



**Nondiscrimination Policy**

**No. A-008-AW-18-P-R5**

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<b>DEPARTMENT OF ENVIRONMENTAL MANAGEMENT</b>	<b>COVERAGE:</b> Agencywide	<b>NO:</b> A-008-AW-18-P-R5
	<b>AUTHORIZED:</b> Bruno L. Pigott, Commissioner	
<b>AGENCY POLICY</b>		
<b>SUBJECT:</b>  Nondiscrimination	<b>SUPERSEDES:</b> A-008-AW-17-P-R4	<b>OFFICE:</b> Office of Legal Counsel
	<b>EFFECTIVE:</b> August 13, 2001	<b>RENEWED/REVISED:</b> September 13, 2018

**1.0 PURPOSE**

This policy is to ensure that the agency and agency staff treat all members of the public equally and fairly with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies within the agency’s jurisdiction.

**2.0 SCOPE**

This policy applies to all agency public outreach, educational and decision-making processes.

**3.0 SUMMARY**

3.1. It is the policy of the agency to provide fair treatment and meaningful involvement to all people, regardless of race, color, gender, national origin, geographic location or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies within the agency’s jurisdiction. To implement this policy, the agency will ensure that all members of the public:

- A. Have equal access to public information pertinent to agency policies and procedures.
- B. Have adequate notice regarding all agency program information and decision-making processes.
- C. Have the opportunity to provide public comments and pertinent information to agency program staff.

3.2 To help ensure this policy is effectively implemented, the commissioner shall designate an environmental stakeholder inclusion coordinator.

**4.0 DEFINITIONS**

4.1. “Access” - The inspection of a public record by a person other than a governmental entity (modified from IC 5-14-3-2).

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- 4.2. "Affected population" - An individual or group of citizens reasonably expected to be impacted by an agency decision or activity because it involves the area in which they live or work, or relates to an environmental issue in which they have expressed a specific concern.
- 4.3. "Agency" - The Indiana Department of Environmental Management (IDEM).
- 4.4. "Agency staff" - Any employee or representative of IDEM. This includes regular employees, temporary employees, contractors and interns.
- 4.5. "Assistant commissioner" - An assistant commissioner in the Indiana Department of Environmental Management.
- 4.6. "Decision-making processes" - The procedures by which the agency creates a rule (IC 13-14-9) or a policy, issues a permit (IC 13-15-3), approves an activity or enforces a law or rule.
- 4.7. "Environmental stakeholder inclusion" - The fair treatment and meaningful involvement of all people regardless of race, color, gender, national origin, geographic location or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.
- 4.8. "Environmental stakeholder inclusion coordinator" - The person designated by the commissioner of IDEM to administer this policy.
- 4.9. "Notice" - Announcements to the public about pending and completed actions of the agency.
- 4.10. "Public input" - Information and opinions both oral and written provided to the agency by members of the public concerning agency activities and decisions, which may be delivered to the agency by speaking at public meetings or hearings or sent to the agency by phone, mail, fax or email.
- 4.11. "Public record" - Any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics [IC 5-14-3-2(m)].
- 4.12. "Regional office director" - A regional office director in the Office of Program Support.

## **5.0 ROLES**

- 5.1. Agency staff shall:
  - A. Treat all members of the public equally and fairly in environmental decision making and the implementation of environmental laws, regulations and policies within the agency's jurisdiction.
  - B. Make best efforts to provide information using language, terms, and media that are accessible to the affected communities.

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- C. Notify the environmental stakeholder inclusion coordinator of any environmental stakeholder inclusion considerations pertaining to an agency action.
  - D. Attend agency training, relevant to their position, regarding public notification and environmental stakeholder inclusion.
- 5.2. The assistant commissioner or regional office director shall ensure that environmental stakeholder inclusion issues are communicated to appropriate agency staff.
- 5.3. The environmental stakeholder inclusion coordinator shall:
- A. Coordinate agency stakeholder inclusion activities with the United States Environmental Protection Agency (U.S. EPA).
  - B. Assist agency staff in identifying activities that may have environmental stakeholder inclusion considerations.
  - C. Coordinate agency communication regarding environmental stakeholder inclusion with agency staff, the correspondence coordinator, and the complaint coordinator to ensure communication uses language, terms, and media that are accessible to the affected communities.
  - D. Develop and provide education and training on environmental stakeholder inclusion activities to agency staff.

## **6.0 POLICY**

- 6.1. To provide adequate access to public information pertinent to agency policies and procedures, the agency will:
- A. Maintain public records in accordance with IC 5-14-3 and IC 13-14-11.
  - B. Allow access to public records in accordance with IC 5-14-3 and IC 13-14-11.
  - C. Allow public records to be copied or duplicated in accordance with IC5-14-3-3.
- 6.2. To provide adequate notice about agency activities and processes, the agency will:
- A. Provide notice to affected populations in their primary language(s) as reasonable and practical.
  - B. Notify area-specific public media, as required by appropriate regulations, statutes, legal notices and media advisories that apply to the agency action.
  - C. Consider utilizing additional media to ensure affected populations are notified of agency activities and processes.
- 6.3. To facilitate public input, the agency will:
- A. Accept and consider communications in languages other than English.
  - B. Where appropriate and practical, accept comments and information in multiple formats (i.e., written, oral and/or electronic).
  - C. Provide members of the public with an opportunity to gain a general understanding of technical issues before commenting on issues of concern.

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- 6.4. To consider and respond adequately to public input, the agency will:
- A. Have comments reviewed by agency staff who are knowledgeable about, and sensitive to, local conditions in the area affected by the activity under consideration.
  - B. Where appropriate and practical, provide responses in the language in which comments are made.
  - C. Provide responses in the format most appropriate to the method in which comments were made.
- 6.5. To increase the institutional awareness of differences in local conditions and population groups that will promote implementation of the objectives above, the agency will continue agency employee training to inform agency staff of the variety of experiences and living conditions that exist around the state.

## 7.0 REFERENCES

7.1. 40 C.F.R. Part 7

7.2. Indiana Code

- A. IC 5-14-3 Public Records Law
- B. IC 13-14-11 Records of the Department and Boards
- C. IC 5-3-1 Publication of Notices; Procedures

7.3 Records Request Policy, August 10, 2016

## 8.0 SIGNATURES



Bruno L. Pigott, Commissioner  
Indiana Department of Environmental Management

9/13/18  
Date

This policy is consistent with agency requirements.



Quality Assurance Staff  
Office of Program Support

9/14/18  
Date