

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read Instructions before completing form.

I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)

Name:

Address:

City:

State: Zip Code:

B. Unique Entity Identifier (UEI):

C. Applicant/Recipient Point of Contact

Name:

Phone:

Email:

Title:

II. Is the applicant currently receiving EPA Assistance? Yes No

III. List all pending civil rights lawsuits and administrative complaints filed under federal law against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

See Attachment A.

IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that alleged discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

None

V. List all civil rights compliance reviews of the applicant/recipient conducted under federal nondiscrimination laws by any federal agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))

See Attachment B.

VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.

Yes No

a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).

Yes No

b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.

- VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R 5.140 and 7.95) Yes No
- a. Do the methods of notice accommodate those with impaired vision or hearing? Yes No
- b. Is the notice posted in a prominent place in the applicant's/recipient's website, in the offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? Yes No
- c. Does the notice identify a designated civil rights coordinator? Yes No
- VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or disability status of the population it serves? (40 C.F.R. 7.85(a)) Yes No
- IX. Does the applicant/recipient have a policy/procedure for providing meaningful access to services for persons with limited English proficiency? (Title VI, 40 C.F.R. Part 7, *Lau v Nichols* 414 U.S. (1974)) Yes No
- X. If the applicant is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.

N/A

- XI. If the applicant is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or applicant's/recipient's website address for, or a copy of, the procedures.

N/A

For the Applicant/Recipient

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized Official

B. Title of Authorized Official

C. Date

K Keel

Executive Director

4/12/2024

For the U.S. Environmental Protection Agency

I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized EPA Official

B. Title of Authorized Official

C. Date

Attachment A.

III. List all pending civil rights lawsuits and administrative complaints filed under federal law against the applicant/recipient that allege discrimination, based on race, color, national origin, sex, age, or disability. (Do not include employment complaints, unless covered by 40 C.F.R. Parts 5 and 7.)

Title VI Administrative Complaints

- **Number Not Assigned**

On May 30, 2023, Earth Justice filed a complaint with the Administrator of the Environmental Protection Agency Region 6 on behalf of Petitioners: RISE St. James, Vessel Project of Louisiana, For a Better Bayou, Deep South Center for Environmental Justice, Healthy Gulf, Louisiana Bucket Brigade, and the Sierra Club.

The Petitioners request action regarding alleged failures of the State of Louisiana and the State of Texas to properly implement the Clean Air Act's Prevention of Significant Deterioration ("PSD") permitting, National Ambient Air Quality Standards (NAAQS) requirements and protections, and their abuse of EPA's "significant impact levels" (SILs) guidance. The Petitioners also requested EPA perform a Title VI compliance review.

- **EPA Complaint No. 05NO-23-R6**

On January 24, 2023, EPA notified Texas Commission on Environmental Quality (TCEQ) that it received a complaint on November 23, 2022, alleging discrimination based on national origin in violation of Title VI. EPA's Office of External Civil Rights Compliance (OECRC) is reviewing the complaint to determine whether it falls under OECRC's jurisdiction. On January 10, 2024, EPA accepted this administrative complaint, and on February 23, 2024, TCEQ provided a written response to OECRC.

- **Number Not Assigned**

On June 28, 2022, Petitioners sought EPA's intervention to remedy alleged systemic and long-standing failures by TCEQ to comply with public participation and environmental justice obligations under the Clean Air Act and Title VI of the Civil Right Act. Complainants requested a compliance review, adoption of regulations, and a state implementation plan (SIP) call.

Petitioners include: Port Arthur Community Action Network; San Antonio Bay Estuarine Waterkeeper; Diane Wilson; Familias Unidas del Chamizal; Shrimpers and Fishermen of the RGV; Citizens Alliance for Fairness and Progress; West Dallas 1; Texas Environmental Justice Advocacy Services (t.e.j.a.s.); Air Alliance Houston; Texas Campaign for the Environment; Environmental Integrity Project; Sierra Club Lone Star Chapter; and Sierra Club.

- **EPA Complaint No. 06RNO-22-R6**

On May 17, 2022, EPA's External Civil Rights Compliance Office (ECRCO), received correspondence alleging that TCEQ discriminated on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and EPA's nondiscrimination regulation, 40 C.F.R. Part 7. Specifically, the complaints alleged that, through its concrete batch permit process, affirmed most recently by the adoption of an amendment to the 2012 Concrete Batch Plants Standard Permit (CBPs), TCEQ subjects Black and Hispanic/Latinx residents of Harris County, Texas, including those with limited English proficiency (LEP), to discrimination on the basis of race and national origin, including with respect to its public participation process.

On January 2, 2024, EPA administratively closed the Complaint without prejudice.

- **EPA Complaint No. 05RNO-22-R6**

On April 5, 2022, TCEQ received acknowledgement of an administrative complaint from EPA, involving the TCEQ and alleging discrimination based on race and national origin in violation of Title VI. Specifically, the complaints allege that, through its concrete batch permit process, affirmed most recently by the adoption of an amendment to the 2012 Concrete Batch Plants Standard Permit (CBPs), TCEQ subjects Black and Hispanic/Latinx residents of Harris County, Texas, including those with limited English proficiency (LEP), to discrimination on the basis of race and national origin, including with respect to its public participation process. EPA accepted complaint on August 3, 2022, and investigated it with 06RNO-22-R6 (see above).

On January 2, 2024, EPA administratively closed the Complaint without prejudice.

- **EPA Complaint No. 02R-21-R6**

A complaint was filed August 18, 2021, involving the Texas Commission on Environmental Quality (TCEQ) alleging discrimination based on race in violation of Title VI of the Civil Rights Act of 1964. The complaint was filed by Port Arthur Community Action Network (PA-CAN), regarding the TCEQ issuance of Federal Operating Permit No. O1493 to Oxbow Calcining, LLC. The U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) accepted the complaint for investigation on October 15, 2021. Specifically, ECRCO investigated whether "TCEQ discriminated in violation of Title VI and EPA's regulation at 40 C.F.R. Part 7 by using methods of administering a program, with respect to its oversight of Oxbow Calcining, LLC, with the effect of subjecting individuals to discrimination or defeating or substantially impairing the objectives of the program or activity on the basis of race."

On December 26, 2023, EPA administratively closed the Complaint without prejudice.



Attachment B.

V. List all civil rights compliance reviews of the applicant/recipient conducted under federal nondiscrimination laws by any federal agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. §7.80(c)(3))

None.