



# TCEQ Language Access Plan

**Preface:** The Plan was developed to enhance access for all and establish guidance to better ensure individuals with limited English proficiency (LEP) may meaningfully access TCEQ programs, activities, and services in a timely and effective manner. The Plan was developed to be consistent with:

- TCEQ’s commitment to provide meaningful access to LEP individuals;
- TCEQ’s mission to protect our state’s public health and natural resources consistent with sustainable economic development;
- [Title VI of the Civil Rights Act of 1964](#);
- Title VI implementing regulations and guidance documents.

**Introduction:** Under federal law, recipients receiving federal financial assistance, including TCEQ, must comply with Title VI of the Civil Rights Act of 1964 and implementing regulations, including [Title 40, Code of Federal Regulations \(CFR\), Part 7](#), which covers nondiscrimination in programs receiving federal assistance from the U.S. Environmental Protection Agency (EPA). These regulations prohibit discriminating and limiting participation on the basis of race, color, national origin, sex, disability, and age by programs and activities receiving federal financial assistance.

TCEQ is dedicated to providing services for all individuals residing in Texas. This includes providing timely, reasonable, and effective language assistance to LEP individuals. This Plan details TCEQ’s framework to coordinate and improve meaningful access to LEP individuals by:

- Decreasing language barriers;
- Enhancing customer service;
- Guiding staff; and
- Communicating effectively with linguistically diverse audiences.

**Effective Date:**

**Revisions:** 9/8/2021.

**Applicability:** All TCEQ programs and employees must comply with this Plan.

**Owner:** Office of Legal Services.

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## 1. Plan Summary

The State of Texas is home to individuals who speak a variety of languages. This Plan identifies reasonable methods for ensuring meaningful access to TCEQ programs, activities, and services for LEP individuals and highlights opportunities for continuously improving our customer service.

## 2. Definitions

- A. Bilingual staff member** – A TCEQ staff member who has demonstrated proficiency in and ability to communicate information accurately in English and at least one other language. A bilingual staff member has the ability to speak or write directly to an LEP individual in a language other than English.
- B. Interpretation** – The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. Interpreter** – A person who interprets orally from one language to another.
- D. Limited English proficiency (LEP) individuals** – Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- E. Meaningful access** – Accurate, effective, and timely language assistance for TCEQ programs, activities and services, provided at no cost, so that LEP individuals' opportunity for participation may be substantially equal to that of English speakers', to the extent reasonably possible.
- F. Primary language** – The language in which an individual most effectively communicates.
- G. Translation** – The replacement of written text from one language to an equivalent written text in another language.
- H. Translator** – A person who translates written words or writing from one language to another.
- I. Vital document** – Paper or electronic material that is critical to access TCEQ's programs, activities, and services. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

## 3. Agency Overview

TCEQ is the environmental agency for the State of Texas. TCEQ is headquartered in Austin and has approximately 2,800 employees located throughout the state. TCEQ's mission is to protect Texas' public health and natural resources consistent with economic development, with the goal of clean air, clean water, and safe management of waste. As a state regulatory agency, TCEQ is tasked with administering and enforcing

all laws, rules, and regulations falling within its jurisdiction. TCEQ's jurisdiction includes development of rules, reviewing and issuing permits, enforcement of environmental laws, and responding to inquiries from the public.

## 4. Elements of a Language Access Plan

TCEQ developed a workgroup with specialists from each of the offices to create the Plan. This workgroup was created to better understand the multiple manners in which TCEQ interacts with LEP individuals as well as to better ensure the development of an operational and effective Plan. The workgroup agreed that an effective Plan will identify individuals, provide language access, train staff, and communicate with LEP individuals. A brief description of each of these elements follows.

### A. Identifying LEP individuals.

TCEQ interacts with the public in a variety of ways. TCEQ uses multiple methods to identify LEP individuals including use of demographic information, a newly developed survey for TCEQ divisions (Appendix A), and stakeholder outreach, which will include holding three public meetings to discuss the Plan, gather stakeholder input, and review public comment as discussed in Section 12.

