state laws, unless such a permit is required as a component of the cleanup action.
3. Performing construction, demolition, and development activities that are not cleanup actions (e.g., marketing of property or construction of a new facility).
4. Addressing public or private drinking water supplies that have deteriorated through ordinary use.
5. Cost sharing or matching funds for another federal grant.
6. Paying a penalty or fine.
7. Using BRAG funding to fund a community or municipal grant program.
8. Property acquisition.
9. Costs associated with activities conducted prior to the grant period.
10. Costs associated with activities that cause the loss of greenspace in the community, as defined in the Definitions section.

Applications may be considered ineligible under the following conditions:

1. The application is incomplete at the close of the application window.
2. BRAG funds requested exceed \$500,000.
3. The timeline, budget, and scope of work proposed are not plausible as determined by the State in its sole discretion.
4. Proposed project causes a loss of greenspace in the community.
5. Proposal involves properties listed as Federal Superfund (National Priority List or NPL) sites, RCRA-permitted, or Interim-status facilities, or properties where the applicant is named in a federal or state enforcement action pertaining to that property.

## Submission Guidelines

Each application should describe a single project that falls under a project type (identification, investigation, or remediation). **Eligible entities may only submit one application for each project type (identification, investigation, and remediation) to the BRAG program for FY24, for a total of three applications.** Development districts encompassing several counties may submit multiple applications under the identification project category so long as the total amount of BRAG funding requested by the development district does not exceed \$500,000. Each eligible entity may not receive more than \$500,000 in BRAG funding for FY24.

Grant applicants must register through TDEC's Grants Management System (GMS), and all applications must be submitted electronically to be considered. Applicants must demonstrate that their proposal meets all eligibility requirements. Applications will be scored and awarded in a competitive manner. Submission of a complete application does not guarantee that the applicant will receive a grant.

Grant applicants are required to have a full and complete application submitted by the application solicitation closing. TDEC will rank and review applications based on the information included in the application at the time of submission. Incomplete applications will not be considered for funding.

## ***Grant Application***

The following information is required as part of a complete grant application:

### **A. Designated grant applicant**

1. Applicant Identification (name and full address of the entity applying for funds)
  - i. If not a city or county, provide documentation of eligibility
2. Name of Person(s) Responsible for Execution of the Project (name, title, email, phone number, and mailing address)
3. Name of Person with Signatory Authority for the Eligible Entity
4. Names of Partner Entities on this Proposal (each Partner Entity must be an eligible entity)
5. City(ies) or County(ies) to be Served
6. County Tier Designation(s) (Tax Incentive Tier: Tier 1, Tier 2, Tier 3, or Tier 4)
7. Population (from the 2020 U.S. Census Results for the municipal boundary in which the project activities will occur)
8. Federal Employer Identification Number (FEIN)

### **B. General Proposal Information**

1. Project Title
2. Location of Proposed Property(ies) (specific location information required for investigation and remediation proposals only)
  - i. Street Address
  - ii. Census Tract
  - iii. GPS Coordinates
  - iv. Current Conditions of Property
  - v. Current Zoning of Property

- vi. Plat Map
3. Type of Grant Requested (Identification, Investigation, or Remediation)
4. Brief Project Description (maximum 500 words)
5. Grant Funding Requested
6. Grant Activities Timeline
7. Acknowledgment to Enroll in and Adhere to VOAP Schedule of Fees (only for investigation and remediation grants)
8. Total Project Cost Information (if project cannot be completed solely by BRAG funding. If entire project will be completed using BRAG funding skip this question and provide budget and timeline in section F and G below)
  - i. Total Project Timeline
  - ii. Total Project Budget
  - iii. Total Project Additional Funds Leveraged

