



**ENVIRONMENTAL  
QUALITY**

# OFFICE OF COMPLIANCE NONDISCRIMINATION COMPLAINTS PROCEDURE

## REPORTING & INVESTIGATING NONDISCRIMINATION COMPLAINTS

### I. Purpose

In compliance with 40 C.F.R. Parts 5 and 7, the Division of Environmental Quality (DEQ) has established a Nondiscrimination procedure to ensure prompt and fair resolution of complaints alleging discrimination in the administration of DEQ's programs and activities. DEQ's nondiscrimination Complaint Procedure also investigates allegations of discrimination based on Section 504 of the Rehabilitation Act of 1973, Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Title IX of the Education Act Amendments of 1972, Age Discrimination Act of 1975, and The Arkansas Civil Rights Act of 1993.

The Nondiscrimination procedure is intended to address allegations of discrimination based on:

- Race
- National origin
- Disability
- Religion
- Color
- Intimidation
- Retaliation
- Gender
- Age

The Nondiscrimination procedure provides a process for filing a timely complaint to the proper authority and describes the process for investigating and resolving the complaint. This procedure does not apply to administrative actions that are being pursued in another forum.

### II. Submission of a Complaint

A person (or the authorized representative of a person) who believes that he or she or a class of persons has been discriminated against may file a complaint with DEQ. The following steps should be taken to file a Nondiscrimination complaint:

1. Print and complete the **Nondiscrimination Complaint Submission Form**. A complainant may also complete and submit the form electronically.
2. Include your name, address and telephone, number. If you are filing on behalf of another person, include your name, address, telephone number, and your relationship to that person (for example: friend, attorney, parent, etc.), as well as the name of the person you are filing on behalf of.
3. Describe with specificity the action(s) by DEQ that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7. Describe with specificity the discrimination that allegedly has occurred or will occur as the result of such action(s), and identify the parties impacted or potentially impacted by the alleged discrimination.
4. Sign the complaint and file it within sixty calendar days of the alleged discriminatory act.

DEQ may request additional information from the complainant if further information is needed to meet the complaint requirements described above. DEQ may waive the sixty-day filing deadline in its discretion, for good cause.

All written complaints shall be sent to the following address:  
Arkansas Energy & Environment  
DEQ NONDISCRIMINATION COORDINATOR  
5301 Northshore Drive, North Little Rock, AR 72118

Within fifteen business days of receiving a written complaint, the Nondiscrimination Coordinator will provide the complainant with written notice of receipt. At that time, DEQ may request any additional information needed to meet the complaint requirements. Within fifteen business days of receiving any additional information, DEQ will provide the complainant with written notice that the complaint is deemed complete.

### **III. Determination of Jurisdiction and Investigative Merit**

DEQ will determine if it has jurisdiction to pursue the matter and whether the complaint has enough merit to warrant an investigation based upon information in the complaint and other available information. A complaint shall be regarded as meriting investigation unless:

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

DEQ will review each complaint to determine whether the preponderance of evidence standard is met.

### **IV. Determination of Jurisdiction and Investigative Merit**

Within 180 calendar days of a written complaint being deemed complete, DEQ will issue to the complainant a written response containing whether discrimination was found, the description of the investigation process, and resolution. The Nondiscrimination Coordinator will provide the complainant with the written response and updates through the complaint process.