

## Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read Instructions before completing form.

**I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)**

Name:   
Address:   
City:   
State:  Zip Code:

**B. DUNS No.**

**II. Is the applicant currently receiving EPA Assistance?**  Yes  No

**III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)**

**IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)**

**V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))**

**VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.**

Yes  No

**a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).**

Yes  No

**b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.**

**VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R. 5.140 and 7.95)**  Yes  No

**a. Do the methods of notice accommodate those with impaired vision or hearing?**  Yes  No

**b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications?**  Yes  No

**c. Does the notice identify a designated civil rights coordinator?**  Yes  No

**VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. 7.85(a))**  Yes  No

**IX. Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166)**  Yes  No

X. If the applicant is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.

See Attachment B

XI. If the applicant is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or Internet Address for, or a copy of, the procedures.

See Attachment C

**For the Applicant/Recipient**

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized Official



B. Title of Authorized Official

Deputy Executive Director

C. Date

4/21/2021

**For the U.S. Environmental Protection Agency**

I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.

A. \*Signature of Authorized EPA Official

\_\_\_\_\_

B. Title of Authorized Official

\_\_\_\_\_

C. Date

\_\_\_\_\_

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance (OMB#: 2030-0020)

Attachment A - V. Civil rights compliance Reviews

## Attachment A

**V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))**

### Title VI Administrative Complaints

01Rr-19-R6

A complaint was filed on 5/1/2019, regarding the alleged failure to notify African American landowners of contaminated groundwater and an adverse employment action in retaliation for raising an issue with incomplete and inaccurate water quality data reported. EPA's External Civil Rights Compliance Office's was unable to ascertain whether the allegation was timely and did not consider themselves to have jurisdiction as no discriminatory action was alleged and no date or time frame were identified. The claim was referred to the Dallas District Office of Equal Employment Opportunity Commission.

02NO-20-R6

A complaint was filed on 11/12/2019 regarding the alleged TCEQ discrimination on the basis of national origin against residents of Texas who have limited English proficiency (LEP) in the administration of permitting and public engagement programs. TCEQ signed an informal resolution agreement with EPA's External Civil Rights Compliance Office regarding this complaint and is currently working on meeting the requirements of the signed agreement. (See attached EPA Resolution Letter and Agreement and TCEQ's revised non-discrimination plan).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

November 4, 2020

**Via Email**

**EPA Complaint No. 02NO-20-R6**

Erin E. Chancellor  
Deputy Director, Office of Legal Services  
Texas Commission on Environmental Quality  
Post Office Box 13087  
Austin, TX 78711-3087  
erin.chancellor@tceq.texas.gov

**Re: Resolution of EPA Complaint No. 02NO-20-R6**

Dear Deputy Director Chancellor:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is resolving this complaint based on the enclosed Informal Resolution Agreement (“Agreement”) entered into between EPA and the Texas Commission on Environmental Quality (TCEQ). On December 4, 2019, EPA accepted for investigation a complaint against TCEQ alleging discrimination on the basis of national origin against individuals with limited English proficiency (LEP) in the administration of TCEQ’s permitting and public engagement programs, in violation of Title VI of the Civil Rights Act of 1964 and EPA’s nondiscrimination regulation, at 40 C.F.R. Part 7. The complaint was assigned EPA Complaint No. 02NO-20-R6. Specifically, EPA accepted the following issue for investigation:

Whether TCEQ discriminates against residents in the state of Texas on the basis of national origin, limited-English proficiency, including against Latino Spanish-speaking LEP residents, by failing to consistently provide effective public notice and meaningful access to TCEQ’s programs and activities, including those relating to environmental permitting, such as translation of vital documents into Spanish and additional languages other than English, as appropriate, and providing language interpretation services at public meetings, in violation of Title VI of the Civil Rights Act of 1964 and EPA’s implementing regulation at 40 C.F.R. Part 7.

During the course of EPA’s investigation, TCEQ agreed to enter into the Agreement in order to resolve EPA Complaint No. 02NO-20-R6. The enclosed Agreement is entered into by EPA pursuant to the authority granted to EPA under the federal nondiscrimination laws, including Title VI and 40 C.F.R. Part 7. It is understood that the Agreement does not constitute an admission by TCEQ of any violation or a finding by EPA of compliance or noncompliance with applicable federal non-discrimination laws and regulation.

The enclosed Agreement does not affect TCEQ's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement. This letter sets forth EPA's disposition of the complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

EPA is committed to working with TCEQ as it implements the provisions of the Agreement. If you have any questions regarding this letter and the Agreement between EPA and TCEQ, please contact me at (202)564-9649 or by e-mail at [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov).

