

# Title VI Plan

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OCTOBER 2020



PUGET SOUND  
Clean Air Agency







## INTRODUCTION

Title VI and environmental justice are an integral part of the Puget Sound Clean Air Agency's day to day work, decisions, planning, and projects. This commitment to Title VI is supported by the Agency's strategic plan, publications, communications, and public involvement efforts.

The purpose of this document is to establish a framework for efforts the Puget Sound Clean Air Agency will take to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. In addition, the Agency ensures that no persons are excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of their creed, religion, gender identity, sexual orientation, age, disability, or marital or veteran status.



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## I. ABOUT THE AGENCY

The Puget Sound Clean Air Agency (Agency) is a special-purpose, regional municipal corporation in existence since 1967. The Agency's jurisdiction covers King, Kitsap, Pierce, and Snohomish counties, which is home to over 4.2 million people, or over half of Washington State's population.

The Agency's vision is for everyone, everywhere to breathe clean, healthy air all the time regardless of who they are or where they live. In addition to reducing air pollution throughout the region, the Agency focuses on equity to ensure that nobody is more at risk because of where they live or their socio-economic status. To be relevant and serve all people in its four-county jurisdiction, the Agency listens to community concerns and makes room to work on new issues. The Agency's commitment to equity and environmental justice means taking the time to build and invest in relationships with a range of constituents, from partner institutions to academic and grassroots organizations. The Agency's strategies for environmental justice include:

- A. Identifying locations of greatest disparity ("focus communities") where it can address relevant air quality concerns.
- B. Developing equity guidelines for prioritizing where it should focus its efforts.
- C. Engaging with communities in the prioritized locations so that they are aware of the risk and can be involved with the design of programs and policies.
- D. Building on community engagement to design and implement programs that reduce exposure and disparity.

For the purposes of the Title VI Plan, the Agency carries out its work in two broad program areas: Air Quality Programs and Compliance and Legal. The program areas are supported by three functional areas: Communications and Public Engagement; Contracts and Procurement; and Education, Training, and Recruitment.

### **Governance**

The Agency is governed by a Board of Directors, which is made up of elected officials from King, Kitsap, Pierce, and Snohomish counties, representatives from the largest city in each county, and a member of the public-at-large. The Board of Directors meets monthly to provide direction on policy issues, make budgetary decisions, and act on other items such as adopting regulations.

### **Advisory Council**

The Agency's Advisory Council provides guidance and input on agency programs and initiatives. The Advisory Council is made up of representatives of large and small businesses, suburban cities, area sources, education, transportation, health, tribal nations, fire chiefs, environmental justice, local ports, the environmental community, and the public-at-large. This group meets several times a year. About the Agency

The Agency is governed by a Board of Directors, which is made up of elected officials from King, Kitsap, Pierce, and Snohomish counties, representatives from the largest city in each county, and a member of the public-at-large. The Board of Directors meets monthly to provide direction on policy issues, make budgetary decisions, and act on other items such as adopting regulations.



## II. POLICY STATEMENT, AUTHORITIES AND NOTICE TO THE PUBLIC

### A. POLICY STATEMENT

The Puget Sound Clean Air Agency (Agency) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. In addition to the grounds covered under Title VI, the Agency also assures that no person shall be excluded from participation in agency programs or activities, denied benefits, or otherwise be subjected to discrimination on the basis of creed, religion, gender identity, sexual orientation, age, disability, marital, or veteran status. The Agency further assures that every effort will be made to ensure nondiscrimination in all programs and activities, whether those programs and activities are federally funded or not. In the event the Agency distributes federal aid funds to another governmental entity, the Agency will include Title VI language in all written agreements and will monitor for compliance. The Agency's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, coordinating required reports, and other agency responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



**Craig Kenworthy**, Executive Director  
Puget Sound Clean Air Agency

## B. AUTHORITIES

The Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988).

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050-2; Executive Order 12898; Executive Order 13166; 10 CFR 1040; 28 CFR 50; 29 CFR 1691; 40 CFR Part 7; 49 CFR 21; RCW 49.60 et. seq.

## C. NOTICE TO THE PUBLIC

The paragraph below will be posted at the Agency’s main office and will be inserted in all significant publications that are distributed to the public, such as web site postings, and annual publication of the Agency’s Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. It may also be included in public service announcements, notices of proposed projects or meetings and hearings. The Title VI Plan in its entirety will remain permanently on the Agency’s web site ([www.pscleanair.gov](http://www.pscleanair.gov)), and in the Agency’s office, and will be made available in languages other than English.