### B. Providing effective language assistance.

TCEQ takes reasonable steps to ensure meaningful access to its programs and activities by LEP persons.

### C. Training staff.

Staff will be trained on TCEQ's nondiscrimination policies and procedures, which will include this Plan, and on the agency's federal obligations.

### D. Communicating with LEP individuals.

After LEP populations have been identified, TCEQ will develop strategies, which involve the impacted community, to inform LEP individuals of a TCEQ program, service, or activity.

## 5. Four-Factor Analysis

TCEQ applies a four-factor analysis in taking reasonable steps to ensure LEP individuals have meaningful access to its programs, activities, and services. The four-factor analysis is an assessment that balances the following four factors: (1) demographics; (2) frequency; (3) nature and importance; and (4) available resources and costs.

TCEQ uses information provided in the four-factor analysis to anticipate, to the extent possible, the need for language services.

### A. **Factor 1:** Number or proportion of LEP individuals in Texas eligible to be served or likely to encounter TCEQ services.

The greater the number of LEP individuals, the more likely language services will be needed. TCEQ should consider minority populations that are eligible for its programs, activities, and services but may be underserved because of language challenges.

The U.S. Census Bureau has four classifications of how well people speak English:

- “very well”
- “well”
- “not well”
- “not at all”

TCEQ considers individuals in Texas who speak English less than “very well” as LEP, which is in line with how the [U.S. Census Bureau](#) defines linguistic isolation as living in a household in which all members aged 14 years and older speak a non-English language and do not speak English very well. According to the [2015-2019 U.S. Census Bureau American Community Survey 5-Year Narrative Profile](#), approximately 35.5% of the population in Texas spoke a language other than English at home. Approximately 13.7% reported that they did not speak English “very well.” At 29.3%, Spanish was reported to be the most commonly spoken language by individuals 5 years and older who spoke a language other than English in Texas. Asian and Pacific Islander languages were next at 3.0%. Specific [examples of languages](#) spoken in Texas by 20,000 individuals or more who do not speak English very well include Spanish (3,073,590), Vietnamese (124,500), Chinese, including Mandarin and Cantonese, (82,010), Arabic (30,812), Korean (28,742), Urdu (21,582), and Tagalog (21,420).

**B. Factor 2:** The frequency with which LEP individuals encounter a TCEQ program, activity, or service.

TCEQ assesses, as effectively as possible, the frequency it has or expects to have contact with LEP individuals seeking assistance. TCEQ staff who interact with community members on a regular basis will gather information. The need for enhanced language services will be based on:

- The frequency of staff contacts with the language group;
- How often LEP individuals seek TCEQ services; and
- The type of language services needed.

TCEQ will gather information annually regarding interactions with LEP individuals. Information may include surveys of divisions (see Appendix A), review of contact with LEP individuals, stakeholder outreach, and/or other appropriate methods.

- C. **Factor 3:** The nature and importance of TCEQ programs, activities, and services to the LEP population.

The programs, activities, and services offered by TCEQ may directly assist or impact LEP individuals and families; therefore, the actions in this Plan may be critical in providing meaningful access to LEP individuals and families. TCEQ considers the importance and/or urgency of the program, activity, or service undertaken when assessing the need for alternative language services. The need for LEP services could vary significantly, as actions by TCEQ programs cover a broad spectrum in terms of urgency and potential consequences. As this Plan is implemented, it will provide more data on this element.

- D. **Factor 4:** The resources available to TCEQ and the overall cost to provide LEP assistance.

EPA's Guidance states that "reasonable steps" may cease to be reasonable where the costs substantially exceed the benefits. TCEQ will seek cost-effective options, such as technology-based solutions, to promote effective LEP programs and services. TCEQ continually assesses the availability of resources and costs associated with this Plan. In reviewing resources and efforts, TCEQ will identify interpreters and translators within the agency; the cost of contracting interpretation and translation services; appropriate documents, forms, and releases, that need translation; and available assets.