**C. Additional Information – Identification Grants**

1. Description of Identification Activities Proposed (maximum 1,000 words)
2. Does your community have any experience with inventorying potential brownfield sites? If yes, please describe. If no, state 'no'. (maximum 300 words)
3. Would your community like to request technical assistance inventorying potential brownfield sites? If yes, please describe. (maximum 300 words; this question is not scored, and requesting technical support does not weaken an application)
4. Does your community have any grant management experience? This may be private, state or federal grants. If yes, please describe. (maximum 300 words)

**D. Additional Information – Investigation Grants**

1. Description of Current Ownership or Access, including Access or Purchase Agreement(s)
2. Description of Investigation Activities Proposed (maximum 1,000 words)
3. For each property:
  - i. Is the property in a highly trafficked or residential area? Please explain.
  - ii. Is the property connected to existing infrastructure (roads, drinking water, wastewater, broadband, electricity)? Please describe.
  - iii. Does the site have any rivers or creeks tangential or running through the property? If yes, please describe. (maximum 300 words)
  - iv. List of Known Prior Uses of the Property

4. Does your community have any experience with investigating brownfield sites? If yes, describe. (maximum 300 words)
5. Are any of the sites to be investigated included in community planning efforts? If yes, please describe, including the intended reuse of the proposed site. (maximum 500 words)
6. Does your community have any grant management experience? This may be state, federal, or private grants. If yes, describe. (maximum 300 words)
7. Is the applicant a responsible party to the contamination? If so, applicant must submit development plan and funding plan for the redevelopment of the site. (Please submit necessary supplemental documents)

**E. Additional Information – Remediation Grants**

1. Documentation of Ownership of Site
2. Description of any restrictions on the title (list liens, easements, land use restrictions, etc.)
3. Description of remediation activities proposed, including any known or potential project impediments (maximum 2,000 words)
4. Does your community have any experience with remediating brownfield sites? If yes, describe. (maximum 500 words)
5. Does the site have any rivers or creeks tangential or running through the property? If yes, please describe. (maximum 300 words)
6. Does your community have any grant management experience? This may be state, private, or federal grants. If yes, describe. (maximum 300 words)
7. Describe the community's reuse plan for the property (maximum 750 words)
8. Is funding secured for the redevelopment of the property? Please explain.
9. Is the site to be remediated included in community planning efforts? If yes, describe. (maximum 500 words)
10. Description of plan for community involvement (maximum 500 words)
11. Will any existing structures on the site be preserved and reused? If yes, describe. If there are no existing structures on the site, please state 'there are no existing structures on the site'. (maximum 300 words)
12. Describe any public interest or community support for the reuse of the property (optional; maximum 500 words)
13. Upload the Phase I/Phase II Assessment(s)/Remediation Plan document(s) and other relevant reports

14. Is the applicant a responsible party to the contamination? Please explain. (If yes, applicant must submit redevelopment plan and funding plan for financing the redevelopment of the site.

**F. Detailed Project Budget and Budget Justification**

**G. Detailed Timeline**

**H. Certifications**

***Proposal Review***

TDEC will assemble a panel of subject matter experts to review all complete and eligible grant applications, including supporting documentation. The review panel will rank applications according to the selection criteria identified in this grant manual. Identification, investigation, and remediation grants will have different selection criteria. Applications within a given project type will be ranked relative to other proposals within that same project type. TDEC will not begin reviewing applications until the application solicitation is closed and all applications are received. Applications will be evaluated on the data provided; therefore, complete applications are essential. Each grant applicant is responsible for submitting all relevant and factual information with the application.

The assessing panel will recommend funding proposals based on the evaluation of the scoring criteria, using the top-scored proposals up to the funding maximum. TDEC may in its sole discretion consider feasibility of project completion and diversity of project types, applicants, and geographic distribution in making final funding recommendations. TDEC may in its sole discretion award fewer grants than the authorized funding level. Applications may be partially funded based on a revised scope and budget agreed upon by the applicant(s) and TDEC. Final funding decisions will be approved by TDEC leadership and published online. Funding decisions are final at time of award announcement and publication.

