



DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

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Page 1 of 6

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INTRODUCTION

Title 40 of the Code of Federal Regulations (CFR), Part 7, Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency, prohibits discrimination on the basis of race, color, national origin, age, sex, or handicap in programs or activities receiving federal assistance from the U.S. Environmental Protection Agency (U.S. EPA). It requires recipients of federal assistance from the U.S. EPA to:

- A. Collect, maintain, and provide information showing compliance with 40 CFR, Part 7;
- B. Designate a person to be the Nondiscrimination Compliance Coordinator (NCC) to coordinate efforts to comply with 40 CFR, Part 7;
- C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR, Part 7; and
- D. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or handicap, and of the identity and contact information for the NCC.

As set forth below, it is the Department of Environmental Quality's (DEQ) policy not to discriminate on the basis of several factors, including those in 40 CFR, Part 7. In addition, the DEQ adopts the following procedures to implement the requirements of 40 CFR, Part 7.

PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF 40 CFR, PART 7

A. Compliance Information

- (1) The DEQ shall collect, maintain, and on request of the U.S. EPA, Office of Civil Rights (OCR), provide the following information to show compliance with 40 CFR, Part 7:
 - (a) A brief description of any lawsuits pending against the DEQ that allege discrimination which 40 CFR, Part 7, prohibits;
 - (b) Racial/ethnic, national origin, age, sex, handicap, and disability data, or [EPA Form 4700-4](#) information submitted with DEQ applications for U.S. EPA assistance;

DEQ POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal
Assistance from the U.S. Environmental Protection Agency

Number: 09-024

Page 2 of 6

- (c) A log of discrimination complaints that identifies the complaint, the date it was filed, the date the DEQ's investigation was completed, the disposition, and the date of disposition;
 - (d) Reports of any compliance reviews conducted by any other agencies;
 - (e) Additional data and information specific to certain DEQ programs or activities to determine compliance where there is reason to believe that discrimination may exist in a DEQ program or activity or to investigate a complaint alleging discrimination in a DEQ program or activity;
- (2) When preparing compliance information, the DEQ shall use the racial classifications set forth in 40 CFR, Section 7.25, in determining categories of race, color, or national origin;
- (3) The DEQ shall keep records of the compliance information identified in paragraphs (1)(a) and (1)(b), above, for at least three years after completing a project for which the DEQ was a recipient of U.S. EPA assistance. When any complaint or other action for alleged failure by the DEQ to comply with 40 CFR, Part 7, is brought before the three-year period ends, the DEQ shall keep records until the complaint is resolved; and
- (4) The DEQ shall:
- (a) Give OCR access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 CFR, Part 7;
 - (b) Make compliance information available to the public upon request; and
 - (c) Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under the DEQ's control. If such party refuses to release that information, the DEQ shall inform the OCR and explain its efforts to obtain the information.

B. Nondiscrimination Compliance Coordinator

The Director of the DEQ designates the person holding the position of Chief of the Office of Environmental Assistance as the DEQ NCC responsible to coordinate the DEQ's efforts to comply with its obligations under 40 CFR, Part 7.

DEQ POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

Page 3 of 6

C. Grievance Procedures

The DEQ adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by the DEQ of 40 CFR, Part 7:

Step	Who	Does What
1	Complainant	<p>Submittal of Complaint:</p> <p>In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint no later than 180 calendar days after the date(s) of the alleged act(s) of discrimination.</p> <p>The complaint shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.</p> <p>The complaint shall specify with as much detail as possible:</p> <ul style="list-style-type: none">• The actions or inactions by the DEQ that support an alleged violation of 40 CFR, Part 7;• The alleged discrimination that did or will result from such actions or inactions;• The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and• The section of 40 CFR, Part 7, that the DEQ allegedly violated. <p>The DEQ may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed on computer disks, on audio tape, or in Braille.</p> <p>All complaint submittals should be mailed (or e-mailed) to the NCC at the following address:</p> <p style="text-align: center;">Nondiscrimination Compliance Coordinator Office of Environmental Assistance Department of Environmental Quality 525 West Allegan Street P.O. Box 30457 Lansing, MI 48909-7957</p> <p style="text-align: center;">E-mail: DEQ-ComplianceCoordinator@michigan.gov</p>