## 6. Prioritization Standard

Due to a continuous need for translations and finite resources, TCEQ will utilize the following prioritization standard when providing written translation of vital documents or portions of vital documents, as applicable.

- For significant agency decisions, is 5% or more of the affected (or expected to be affected) population comprised of LEP individuals who share a common non-English language?
- Are existing public participation rules met in Title 30, Texas Administrative Code (TAC) Chapter 39, which require Notice of Receipt of Application and Intent to Obtain Permit (NORI) and Notice of Application and Preliminary Decision (NAPD) to be published in an alternative language?

Under 30 TAC Chapter 39, notice in an alternative language is required when:

- Either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC § 89.1205(a) (Required Bilingual Education and English as a Second Language Programs), *and*
- students are enrolled in a program at that school; (2) students from that school attend a bilingual education program at another location; or (3) the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 TAC § 89.1207(a) (Bilingual Education Exceptions and English as a Second Language Waivers).

## 7. Providing Notice to LEP Individuals

TCEQ provides the public information on how to receive language assistance through the following services:

- Translating information and documents in plain language when reasonable;
- Providing information in languages other than English, as appropriate, through TCEQ's website and/or social media outlets;
- Publishing the Plan and other materials, including a Frequently Asked Questions document answering questions about the Plan, on TCEQ's website in English and Spanish;
- In public notices, explaining in English and in Spanish how to call the Public Education Program hotline at 800-687-4040 for more information about the public notice;
- In Commissioners' Agenda meeting notices, explaining in English and Spanish how to contact the [Office of the Chief Clerk](#) at 512-239-3300 at least five business days before the Commissioners' Agenda meeting to arrange for interpretation; and
- Providing training to TCEQ staff on requirements for providing meaningful access to programs, activities, and services for LEP individuals in languages other than English.

## 8. Selecting Language Assistance Services

Language services are typically provided by (1) oral interpretation in person or via telephone interpretation service and/or (2) written translation. TCEQ determines the necessary and reasonable balance between interpretation and translation services by considering multiple factors, including but not limited to, the demographics of the proposed location and/or participants, the requests of stakeholders, the vitalness of information, as well as available resources. TCEQ informs LEP individuals that TCEQ provides free interpretation and translation services for interacting with the agency upon request (or an alternative reasonable accommodation).

TCEQ considers and employs the following reasonable methods of providing effective interpretation and translation services as needed or requested:

- Using interpreters and translators - TCEQ may utilize bilingual staff members, contract with and hire interpreters and translators, as well as use online translation services.
- Partnering with other agencies and community organizations that provide services to LEP individuals - TCEQ may partner with others to maximize resources and to ensure that the language services provided fit the need of the community being served.
- Using telephone or electronic interpreter services - TCEQ may use telephone or electronic interpreter services when holding events, webinars, and virtual meetings.

- Using electronic devices – TCEQ may use electronic translation and interpretation devices to better understand the needs of LEP individuals for the first contact, when needed.

### ***Interpretation***

TCEQ staff evaluates the need for oral interpretation based on the following:

- Intended audience;
- Information being presented;
- Forum in which information is presented; and
- Purpose of the presentation.

When encountering LEP individuals who need services, TCEQ employees do not require or rely on an LEP individual's family or friends to act as an interpreter. However, TCEQ will respect an LEP individual's choice to provide their own interpreter or use one provided by someone else in place of the free language services offered by TCEQ.

### ***Translation***

TCEQ determines vital documents by considering the following factors and focuses on translation of vital documents in this order:

- Denial or delay of access to TCEQ services or information could have serious implications for the LEP individual;
- TCEQ is required by rule or statute to provide an activity, warning, notice, or information in an alternative language; and
- Information is critical for obtaining TCEQ services or access to TCEQ programs.