“The Puget Sound Clean Air Agency (Agency) hereby gives public notice that it is the policy of the Agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Agency receives federal financial assistance. In addition to the grounds covered under Title VI, the Agency also assures that no person shall be excluded from participation in Agency programs or activities on the basis of creed, religion, gender



identity, sexual orientation, age, disability, marital, or veteran status. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Agency. Any such complaint must be in writing and filed with the Agency's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to submit a complaint, please see our web site at [www.pscleanair.gov](http://www.pscleanair.gov) or call (206) 343-8800 and ask for the Title VI Coordinator."

#### **Abbreviated Title VI Notice to the Public**

The following shortened version of the above paragraph can also be used in communications where space or cost is constrained, such as in a news release:

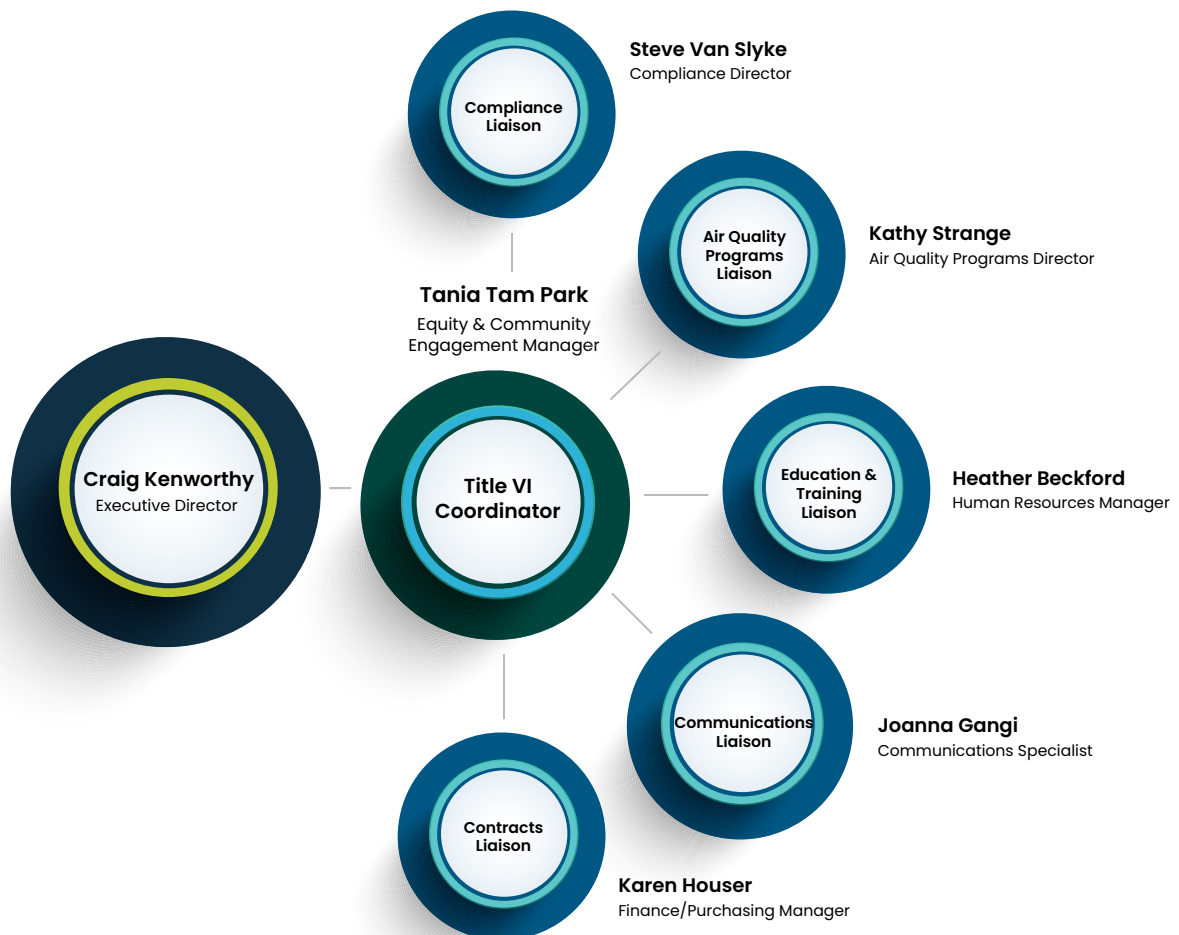
"The Agency fully complies with Title VI of the Civil Rights Act of 1964 and does not discriminate based on race, color, sex, or national origin in its programs and activities. In addition, the Agency also assures non-discrimination on the basis of creed, religion, gender identity, sexual orientation, age, disability, marital, or veteran status. For more information, or to submit a Title VI Complaint, call (206) 343-8800."