DEQ POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

Page 4 of 6

Step	Who	Does What
2	NCC	<p>Logging of Complaint Submittals:</p> <p>All complaint submittals are to be logged. The NCC shall retain a copy of all documents on file in accordance with the records retention schedule. The NCC shall also notify the relevant program manager(s).</p> <p>The following are examples of what will not be logged as a complaint submittal:</p> <ul style="list-style-type: none"> • Anonymous submittals; • Submittals too vague to reasonably determine the allegations of discriminatory conduct; • Submittals not sufficiently identifying the person(s) harmed or potentially harmed by the alleged discrimination; • Inquiries seeking advice or information; • Courtesy copies of court pleadings; • Courtesy copies of complaints addressed to other local, state, or federal agencies; • Newspaper articles; • Web-based media sources such as YouTube videos, e-mail strings, blogposts, comments strings, or Web pages; • Courtesy copies of internal grievances; and • Voice mail messages, phone calls, or in-person conversations.
3	NCC	<p>Initial Review of Complaint Submittals:</p> <p>Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all documents and information pertaining to the complaint and an initial review of the case shall be conducted.</p>

DEQ POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

Page 5 of 6

Step	Who	Does What
4	NCC	<p>Determination if Complaint Warrants Further Investigation: The NCC, based on information in the complaint submittal and other information available, shall determine if:</p> <ul style="list-style-type: none"> • The DEQ has jurisdiction to pursue the matter; and • The complaint submittal contains sufficient merit to warrant further investigation. <p>A complaint shall warrant further investigation unless:</p> <ul style="list-style-type: none"> • It clearly appears on its face to be frivolous or trivial; • Within the time allotted for making the determination of jurisdiction and investigative merit, the DEQ reaches an agreed resolution with the complainant; • Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or • The complaint was not submitted within the time limit established in Step 1. <p>Within 14 calendar days of receipt of the complaint submittal, the NCC shall inform the complainant if the complaint has or has not been accepted for further investigation. If it is determined that further investigation is not warranted, the reason for such determination shall be recorded in the case file.</p>
5	NCC	<p>Further Investigation of Complaint: If the NCC determines the complaint submittal warrants further investigation, the NCC shall review the alleged facts to determine the course of the investigation. The investigation may include interviews of DEQ employees, other relevant witnesses, or others named in the complaint. Relevant DEQ employees shall make themselves available as necessary.</p>
6	NCC	<p>Report and Determination: The NCC shall issue a report and determination on whether the DEQ violated 40 CFR, Part 7. The NCC shall prepare a written report of the investigation that shall include a narrative of the incident, an identification of individuals interviewed and evidence reviewed, and findings and a determination. The report and determination shall be placed in the complaint file.</p> <p>Within 180 calendar days of receiving the complaint that warranted investigation, the NCC shall notify the complainant in writing of the findings of the investigation and the recommendations for resolution.</p>

DEQ POLICY AND PROCEDURE

Subject: Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency Number: 09-024

Page 6 of 6

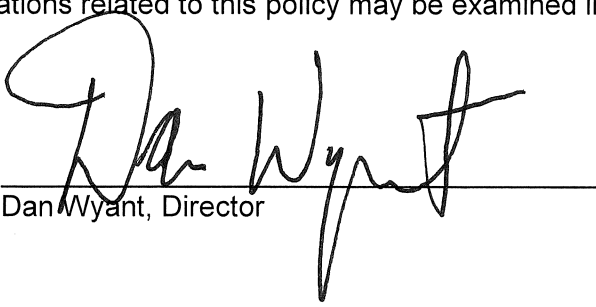
Step	Who	Does What
7	Complainant	Appeal: The person submitting the complaint may appeal the decision of the NCC by writing to the DEQ Director within 30 calendar days of receiving the NCC's decision. The DEQ Director shall issue a written decision in response to the appeal no later than 30 calendar days after its filing.

D. Notice of Nondiscrimination

The DEQ shall provide continuing notice that it does not discriminate on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice shall be posted in a prominent place in the DEQ's offices or facilities. Methods of notice may also include publishing in newspapers and magazines and placing notices in DEQ's publications. Where appropriate or upon request, such notice shall be in a language or languages other than English. The notice shall identify the current DEQ NCC as the responsible DEQ employee designated to coordinate DEQ's efforts to comply with its obligations under 40 CFR, Part 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of the DEQ not to discriminate on the basis of race, sex, religion, age, national origin, color, marital status, handicap, disability, political beliefs, height, weight, genetic information, or sexual orientation. In compliance with Title 40 of the Code of Federal Regulations (CFR), Part 7, the DEQ has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging a violation of 40 CFR, Part 7. The DEQ Director has designated the Chief of the Office of Environmental Assistance as the DEQ Nondiscrimination Compliance Coordinator (NCC). Laws and regulations related to this policy may be examined in the NCC's office.

Approved:


Dan Wyant, Director