TCEQ will translate vital documents if the population eligible to be served or likely to be directly impacted by the program, activity, or service (1) meets the prioritization standard or (2) after consideration of the four-factor analysis, requires translation to meaningfully access the program, activity, or service. TCEQ may determine to only translate the vital information contained in a document that contains both vital and non-vital information; documents need not be translated in their entirety unless the entire document is considered vital. TCEQ may communicate the information in vital documents through oral or written translation. When a document is very large or when the target audience speaks different languages, TCEQ may provide information on where to obtain interpretation or translation of the vital information.

## **9. Nondiscrimination Coordinator Contact Information**

TCEQ's Nondiscrimination Coordinator organizes TCEQ's efforts to comply with Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990, as amended; Section 13 of the Federal Water Pollution Control Act of 1972; and Title IX of the Education Amendments of 1972. Reasons an individual may contact the Nondiscrimination Coordinator include, but are not limited to, requesting an accommodation, filing a discrimination complaint, and/or to ask questions about



TCEQ's nondiscrimination program. Contact information for the Nondiscrimination Coordinator is as follows:

Jim Fernandez  
Texas Commission on Environmental Quality  
P.O. Box 13087 (MC105)  
Austin, TX 78711-3087  
**Email:** [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov)  
**Telephone:** 512-239-2566 / Dirija sus preguntas al 512-239-2566.

## 10. Plan Access

TCEQ will post the Plan on its website in English and Spanish. Additional interpretation and/or written translation will be provided upon request. Individuals without internet access may receive a copy of the Plan at no charge by contacting the Nondiscrimination Coordinator.

## 11. Training

TCEQ will provide training to all staff regarding TCEQ's nondiscrimination policies and procedures and on its federal nondiscrimination obligations. Such initial training must occur no later than 120 days after the initial finalization of this Plan. Once in place, such training will be a routine part of the on-boarding process for new employees. Subsequent trainings will be offered periodically as a refresher training to all employees.

## 12. Monitoring and Updating the Plan

It is the policy of TCEQ to continually improve TCEQ programs, services, and activities. This Plan is a living document, which will be reviewed regularly to evaluate its effectiveness in serving LEP individuals. TCEQ will amend this plan as needed. The evaluation will include but is not limited to:

- Evaluating feedback from engaging with LEP individuals and community-based organizations that serve LEP individuals;
- Identifying LEP populations impacted by TCEQ programs, activities, and services through annual surveys (Appendix A) and stakeholder outreach;
- Assessing the current level of program-related services delivered to LEP individuals in TCEQ programs, activities, and services; and
- Reviewing LEP training received by TCEQ employees.

To better evaluate whether TCEQ is meeting the needs of LEP individuals, within one year after the Plan has been accepted by EPA, TCEQ will:

- Deliver three public webinars to explain the Plan and to answer questions regarding the Plan;
- Provide an opportunity for public comments on the Plan; and
- Review and consider all public comments.

## 12. References

“American Community Survey, 2015-2019 ACS 5-Year Narrative Profile.” *United States Census Bureau*, 8 Mar. 2021, <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2019/report.php?geotype=state&state=48>

“Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency.” *United States Environmental Protection Agency*, 8 Mar. 2021, [https://www.epa.gov/sites/production/files/2017-03/documents/epa\\_order\\_1000.32\\_compliance\\_with\\_executive\\_order\\_13166\\_02.10.2017.pdf](https://www.epa.gov/sites/production/files/2017-03/documents/epa_order_1000.32_compliance_with_executive_order_13166_02.10.2017.pdf)

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“Language Access Plan.” *Georgia Department of Agriculture*, 8 Mar. 2021, [http://www.agr.georgia.gov/Data/Sites/1/media/ag\\_InspectorGeneral/legal/files/Language-Access-Plan-\(2019\).pdf](http://www.agr.georgia.gov/Data/Sites/1/media/ag_InspectorGeneral/legal/files/Language-Access-Plan-(2019).pdf)