### III. PUGET SOUND CLEAN AIR AGENCY AND TITLE VI

The Agency carries out its work in two broad program areas: 1) Air Quality Programs and 2) Compliance and Legal. The program areas are supported by three functional areas: 1) Communications and Public Engagement, 2) Contracts and Procurement, and 3) Education, Training, and Recruitment.

The Executive Director is responsible for overseeing the Agency's Title VI program. The Title VI Coordinator is responsible for coordinating this body of work and ensuring appropriate measures are taken to implement, evaluate, and improve the program. Title VI Liaisons are responsible for implementing and maintaining Title VI obligations in their respective areas. The following organizational chart outlines Title VI responsibilities and accountabilities.

#### A. TITLE VI REPORTING CHART





## **B. TITLE VI COORDINATOR AND LIAISON RESPONSIBILITIES**

### **Title VI Coordinator Responsibilities**

The Title VI Coordinator is responsible for coordinating the Agency's Title VI program and communicating with the Agency's Title VI Liaisons to ensure that the Agency is implementing, evaluating, and monitoring ongoing compliance with Title VI.

The Title VI Coordinator:

- Ensures Agency operations comply with Title VI.
- Identifies areas where the Agency can eliminate discrimination and works with Liaisons to address process or policy improvements.
- Addresses Title VI complaints received by the Agency in a timely fashion.
- Meets with Liaisons to monitor and discuss progress, implementation challenges, and compliance issues.
- Facilitates an annual review and evaluation of Agency Title VI progress. The review addresses any changes in organizational policies, practices, relevant personnel, and grant programs. As necessary, the Title VI Coordinator recommends to the Executive Director ways in which the Agency can better serve protected classes for implementation in the following year.
- Corrects deficiencies or findings from internal and/or external reviews in a timely fashion.
- In coordination with Liaisons, prepares Title VI Annual Report by the end of August.
- If contractors are found to be out of compliance, the Agency Project Manager works with the Contracts Liaison and contractor(s) to resolve the issue and file corrections notification, per the Contracts section of this plan.

### **Title VI Liaison Responsibilities**

The Agency's five Title VI Liaisons work closely with the Title VI Coordinator to administer and implement Title VI requirements and ensure the Agency meets and exceeds its obligations. Additional staff members may be called upon to assist the Title VI Coordinator and Liaisons and provide relevant information or support, as needed.

As part of their responsibilities, Liaisons will manage data and track updates and accomplishments for their respective areas. Each year, guidelines, procedures, and policies will be reviewed to ensure appropriate Title VI considerations are in place and provisions are included in pertinent documents.

## **C. SPECIFIC TITLE VI PROGRAM RESPONSIBILITIES**

### **I. Data Collection**

#### **PUBLIC MEETINGS**

The Agency collects demographic data at Agency-sponsored community events and programs. This information is provided by the public on a voluntary basis and used to develop relevant public outreach efforts, improve programming and access, and conduct environmental justice analyses. The Agency may also use the data to support applications for federal assistance. The Agency distributes the voluntary Public Meeting/Hearing Participant Survey ([Appendix B](#)) form to attendees at public meetings. This data is summarized and reported in the annual report and as deemed necessary by federal funding agencies.

#### **GRANTS**

The Agency collects demographic data from individual program beneficiaries receiving products or services provided by federal assistance as outlined in Section VII of this plan. This information is summarized and reported in the annual report and as deemed necessary by federal funding agencies.

#### **HIRING AND RECRUITING**

The Agency takes intentional steps to ensure its workforce reflects the rich diversity of the communities we serve. To measure progress towards this goal, the Agency collects demographic data of our candidate pools for every open position ([Appendix D](#)). While this information is provided on a voluntary basis, the data is summarized and reported to meet external reporting requirements, as well as for the purposes of internal accountability.

## **2. Annual Review**

The Title VI Coordinator manages an annual review process with the Title VI Liaisons. During this process, the Coordinator and Liaisons review Agency guidelines and policies, including internal and external processes, to ensure the Agency is implementing Title VI provisions appropriately.

