

September 2023

Nondiscrimination Program Plan

**Maricopa County
Air Quality Department
Planning and Analysis Division**



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Section 1: Introduction

The Maricopa County Air Quality Department (MCAQD) is a recipient of federal assistance from the U.S. Environmental Protection Agency (EPA) and the Department of Homeland Security (DHS). As such, MCAQD is required to comply with federal nondiscrimination laws.

As part of complying with federal nondiscrimination laws, MCAQD has established a Nondiscrimination Program.

This document describes MCAQD's Nondiscrimination Program.

Section 2: Background

2.1 Maricopa County

Maricopa County was established as a county on February 14, 1871 by the Legislative Assembly of the Territory of Arizona from parts of Yavapai and Pima Counties. The county's current geographical boundaries were set in 1881 and have not changed since.

The history of the county was mostly marked by rapid population increase, driven initially by the mining, agriculture, and livestock industries. Arizona achieved statehood February 14, 1912, providing greater integration of Arizona into the national infrastructure and further incentives to settle in Maricopa County. Then, as now, Maricopa County was the most populated area within Arizona.

Maricopa County is the nation's fourth largest county in terms of population and has a population greater than 21 states, 25 cities and towns are located in Maricopa County. Its largest city, Phoenix, is the County seat and State capital. Measuring 137 miles east to west and 102 miles north to south, Maricopa County covers 9,225 square miles, making it the fourteenth largest county in land area in the continental United States and larger than seven states. With more than 9,000 square miles, it is larger than Connecticut, Delaware, and Rhode Island combined. Individuals and corporations make up 30% of total land ownership, with the remainder publicly owned. Maricopa County is administered by a County Manager who reports to the five-member Board of Supervisors elected by the public.

2.2 Maricopa Air Quality Department

MCAQD is a regulatory agency whose goal is to ensure federal clean air standards are achieved and maintained for the residents and visitors of Maricopa County. MCAQD is governed by the Maricopa County Board of Supervisors and follows air quality standards set forth by the federal Clean Air Act.

MCAQD has State of Arizona statutory authority (A.R.S. § 49-402(B)) for air quality programs and receives direct delegation/authority from the EPA for certain air quality programs. In addition, MCAQD has responsibility, through formal agreements with the Arizona Department of Environmental Quality (ADEQ) and the Maricopa Association of Governments (MAG), for emission

inventories, air quality monitoring data, the Diesel Emissions Reduction Act (DERA) Program, and the Travel Reduction Program.

MCAQD is organized into five divisions:

Air Monitoring operates the county's fixed station monitoring network, which measures compliance with standards and collects data in response to air quality emergencies.

Compliance and Enforcement performs site inspections, trains the regulated community on how to comply with regulations, and issues enforcement actions.

Permitting authorizes construction and operation of equipment that emits or controls emissions of air pollutants.

Planning and Analysis drafts air pollution control rules and ordinances and implementation plans, conducts emission inventories, and performs scientific analysis in support of MCAQD operations.

Travel Reduction Program and Outreach works with employers and schools to reduce single occupancy vehicle trips, which reduces air pollution caused by vehicles, and provides air quality information and technical assistance to businesses, trade associations, public interest groups, and individual community members, including programs such as the lawn and garden equipment and fireplace retrofit programs.

2.3 Federal Nondiscrimination Laws

The four most notable federal nondiscrimination laws are:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance."

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities

Age Discrimination Act of 1975, as amended, prohibits discrimination in federally supported activities on the basis of age

These four federal nondiscrimination laws have been further broadened and supplemented by related statutes, regulations, and executive orders (EOs), including:

- Civil Rights Restoration Act of 1987 (aka Grove City Bill) specifies that entities receiving federal funds must comply with the civil rights legislation in all operations, not just the program or activity that received the funding
- 40 CFR Part 5-Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- 40 CFR Part 7-Nondiscrimination in Programs Receiving Federal Assistance from the EPA
- Executive Order (EO) 13166-Improving Access to Services for Persons with Limited English Proficiency (LEP) dated August 11, 2000
- U.S. Department of Health and Human Services “Revised Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affected Limited English Proficient (LEP) Persons” dated 2004
- Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons (69 FR 35602, June 25, 2004)
- Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) (71 FR 14207, March 21, 2006)
- Arizona EO 2009-09-Prohibition of Discrimination in State Contracts, Nondiscrimination in Employment by Government Contractors and Subcontractors
- A.R.S. Title 41 (State Government), Chapter 9 (Civil Rights), Article 1 (Civil Rights Division and Civil Rights Advisory Board) (A.R.S. §§ 41-1401 – 41-1405)
- A.R.S. Title 41 (State Government), Chapter 9 (Civil Rights), Article 4 (Discrimination in Employment) (A.R.S. §§ 41-1461 – 41-1468)
- A.R.S. § 41-1494 (Training; Orientation and Therapy; Blame and Judgment; Prohibition; Annual Report; Definition)
- A.R.S. § 11-661(D) (Posting Of Financial Statements; Budget; Accepting Audit Results) (Title 11 (Counties), Chapter 4 (Fiscal Provisions), Article 3 (Auditing Provisions))
- EPA’s Grant General Terms and Conditions
- EPA’s Procedural Safeguards Checklists for Recipients-Federal Nondiscrimination Obligations and Best Practices revised January 2020

Section 3: MCAQD’s Nondiscrimination Program

3.1 Overview

In order to provide services that are responsive to the needs and priorities of Maricopa County’s diverse population, it is essential to have a process in place that effectively engages the public, fully integrates their feedback, and results in decisions that are protective of human health and the environment. The goal of the MCAQD Nondiscrimination Program is to ensure all people have a meaningful role in processes associated with the delivery of MCAQD services.

MCAQD's Nondiscrimination Program includes methods of administration and analysis that support equity in all air quality programs. Based in part on federal guidance, the components of the MCAQD Nondiscrimination Program include:

- A notice of nondiscrimination under the federal nondiscrimination laws
- Grievance procedures for complaints filed under the federal nondiscrimination laws
- Identification of an MCAQD Nondiscrimination Program Coordinator and his/her role
- MCAQD's substantive policy statement SPS-2018-007-Nondiscrimination Program Policy; Grievance Procedures
- An assessment of MCAQD's obligation to provide access to limited English proficient (LEP) and disabled persons
- Public participation procedures

3.2 Notice of Nondiscrimination

MCAQD's Notice of Nondiscrimination is prominently posted in MCAQD's main office and on the MCAQD website at Maricopa.Gov/1514. Notice is provided in both English and Spanish and describes the procedures to file a complaint and how to contact MCAQD's Nondiscrimination Program Coordinator for assistance.

3.3 Grievance Procedures

MCAQD's Grievance Procedures are posted on MCAQD's website at Maricopa.Gov/1514 and explain the process by which any person may file a complaint, the process by which complaints will be investigated, and how complainants will be informed (in writing) of the progress and disposition of their complaint.

If someone believes they have suffered from discrimination under an MCAQD program, they may contact MCAQD's Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, a formal complaint may be filed.

3.3.1 Filing a Complaint

Within 180 days of the alleged discrimination or latest occurrence, complainants may submit a signed, written complaint to the Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the date of the alleged discrimination, requested action, and contact information.

Complaints may be filed by any person who believes she or he has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any MCAQD service, program, or activity, and believes the discrimination is based upon race, color, or national origin.

Complaint forms are available in [English](#) and [Spanish](#) and are posted on MCAQD's website.

3.3.2 Processing a Complaint

MCAQD will promptly and impartially investigate all grievances of discrimination under an MCAQD program. MCAQD's goal is to address complaints within 60 days of receipt, though the time to

carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

Preliminary Inquiry: The Nondiscrimination Program Coordinator will review the complaint and will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.