“Language Access Plan.” *Texas Department of Transportation*, 8 Mar. 2021, <https://ftp.txdot.gov/pub/txdot-info/ocr/language-assistance-plan.pdf>

“Language Spoken at Home by Ability to Speak English for Population 5 Years and Over.” *United States Census Bureau*, 8 Mar. 2021, <https://data.census.gov/cedsci/table?g=0400000US48&tid=ACSDT5Y2018.B16001&mo e=false&tp=false&hidePreview=true>

“Limited English Proficiency Plan.” *Michigan Department of Environment, Great Lakes, and Energy*, 8 Mar. 2021, [https://www.michigan.gov/documents/egle/Limited\\_English\\_Proficiency\\_Plan\\_710255\\_7.pdf](https://www.michigan.gov/documents/egle/Limited_English_Proficiency_Plan_710255_7.pdf)

“Limited English Proficiency Language Access Plan.” *North Carolina Department of Environmental Quality*, Effective February 2020, 11 June 2021, <https://files.nc.gov/ncdeq/EJ/Limited-English-Profiles-Plan.pdf>

“Public Participation Plan.” *Texas Commission on Environmental Quality*, 8 Mar. 2021.

“Title VI of the 1964 Civil Rights Act.” *The United States Department of Justice*, 8 Mar. 2021, <https://www.justice.gov/crt/fcs/TitleVI>

## Appendix A: Survey Example for Divisions

An individual with limited English proficiency (LEP) is defined as a person who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. The purpose of this survey is to gather information on the number and frequency of encounters that TCEQ employees have with LEP individuals and to determine if the nature of those interactions is vital to LEP individuals.

1. Does your division encounter LEP individuals during the course of normal programs, activities, and services?
  - YES (if yes, proceed to next question, #2)
  - NO (if no, the survey is over but annual review should still take place)
2. For what reasons do LEP individuals come into contact with your division? Select all that apply.
  - Individuals seeking TCEQ licenses, certifications, permits, and registrations;
  - Individuals and businesses regulated by TCEQ;
  - Individuals seeking to report information to TCEQ including violations of environmental rules, laws, or permits;
  - Individuals involved in TCEQ administrative process and enforcement actions;
  - Individuals in need of understanding new rules and regulations associated with TCEQ;
  - Individuals in need of notification of vital information distributed by TCEQ;
  - Individuals seeking information on environmental issues and practices;
  - Individuals seeking access to TCEQ programs, activities, and services; and
  - Individuals seeking to request and review TCEQ records.
  - Other \_\_\_\_\_
3. What are the primary languages of these LEP individuals? Select all that apply.
  - Spanish \_\_\_\_\_
  - Vietnamese \_\_\_\_\_
  - Chinese (including Mandarin and Cantonese) \_\_\_\_\_
  - Arabic \_\_\_\_\_
  - Korean \_\_\_\_\_

- Urdu \_\_\_\_\_
- Tagalog \_\_\_\_\_
- Other \_\_\_\_\_

4. For each language selected above, approximately how many people do you encounter annually who speak this language?

<i>Language</i>	<i>Spanish</i>	<i>Vietnamese</i>	<i>Chinese</i>	<i>Arabic</i>	<i>Korean</i>	<i>Urdu</i>	<i>Tagalog</i>	<i>Other</i>
<b># of People</b>								

5. For each language selected above, how are you providing alternative language services (contractor, qualified bilingual staff, volunteer bilingual staff, LEP 3<sup>rd</sup> party rep, or other (please specify))?

<i>Language</i>	<i>Spanish</i>	<i>Vietnamese</i>		<i>Chinese</i>	<i>Arabic</i>	<i>Korean</i>	<i>Urdu</i>	<i>Tagalog</i>	<i>Other</i>
<b>Manner service is provided</b>									