## **3. Annual Title VI Report**

The Agency prepares an annual Title VI report for each fiscal year of operation (July 1 to June 30) and the report is made available by August 31st each year. The report is accessible on the Agency's website and provided to relevant funding agencies. The report is part of the Agency's self-evaluation process that ensures compliance with Title VI requirements as well as notification of changes. At a minimum, the report includes:

- A. Any changes in the Title VI Plan, including organization and staff
- B. Any changes or updates in implementation goals
- C. Accomplishments and updates on the program and functional areas
- D. Complaint log, including summary and status reports of complaints filed within the reporting year

## **4. Dissemination of Title VI Information**

The Agency provides information pertaining to its Title VI Plan and expectations to all employees, contractors and subrecipients, as well as to members of the public, as outlined in Section V "Communication and Public Engagement." The Title VI Plan is translated in the region's top languages for broad accessibility. To ensure relevance with shifting demographic needs in the region, languages will be evaluated based on existing demographic data every five years.

## **5. Complaint Resolution**

Any individual has the right to file a complaint with the Agency, if that person believes they or any program beneficiaries have been subjected to discrimination or unequal treatment by the Agency, its contractors, or subrecipients. Discrimination on the grounds of race, color, sex, national origin, creed, religion, gender identity, sexual orientation, age, disability, or marital or veteran status will be promptly addressed by the Agency at the lowest level possible, as outlined in Section IV "Discrimination Complaint Procedures." Individuals who wish to file a complaint may also contact the Agency's Title VI Coordinator at (206) 343-8800.

## IV. DISCRIMINATION COMPLAINT PROCEDURES

1. Any person who believes that they, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the Agency. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Agency's Title VI Coordinator for review and action.

2. In order to have the complaint considered under this procedure, the complainant must file the complaint with the Agency no later than 180 days after:

- i) The date of alleged act of discrimination; or
- ii) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the Agency may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints submitted to the Agency shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the Agency, the person shall be interviewed by the Agency's Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Agency's investigative procedures. A complaint may also be submitted to the Agency using the Agency's Title VI Discrimination Complaint Form at [Appendix E](#).

4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, including other state or federal agencies.



5. For complaints against a contractor or subrecipient of the Agency, the Agency will investigate the complaint. For complaints against the Agency, the Agency will refer the complaint to the appropriate state or federal agency for investigation.

6. The Agency will advise pertinent state or federal agencies within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to applicable agencies:

- A. Name, address, and phone number of the complainant.
- B. Name(s) and address(es) of alleged discriminating official(s).
- C. Basis of complaint (i.e., race, color, national origin, or sex).
- D. Date of alleged discriminatory act(s).
- E. Date of complaint received by the Agency.
- F. A statement of the complaint.
- G. Other agencies (state, local or federal) where the complaint has been filed.
- H. An explanation of the actions the Agency has taken or proposed to resolve the issue(s) raised in the complaint.

7. Within 60 days, the Title VI Coordinator will investigate of the allegation(s) in the complaint and based on the information obtained, will render a recommendation for action in a report of findings to the Agency's Executive Director. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

8. Within 90 days of receipt of the complaint, the Agency's Executive Director will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with pertinent state or federal agencies, if they are dissatisfied with the final decision rendered by the Agency. The Title VI Coordinator will also provide pertinent state or federal agencies with a copy of this decision and summary of findings upon completion of the investigation.

**9.** Contacts for different Title VI administrative jurisdictions are as follows:

WSDOT  
Office of Equal Opportunity, Title VI Program  
PO Box 47314  
Olympia, WA 98466  
(360) 705-7098

Federal Highway Administration  
Washington Division Office  
711 Capitol Way South, Suite 501  
Olympia, WA 98501  
(360) 534-9325

Washington Human Rights Commissions  
711 S. Capitol Way, Suite 402  
Olympia, WA 98504-2490  
(360)753-6770 (phone)  
(360) 586-2282 (fax)  
1-800-233-3247 (toll free)  
1-800-300-7525 (TTY)

U.S. Environmental Protection Agency  
Office of Civil Rights (1201A)  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-0690 (phone)  
(202) 565-0196 (fax)

Office of Economic Impact and Diversity  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
(202) 586-2218

## V. COMMUNICATIONS AND PUBLIC ENGAGEMENT

Communications and public engagement are crucial to ensuring non-discrimination and promoting participation in Agency programs. Efforts in this area span across all aspects of Agency work. The Agency seeks out and considers the needs as well as input of people and communities traditionally underserved by local air quality agencies. Through implementation of the Agency's Strategic Plan objectives, demographic and air quality analysis, and utilization of an equity screening tool, the Agency seeks to ensure a proactive approach to communication and public involvement via the following principles:

1. All stakeholders, both community individuals and groups, as well as institutional partners, are considered and involved early in any new process or program;
2. The Agency hears and supports the diversity of communities within our jurisdiction; and
3. Communication and engagement are carried out in a manner that is respectful and appropriate for everyone.