If the preliminary inquiry indicates that further investigation is warranted, the complainant will be notified in writing and an interview will be scheduled. If the preliminary inquiry indicates further investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

A complaint log will be kept containing the name and address of the complainant, nature of the complaint, date of submission, and results of the investigation.

If the complaint is outside the jurisdiction of MCAQD, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

Further Investigation: Complaints warranting further investigation will be promptly and impartially processed by the Nondiscrimination Program Coordinator. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the MCAQD Director and Deputy Director for review.

The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.

Records and investigative files will be kept for a minimum of three years.

3.4 Nondiscrimination Program Coordinator

- Ensures MCAQD's compliance with federal nondiscrimination laws
- Ensures information regarding MCAQD's Nondiscrimination Program is internally and externally available
- Maintains public notice of, and procedures for, receipt and processing complaints
- Tracks and reviews complaints received
- Trains MCAQD staff on MCAQD's Nondiscrimination Program and procedures
- Provides written updates to complainants on the progress of investigations
- Periodically reviews the efficacy of MCAQD's Nondiscrimination Program

3.5 SPS-2018-007-Nondiscrimination Program Policy; Grievance Procedures

SPS-2018-007 establishes a framework for taking reasonable measures to ensure access to all services provided by MCAQD for all Maricopa County citizens and establishes procedures whereby MCAQD will receive and investigate allegations of discrimination. [SPS-2018-007](#) is posted on MCAQD's website.

3.6 Assessment of MCAQD’s Obligation to Provide Access to Limited English Proficient (LEP) and Disabled Persons

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient (LEP) and may be entitled to language assistance with respect to services provided by recipients of federal assistance.

As directed by Executive Order 13166-Improving Access to Services for Persons with Limited English Proficiency dated August 11, 2000, the EPA and DHS have each published guidance to financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting LEP persons. According to such guidance, financial assistance recipients are required to take reasonable steps to reduce language barriers that can preclude meaningful access to programs and activities by LEP persons.

Recipients of federal assistance must also provide for meaningful access to programs and activities by disabled persons. Disabled persons have a physical impairment (hearing, mobility, vision) or mental impairment that substantially limits one or more major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

While it is true that determining precisely what steps are reasonable to ensure access for LEP and disabled persons is fact-dependent, development of a public participation plan begins with a clear understanding of the frequency and distribution of LEP and disabled populations throughout Maricopa County.

3.6.1 Maricopa County Population Demographics: LEP and Disability

Data regarding the total Maricopa County populations and distribution of LEP and disabled persons was drawn from the latest available American Community Survey (ACS):

Category	Total	Percent
Total Population in Maricopa County¹	4,412,779	
Total Maricopa County Households	1,765,880	
Disabled Population		
Population with a Disability²	501,100	11.4
LEP Demographics		
Limited English-Speaking Households³		
Spanish	36,021	66.8
Asian and Pacific Island Languages	7,979	14.8
Other Indo-European Languages	5,756	10.7
Other Languages	4,186	7.8
Total	53,942	100
Population Speaking English Less Than Very Well⁴	349,001	8.4

¹ Data on population and households are from the 2020 ACS 5-year estimate (Table DP05).

² Disability status from 2020 ACS 5-year estimate (Table S1810). Disability status is determined for the civilian non-institutionalized population based on six types of difficulty: hearing, vision, cognitive, ambulatory, self-care, and independent living difficulty. Percentages are defined by total civilian noninstitutionalized population of 4,380,609.

³ A “limited English-speaking household” is one in which no member 14 years old (1) speaks only English at home or (2) speaks a language other than English at home and speaks English less than very well. Data are from 2019 ACS 1-Year estimate (Table B16002).

4 Total population, above five years old, in the Census defined area for whom language spoken estimates were determined is 4,135,464. Data are from 2020 ACS 5-year estimates (Table B16004).