Entities with applications that were not selected for award may request feedback on their application by submitting a written request to the Division of Remediation at [TDEC.Brownfields@tn.gov](mailto:TDEC.Brownfields@tn.gov) within ten days of award announcements. Following written request, TDEC will provide additional details regarding the grant application to the entity. TDEC may provide these additional details in writing or in a meeting.

# Identification Grants

## **Eligibility**

### Grant Applicants

Grant applicants must be an **eligible entity**, as described in the Definitions section. Applicants must be in full compliance with all other environmental requirements in Tennessee, and the applicant must not be subject to any current enforcement action from any state or federal environmental agency unless such enforcement action is, in the opinion of the Commissioner, adequately resolved with the applicable agency. Entities with consent orders are not prohibited from participating in the program. Further, the entity must be in compliance with Title VI of the Civil Rights Act of 1964 and be able to pass a pre-award Title VI audit.

### Property Eligibility

Properties which are listed as Federal Superfund (National Priority List or NPL) sites, RCRA-permitted, or Interim-status facilities or properties involved in or targeted for any federal or state enforcement action (i.e., Commissioner's Order) are prohibited from participating in BRAG. The following properties may be eligible on a case-by-case basis:

1. Properties that are regulated by the Division of Underground Storage Tanks or by the Dry Cleaner's Environmental Response Program (DCERP);
2. Properties where sites are only impacted by lead-based paint (LBP), or asbestos-containing materials (ACM).

Applicants considering redevelopment of these properties are encouraged to discuss their proposals with TDEC grant program staff before applying.

### Allowable Activities

The following is a list of allowable actions under an identification grant. Other expenses may be allowable but would require prior approval by TDEC.

1. Developing or updating an inventory of previously unidentified brownfield sites within a grantee community (brownfield redevelopment area). In preparing a brownfield inventory, the inventory shall include, to the extent easily ascertainable: an assessment of the contaminants known or suspected to have been discharged or that are currently stored on the site; the extent of any remediation performed on the site; the site's

proximity to transportation networks; and the availability of infrastructure to support the redevelopment of the site.

2. The following information gathered for the inventory shall be submitted to TDEC:
  - (1) the location and size of the brownfield property;
  - (2) current and anticipated uses of the property;
  - (3) known data about the environmental conditions or past uses of the property; and
  - (4) ownership of the property.

### Contract Term and Funding

The contract term for identification grants is twelve months. Extensions may be approved for investigation or remediation grants on a case-by-case basis at TDEC’s sole discretion. The maximum funding available for an identification grant is \$20,000.

### Selection Criteria

Applications will be reviewed and ranked to identify which proposals are funded. Within each row (section) of the scoring rubric, a proposal will receive a score ranking from zero to the maximum points available, using whole numbers. Proposals with the highest total points at the end of scoring will be considered for funding. The following is the selection criteria for identification grants:

Criteria		Max Points
<b>1</b>	County Tier Designation <ul style="list-style-type: none"> <li>• 5 points for a Tier 1 County</li> <li>• 10 points for a Tier 2 County</li> <li>• 20 points for a Tier 3 County</li> <li>• 30 points for a Tier 4 County</li> </ul>	30
<b>2</b>	Demonstrated Past Performance <ul style="list-style-type: none"> <li>• 0 points for no demonstration of successful inventorying or no successful grant management activities</li> <li>• 5 points for demonstration of either successful grant management or inventorying activities</li> <li>• 10 points for demonstration of both successful grant management and inventorying activities</li> </ul>	10
<b>TOTAL</b>		<b>40</b>

TDEC may consider additional factors in funding decisions including, but not limited to, the list below. For additional twenty priority points, please explain the extent to which these additional factors apply to your application. (maximum 300 words)

1. Public interest or community support for the remediation and redevelopment of brownfields in the activity area. (Please attach documentation if applicable).
2. Whether the population of the area of jurisdiction is 10,000 or less.

