Introduction:

Title 40 of the Code of Federal Regulations (C.F.R.), 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. Designate a person to be the Nondiscrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Part 7;
B. Collect, maintain, and provide information showing compliance with 40 C.F.R., Part 7;
C. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., 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 Nondiscrimination Coordinator.

As set forth below, it is the Lane Regional Air Protection Agency (LRAPA) policy not to discriminate on the basis of several factors, including those in 40 C.F.R., Part 7. For definitions of terms, please refer to “Definitions” in Section 7.25 of subpart A in 40 C.F.R., Part 7. In addition, LRAPA adopts the following procedures to implement the requirements of 40 C.F.R., Part 7.

Policy:

LRAPA does not discriminate on the basis of race, color, national origin, disability, age, sex, sexual orientation, marital status, or gender identity in administration of its programs or activities, and LRAPA does not retaliate against any individual because they have exercised their rights to participate in or oppose actions protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-Discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.
A. Nondiscrimination Coordinators

The LRAPA Director has designated the following Nondiscrimination Coordinator(s) on October 21st, 2019:

Katie Eagleson, P.E., Environmental Engineer
1010 Main Street
Springfield, OR 97477
541-736-1056
or by way of electronic mail to accessibility@lrapa.org

B. Compliance Information

1. LRAPA shall collect, maintain, and on request of the U.S. EPA, External Civil Rights Compliance Office within the Office of General Counsel (ECRCO), provide the following information to show compliance with 40 C.F.R., Part 7:
   a. A brief description of any lawsuits pending against LRAPA that allege discrimination which 40 C.F.R., Part 7, prohibits;
   b. Racial/ethnic, national origin, age, sex, handicap, and disability data, or EPA Form 4700-4 information submitted with LRAPA applications for U.S. EPA assistance;
   c. A log of discrimination complaints that identifies the complaint, the date it was filed, the date LRAPA'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 LRAPA programs or activities to determine compliance where there is reason to believe that discrimination may exist in a LRAPA program or activity or to investigate a complaint alleging discrimination in a LRAPA program or activity;

2. When preparing compliance information, LRAPA shall use the racial classifications set forth in 40 C.F.R., Section 7.25, in determining categories of race, color, or national origin;

3. LRAPA shall keep records of the compliance information identified in paragraphs (1)(a) and (1)(b), above, for at least three (3) years after completing a project for which LRAPA was a recipient of U.S. EPA assistance. When any complaint or other action for alleged failure by LRAPA to comply with 40 C.F.R., Part 7, is brought before the three-year period ends, LRAPA shall keep records until the complaint is resolved; and

4. LRAPA shall:
   a. Give ECRCO 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 C.F.R., 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 LRAPA's control. If such party refuses to release that information, LRAPA shall inform the ECRCO and explain its efforts to obtain the information.
C. Grievance Procedures

If you believe that you have been discriminated against with respect to an LRAPA program or activity, you may contact one or more of the Nondiscrimination Coordinator(s) identified in Section A above to learn how and where to file a complaint of discrimination.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, marital status, or gender identity may file a grievance under this procedure by contacting the Non-Discrimination Coordinator(s) or filling out a Non-Discrimination Complaint form online. It is against the law for LRAPA to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

LRAPA adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by LRAPA of 40 C.F.R., Part 7:

1. Grievances must be submitted to the LRAPA Non-Discrimination Coordinator(s) within (90 days) of the date the person filing the grievance becomes aware of the alleged discriminatory action. The submissions can be emailed to accessibility@lrapa.org or filed through LRAPA’s Non-Discrimination Complaint Form online at www.lrapa.org.

2. A complaint must be in writing, containing the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence and the problem or action alleged to be discriminatory and the remedy or relief sought. The complaint shall specify with as much detail as possible:
   a. The actions or inactions by LRAPA that support an alleged violation of 40 C.F.R., Part 7;
   b. The alleged discrimination that did or will result from such actions or inactions;
   c. The identity of the person(s) harmed or potentially harmed by the alleged discrimination; and
   d. The section of 40 C.F.R., Part 7, that LRAPA allegedly violated.

3. The LRAPA Non-Discrimination Coordinator(s) (or her/his designee) will acknowledge receipt of the grievance within 5 days and shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The LRAPA Non-Discrimination Coordinator(s) will maintain the files and records of LRAPA relating to such grievances. To the extent possible, and in accordance with applicable law, the LRAPA Non-Discrimination Coordinator(s) will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
   a. LRAPA’s Non-Discrimination Coordinator(s) is/are responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to race, color, national origin, disability, age, sex, sexual orientation, marital status, gender identity or prior opposition to discrimination. LRAPA’s Non-Discrimination Coordinator(s) will periodically evaluate the effectiveness of LRAPA’s efforts to offer such services, aids, benefits and participation opportunities when feasible.
   b. LRAPA’s Non-Discrimination Coordinator(s) will coordinate or facilitate training efforts for LRAPA staff regarding the Department's obligations to comply with non-discrimination statutes, and policies and procedure.
c. LRAPA’s Non-Discrimination Coordinator(s) will track all complaints filed against LRAPA under this policy or with the EPA and shall review all complaints on a semi-annual basis to identify and address any patterns or systemic problems. LRAPA’s Non-Discrimination Coordinator(s) will also ensure that complainants are updated on the progress of their discrimination complaints filed with LRAPA, if requested. LRAPA’s Non-Discrimination Coordinator(s) will promptly inform the complainant as to any determinations made.

d. LRAPA’s Non-Discrimination Coordinator(s) is/are responsible for providing notice of this policy and carrying out the process, as prescribed by this policy, of the investigation of non-employee complaints. LRAPA’s Non-Discrimination Coordinator(s) may delegate an investigation to another investigator or designee, if necessary, on a case-by-case basis.

4. The LRAPA Non-Discrimination Coordinator(s) will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will include whether discrimination is found and the description of the investigation process.

5. LRAPA assures that intimidation and retaliation are prohibited and that claims of intimidation and retaliation will be handled promptly and fairly pursuant to the LRAPA Non-discrimination Grievance Policy and Procedures in the same manner as other claims of discrimination.

6. The person filing the grievance may appeal the decision of the LRAPA Non-Discrimination Coordinator(s) by writing to the LRAPA Board of Directors within 15 days of receiving the LRAPA Non-Discrimination Coordinator(s)’s decision. The LRAPA Board of Directors shall issue a written decision in response to the appeal no later than 60 days after its filing.

7. The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, marital status, or gender identity in court or with the U.S. Environmental Protection Agency, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: https://www.epa.gov/ocr or by mail or phone at:

U.S. EPA External Civil Rights Compliance Office
Office of General Counsel (Mail Code 2310A)
1200 Pennsylvania Avenue N.W.,
Washington, D.C. 20460

LRAPA will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the
D. Notice of Nondiscrimination

LRAPA 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 LRAPA's offices or facilities. Methods of notice may also include publishing in newspapers and magazines and placing notices in LRAPA'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 LRAPA Nondiscrimination Coordinator as the responsible LRAPA employee designated to coordinate LRAPA's efforts to comply with its obligations under 40 C.F.R., Part 7. The text of the notice to be provided under this policy shall read as follows:

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, disability, age, sex, sexual orientation, marital status, or gender identity in administration of its programs or activities, and, LRAPA does not retaliate against any individual because they have exercised their rights to participate in or oppose actions protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA's Non-discrimination Policy and Procedures are reviewed on an annual basis (for both in-print and online materials), and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.

Dated: January 24, 2020

Merlyn L. Hough, P.E., BCEE
Director