3.6.2 Limited English Proficient (LEP) Persons

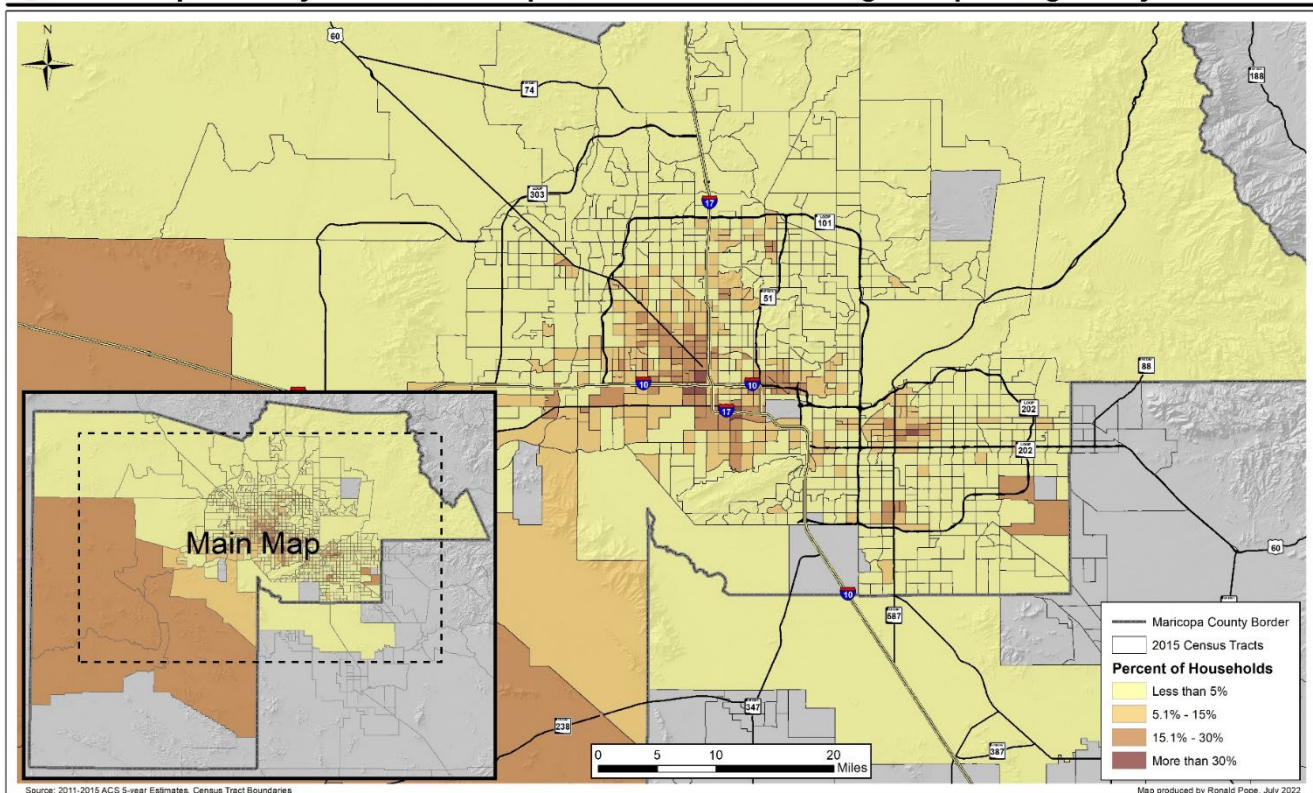
Federal guidance generally describes how recipients of federal assistance determine the extent of their obligation to provide LEP services. Four factors should be considered:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program:
 - 8.4% of Maricopa County’s population speaks English less than very well.
 - 3.3% (53,942) of Maricopa County households have LEP persons.
 - Of those 53,942 households, a significant majority (66.8%) speak Spanish.
 - The geographic distribution of households with limited English-speaking ability is shown in the map titled “Maricopa County Household Proportions with Limited English-Speaking Ability”



Air Quality Department

Maricopa County Household Proportions with Limited English Speaking Ability



2. The frequency with which LEP persons have interactions with the program:
 - MCAQD issues permits to facilities and administers programs county-wide; therefore, LEP persons are a significant percentage of the individuals who have interactions with MCAQD.
3. The nature and importance of the program, activity, or service provided by the program to people’s lives:

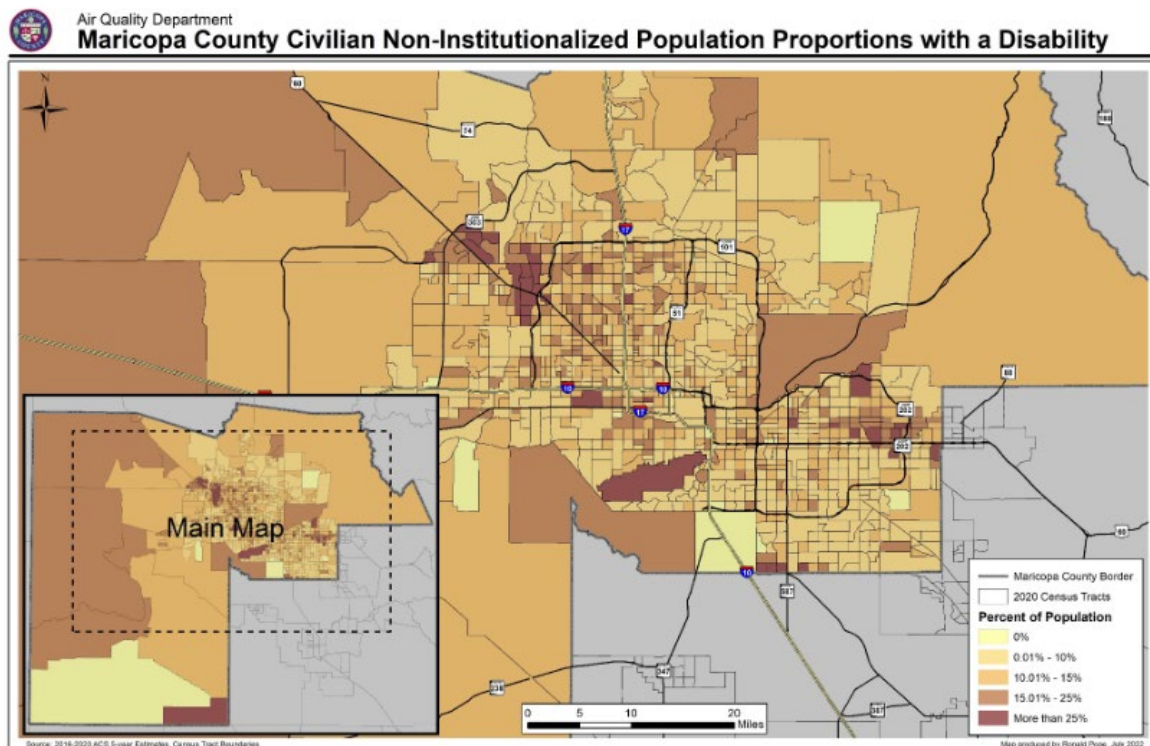
- The air permitting programs MCAQD administers are directly impactful to protecting the health and welfare of all its citizens.

4. The resources available to the recipient and costs:

- MCAQD has the resources to provide LEP services as identified in the Public Participation Procedures below.
- Since most LEP persons in Maricopa County speak Spanish, MCAQD’s efforts primarily focus on ensuring key materials and services are available in both English and Spanish.

3.6.3 Disabled Persons

11.4% of Maricopa County’s population is disabled to some degree. The geographic distribution of the disabled population within Maricopa County is shown in the map titled “Civilian Non-Institutionalized Population Proportions with a Disability”.



3.7 Public Participation Procedures

Although the vast majority of public involvement opportunities at MCAQD arise during the processing of Title V and Non-Title V air quality permits, public notice and participation is an important element of all MCAQD activities.