## ***Deliverables***

Grantees are responsible for accomplishing and submitting deliverables to TDEC as follows:

1. Upon completion of identification activities, the grantee must provide an inventory of brownfield sites within the brownfield redevelopment area, utilizing the template provided by TDEC.

Grantees may contract services to complete the items listed in the deliverables section. No more than 5% of the budget may be used for administrative expenses.

## ***Reporting Requirements***

Grantees must submit a semi-annual and final status report to the BRAG program including all project progress, deliverables (including a final inventory of brownfields utilizing the template provided by TDEC), and a budget expenditures-to-date analysis. Grantees should upload documentation of any activities occurring during that period as a part of this report.

# Investigation Grants

## ***Eligibility***

### **Grant Applicants**

Grant applicants must be an ***eligible entity***, as described in the Definitions section. Applicants must be in full compliance with all other environmental requirements in Tennessee, and the

applicant must not be subject to any current enforcement action from any state or federal environmental agency unless such enforcement action is, in the opinion of the Commissioner, adequately resolved with the applicable agency. Entities with consent orders are not prohibited from participating in the program. Further, the entity must be in compliance with Title VI of the Civil Rights Act of 1964 and be able to pass a pre-award Title VI audit.

### Property Eligibility

Eligible entities must demonstrate they have legal access to the extent necessary to the project sites in order accomplish the proposed project scope of work. Properties which are listed as Federal Superfund (National Priority List or NPL) sites, RCRA permitted or Interim-status facilities or properties involved in or targeted for any federal or state enforcement action (i.e., Commissioner's Order) are prohibited from participating in the BRAG. Properties that are regulated by the Division of Underground Storage Tanks or by the Dry Cleaner's Environmental Response Program (DCERP) may be eligible on a case-by case basis.

Investigation grant applications may include multiple properties; however, each property must be clearly identified. Properties that contain more than one parcel are eligible to apply as one property, but the parcels must be contiguous. Parcels separated only by a street, alley, or railroad track will be considered contiguous. The property being investigated must be enrolled or enroll in VOAP within thirty days of the grant contract being executed to be eligible for receiving BRAG funds. Multiple sites may be submitted in the Investigation grant category, with the total cumulative budget of all sites not exceeding \$100,000. If an applicant submits multiple sites, the applicant must identify which site is the priority. If an applicant fails to identify the priority site, their application may be disqualified.

### Allowable Activities

The following is a list of allowable actions under an investigation grant. Other expenses may be allowable but would require prior approval by TDEC.

1. Preparing a Phase I and Phase II Environmental Site Assessment(s) document(s).
2. Preparing an Analysis of Brownfields Cleanup Alternatives (ABCA).
3. Site assessment and characterization of the project site.

## Contract Term and Funding

The contract term for investigation grants is twenty-four months. Extensions may be approved on a case-by-case basis at TDEC's sole discretion. The maximum funding available for an investigation grant is \$100,000.

## Selection Criteria

Applications will be reviewed and ranked to identify which proposals are funded. Within each row (section) of the scoring rubric, a proposal will receive a score ranking from zero to the maximum points available, using whole numbers. Proposals with the highest total points at the end of scoring will be considered for funding. Proposals that submitted information for multiple sites will have each site individually ranked according to the scoring criteria below. The following is the selection criteria for investigation grants:

	Criteria	Max Points
<b>1</b>	County Tier Designation <ul style="list-style-type: none"><li>• 5 points for a Tier 1 County</li><li>• 10 points for a Tier 2 County</li><li>• 20 points for a Tier 3 County</li><li>• 30 points for a Tier 4 County</li></ul>	30
<b>2</b>	Locational Characteristics – Residential <ul style="list-style-type: none"><li>• 0 points: site not located in residential area</li><li>• 10 points: site located in residential area</li></ul>	10
<b>3</b>	Locational Characteristics – Highly Trafficked Areas <ul style="list-style-type: none"><li>• 0 points: site is not located in highly trafficked area</li><li>• 10 points: site is located in highly trafficked area</li></ul>	10
<b>4</b>	Locational Characteristics – Infrastructure <ul style="list-style-type: none"><li>• 0 points: site is not connected to existing infrastructure</li><li>• 5 points: site is connected to existing infrastructure</li></ul>	5
<b>5</b>	Community Planning Efforts <ul style="list-style-type: none"><li>• 0 points: site is not included in any planning efforts</li><li>• 5 points: site is included in a community redevelopment planning effort</li><li>• 10 points: site is included in a community redevelopment planning effort and has identified an intended reuse of the property.</li></ul>	15

Criteria		Max Points
	<ul style="list-style-type: none"> <li>15 points: site is included in a community redevelopment planning effort and has identified the intended reuse of the property and the end use developer.</li> </ul>	
<b>6</b>	Demonstrated Past Performance <ul style="list-style-type: none"> <li>0 points for no demonstration of successful grant management or investigation activities</li> <li>5 points for demonstration of either successful grant management or investigation activities</li> <li>10 points for demonstration of both successful grant management and investigation activities</li> </ul>	10
<b>TOTAL</b>		<b>80</b>

TDEC may consider additional factors in funding decisions including, but not limited to, the list below. For additional 20 priority points, please explain the extent to which these additional factors apply to your application. (maximum 300 words, each)

1. Whether the population of the town/city of the site is 10,000 or less.
2. Public interest or community support for the reuse of the property.

### ***Deliverables***

Grantees are responsible for accomplishing and submitting deliverables to TDEC as follows:

1. Within 30 days of an executed contract, the grantee must enroll the site(s) in VOAP and submit enrollment verification via GMS.
2. The grantee must provide the Phase I Environmental Site Assessment(s) document(s) to the assigned VOAP Project Manager and submit via GMS.
3. If conducting a Phase II, the grantee must provide the Phase II Environmental Site Assessment(s) document(s) including documentation such as field notes, photos, boring logs, laboratory reports, tables, figures, etc., as appropriate to the VOAP Project Manager and submit via GMS.
4. The grantee must provide any other reports, laboratory data, or other project documentation developed utilizing grant funds via GMS.

Grantees may contract for services to complete the items listed in the deliverables section. No more than 5% of the grant budget may be used toward administrative expenses.

## **Reporting Requirements**

Quarterly, grantees must submit a status report to TDEC, including all project progress, deliverables met (including final environmental reports), and a budget expenditures-to-date analysis. Grantees will also be required to complete and submit a final report at the end of the contract term. Grantees should include documentation of any activities occurring during that quarter as a part of this report. All reports must be submitted via GMS.

# Remediation Grants

## **Eligibility**

### Grant Applicants

Grant applicants must be an **eligible entity**, as described in the Definitions section. Applicants must be in full compliance with all other environmental requirements in Tennessee, and the applicant must not be subject to any current enforcement action from any state or federal environmental agency unless such enforcement action is, in the opinion of the Commissioner, adequately resolved with the applicable agency. Entities with consent orders are not prohibited from participating in the program. Further, the entity must be in compliance with Title VI of the Civil Rights Act of 1964 and be able to pass a pre-award Title VI audit.

### Property Eligibility

Eligible entities must demonstrate they own the property to be eligible for a remediation grant. Properties which are listed as Federal Superfund (National Priorities List or NPL) sites, RCRA permitted or Interim-status facilities or properties involved in or targeted for any federal or state enforcement action (e.g., Commissioner's Order) are prohibited from participating in the BRAG. Properties that are regulated by the Division of Underground Storage Tanks or by the Dry Cleaner's Environmental Response Program (DCERP) may be eligible on a case-by case basis.

A remediation grant application may include a single property or properties that contain multiple, contiguous parcels. Parcels separated only by a street, alley, or railroad track will be considered contiguous. The property being investigated must be enrolled in or enroll in VOAP within 30 days of the grant contract being executed to be eligible for receiving BRAG funds.