Sincerely,



Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel

Enclosure

cc: Angelia Talbert-Duarte  
Associate General Counsel  
Civil Rights & Finance Law Office

David Gray  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 6

James McGuire  
Regional Counsel  
US EPA Region 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**



**INFORMAL RESOLUTION AGREEMENT**  
**between the**  
**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**AND THE**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**EPA COMPLAINT NO. 02NO-20-R6**

**I. PURPOSE AND JURISDICTION**

- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (“Title VI”), and other federal nondiscrimination laws, and United States Environmental Protection Agency’s (“EPA”) implementing regulations at 40 C.F.R. Parts 5 and 7 prohibit discrimination on the basis of race, color, national origin, disability, sex, age, and intimidation and retaliation in the programs, services and activities of applicants for or recipients of federal financial assistance.<sup>1</sup> Texas Commission on Environmental Quality (TCEQ) receives financial assistance from EPA and, therefore, must ensure nondiscrimination in its programs and activities pursuant to federal nondiscrimination laws and EPA’s implementing regulation.
- B. On December 4, 2019, the EPA External Civil Rights Compliance Office within the Office of General Counsel (ECRCO) accepted for investigation a complaint against TCEQ, pursuant to Title VI and EPA’s implementing regulations at 40 C.F.R. Parts 5 and 7. EPA accepted for investigation the following issue:

Whether TCEQ discriminates against residents in the state of Texas on the basis of national origin, limited-English proficiency, including against Latino Spanish-speaking LEP residents, by failing to consistently provide effective public notice and meaningful access to TCEQ’s programs and activities, including those relating to environmental permitting, such as translation of vital documents into Spanish and additional languages other than English, as appropriate, and providing language interpretation services at public meetings, in violation of Title VI of the Civil Rights Act of 1964 and EPA’s implementing regulation at 40 C.F.R. Part 7.

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<sup>1</sup> Title VI of the Civil Rights Act of 1964, 42 United U.S.C. §§ 2000d to 2000d-7 (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*; 40 C.F.R. Parts 5 and 7.

- C. During the course of ECRCO's investigation, TCEQ agreed to enter into this Informal Resolution Agreement (Agreement). This Agreement serves to resolve the issue accepted for investigation in the complaint. This Agreement is entered into pursuant to the authority granted EPA under the federal non-discrimination laws, including Title VI of the Civil Rights Act of 1964, and the EPA regulations found at 40 C.F.R. Parts 5 and 7, and resolves EPA Complaint No. 02NO-20-R6 and additional concerns identified by EPA.
- D. This Agreement is entered into voluntarily by TCEQ and does not constitute an admission by TCEQ of a violation of, or a finding of compliance or noncompliance by EPA with Title VI or the other federal non-discrimination laws enforced by EPA pursuant to the regulations at 40 C.F.R. Parts 5 and 7.
- E. TCEQ is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and the other federal non-discrimination laws enforced by EPA regulations at 40 C.F.R. Parts 5 and 7. The activities detailed in Sections III and IV of this Agreement are in furtherance of TCEQ's ongoing commitment.

## II. BACKGROUND

- A. On May 23, 2017, ECRCO resolved EPA Complaint No. 01R-00-R6 involving TCEQ based on an Informal Resolution Agreement between EPA and TCEQ. As part of the complaint resolution, ECRCO reviewed TCEQ's policies and procedures regarding its foundational nondiscrimination program, including the procedural safeguards required by EPA's nondiscrimination regulation, public participation policies and procedures, as well as required policies and procedures to ensure meaningful access to TCEQ programs and activities for persons with disabilities and limited-English proficiency (LEP). ECRCO determined to work with TCEQ on its nondiscrimination program under a separate process.
- B. Under the separate process, beginning in May 2018, ECRCO provided technical assistance to TCEQ regarding its nondiscrimination program obligations and best practices, including notice of nondiscrimination, grievance procedures, nondiscrimination coordinator, providing meaningful access for individuals with LEP (including the best practice of developing an LEP plan as described in EPA's LEP Guidance, 69 FR 35602 (2004), <https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi>) and disabilities, and public participation.
- C. In response to the separate process, TCEQ undertook the following actions in 2018 and 2019 with respect to its nondiscrimination program:
  - 1. Published a notice of nondiscrimination entitled "Environmental Equity: Nondiscrimination in TCEQ Processes" on its website, accessible via a

- link to the notice on the TCEQ website homepage (<https://www.tceq.texas.gov/>), and updated the signs placed at desks/check-in areas that provide notice that TCEQ does not discriminate;
2. Updated its grievance procedures for resolution of discrimination complaints ([https://www.tceq.texas.gov/assets/public/comm\\_exec/pm-ph/env-eq/Grievance%20Procedures-2019-4-2.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/env-eq/Grievance%20Procedures-2019-4-2.pdf)), which are accessible from TCEQ's website at <https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html#report>
  3. Identified a nondiscrimination coordinator, Jim Fernandez, whose contact information is available on TCEQ's website at <https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html#report>
  4. Translated its nondiscrimination webpage, which includes the above nondiscrimination information in C.1. through 3. above, into Spanish (<https://www.tceq.texas.gov/agency/decisions/hearings/equidad-ambiental-la-no-discriminacion-en-los-procesos-de-la-tceq>);
  5. Modified the search functions on TCEQ's website related to nondiscrimination so that website searches are more responsive; and
  6. Updated its employee training to ensure that federal nondiscrimination laws, policies and procedures are a part of the training program.
- D. TCEQ has implemented other measures to meet its obligations under federal non-discrimination statutes to provide reasonable accommodations and meaningful access for persons with disabilities to TCEQ's programs and activities:
1. TCEQ notifies the public of available resources by including language on public documents that contain instructions for seeking reasonable accommodations to individuals with disabilities. This includes, but is not limited to, notices of public meetings, notices of public hearings, notices of rulemaking, and notices of the commission's public agenda meetings.<sup>2</sup>
  2. TCEQ's public commission agenda meetings are broadcast on the internet (*see* <https://www.tceq.texas.gov/agency/decisions/agendas/agenda.html>), and the broadcasts are closed-captioned. TCEQ provides information on its website for accessing the broadcasts. The notice for the meeting