In order for public involvement to be meaningful, it requires informing, consulting, and working with as many members of potentially affected communities as possible at various stages of the decision-making process in order to understand and address concerns. MCAQD strives to provide for meaningful public involvement in all of its activities, no matter the location of the activity in the county or the community potentially impacted.

MCAQD's public participation is designed and implemented depending upon the known or anticipated level of interest and potential community impact of MCAQD's decisions. The following factors are considered, as appropriate:

- Community demographics and history
- Past and present community concerns
- Need for language assistance services for LEP persons
- Access to media sources, considering community culture and linguistic needs
- Need for and location of public meetings
- Location of the information repository
- Identification of MCAQD's expert(s) and their contact information

3.7.1 Public Participation Required by MCAQD's Rules

Under Maricopa County Air Pollution Control Regulations Rule 210 (Title V Permit Provisions) and Rule 220 (Non-Title V Permit Provisions), public notice, opportunity for public comment, and, for Title V Permits, notice of the opportunity for a hearing is required before taking any of the following actions:

- Issuing, denying, or renewing a permit
- Issuing or denying a significant permit revision
- Revoking and reissuing or reopening a permit
- Issuing a conditional order or permit
- Granting a variance from a general permit

Notice of permit or permit revisions must be published in newspapers of general circulation in Maricopa County and must include:

- Name and address of the affected facility
- Activity(ies) involved in the permit action
- Instructions on how and by when comments are to be submitted
- Locations where documents subject to MCAQD's decision may be obtained
- For Title V permits, the emissions change involved and the air contaminants to be emitted
- A statement if the permit or permit revision would result in the generation of emission reduction credits or the utilization of emission reduction credits
- MCAQD's preliminary determination of whether the application for a permit or permit revision should be approved or disapproved
- At least 30 days to submit comments

3.7.2 Public Participation: LEP and Disabled Persons

In addition to those public involvement requirements described in rule, MCAQD supplements and strengthens public involvement processes to ensure access to all people and that accommodation is available to facilitate participation by LEP and disabled persons.

MCAQD provides appropriate auxiliary aids and services (including qualified interpreters) to LEP persons, disabled persons who are deaf or hard of hearing, and other individuals as necessary at no

cost to ensure effective communication and an equal opportunity to participate fully in the decision-making process.

In addition, as 66.8% of LEP households in Maricopa County are proficient in Spanish, significant resources are directed at ensuring the availability of key materials and services in both English and Spanish including:

- Compliance and enforcement brochures and flyers
- MCAQD main phone line accommodations for Spanish speakers:
 - Phone line menu options in Spanish
 - Access to Spanish speaking representatives
 - Voicemail options in Spanish
 - Compliance training schedule information in Spanish
 - Complaint line directions in Spanish
 - No burn line information and emergency line information in Spanish
- Communications Office staff who respond to Spanish media calls
- Material on MCAQD's website (Maricopa.Gov/AQ) in Spanish
- Online dust control training courses in Spanish
- No Burn Campaign materials offered in Spanish:
 - TV public service announcements
 - Radio advertisements
 - Frequently asked questions
 - Newspaper articles and press releases
- Complaint resident door hangers

MCAQD is also able to accommodate the needs of LEP persons through specialty contracts for translation services.

The development and distribution of public notices and planning for public meetings or hearings regarding MCAQD's actions will consider the LEP and disabled population density in the area most impacted by MCAQD's action or program. Staff engaged in developing public notices and planning of public meetings will consult the following data sources regarding the geographic distribution of LEP and disabled populations within Maricopa County:

- Household Proportions with Limited English-Speaking Ability
- Civilian Non-Institutionalized Population Proportions with a Disability

MCAQD's public notices include the following text:

"MCAQD will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: [MCAQD Contact Information]"

"MCAQD tomará las medidas necesarias para brindar acceso a los servicios del departamento a personas que no dominan el idioma inglés y/o personas con discapacidades. Las solicitudes de servicios de interpretación de otro idioma o adaptaciones para discapacitados deben realizarse con al menos 48 horas de anticipación comunicándose con: [Departamento de Información de Contacto]"



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