LDEQ GRIEVANCE PROCEDURE FOR FILING AND PROCESSING COMPLAINTS UNDER FEDERAL ANTI-DISCRIMINATION LAWS

PURPOSE

In compliance with 40 C.F.R., Parts 5 and 7, Section 7.90(a), the Louisiana Department of Environmental Quality (LDEQ) has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations of Title VI, Section 601 of the 1964 Civil Rights Act, and environmental justice-related matters, in the administration of the LDEQ's programs and activities.

The grievance procedure is intended to address allegations of discrimination on the basis of:

- Race;
- Color;
- National origin;
- Limited English Proficiency;
- Religion;
- Disability;
- Income;
- Age; or
- Gender.

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, the procedures do not apply to administrative actions that are being pursued in another forum.

SUBMISSION OF A COMPLAINT

1. Filing of Complaint

   A person (or the authorized representative of a person) who believes LDEQ has discriminated against may file a complaint with the LDEQ. The complaint should:

   1. be in writing;
   2. be filed within 60 days of an alleged violation (except as otherwise indicated in the following paragraph);
   3. describe with specificity the action(s) by LDEQ that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7;
   4. describe with specificity the discrimination that allegedly has occurred or will occur as the result of such action(s); and
   5. identify the parties impacted or potentially impacted by the alleged discrimination.

The LDEQ may request additional information from the complainant, if this information is needed to meet the complaint requirements described above. The LDEQ may waive requirement two (2) in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture; or, for good cause, to address complaints filed more than 60 days after an alleged violation.

Roger Ward is designated as the LDEQ's Non-Discrimination Coordinator.

All written complaints shall be addressed to the following address:

Louisiana Department of Environmental Quality
Attention: Roger Ward, Ombudsman
Office of the Secretary
Post Office Box 4301
Baton Rouge, LA 70821

Physical address:

Louisiana Department of Environmental Quality
Attention: Roger Ward, Ombudsman
Office of the Secretary
602 N. 5th Street
Baton Rouge, LA 70802

Email address:

roger.ward@la.gov

Complaints also may be submitted using the LDEQ Ombudsman's online complaint form at:

https://deq.louisiana.gov/form/ombudsman-complaint-form

Within 10 days of receiving a written complaint, LDEQ will provide the complainant with written notice of receipt. At this time, LDEQ may request any additional information needed to meet the complaint requirements above. Within 10 days of receiving any additional information, LDEQ will provide the complainant with written notice that the complaint is complete.

2. Determination of Jurisdiction and Investigative Merit

The LDEQ, based on information in the complaint and other information available, will determine if it has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. A complaint shall be regarded as meriting investigation unless:

1. It clearly appears on its face to be frivolous or trivial;

2. Within the time allotted for making the determination of jurisdiction and investigative merit, LDEQ 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; or
4. It is not timely and good cause does not exist for waiving the timing requirement under section A.2.

DISPOSITION OF COMPLAINTS

Within 120 days of accepting a written complaint, LDEQ will respond in writing to the complainant with resolution.