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<sup>2</sup> See, e.g., [https://www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/current/2020/201021.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/current/2020/201021.pdf); [https://www.tceq.texas.gov/assets/public/comm\\_exec/pm-ph/notices/2020/2020-10-21-lauren-concrete-inc-162359-162395-ph.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/notices/2020/2020-10-21-lauren-concrete-inc-162359-162395-ph.pdf); [https://www.tceq.texas.gov/assets/public/comm\\_exec/pm-ph/notices/2020/2020-11-16-jupiter-brownsville-llc-147681-PSDTX1522-GHGSDTX172-cch.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/notices/2020/2020-11-16-jupiter-brownsville-llc-147681-PSDTX1522-GHGSDTX172-cch.pdf); [https://www.tceq.texas.gov/assets/public/legal/rules/hearings/20041328\\_phn.pdf](https://www.tceq.texas.gov/assets/public/legal/rules/hearings/20041328_phn.pdf).

agenda contains information for contacting TCEQ's Office of the Chief Clerk if any accommodation is necessary for a member of the public to make an oral presentation at the agenda meeting. *See* [https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm\\_agendas.html](https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html) (links to upcoming and archived agenda meetings). At the close of the agenda, TCEQ provides information regarding the availability of language assistance and disability assistance for its public commission agenda meetings. *See, e.g.,* [https://www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/current/2020/200729.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/current/2020/200729.pdf).

3. TCEQ makes the documents it files, publishes, or otherwise authors accessible to individuals with disabilities before finalizing and publishing the documents for posting or distribution. *See, e.g.,* TCEQ Accessibility of Information and Communication Technology Plan (Rev. Sept. 18, 2019).
4. Pursuant to TCEQ's Website Accessibility Policy, [https://www.tceq.texas.gov/help/policies/accessibility\\_policy.html](https://www.tceq.texas.gov/help/policies/accessibility_policy.html), TCEQ is committed to making its website and webpages accessible to all users, and to continually review and update them for accessibility.

### III. SPECIFIC TCEQ COMMITMENTS

#### A. Community Meetings

1. TCEQ committed to hold at least three (3) virtual stakeholder meetings on TCEQ's pending rulemaking project on "Amending Alternative Language Public Notice Requirements and Public Participation" no sooner than October 19, 2020, to accommodate effective community outreach during the COVID-19 Pandemic, and to provide simultaneous professional language interpretation during the meetings in Spanish and any other appropriate languages. TCEQ held these meetings on October 19, 2020 at 2:00, October 20, 2020 at 6:00, and October 22, 2020 at 10:00.
2. In addition to the three virtual stakeholder meetings on the pending rulemaking (Section III.A.1. above), within 180 days after the effective date of this Agreement, TCEQ will hold a virtual stakeholder meeting through an appropriate and accessible platform that will be recorded and linked on TCEQ's Website as a community resource. TCEQ will provide simultaneous professional language interpretation during the meeting in Spanish and any other appropriate languages. This additional virtual stakeholder meeting will include the following topics:

- a. TCEQ's permitting process and opportunities for public involvement;
  - b. How to access and interpret air quality data;
  - c. TCEQ's environmental complaints process for members of the public, including how to contact TCEQ, what information must be provided, how the agency responds to complaints, and how to follow the status of a complaint after it is made;
  - d. How to access TCEQ information relating to public emergencies;
  - e. How members of the public may submit information to TCEQ; and
  - f. How evidence collected by members of the public is used by TCEQ in enforcement.
3. Within one year after the date of the virtual meeting in Section III.A.2. above, TCEQ will hold two in-person community meetings, one in the Manchester community of East Houston and another in Pasadena, Texas. These meetings will include the same information offered in the virtual meeting in Section III.A.2 above. TCEQ may need to adjust the timing of these meetings based on the public health and safety concerns related to the COVID-19 Pandemic and based on the Centers for Disease Control guidance related to public gatherings.
4. TCEQ will publish timely notice of the meetings (at least 30 days prior to the meeting date) described in Section III.A.2 through 3 above, in English, Spanish and any other appropriate languages. Notice of the upcoming meetings will be announced in at least the following ways:
- a. In one or more English language newspaper(s) of general circulation, serving the communities of East Houston and Pasadena;
  - b. In Spanish in one or more publications serving Spanish Speaking communities of East Houston and Pasadena Texas;
  - c. On the TCEQ website;
  - d. Through agency social-media accounts, including Facebook and Twitter;
  - e. By mail to known stakeholders and stakeholders' representatives; and
  - f. By mail through a general, area-wide mailout, using the United States postal service.