## Allowable Activities

The following is a list of allowable actions under a remediation grant. Other expenses may be allowable but would require prior approval by TDEC.

1. Installation and operation of groundwater investigation and monitoring wells. Long-term operation and maintenance and closure of these wells, however, is the responsibility of the grantee and is not covered by the grant.
2. Removing, mitigating, or preventing the release or threat of a release of a hazardous substance, pollutant, contaminant, petroleum product, or controlled substance into the environment. This includes the following activities:
  - a. Installing fences, warning signs, or other security or site control precautions.
  - b. Implementing drainage controls.
  - c. Stabilizing berms, dikes, or impoundments.
  - d. Capping, excavating, consolidating, or removing of contaminated soils.
  - e. Using chemicals and other materials to retard the spread of the release or mitigate effects.
  - f. Removing and properly disposing of drums, barrels, tanks, or other bulk containers that contain or may contain hazardous substances, pollutants, or contaminants, including petroleum.
  - g. Excavating, consolidating, or removing contaminated soils.
  - h. Containment, treatment, or proper disposal of hazardous substances and petroleum products.
  - i. Groundwater treatment
3. Performing demolition and site preparation that is necessary for remedial activity.
4. Performing site monitoring activities, such as sampling and analysis, that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup.
5. Developing a work plan; for example, a soil management plan or a remedial action plan.
6. Program enrollment and oversight costs under VOAP (these are eligible for reimbursement for tier 3 and tier 4 counties only).
7. Properly closing out water wells.
8. Installation of a vapor intrusion mitigation system.
9. Activities relating to public participation and community notification.

## Contract Term and Funding

The contract term for remediation grants is twenty-four months. Extensions may be approved on a case-by-case basis at TDEC's sole discretion. The maximum funding available for a remediation grant is \$500,000.

## Selection Criteria

Applications will be reviewed and ranked to identify which proposals are funded. Within each row (section) of the scoring rubric, a proposal will receive a score ranking from zero to the maximum points available, using whole numbers. Proposals with the highest total points at the end of scoring will be considered for funding. The following is the selection criteria for remediation grants:

Criteria		Max Points
<b>COMMUNITY CRITERIA</b>		<b>30</b>
<b>1</b>	County Tier Designation <ul style="list-style-type: none"> <li>• 5 points for a Tier 1 County</li> <li>• 10 points for a Tier 2 County</li> <li>• 15 points for a Tier 3 County</li> <li>• 20 points for a Tier 4 County</li> </ul>	20
<b>2</b>	Demonstrated Past Performance <ul style="list-style-type: none"> <li>• 0 points for no demonstration of successful remediation activities or successful grant management</li> <li>• 5 points for demonstration of either successful grant management or remediation activities</li> <li>• 10 points for demonstration of both successful grant management and remediation activities</li> </ul>	10
<b>PROJECT CRITERIA</b>		<b>100</b>
<b>3</b>	Risk to Human Health and the Environment <ul style="list-style-type: none"> <li>• 0 points for inadequate demonstration of risk to human health or the environment</li> <li>• 5 points for low risk to human health and the environment</li> <li>• 25 points for moderate risk to human health and the environment</li> <li>• 40 points for high risk to human health and the environment</li> </ul>	40
<b>4</b>	Project Feasibility	15

