



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY POLICY MANUAL

Revised July 2022

Limited English Proficiency Language Access Plan

Purpose

The Mississippi Department of Environmental Quality (MDEQ) receives federal financial assistance (e.g. federal grants/awards, etc.) in order to assist MDEQ in fulfilling some of its statutory and delegated responsibilities. In receiving such financial assistance, MDEQ is required to comply with certain federal laws and regulations, including Title VI of the Civil Rights Act of 1964, as amended. In accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d ("Title VI"), MDEQ assures that no person, on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which MDEQ receives federal assistance.

In certain circumstances, failure to ensure that persons with limited English proficiency have reasonable access to federally funded programs and activities may implicate the Title VI prohibition against discrimination on the basis of national origin. In recognition of this, Executive Order 13166 was issued August 11, 2000, entitled "Improving Access to Services for Persons with Limited English Proficiency". This Executive Order requires each federal agency that provides financial assistance to develop limited English proficient ("LEP") guidance for its recipients in accordance with the Title VI obligation to provide meaningful access to LEP individuals.

As a recipient of federal funding, MDEQ prohibits discrimination in all of its programs and activities whether or not those programs and activities are federally funded, and will take reasonable steps, as outlined in this Limited English Proficiency Language Access Plan ("Plan"), to ensure meaningful access for LEP persons to MDEQ's programs and activities.

The purpose of this Plan is to provide guidance and procedures on how and when to reasonably provide LEP persons meaningful access to MDEQ's programs and activities. MDEQ has substantial flexibility in determining the appropriate level of services provided. This document is not intended to, nor does it, constitute rulemaking by the Mississippi Commission on Environmental Quality or MDEQ, and no person or entity may rely on this document to create a right or benefit, substantive or procedural, enforceable at law or in equity. Because this document concerns only the internal management of the agency and does not affect private rights or procedures available to the public, the document is not a "rule" as contemplated by the Mississippi Administrative Procedures Law (Miss. Code Ann. §§ 25-43-1.101, et seq.).

Definitions

- I. **Limited English Proficiency Persons (“LEP persons”)**: Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.
- II. **Program or Activity**: Program or activity and program includes, but is not limited to, all of the operations of any department, agency, special purpose district, or other instrumentality of a State or of a local government; or the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government, any part of which is extended Federal financial assistance.
- III. **Recipient**: Any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.
- IV. **Service Population**: The population that is to be affected by the particular MDEQ activity or program.
- V. **Service Area**: The location that is to be affected by the particular MDEQ activity or program.
- VI. **Eligible LEP Population**: The LEP population that a MDEQ program or activity is intended to benefit/include.
- VII. **Vital Documents**: Documents that provide the necessary information for the public, including any eligible LEP person/population, to be able to adequately understand and participate in the MDEQ activity or program. Vital documents may include information, in part, that is not necessary for the eligible LEP population to adequately understand and participate in the MDEQ activity or program. If such is the case, only the portion of the vital document that is necessary for the eligible LEP population to adequately understand and participate in the MDEQ activity or program would need to be translated if MDEQ staff has determined translation services are appropriate after performing the four-factor analysis.

Policy

It is MDEQ's policy to take reasonable steps to provide LEP persons meaningful access to MDEQ's programs and activities in the course of doing business. This policy, and the guidelines and procedures contained herein, applies to MDEQ's employees. Standard Title VI compliance language will be included as provisions in contracts, sub-awards/sub-grants, and other similar agreements that will require contractors, sub-recipients/sub-grantees, and any other persons or entities doing business with MDEQ to reasonably provide eligible LEP persons meaningful access to such programs and activities.

Any employee that has a question about implementation of this Plan, please contact the MDEQ Legal Division.

Guidelines and Procedures

- I. **MDEQ's Programs and Activities.** MDEQ is the environmental and natural resource agency for the State of Mississippi who is responsible for conserving, managing, developing and protecting the natural resources of the State of Mississippi within the jurisdiction of the department. It is also the designated entity responsible for oversight of the restoration of injuries to Mississippi's natural resources resulting from the 2010 Deepwater Horizon oil spill. These responsibilities are fulfilled by MDEQ's implementation of various programs and activities. In implementing its programs and activities, MDEQ may come into contact with LEP persons, requiring reasonable and meaningful language access services, as deemed appropriate. Some examples of MDEQ activities and programs that MDEQ may encounter LEP persons, needing potential language access services, include, but are not limited to:

- Permitting Actions
- Enforcement Actions
- Public Hearings
- Public Meetings
- Restoration Planning
- Emergency Activities/Notifications
- Activities Requiring Public Input

Further, LEP persons that likely come into contact with MDEQ's programs or activities, include, but are not limited to:

- Persons living in communities in close proximity to a plant or facility that is permitted or regulated by MDEQ;

- Persons subject to, or affected by environmental protection, clean-up, and enforcement actions by MDEQ; and
- Persons who seek to enforce or exercise rights under Title VI or environmental statutes and regulation.

II. **Needs Assessment/Determining Access.** In order to ensure LEP persons have meaningful access to MDEQ's programs and activities, MDEQ will, on an ongoing basis, assess the need for language services in its activities and make language services available, as deemed appropriate. **MDEQ has substantial flexibility in determining the appropriate level of services provided.** Determining what reasonable steps MDEQ needs to take to provide such access to LEP persons is a flexible and fact depended process that includes a case by case assessment balancing the following four factors:

- 1) **the number or proportion of LEP persons served or encountered in the eligible service population;**
- 2) **the frequency with which LEP individuals come in contact with the program;**
- 3) **the nature and importance of the program, activity, or service provided by the program; and**
- 4) **the resources available to the grantee/recipient and costs.**

MDEQ staff will consider all of the above listed four factors before making any determination on what and when LEP services should be provided in a particular situation.

