

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY PROCEDURE

POLICY NO.: AQ-201

EFFECTIVE DATE: July 31, 2008

POLICY: ENVIRONMENTAL JUSTICE GRIEVANCE PROCEDURE

PURPOSE: In compliance with 40 C.F.R., Parts 5 and 7, the PDEQ has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations in the administration of the PDEQ's programs and activities.

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

- Race;
- Color;
- National origin;
- Disability;
- Age; and
- Sex.

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 actions that fall under the Board of Supervisors (BOS) Policies D.21.1, Equal Opportunity and Affirmative Action Policy; D21.2, Prevention of Sexual Harassment; and D21.3 Prevention of Harassment in the Workplace, as they are handled by Pima County Human Resources Department.

Steps to File a Complaint:

1. 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 the PDEQ. The complaint must:
 - A. be in writing and include the name, address, and phone number of the complainant and the location, date and detailed description of the problem;
 - B. be filed within 60 business days of an alleged violation (except as otherwise indicated in the following sentence);
 - C. identify the parties impacted or potentially impacted by the alleged discrimination.

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.


2. PDEQ may request additional information from the complainant, if this information is needed to meet the complaint requirements described above. PDEQ may waive requirement 1.B. in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture.

3. All written complaints shall be sent to the following:
PDEQ
Beth Gorman
Environmental Justice Coordinator
33 N. Stone Ave., Suite 700
Tucson, AZ 85701-1429
Email address: beth.gorman@deq.pima.gov
4. Within 10 business days of receiving a written complaint, PDEQ will provide the complainant with written notice of receipt in a format accessible to a complainant who has a disability. At this time, PDEQ may request additional information to meet the complaint requirements above. Within 10 business days of receiving any additional information, PDEQ will determine if the complaint is complete or if additional information is still required.
5. Based on the information in the complaint and other information available, PDEQ 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:
 - A. It clearly appears on its face to be frivolous or trivial;
 - B. Within the time allotted for making the determination of jurisdiction and investigative merit, PDEQ agrees to take appropriate remedial action or reaches an informal resolution with the complainant in lieu of conducting an investigation;
 - C. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
 - D. It is not timely and good cause does not exist for waiving the timing requirement under Section 1.B.

Within 15 business days of accepting a complete written complaint, PDEQ will respond in writing to the complainant with resolution. If the complainant does not agree with PDEQ's resolution, an appeal process is available. Appeals must be filed in writing within 15 business days of the final decision and addressed to Ursula Kramer, Director, PDEQ, 33 N. Stone Avenue, Suite 700, Tucson, AZ 85701-1429. A final decision on the appeal will be issued within 15 calendar days to the complainant.

All written complaints received by the Environmental Justice Coordinator or designee, appeals to Director of PDEQ or designee, and responses from these offices will be retained by PDEQ for at least three years.

APPROVED:

 7.26.10
Ursula Kramer Date
Director

Original Policy Approved: July 31, 2008
Date(s) Revised: October 20, 2008, March 27, 2009, July 26, 2010