

TCEQ Grievance Procedure Policy

Purpose

In compliance with 40 C.F.R. Part 7, Section 7.90(a), the TCEQ has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations of 40 C.F.R. Parts 5 and 7 in the administration of the TCEQ's programs and activities.

The grievance procedure is intended to address allegations of discrimination on the basis of:

- Race;
- Color;
- Age;
- National origin;
- Disability; or
- Sex.

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. **However, the procedures do not apply to administrative actions, like employee complaints, that are handled under a separate process.**

Submission of a Complaint

A. Filing of Complaint

A person (or the authorized representative of a person) who believes that he or she or a class of persons has been excluded from participation in, denied the benefits of, or subjected to discrimination under any TCEQ program or activity on the basis of race, color, age, national origin, disability, or sex may file a complaint with the TCEQ. The complaint must:

1. Be in writing;
2. Contain the complainant(s) contact information including name (or, for a group or association, an official representative), mailing address, daytime phone number, and email address (if appropriate);
3. Be filed within 90 days of an alleged violation (except as otherwise indicated in the following paragraph), unless for good cause;
4. Describe with specificity the action(s) by the TCEQ that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7;
5. Describe with specificity the discrimination that allegedly has occurred or will occur as the result of such action(s); and
6. Identify the parties impacted or potentially impacted by the alleged discrimination.

The TCEQ may request additional information from the complainant if this information is needed to meet the complaint requirements described above or otherwise contained in 40 C.F.R. Parts 5 and 7. The TCEQ may waive requirement two (2) in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture; or, for good cause, to address complaints filed more than 90 days after an alleged violation.

All written complaints shall be submitted in one of the following manners:

MAIL:

Jim Fernandez
Environmental Equity (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FAX:

512-239-3311

EMAIL:

chiefclk@tceq.texas.gov

For questions, please call 512-239-2566.

Within 10 days of receiving a written complaint, the TCEQ will provide the complainant with written notice of receipt.

B. Determination of Jurisdiction and Investigative Merit

The TCEQ, based on information in the complaint and other information available, will determine if it has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. A complaint shall be regarded as meriting investigation unless:

1. It is not under the TCEQ's jurisdiction;
2. It clearly appears on its face to be frivolous or trivial;
3. Within the time allotted for making the determination of jurisdiction and investigative merit, the TCEQ voluntarily concedes noncompliance and agrees to take appropriate remedial action or reaches an informal resolution with the complainant;
4. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
5. It is not timely and good cause does not exist for waiving the timing requirement under section A.2.

Disposition of Complaints

Within 120 days of accepting a written complaint, the TCEQ will respond in writing to the complainant with a resolution. If the TCEQ determines at this time that additional time is needed for its investigation, the TCEQ will notify the complainant of this determination. The resolution will be determined based on the preponderance of the evidence.

Intimidation or Retaliation Prohibited

The TCEQ or any other person may not intimidate, threaten, coerce, or discriminate against any individual or group for the purpose of interfering with any right or privilege guaranteed under applicable state and federal law. The TCEQ or any other person also may not intimidate, threaten, coerce, or discriminate against any individual or group because the individual has filed a complaint; has testified, assisted, or participated in any way in an investigation, proceeding, or hearing related to a TCEQ matter; or has opposed any practices made unlawful by TCEQ's nondiscrimination policy. Accordingly, any such intimidation or retaliation on the part of the TCEQ or any TCEQ representative would be grounds for a complaint pursuant to these procedures and will be handled in the same manner as any other complaint of discrimination.

Si desea información en español, puede llamar al 1-512-239-2566.