There are two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter "interpretation") and written translation (hereinafter "translation"). Interpretation can range from either on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially-available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis.

The types of language services provided should be based on what is both necessary and reasonable in light of the above four-factor analysis.

Vital documents are documents that provide the necessary/crucial information for the public, including any eligible LEP person/population, to be able to adequately understand and participate in the MDEQ activity or program. Vital documents may include information, in part, that is not

necessary for the eligible LEP population to adequately understand and participate in the MDEQ activity or program. If such is the case, only the portion of the vital document that is necessary for the eligible LEP population to adequately understand and participate in the MDEQ activity or program would need to be translated after MDEQ staff has determined translation services are appropriate after performing the four-factor analysis. Translation of vital documents can be provided orally, as appropriate.

III. **MDEQ's Language Access Measures.**

- LEP Language Access Services Contracts. MDEQ will utilize and evaluate appropriate resources that may include, but is not limited to, use of inter-agency personnel fluent in LEP languages, as appropriate, and/or MDEQ Procurement/Contracting Staff maintaining a list of contractors that provide competent oral and written translation and interpretation services for MDEQ. MDEQ Procurement/Contracting personnel shall maintain in the contract file all requests for interpretation and/or translation services, and deliverables from such translation requests, as applicable. In the procurement of such services, MDEQ Procurement/Contracting personnel should at a minimum ensure that the of interpretation and translation services have the following qualifications:
 - Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);
 - Have knowledge in both languages of any specialized terms or concepts peculiar to the MDEQ's program or activity and of any particularized vocabulary and phraseology used by the respective LEP person/population;
 - Understand and follow confidentiality and impartiality rules to the same extent the MDEQ employee for whom they are interpreting and/or to the extent their MDEQ position requires;
 - Understand and adhere to their role as interpreters without deviating into a role as engineer, legal advisor, or other roles (particularly in administrative or public hearings).
- **Requesting Language Services.** When LEP services are reasonable and necessary, MDEQ staff will coordinate with the appropriate MDEQ

Procurement/Contracting staff, and, as appropriate, the Office of Community Engagement to request such services to be provided.

- **Contact with LEP Persons.** Census Bureau “I Speak” cards, Attachment A to this Plan, should be used by MDEQ staff when LEP persons could occur (i.e. public meetings, public hearings, etc.). Although MDEQ staff may not be able to provide language access services immediately as the contact occurs, such cards can assist in any appropriate future contacts, including providing any appropriate future language assistance.
 - **MDEQ Title VI Notices.** Title VI Notice of complaint procedure and LEP services, provided as Attachment B to this Plan, along with the “I Speak” Cards, shall be located at each MDEQ office location front/receptionist desk area. Additionally, this Plan, along with the “I Speak” Cards, and Title VI Notices of complaint procedure and LEP services will be made available online at MDEQ’s website.
- IV. **Training.** MDEQ’s employees should know their obligation to provide LEP persons meaningful access to MDEQ’s programs and activities. MDEQ and sub-recipients shall have appropriate training that addresses, at a minimum, an explanation of the LEP policies and procedures, including an explanation of the use of interpreter services. This training could be a part of orientation of new employees. MDEQ employees will, at a minimum, review this policy and certify they acknowledge and will follow the procedures that are identified herein.
- V. **Monitoring and Updating this Plan.** MDEQ will make updates to this Plan, as appropriate, taking into consideration, at a minimum, any Title VI requirements and guidance modifications or amendments, and any updated Census information.

Sources to Limited English Proficiency Language Access Plan:

Miss. Code Ann. § 49-2-7 (Rev. 2012).

42 U.S.C. 2000d et seq.

40 C.F.R. Part 7

6 C.F.R. Part 21

31 C.F.R. Part 22

EO 13166 (August 11, 2000), "Improving Access to Services for Persons With Limited English Proficiency."

United States, Department of Justice, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." 67 Fed. Reg. 41455 (June 18, 2002).

United States, Environmental Protection Agency, "Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." 69 Fed. Reg. 35602 (June 25, 2004).

United States, Department of the Treasury, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." 70 Fed. Reg. 6067 (February 4, 2005).

Lep.gov

<https://www.lep.gov/maps#toc-2015-additional-lep-maps>

<https://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>

Attachment A to Limited English Proficiency Language Access Plan:

2004 Census Test	United States Census 2010 LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողում ենք նշում կատարեք այս քանակություն, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មួញកំពុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید.	12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратих уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำผ่านถ่านหรือชุกภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Attachment B to Limited English Proficiency Language Access Plan

Notice of Title VI of the Civil Rights Act

In accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d ("Title VI"), MDEQ assures that no person, on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which MDEQ receives federal assistance.

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with MDEQ's Executive Director and request a hearing in accordance with Miss. Code Ann. §49-17-35 and 49-17-29, as applicable, at the following address:

Mississippi Department of Environmental
Quality, ATTN: Executive Director,
P.O. Box 2261, Jackson, MS 39225

A formal complaint must be filed within 30 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

The complaint must meet the following requirements.

1. Complaint/hearing request shall be in writing and signed by the complainant(s).
2. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
3. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident, and the applicable program or activity that the alleged act of discrimination is in regards to. Further, the complaint must include whether the alleged act of discrimination is on the basis of race, color, and/or national origin.

After proper receipt of the complaint/hearing request, the appropriate MDEQ hearing procedures shall be followed. **These procedures do not alter any complainant's ability to file a complaint directly with the appropriate federal assistance agency in accordance with the federal agency's Title VI regulations. Further, please note that free language assistance services may be available for LEP persons, as appropriate, upon request to MDEQ staff.**

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