B. Public Participation Plan:

1. TCEQ understands that meaningful public involvement consists of informing, consulting, and working with potentially affected communities at various stages of the environmental decision-making process to address their needs. Therefore, TCEQ will develop a public participation plan that:
  - a. Is available to all persons regardless of race, color, national origin (including limited-English proficiency), disability, sex and age; and is translated into appropriate languages pursuant to the analysis conducted pursuant to Section III.C.2. below;
  - b. Ensures that the factors used to determine the time, place, location, duration, and security at public meetings are developed and applied in a non-discriminatory manner;
  - c. Ensures that TCEQ's public participation procedures are implemented consistent with the federal non-discrimination laws and EPA's Public Participation Guidance found at 71 F.R. 14207, 14210 (March 21, 2006),<sup>3</sup> and include implementation of steps for effective public participation that are accessible to all persons without regard to race, color, national origin (including limited English proficiency), disability, sex, and age each time TCEQ engages in a public participation or public involvement process.
  - d. Considers as part of TCEQ's development of the public participation plan, the following elements to ensure that the plan is available and accessible to all persons regardless of race, color, national origin, disability, sex, and age:
    - i. relevant community (including demographics, history, and background);
    - ii. relevant TCEQ staff members, including phone numbers and email addresses, to allow the public to communicate via phone or internet;
    - iii. past and present community concerns (including any complaints filed under the federal non-discrimination laws);
    - iv. detailed plan of action (outreach activities) that TCEQ will take to address concerns;
    - v. contingency plan for unexpected events;
    - vi. location where public meetings will be held (considering the availability and schedules of public transportation);

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<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2006-03-21/pdf/06-2691.pdf>

- vii. contact names for obtaining language assistance services for limited-English proficient persons, including translation of documents and/or interpreters for public meetings;
    - viii. appropriate local media contacts (based on the culture and linguistic needs of the community); and
    - ix. the information repository location.
2. TCEQ will ensure that information about its public participation plan and opportunities for public participation will be provided in an accessible and user-friendly format and posted on TCEQ's website in appropriate languages other than English, pursuant to Section III.C.2 below, to ensure that the public will be better informed about the opportunities to participate in TCEQ's programs and activities.
3. Within 120 days after the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its public participation plan, as well as information about the proposed location and accessibility of the plan, such as a link to TCEQ's Website. ECRCO will review the draft public participation plan and provide any comments within 30 days of receipt. TCEQ will submit a final public participation plan within 30 days of receipt of ECRCO's comments.

C. Plan to Ensure Meaningful Access for Individuals with Limited English Proficiency (LEP):

1. TCEQ will provide meaningful access to individuals with limited English proficiency (LEP), and will develop, publicize, and implement written procedures to ensure meaningful access to all TCEQ programs and activities by all persons, including access by individuals with limited English proficiency, at no cost to those individuals.
2. TCEQ will conduct the appropriate analysis in light of EPA's LEP Guidance found at 69 F.R. 35602 (June 25, 2004)<sup>4</sup> and <http://www.lep.gov> to determine what language services or mix of language services it may need to provide to ensure that individuals with limited English proficiency can meaningfully participate in TCEQ's programs and activities.
3. TCEQ will:
  - a. Develop a language access plan consistent with EPA's LEP Guidance that is translated into Spanish, and other appropriate

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<sup>4</sup> <https://www.govinfo.gov/content/pkg/FR-2004-06-25/pdf/04-14464.pdf>.

languages, pursuant to the analysis conducted pursuant to this Section III.C.2. which includes, as part of the development of the plan, an identification and consolidation of the processes and procedures TCEQ currently has in place to ensure that individuals with LEP are provided meaningful access to TCEQ's programs and activities;

- b. Develop, publicize, and implement written procedures to ensure meaningful access to all TCEQ programs and activities for all persons, including access for individuals with limited English proficiency. This process will include an identification and consolidation of all procedures currently used by TCEQ to provide opportunities for all individuals to participate in TCEQ's programs and activities, as well as any further procedures TCEQ may develop for these purposes. These procedures will be published on TCEQ's website, including on the Spanish-language page and in other appropriate languages pursuant to the analysis conducted pursuant to this Section III.C.2, so that the procedures are easily accessible for all individuals. Instructions for obtaining copies of the webpage for individuals that may have limited internet access or other problems accessing the page will be made available, and will be made available for those who may call in to TCEQ's helpline or otherwise reach out to the agency for non-internet assistance;
- c. Translate vital documents of general interest into prominent languages for LEP individuals who are served or likely to be encountered by TCEQ's programs and activities;
- d. Translate vital documents of individual interest to a particular LEP individual or group of LEP individuals;
- e. Provide for simultaneous oral interpretation of live proceedings (*e.g.*, town hall meetings and public hearings) in prominent languages when appropriate and necessary, through the procedures specified in the written LEP plan; and
- f. Provide for simultaneous interpretation of proceedings, meetings, *etc.*, for individual LEP persons participating in a TCEQ program or activity (*e.g.*, a LEP individual wishing to file a grievance or complaint) when appropriate and necessary, through the procedures specified in the written LEP plan.