### A. COMMUNICATIONS AND PUBLIC ENGAGEMENT LIAISON RESPONSIBILITIES

The Communications and Public Engagement Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the Agency's public engagement process. In support of this, the Communications and Public Engagement Liaison:

- Ensures all communications and public engagement efforts comply with Title VI requirements.
- Develops and distributes information on Title VI and Agency programs to the general public.
- Provides information and language service coordination for languages other than English, as needed.
- Disseminates information to diverse media outlets and ethnic-/gender-related organizations, to help ensure all social, economic, and ethnic interest groups in the region have equal opportunities to participate and receive the benefits of Agency programs and services.

- Includes the abbreviated Title VI Notice to the Public in press releases and on the Agency web site.
- Notifies the public of hearings regarding proposed actions, and makes the hearings accessible to all residents, including: providing language interpretation when requested or when a strong need for their use has been identified, offering information regarding public transportation, and identifying and addressing any additional barriers to access and participation.

## **B. 2014-2020 AGENCY STRATEGIC PLAN**

The Agency's long-term vision for the region's air quality and climate is that "all people and natural systems in our region benefit from clean and healthy air all the time, regardless of socio-economic status or geographic location." Specific to community engagement and environmental justice work, Objective 3.3 of the Agency Strategic Plan states that the Agency will "Engage in meaningful dialogue and outreach with all sectors of the public." Strategy F of the Objective 3.3 requires that the Agency "Identify highly impacted communities and develop effective mechanisms to mutually engage with them on air quality education and issues."

The Agency defines "Highly Impacted Communities" as geographic locations characterized by degraded air quality whose residents face economic or historic barriers to participation in clean air decisions and solutions. For example, a neighborhood with a high population of people of color located near a major roadway would meet this definition. A predominantly low-income neighborhood that suffers from health risks due to significant wood-burning activity would also be considered highly impacted. These objectives around public engagement within highly impacted communities further ensure that the Agency identifies the most effective ways to engage with underserved and environmental justice communities. For the purposes of the Agency's external engagement and communications, we refer to these geographic areas as Focus Communities.

## **C. COMMUNITY AIR TOOL (CAT)**

The Agency utilizes Geographic Information System (GIS)-based software to identify air quality inequities in the Agency's four-county jurisdiction through an Agency-developed mapping tool called the Community Air Tool (CAT). CAT incorporates and analyzes pollution, health, and demographic data for specific communities within the



county boundaries to identify the most disproportionately impacted and underserved communities, and to prioritize engagement within those communities.

Specific information that the current CAT incorporates includes the data categories drawn from the US Census, American Community Survey 2012–2016 5-year average, Washington Department of Health (2005–2014 Hospitalizations), Washington Department of Transportation 2017 Traffic Volume, and Puget Sound Clean Air Agency Air Quality Permit Database. The Agency updates and refines the tool as new data or additional information are available.

CAT’s current pollution, health, and demographic analysis categories include the following:

- Air quality data, including proximity to major roadways, density of registered emissions sources, and concentration of wood burning households.
- Community health data, such as air quality related respiratory illnesses and hospitalizations
- Demographic data such as educational attainment, race, household income, and language, including limited English proficiency status

## **D. LANGUAGE ACCESS TO AGENCY INFORMATION FOR THOSE WITH LIMITED ENGLISH PROFICIENCY (LEP)**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be categorized as Limited English Proficient (LEP). For LEP individuals, language can be a barrier to accessing benefits or services, understanding and exercising rights, complying with applicable rules and regulations, or understanding other information provided by Agency programs and activities.

The Agency takes reasonable steps to ensure that all individuals have access to its programs, services, and information. The Agency has a language implementation plan for LEP individuals as a part of its Title VI Plan. This plan specifically addresses people who have limited ability to read, write, speak, or understand English. The full LEP + Access plan can be found in [Appendix A](#).