Criteria		Max Points
	<ul style="list-style-type: none"> <li>0 points for inadequate demonstration of budget and timeline to complete the project</li> <li>5 points for demonstrating ability to partially complete the project with known budget and timeline</li> <li>15 points for demonstrating ability to fully complete the project with known budget and timeline</li> </ul>	
<b>5</b>	<p>Site Inclusion in Planning Efforts</p> <ul style="list-style-type: none"> <li>0 points: site is not included in any community planning efforts</li> <li>5 points: site is included in a community redevelopment planning effort</li> <li>15 points: site is included in a community redevelopment planning effort and has identified a <u>specific</u> intended reuse of the property</li> <li>25 points: site is included in a community redevelopment planning effort and has identified the <u>specific</u> intended reuse of the property and the end use developer has been identified</li> </ul>	25
<b>6</b>	<p>Intended Reuse / Redevelopment</p> <ul style="list-style-type: none"> <li>0 points for no planned reuse / redevelopment</li> <li>3 points for planned reuse / redevelopment with anticipated minor impacts to economic or community development</li> <li>10 points for planned reuse / redevelopment with anticipated major impacts to economic or community development</li> </ul>	10
<b>7</b>	<p>Preservation of Existing Historical Structures</p> <ul style="list-style-type: none"> <li>0 points for no inclusion of reusing and preserving existing historical structures on the site</li> <li>3 points for reusing and preserving some but not all existing historical structures on the site</li> <li>5 points for reusing and preserving all existing historical structures on the site</li> </ul>	5
<b>8</b>	<p>Plan for Community Involvement</p> <ul style="list-style-type: none"> <li>0 points for no plan for community involvement</li> <li>3 points for adequate demonstration of community involvement</li> <li>5 points for exceptional demonstration of community involvement</li> </ul>	5
<b>TOTAL</b>		<b>130</b>

Applicants must clearly demonstrate and explain their answers to the selection criteria in the application. Applications are scored based on these criteria and the answers provided in the application.

TDEC may consider additional factors in funding decisions including, but not limited to, the list below. For additional twenty priority points, please explain the extent to which these additional factors apply to your application. (maximum 300 words, each)

1. Whether the population of the eligible entity jurisdiction is 10,000 or less.
2. Public interest or community support for the reuse of the property.

### ***Deliverables***

Grantees are responsible for accomplishing and submitting the following deliverables to TDEC:

1. Within thirty days of an executed contract, the grantee must enroll the brownfield site in VOAP and submit enrollment verification via GMS.
2. Throughout the grant period, the grantee must submit quarterly reports on all VOAP activities conducted to date in addition to a detailed scope of work for each on-site task, describing all aspects of the proposed field work, including cost estimates of each task for the upcoming quarter.
3. Other deliverables specific to the site will be outlined in the grant contract and coordinated through the VOAP Project Manager.

Grantees may contract for services to complete the items listed in the deliverables section. No more than 5% of the grant budget may be used toward administrative expenses.

### ***Public Notice and Engagement***

Public involvement must be an important consideration for projects that include remediation activities. Within sixty days of an executed contract, grantees must erect a sign on the brownfield site that informs the community that the site is entering VOAP, remediation activities will be occurring, and the activities are funded through BRAG. Specific details for this signage will be included in the grant contract.

Grantees are encouraged, but not required, to issue a notice of the site's entrance into VOAP and associated work in a local newspaper of general circulation in the county where the

brownfield remediation is proposed, published once a week for four consecutive weeks. This notice should include a summary of the public's right to become involved in the development, remediation, and reuse of the site, as well as the time, date, and location of an informational meeting. Grantees are also encouraged to provide a thirty-day public comment period and hold an informational meeting in the community where the brownfield is located. The informational meeting should address how remediation concerns apply to the site, including current risks at the site and how the remediation and redevelopment will mitigate those risks.

Grantees are required to describe their plan for community involvement in their BRAG application for remediation activities. TDEC strongly encourages grantees to consider including the suggestions above or developing their own plan for community involvement. Following receipt of an award, grantees should include in their quarterly report any public involvement conducted during the previous quarter's activities and provide documentation of this public involvement.

### ***Reporting Requirements***

Quarterly, grantees must submit a status report to TDEC, including all project progress, deliverables met, and a budget expenditures-to-date analysis. Grantees will also be required to complete and submit a final report at the end of the contract term. Grantees should upload documentation of any activities occurring during that quarter as a part of this report.