4. Within 180 days after the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its LEP plan to ensure meaningful access to all TCEQ programs and activities for individuals with limited-English proficiency and provide information as to the proposed location and accessibility of the LEP plan, such as a link to TCEQ's Website. ECRCO will review the draft LEP plan and provide any comments within 30 days of receipt. TCEQ will submit a final LEP plan within 30 days of receipt of ECRCO's comments
5. Within 30 days after adoption of TCEQ's final LEP plan, TCEQ will make the communities it serves aware of its LEP plan and how to access language assistance services at no cost. This information will be provided on TCEQ's website in appropriate languages other than English based on the appropriate analysis conducted in accordance with Section III.C.2.

D. Policy to Ensure Meaningful Access for Individuals with Disabilities

1. TCEQ will develop a policy to provide individuals with disabilities the opportunity for meaningful access in its programs and activities, which includes provisions addressing the following:
  - a. Providing at no cost appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate meaningfully in the programs and activities provided by TCEQ.
  - b. Providing individuals with disabilities with the right to request accommodations and to receive accommodations appropriate to their needs in order to meaningfully participate in or benefit from TCEQ's programs and activities in an accessible, nondiscriminatory and integrated setting.
2. TCEQ will make additional efforts to ensure that the communities it serves are aware that services for individuals with disabilities are available. TCEQ will prominently post its policy on the TCEQ website, which is translated into appropriate languages pursuant to the analysis conducted pursuant to Section III.C.2 above, including in both English and Spanish, and which will be accessible to individuals with disabilities.
3. Within 60 days of the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its policy to ensure meaningful access to, and an opportunity for full participation in, all TCEQ programs and activities for individuals with disabilities, as well as information about the proposed location and accessibility of the policy,

such as a link to TCEQ's Website. ECRCO will review the draft policy and provide any comments within 30 days of receipt. TCEQ will submit a final policy within 30 days of receipt of ECRCO's comments.

E. Training

1. Within 120 days after implementing the deliverables identified in this Agreement (Sections III.A. through D. above), TCEQ will provide training to all staff on TCEQ's nondiscrimination policies and procedures and on its federal nondiscrimination obligations. TCEQ will certify to ECRCO that the training has been provided.
2. Within 180 days after execution of this Agreement, TCEQ will certify to ECRCO that it has a plan in place to ensure that such training is a routine part of the on-boarding process for new employees and is given periodically as refresher training to all employees.

**IV. GENERAL**

- A. In consideration of TCEQ's implementation of commitments and actions described in Section III of this Agreement, ECRCO will end its investigation of Complaint No. 02NO-20-R6 and not issue a decision containing findings on the merits of the complaint.
- B. ECRCO will monitor the implementation of the commitments in Section III of this Agreement, as appropriate, to ensure they are fully implemented. Once the terms of this Agreement are satisfied, ECRCO will issue a letter documenting closure of its monitoring actions in Complaint No. 02NO-20-R6 and closure of the Complaint as of the date of that letter.
- C. Unless the terms of a commitment in Section III provide for a different timeframe, TCEQ will, within 30 days after the implementation of each commitment, and consistent with the timeframes in Section III, submit confirmation of each commitment's implementation, by electronic mail to the Director, External Civil Rights Compliance Office, Office of General Counsel, at [Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov).
- D. ECRCO will review and provide feedback about any documentation submitted by TCEQ demonstrating completion of each commitment and will provide an assessment as to whether the documentation satisfies the commitment within 30 days of receipt of each such submission.
- E. EPA will, upon request, provide technical assistance to TCEQ regarding any of the civil rights obligations previously referenced.

**V. COMPUTATION OF TIME AND NOTICE**

- A. As used in this Agreement, “day” will mean a calendar day. In computing any period of time under this Agreement, where the last day would fall on a Saturday, Sunday, or federal holiday, the period will run until the close of business of the next working day.
- B. Documents submitted by TCEQ to EPA shall be sent by email to the Director of ECRCO at Dorka.Lilian@epa.gov.
- C. Documents submitted by ECRCO to TCEQ shall be sent by email to the Deputy Director of TCEQ Office of Legal Services.

## **VI. EFFECT OF THE AGREEMENT**

- A. TCEQ understands that, if necessary, ECRCO may visit TCEQ, interview staff, and request such additional reports or data as are necessary for ECRCO to determine whether TCEQ has fulfilled the terms of this Agreement.
- B. TCEQ understands that EPA will not close its monitoring of this Agreement until ECRCO determines that TCEQ has fully implemented this Agreement and that a failure to satisfy any term in this Agreement may result in the EPA opening an investigation.
- C. If either Party desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to TCEQ’s program or authorities, or for other good cause, the Party seeking a modification will promptly notify the other in writing, setting forth the facts and circumstances justifying the proposed modification. Any modification(s) to this Agreement will take effect only upon written agreement by the Director of TCEQ and the Director of ECRCO.
- D. This Agreement constitutes the entire Agreement between TCEQ and EPA regarding the matters addressed herein, and no other statement, promise, or agreement, made by any other person will be construed to change any commitment or term of this Agreement, except as specifically agreed to by TCEQ and EPA in accordance with the provisions of Section VI.C. above.
- E. This Agreement does not affect TCEQ’s continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA’s regulations at 40 C.F.R. Parts 5 and 7, nor does it affect EPA’s investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

- F. The effective date of this Agreement is the date by which both Parties have signed the Agreement. This Agreement may be signed in counterparts. The Deputy Director of the Office of Legal Services in her capacity as an official of TCEQ, has the authority to enter into this Agreement for purposes of carrying out the activities listed in these paragraphs. The Director of ECRCO has the authority to enter into this Agreement.