The Agency utilizes the Environmental Protection Agency’s four-factor analysis as provided in the document “Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI

Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons<sup>1</sup> ” in order to determine the need for language services. Current Agency efforts include:

1. Translating select outreach material, compliance documents, and communications through an external vendor. Translation services are available in over 150 languages and dialects for Agency information or documents.
2. Agency staff can call the Agency interpretation service when conducting any office, field, or outreach activities and interacting with LEP individuals or groups. This service allows any Agency staff person and member(s) of the public to have direct dialogue via telephone-based interpretation service as well as in-person interpretation in 200 languages.
3. The Agency’s main phone line includes free, direct connection to language interpretation services in order to communicate with Agency staff. For this service, we provide the top six languages in our jurisdiction: English, Spanish, Mandarin, Vietnamese, Korean, Tagalog, and Russian.

### **Online/Website Language Services**

The Agency utilizes Google translate services to provide broader language access to our website. We recognize this service is limited and do not solely rely on that tool to make our information accessible. We continually work to provide other means of language access to materials and information, including updating our website with language-specific pages and translating public service messages as they become available.

## **E. ACCESS AND ACCOMMODATIONS**

In addition to verbal language access, the Agency also works to accommodate individuals who may be blind, visually impaired, deaf, hard-of-hearing, or disabled.

All public meetings sponsored by the Agency are held in locations that are accessible to persons with disabilities and, to the extent practicable, to people who rely on public transit. In addition, the Agency utilizes a telecommunications relay service (TRS) to accommodate deaf and hearing-impaired individuals.

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<sup>1</sup> <https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi>

The Agency includes closed captioning in its public presentations, where possible, as well as provide written descriptions of visual social media posts to ensure that information is in an accessible format.

## **F. RECEPTION**

The Agency's reception staff keeps an I-speak card at the front desk. The I-speak card is a print-out of several languages, which a non-English speaking person can use to point to and identify their language. Reception staff can then seek interpretation help for that person in their preferred language. Visual Communication Tools

Visual communication products are one way to communicate with a broad range of individuals and groups. The Agency uses visual communication products such as maps, charts, graphs, illustration books, and visual-heavy PowerPoint presentations across the spectrum of work the Agency does. This includes public events, notifications of agency business and programs, and various print materials. The Agency also uses handouts and posters at public forums. Every communication product used by the Agency is available for translation by calling (206) 343-8800 or toll free at 1-800-552-3565.

## **G. NOTIFICATION TECHNIQUES**

The Agency regularly notifies the public, interested community groups, and the local media when there are opportunities for public comment or when new information and regulations are available. The methods by which the Agency notifies the public includes email notifications (including information on burn bans), general agency newsletters, regulation and rulemaking updates, and permit actions.

In addition, the Agency maintains a Burn Ban notification application available in the App Store for iPhone users. Notification methods also include notifying local community based organizations that support LEP groups for specific programs and actions the Agency is undertaking within those communities, managed by the Equity and Community Engagement Communications Specialist. The Agency also publishes meeting/comment notifications regarding rules and regulation changes in local print news outlets. The Agency website, publications, and news releases include information on the rights protected by Title VI and the availability of translation and interpretation services.

## **H. BOARD OF DIRECTORS AGENDA AND MINUTES**

Agendas and minutes for all Agency Board of Directors meetings include instruction on how to get materials in alternative formats. The notification reads:

“The Agency will make reasonable accommodations for any person who needs assistance to participate in the Board of Directors’ meeting or access our services. Our meeting facilities are currently ADA accessible. Free sign language services, free language translation and interpretation, and communication material in alternative languages can be made available, given sufficient notice by contacting Judith White-Crow at 1-800-552-3565, ext. 4079.”

In addition, the Agency publishes Board meeting notifications with the above language in the Seattle Times, Everett Herald, Tacoma News Tribune, and Kitsap Sun.

## **I. EMAIL LISTS**

The Agency maintains a general email mailing subscription service to maintain contact and provide updates to the public on a range of Agency activities, including county-specific burn ban alerts, permit actions, and rulemaking updates. These email lists contain contact information for interested individuals, community groups, partner institutions, local businesses, local governments, and other clean air authorities across the state and region.



## **VI. EDUCATION, TRAINING AND RECRUITMENT**

### **A. EDUCATION AND TRAINING LIAISON RESPONSIBILITIES**

The Education and Training Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of Agency staff education and training, as well as collecting demographic data as part of the Agency's recruitment processes. The Liaison:

- Assists in distributing information to Agency staff on training programs regarding Title VI and related statutes.
- Coordinates Title VI training every three years.
- Tracks staff participation in Title VI courses.
- Ensures Title VI information and expectations are included in new employee orientation.
- Collects demographic data on applicants who express interest in Agency vacancies.
- Ensures that Title VI Coordinator and all Liaison responsibilities are accurately reflected in job descriptions, planning documents, and performance evaluations.

