



Grievance Procedures Related to Civil Rights

This document is intended to provide guidance to anyone who has reason to believe they have been discriminated against by the Minnesota Pollution Control Agency (MPCA) on the basis of race, color, creed, religion, national origin, disability, age, sex, sexual orientation, marital status, and status with regard to public assistance. The MPCA employee union grievances are not within the scope of this document.

Options for complainants

Option 1: If a person is concerned or has a complaint about services provided by the MPCA or MPCA practices, the following three options are available for resolving the concern or complaint:

A. Informal MPCA investigation

If any person wishes to notify the MPCA of an alleged discriminatory practice that has affected the person or others or that has the potential to do so, the person may contact the MPCA Non-discrimination Coordinator by telephone and explain the nature of his or her concern or complaint. A formal complaint must be filed in writing. The MPCA will conduct an informal investigation of the situation and notify the person within 60 days regarding any actions that the MPCA has taken in response to the complaint. The use of the informal process does not change any legal rights construed to constitute an admission that any discrimination has occurred, and any written

documents prepared by the MPCA in response to a complaint constitute an offer of compromise subject to Federal Rule of Evidence 408 and equivalent state rules.

MPCA Non-discrimination Coordinator
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4191
Telephone: 651-296-6300
Toll-free: 800-657-3864
TTY: 651-282-5332

B. Minnesota Department of Human Rights (MDHR)

Complaints about general discrimination "...in public services because of race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, and status with regard to public assistance..." (See Minn. Stat § 363A.02) may be filed directly with MDHR. Examples of public service complaints are failure to provide an interpreter or provide relevant documents in appropriate language, etc. The process of investigating these complaints is formal and may affect the legal rights of the complainant. Filing deadline is one year after the alleged discrimination occurred. Complaints are processed in accordance with the procedures established by MDHR. Complaints may be filed by contacting MDHR at:

Phone: 651-296-5663
Toll-free: 800-657-3704
TTY: 651-296-1283

C. U.S. Environmental Protection Agency (EPA)

Complaints alleging discrimination on the basis of race, color, national origin, disability, age or sex, may be filed in accordance with 40 CFR Parts 5 and 7, with the EPA, Office of Civil Rights, 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, DC 20460-1000.

Option 2: If a person has a concern or complaint specific to disparate treatment and/or adverse impact on an identified affected population in a particular geographic area distinguishable by race, color, national origin, disability, sex, or age due to an MPCA action, the following are options for investigation of the complaint.

A. U.S. Environmental Protection Agency

Complaints alleging discrimination on the basis of race, color, national origin, disability, age or sex, may be filed in writing in accordance with 40 CFR Parts 5 and 7 with the EPA, Office of Civil Rights, 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, DC 20460-1000. To be considered timely, EPA requires a complaint to be filed within 180 days of the alleged discriminatory act (See 40 CFR § 7.120). The EPA will generally dismiss complaints without prejudice if the issues raised in the complaint are the subject of either ongoing administrative permit appeals or litigation in Federal or state court due to the fact that the outcome of the proceeding could impact the investigation. If the complaint is not resolved through the Office of Civil Right's process, the federal funds recipient, MPCA may be required to enter a formal administrative hearing process that may result in a loss of federal funding.

B. Minnesota Pollution Control Agency

The MPCA will conduct an informal investigation of complaints regarding disparate and adverse impact from its activities. Participation in this process will not confer any legal rights on any party. The MPCA will investigate a complaint about disparate impact at any time, but will not investigate a complaint about disparate impact during the time administrative or judicial review of the action giving rise to the complaint is ongoing. The MPCA encourages persons who alleged discriminatory impact to submit

their description of the impact in a written document that includes a narrative description of the action or actions that caused the disparate impact and narrative description of the impacted geographic area and impacted population and the complaining person's relationship to that population. Persons are encouraged to support their allegation with scientific studies to the extent that such studies are available, i.e., impact of MPCA action in relation to existing impacts (cumulative impacts) and evidence of existence of discrete impacted population that falls in a protected category (demographic evidence). Persons are also encouraged to suggest proposed actions that would resolve the complaint.

The MPCA will acknowledge receipt of the complaint within 30 days. In its response, the MPCA will identify a tentative time period for response to the complaint, or will indicate that it will decline to investigate the complaint due to one of the following reasons: (1) the complaint concerns a permit or other MPCA action that is subject to pending administrative or judicial review; (2) the MPCA has already investigated the complaint during the permitting or other administrative process in response to public comments and has established a position on the issue; (3) the complaint concerns impacts that are not subject to the jurisdiction of the MPCA or that the MPCA does not have legislative authority to address; (4) the complaint appears to be frivolous on its face; (5) the complaint was not filed by an authorized representative of the allegedly impacted population; or (6) it would be inappropriate for the MPCA to investigate the complaint for a particular reason. At the conclusion of its initial investigation, the MPCA will provide the complainant with an opportunity to comment on its conclusion and proposed resolution. After the complainant has had an opportunity to comment, the MPCA will prepare a document that summarizes the resolution of the matter. The MPCA's decision to take actions to resolve a complaint should not be construed to constitute an admission that any discrimination has occurred, and any written documents prepared by MPCA in response to a complaint constitute an offer of compromise subject to Federal Rule of Evidence 408 and equivalent state rules.