On behalf of the Texas Commission on Environmental Quality



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Erin E. Chancellor  
Deputy Director, Office of Legal Services

November 3, 2020  
(Date)

On behalf of the U.S. Environmental Protection Agency,



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Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel

November 3, 2020  
(Date)

## **Texas Commission on Environmental Quality Disability Nondiscrimination Plan**

The Texas Commission on Environmental Quality (TCEQ) is committed to protecting the health of the residents of Texas and the environment. TCEQ provides individuals with disabilities the opportunity for full participation in its programs, services, and activities through compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, as amended by ADA Amendments Act of 2008, and Title 40 Code of Federal Regulations (CFR) Part 7, Subpart C. Furthermore, TCEQ addresses environmental equity (also known as Environmental Justice) concerns for all Texans, including low-income and minority communities across the state, so that all Texans can fully participate in decision-making processes and enjoy the benefits of our environmental programs, services, and activities.

### **Persons with Disabilities**

TCEQ recognizes that individuals with disabilities may need accommodations or modifications to have equal opportunities to participate in or benefit from our programs, services, and activities.

It is our policy that no individual with a disability, who is qualified to participate within the specified TCEQ process, will be denied access to or participation in any program, service, or activity offered. We will administer programs, services, and activities in the most integrated setting appropriate to the reasonable needs of individuals with disabilities.

TCEQ will operate public programs, services, and activities consistent with 40 CFR Part 7, Subpart C so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. When TCEQ holds meetings, we will coordinate with the appropriate parties to find ADA-compliant venues, whenever possible.

TCEQ will provide at no cost appropriate auxiliary aids and services including, for example, qualified sign language interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary, to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities in a manner that is timely and protects the privacy and independence of the individual.

Individuals with disabilities have a right to request reasonable accommodations. When requested, individuals will receive reasonable accommodations appropriate to their needs in order to fully participate in or benefit from TCEQ's services and activities in a nondiscriminatory, integrated setting.

### **TCEQ Internal Policies for Persons with Disabilities**

TCEQ ensures all agency employees and applicants are provided equal employment opportunities under the law and a work environment free of discrimination based on disability. It is TCEQ's policy to not discriminate against qualified individuals who have a disability with respect to selection and hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

TCEQ also reasonably accommodates qualified individuals with a disability so that they can perform the essential functions of a job, in accordance with federal and state laws, including the ADA, and TCEQ's Operating Policy and Procedure 12.04.

### **TCEQ Environmental Equity Program**

So that all Texas residents can fully participate in decision-making processes and enjoy the benefits of our environmental programs, services, and activities, TCEQ is committed to Environmental Justice.

The U.S. Environmental Protection Agency (EPA) defines Environmental Justice as:

[T]he fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work ([Learn about Environmental Justice, 2020](https://www.epa.gov/environmentaljustice/learn-about-environmental-justice)  
<https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>)

TCEQ's Environmental Equity Program aims to:

- Help Texas residents and neighborhood groups participate in decision-making and regulatory processes,
- Serve as your TCEQ contact to address concerns about environmental injustice,
- Thoroughly consider your concerns and handle them fairly, and
- Ensure that all people receive equal benefit from environmental regulations and protection.

### **Public Participation at TCEQ**

TCEQ wants you to participate in our decision-making processes. Currently, TCEQ has many ways for you to participate, including the following:

- Our [Environmental Permitting: Participating in the Process](#) page helps you know your rights and responsibilities in the permitting process;
- Our [Participating in Rulemaking](#) page explains how you can find out about and comment on new and changing rules;
- For many permits or rulemaking actions that require public notice, you can [attend public meetings or hearings on rulemaking](#) or [attend public meetings or hearings on pending permits](#) and make comments at these meetings;
- You can also [submit written comments on rulemaking](#) or [submit written comments on pending permits](#) any time during the public comment period; and
- [Public notices](#) published in local newspapers tell you how to [submit public comments and requests to the Office of the Chief Clerk online](#), by U.S. mail, or in person.