### **B. EMPLOYEE TRAINING**

All Agency employees are required to participate in Title VI training. The Education and Training Liaison schedules Title VI training opportunities at least every three years to ensure all staff understand the legal expectations, as well as the Agency's policies and procedures, pertaining to Title VI. In addition, Agency commitment to Title VI will be explicit during new staff orientation.

### **C. RECRUITMENT**

The Agency takes intentional steps to ensure its workforce reflects the rich diversity of the communities we serve. The Agency does this in a variety of ways, including use of a comprehensive notification process when recruiting for positions across the Agency (see Section V "Communication and Public Engagement," Part G "Notification Techniques" for specific techniques).

## VII. CONTRACTS AND GRANTS

The Agency enters into contractual agreements with a wide range of parties in accordance with Title VI requirements including: grant recipients, subrecipients, subgrantees, contractors, and subcontractors (hereinafter “contractors.”). The types of contracts used include interlocal agreements, memorandums of agreement or understanding, and contracts. Where applicable, Agency contractors are also subject to compliance with Title VI requirements as outlined below.

### A. CONTRACTS LIAISON RESPONSIBILITIES

The Contracts Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the Agency’s processes for contracts, requests for proposals (RFPs), and requests for quotes (RFQs). The Contracts Liaison works with Agency project managers to ensure contracting and procurement opportunities are awarded in a nondiscriminatory manner. The Contracts Liaison and project managers:

- Ensure required Title VI language is included in all applicable contracts, RFPs and RFQs.
- Ensure Title VI compliance using such tools as questionnaires to contractors and periodic and systematic review of contractor information and records.
- If a contractor is found to be in violation of any of Title VI requirements, the Title VI Coordinator, project manager, and Contracts Liaison will work with the contractor to resolve any deficiency and the Agency will take any other appropriate action pursuant to the applicable contract.
- Maintain the Minority and Women Owned Business Enterprise (MWBE) process:
  - Monitor, update, and maintain the Agency’s MWBE Program
  - Include annual reports on MWBE participation in the Title VI annual report
  - Establish and adjust MWBE participation goals as appropriate
- Annually review and evaluate MWBE participation in relation to the MWBE goals.

## **B. MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (MWBE) PROCESS**

The Agency reports on MWBE participation in its Title VI annual report, and additionally as required by any applicable federal funding agency. At the end of each annual reporting period, actual MWBE participation will be assessed to help the Agency understand how to improve equal opportunity for MWBE and non-MWBE contractors across the Agency's work.

## **C. RFPS AND RFQS**

When purchasing services or equipment greater than certain thresholds as described in the Agency's purchasing policy, the Agency issues a request for qualifications (RFQ) or a request for proposals (RFP). The Agency updated its RFP and RFQ language to be as inclusive as possible and to simplify the proposal process for smaller business entities that may not be accustomed to traditional RFP response requirements. Agency requests include Title VI notification in all RFPs and RFQs, stating MWBE businesses will be given the full opportunity to bid.

When the Agency posts RFPs and RFQs to the Agency website and area publications, the Agency makes MWBE businesses aware of the opportunity to bid. The Agency conducts a search for potential MWBE businesses providing the requested goods or service through the following:

- EPA's Small Business Vendor Profile System (SBVPS) website (<http://cfpub.epa.gov/sbvps/>)
- Washington State Office of Minority and Women's Business Enterprises (<http://www.omwbe.wa.gov/index.shtml>).

In addition, the Agency posts the RFP or RFQ on the state and federal MWBE websites as follows:

1. Washington State Office of Minority and Women's Business Enterprises  
Main Line: (360) 664-9750  
Help Line: (360) 664-9770  
Website: <http://omwbe.wa.gov/>

2. Minority Business Development Agency  
Register in the "Opportunity" database of the minority business development agency at [www.mbda.gov](http://www.mbda.gov) and post the opportunity. Phoenix Opportunity is a division of the U.S. Department of Commerce.

3. Seattle Office for Community Capital Development  
Phone: (206) 324-4330  
Website: <http://seattleccd.com/>  
E-Mail: [info@seattleccd.com](mailto:info@seattleccd.com)

4. EPA's Office of Small Business Programs  
EPA's OSBP Small Business Vendor Profile Systems (SBVPS)  
Phone: (202) 566-1578  
Website: <http://cfpub.epa.gov/sbvps>

## **D. REQUIRED CONTRACT PROVISIONS**

The Agency includes specific Title VI clauses in contracts subject to this plan. These clauses are in [Appendix F](#) and are an addition to the existing template for Agency contract terms and conditions. The Agency also notifies contractors that the text of Appendix F (minus section 6) must be included in subcontracts.