## **Additional Considerations**

### ***Monitoring and Oversight***

It is incumbent on all grantees to have the proper monitoring and oversight controls in place for its contractors and subcontractors. This includes, but is not limited to:

- Reviewing invoices;
- Ensuring contractors and subcontractors are not federally debarred;
- Requiring that all rules and regulations are followed and complied with; and
- Providing project management of the projects to ensure timelines and milestones are being met.

## ***Public Record***

Any information affiliated with the solicitation for the State of Tennessee's BRAG funds, including information submitted by applicants, may be considered public record, unless exempted by applicable federal or state laws, and may be subject to disclosure to the public. Additionally, applications and grant documents may be published or distributed in various print or electronic media publications.

## ***Certifications***

At its sole discretion, TDEC reserves the right not to award funds to applicants that:

- Fail to submit a complete application;
- Exhibit poor performance in complying with the expectations and requirements of previous grant or loan contracts with the State of Tennessee; or
- Have regulatory or programmatic compliance issues with the State of Tennessee (e.g., is in significant non-compliance with current regulations).

The above list is not exhaustive, and TDEC may elect not to award funds for other reasons deemed by TDEC to be necessarily disqualifying in order to uphold the integrity of the BRAG program.

The applicant shall certify that:

- The applicant understands that the elements of Title VI compliance correspond to requirements for Title VI as provided for in 42 U.S.C. § 2000(d) and in Tennessee Code Annotated section 4-21-904, and the applicant has either adopted and implemented these elements of compliance or has agreed to adopt and implement TDEC's compliance resources as its own;
- The applicant understands that the applicant's eligibility for funding is contingent upon its satisfaction of and adherence to the requirements of Title VI, as well as the satisfaction of and adherence of any contractor or subcontractor associated with the project as required by law;
- The applicant has successfully submitted and received notification of completion for its annual Title VI Compliance Application;
- The applicant understands that if the applicant is awarded a grant by TDEC, the applicant will need to show evidence of completion of Title VI training if TDEC requests;



- The applicant has read and understands the reporting requirements, and the applicant agrees that it will comply with these requirements;
- All vendors will be selected in accordance with state public contracting laws under Tennessee Code Annotated Title 4, Chapter 56; Title 12, Chapter 3; and Title 12, Chapter 4;
- The applicant, along with the officers, directors, owners, partners, employees, or agents of the applicant organization, is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for an award by any State or Federal agency; and
- The site(s) included in the application are enrolled in VOAP or will enroll in VOAP within thirty days of an executed and signed contract.

## Contact

Please email [TDEC.Brownfields@tn.gov](mailto:TDEC.Brownfields@tn.gov) for technical questions throughout the application and award process. All other communications (regular mail, express mail, electronic mail), concerning this application and award process must be addressed to:

Tennessee Department of Environment and Conservation  
Division of Remediation  
Brownfield Area Redevelopment Grant Program  
William R. Snodgrass TN Tower 312 Rosa L. Parks Ave, 14th Floor Nashville, TN 37243  
[TDEC.Brownfields@tn.gov](mailto:TDEC.Brownfields@tn.gov)

Grant applications will only be accepted through the Grants Management System (GMS). Grant applications will not be accepted through regular mail, express mail, or electronic mail. Applicants may communicate with TDEC via the email identified above to ask clarifying questions about the BRAG program. As a competitive grant opportunity, applicants should understand that TDEC staff cannot give advice on specific applications or projects and must maintain a fair and impartial process.

Following the close of the application period, all communications concerning this application and award process can be completed through the Grants Management System (GMS).

# Resources

- [TDEC Brownfield Grants and Resource](#)
- [TDEC Brownfield Voluntary Cleanup Oversight and Assistance Program \(VOAP\)](#)
- [TDEC Brownfield VOAP Fee Structure](#)
- [Tennessee Jobs Tax Credit Enhancement County Map](#)
- [Brownfields | EPA](#)