TCEQ provides the following services and information for those with Limited English Proficiency:

- In public notices, TCEQ explains to participants in English and in Spanish how to call the Public Education Program hotline at 800-687-4040 for more information about the public notice as well as what it means;
- Public notices also include a link to the [TCEQ website](#). TCEQ has established rules regarding when public notices should be published, and notices will be displayed in multiple languages according to these rules. We also evaluate on a case-by-case basis whether interpreters should attend meetings and hearings. (See [30 Texas Administrative Code \(TAC\), Sec. 39.405\(h\)](#), governing alternative language public notice requirements. See also [30 TAC, Sec. 39.604\(e\)](#); [30 TAC, Sec. 330.57\(i\)\(5\)](#); [30 TAC, Sec. 330.69\(b\)\(3\)](#); and [30 TAC, Sec. 326.73\(a\)\(7\)](#), governing alternative language sign-posting requirements.);
- TCEQ often offers [Spanish templates and tools](#);
- TCEQ has an [English-Spanish glossary](#) to make written translations of both general information and regulatory documents consistent; and
- TCEQ offers many documents—such as those detailing how to report environmental problems, how to participate in environmental permitting, and how to receive environmental program assistance—in Spanish. These documents, and other [TCEQ publications in Spanish](#), may be found online on our [Information Available in Spanish](#) and [Bilingual Documents](#) pages.

TCEQ is always interested in enhancing opportunities for participating in decision making processes as more is learned from research, partners, and the public. Although not a federal program, TCEQ also considers Executive Orders—such as Executive Order 13166, which requires federal agencies to work with recipients of federal financial assistance so that meaningful access is provided to applicants and beneficiaries with limited English proficiency—when engaging the public. To increase and enhance public involvement in agency decision making, TCEQ is currently developing a language access plan for those with limited English proficiency and a public participation plan.

### **Nondiscrimination Coordinator**

TCEQ has a coordinator for agency efforts to comply with the Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, ADA of 1990, Section 13 of the Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972. There are many reasons an individual may contact the nondiscrimination coordinator including, but not limited to, requesting an accommodation, filing a discrimination complaint, and/or asking questions about TCEQ's nondiscrimination program. The nondiscrimination coordinator can be contacted as follows:

Jim Fernandez  
Environmental Equity (MC 105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087  
Email: [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov)

Telephone: 512-239-2566 / Dirija sus preguntas al 512-239-2566.

Please keep in mind that the more specific the request or complaint, the more it helps TCEQ in working to resolve the issue. Individuals may also email the coordinator, if they see any issues on our webpages (i.e., an inaccessible webpage or a broken link). Individuals who work for TCEQ and who have a discrimination complaint related to their employment may reach out to the Employee Relations Section of TCEQ's Human Resources & Staff Services Division.

### **Accommodations at TCEQ**

TCEQ provides individuals with disabilities the opportunity for meaningful access and participation in TCEQ programs, services, and activities. No participant with a disability in a TCEQ program, service, or activity will be discriminated against in the provision of services available to all individuals in general. Auxiliary aids, services, or other accommodations used by individuals with disabilities to provide access to programs, services, and activities may not always be present; thus, individuals are responsible for letting TCEQ know what reasonable accommodations they need in advance, so that TCEQ may provide an appropriate response to the accommodation request.

Accommodations are not required that fundamentally alter the nature of the program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; or pose an undue fiscal or administrative burden on TCEQ. In determining appropriate reasonable accommodations, TCEQ considers the wishes of the individual, and in certain appropriate circumstances, TCEQ also considers the documentation provided by the individual as well as institutional expertise in working with individuals with disabilities. TCEQ will not require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit under any circumstance.

TCEQ is actively making our [website accessible](#) to all users. To ensure that TCEQ complies with state and federal law, TCEQ reviews each new webpage or application for compliance with the World Wide Web Consortium's Web Content Accessibility Guidelines. TCEQ also reviews previously existing webpages and applications for accessibility when making significant modifications to them. Additionally, TCEQ continues to make older webpages and applications accessible.

TCEQ is committed to working with individuals with disabilities, as well as individuals with limited English proficiency, to provide accommodations in order to fully participate in and benefit from TCEQ's programs, services, and activities. TCEQ asks individuals to make requests in a timely manner as noted below and cannot guarantee that requests for specific accommodations made with less time will be granted.

- As stated in each [TCEQ commission meeting agenda](#), persons with disabilities who plan to attend a TCEQ commission meeting (also called an agenda) and who may need aids or services, such as a sign language interpreter, readers, large print, or Braille, should contact the [Office of the Chief Clerk](#) at 512-239-3300 at least five business days before the agenda, so that arrangements can be made.

- As stated in each TCEQ commission meeting agenda, people who need help from a language interpreter to understand the meeting and/or to provide an oral presentation at a commission meeting, should contact the [Office of the Chief Clerk](#) at 512-239-3300 at least five business days before the agenda, so that arrangements can be made.
- All [TCEQ commission meetings](#) are broadcast over the internet and can be watched on any computer or mobile device. Meetings are offered with closed captioning.
- All TCEQ public notices instruct persons with disabilities who need special accommodations at a public meeting to call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days before the meeting, so that appropriate arrangements can be made.

### **Tracking, Training, and Follow Up**

TCEQ tracks data on the nature and extent of services provided. TCEQ utilizes procedures that will maintain personal information in a manner that protects the privacy and independence of the individual as required by federal and state law.

To better ensure that employees understand nondiscriminatory processes, TCEQ provides periodic in-service training for staff to develop and to update their awareness and understanding of the needs of individuals with disabilities and limited English proficiency, as well as legal compliance issues.

