TCEQ 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

TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting TCEQ at 512-239-0010, or 800-RELAY-TX (TDD), or by writing PO Box 13087, Austin TX 78711-3087. We authorize you to use or reproduce any original material contained in this publication—that is, any material we did not obtain from other sources. Please acknowledge TCEQ as your source. For more information on TCEQ publications, visit our website at: tceq.texas.gov/publications
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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)

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

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 . . . ."