TCEQ carries out the federally mandated responsibilities to enforce several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited English proficiency); sex; disability; and age by applicants for and recipients of federal financial assistance from the Environmental Protection Agency (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and The Age Discrimination Act of 1975, respectively). TCEQ also enforces Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination based on sex under programs or activities receiving financial assistance in the Clean Water Act. The regulations of 40 CFR Parts 5 and 7, which implement the above-mentioned laws, apply not only to intentional discrimination but also to policies and practices that have a discriminatory effect. See [40 CFR Part 5](#) and [40 CFR Part 7](#) for additional information.

TCEQ will provide prompt and equitable resolution of complaints alleging any action that would violate federally mandated responsibilities listed above. Procedures for providing prompt and equitable resolution of complaints are applicable to any anticipated complaint, including an appeal of a denied accommodation request. See [TCEQ's Grievance Procedure Policy](#) for more information.

It is the policy of TCEQ to continually improve TCEQ programs, services, and activities. This Disability Nondiscrimination Plan is a living document, which will be reviewed and improved regularly. To better ensure meaningful access for individuals with limited English proficiency, this document will be translated into Spanish. It may also be translated into other languages, if requested. Additionally, TCEQ is working on a

Public Participation Plan and a Limited English Proficiency Plan, which should be available in 2021.

## Definitions

1. Disability means, with respect to an individual:
  - a. A physical or mental impairment that substantially limits one or more of the person's major life activities;
  - b. A history of such an impairment; or
  - c. Being regarded as having such an impairment.
2. Qualified Individual with a Disability is someone who (with or without accommodations) is qualified to participate within the specified TCEQ program, service, activity, or decision-making process.
3. Accommodation means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to scribe, interpreter, environment free of distractions, material in Braille, tapes, translated documents, and computer-assisted instruction.
4. Environmental Justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies ([Learn about Environmental Justice, 2020](#)).
5. Limited English Proficiency means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
6. Interpreter means a person who interprets orally from one language to another.
7. Translator means a person who translates written words or writing from one language to another.

TCEQ and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and The Age Discrimination Act of 1975.

This Policy applies to all TCEQ subrecipients, agents, and contractors. TCEQ grants and contracts that are federally funded include terms that require recipients to comply with antidiscrimination laws. TCEQ does not allow discrimination on the basis of race, color, national origin, sex, disability, age, sexual orientation, veteran status, or retaliation in the administration of our programs, services, or activities, as required by federal and state laws and regulations.

## Laws, Regulations, and Executive Orders

40 CFR Part 7

[40 CFR § 7.70](#) covers nondiscrimination in programs receiving federal assistance from EPA. It incorporates the Uniform Federal Accessibility Standards, Appendix A to 41 CFR Subpart 101-19.6. Discrimination is prohibited on the basis of race, color, national origin (Part B), and handicap (Part C).

## Americans with Disabilities Act

[Americans with Disabilities Act](#) became law in 1990. It is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. This Act guarantees that people with disabilities have the same opportunities as everyone else to participate in state and local government programs and services.

## Executive Order 13166

On Aug. 11, 2000, President Clinton signed [Executive Order 13166](#), “Improving Access to Services for Persons with Limited English Proficiency,” requiring Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

## Section 13 of the Federal Water Pollution Control Act of 1972

As a recipient of federal funding under [Section 13 of the Federal Water Pollution Control Act of 1972](#), TCEQ must comply with 40 CFR § 7.30, which states: “No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act. . . .”

## Section 504 of the Rehabilitation Act of 1973

As a recipient of federal funding, TCEQ must follow [Section 504 of the Rehabilitation Act of 1973](#). Section 504 prohibits discrimination against qualified individuals on the basis of their disability. Section 504, 29 USC § 794, states: “No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

## Texas Labor Code, Chapter 21

The Texas Labor Code, [Chapter 21](#) protects against discrimination based upon race, color, gender, national origin, religion, age, and disability by employers with at least 15 employees.

## The Age Discrimination Act of 1975

As a recipient of federal funding, TCEQ must follow [The Age Discrimination Act of 1975](#). This act prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, 42 USC § 6102, states: “Pursuant to regulations prescribed under section 6103 of this title, and except as provided by

section 6103(b) of this title and section 6103(c) of this title, no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.”

#### Title VI of the Civil Rights Act of 1964

As a recipient of federal funding, TCEQ must follow [Title VI of the Civil Rights Act of 1964](#). Title VI prohibits discrimination on the basis of race, color, or national origin in all federally assisted programs. Title VI, 42 USC § 2000d, states: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

#### Title IX of the Education Amendments of 1972

As a recipient of federal funding, TCEQ must follow [Title IX of the Education Amendments of 1972](#). Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . .”

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance (OMB#: 2030-0020)

Attachment B - X. Designated employee to coordinate compliance with 40 C.F.R. Parts 5 and 7

Environmental Equity (MC 105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087  
(512) 239-2566  
(512) 239-3311 (fax)

[chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov)

<https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html>

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance (OMB#: 2030-0020)

Attachment C - XI. TCEQ Grievance Procedure Policy:

[https://www.tceq.texas.gov/assets/public/comm\\_exec/pm-ph/env-eq/Grievance%20Procedures-2019-4-2.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/env-eq/Grievance%20Procedures-2019-4-2.pdf)