## **E. MONITORING FOR COMPLIANCE**

The Agency ensures compliance with Title VI requirements. The Agency uses tools such as submitting questionnaires to contractors, including questions to ensure contractors have procedures in place to comply with the Title VI requirements, and periodic and systematic review of contractors' questionnaire responses and relevant records. At the request of the appropriate federal funding agency and/or in response to a complaint of discrimination, or as otherwise deemed necessary, the Agency project manager or Contracts Liaison may also request verification that the contractor in question provides products and or services on an equitable basis.



## **F. TITLE VI DEFICIENCIES**

The Agency actively pursues the prevention of Title VI deficiencies and violations and takes necessary steps to ensure compliance with Title VI. If a contractor is found to not comply with Title VI, the Contracts Liaison, project manager, and the Title VI Coordinator will work with the contractor to resolve any identified issues.

If the issues cannot be resolved, the Agency project manager and the Contracts Liaison will issue a notification of deficiency status and remedial action for the contractor as agreed upon by the Agency and the appropriate federal funding agency. The notification will be made within 90 calendar days after the Agency determines the issue cannot be resolved. The Agency will seek the cooperation of the contractor in correcting deficiencies and will provide the technical assistance and guidance needed for the contractor to comply voluntarily. Contractors placed in a deficiency status will be given no more than 90 calendar days after receipt of the deficiency letter and remedial action to voluntarily correct deficiencies. If a contractor fails or refuses to comply with requirements within the allotted time frame, the Agency will submit to the appropriate federal funding agency two copies of the case file and a recommendation that the contractor be found in noncompliance.

If any contractor refuses to comply with the provisions of this section, in conjunction with any state or federal agency, the Agency may initiate sanctions per 49 CFR 21. Any action or resolution pursuant to this section, shall be in addition to and not in place of, all remedies the Agency has pursuant to any applicable contract which additionally may be invoked by the Agency.

## **G. REAL AND PERSONAL PROPERTY**

When federal agencies provide assistance to purchase real or personal property, the Agency will assure Title VI compliance during the life of the federal assistance. Typically, the life of the federal assistance includes the time the Agency holds title to the real or personal property as well as the grant budget period and project period. This happens after the purchase of the equipment or other real or personal property and before the transfer of title. Transfer of title from the Agency to another party usually occurs 120 days after the end of the grant project period using the Agency's Template Transfer of Title Letter ([Appendix G](#)). Title VI obligations will be passed on as long as federal assistance is provided and will conclude after transfer of title is complete.

## VIII. AGENCY PROGRAMS

The Agency carries out its work in two broad program areas that are supported by three functional areas as described in Sections V, VI, and VII above. The two program areas are Air Quality Programs and Compliance and Legal. Environmental justice and equity principles are incorporated across activities for both program areas and used to evaluate and address the needs of highly impacted communities.

### A. AIR QUALITY PROGRAMS

#### 1. Technical Analysis

The technical analysis program includes activities such as air monitoring, air quality forecasting, regional air quality planning, and analysis of air quality data.

A tool that supports technical analysis work is the Community Air Tool (CAT). The CAT is described in Section V(C) above and helps the Agency prioritize where to direct efforts in community-based air monitoring projects and monitoring sites.

#### 2. Clean Air Initiatives

Clean Air Initiatives include diesel engine replacement and improvement programs, particularly in port and maritime sectors; wood stove removal and replacement programs; and fleet petroleum reduction efforts under the Western Washington Clean Cities Coalition.

The Agency administered the Seaport Truck Scrappage and Replacement for Air in Puget Sound (ScRAPs), a grant-funded truck replacement program offering drayage truck owners serving the Port of Seattle and the Port of Tacoma a cash incentive to purchase a replacement truck with a 2007 or newer engine. Grants enable the Agency to replace hundreds of older, dirtier diesel trucks with newer, cleaner trucks and the resultant pollution reductions benefited residents of highly impacted communities adjacent to the region's major seaports. The ScRAPs program uncovered the need to educate owners of the newer, cleaner trucks about how to properly maintain their emission control systems to prevent costly repairs, since these trucks differed significantly from the old ones they'd replaced under the program. Using grant funds from EPA and the State Department of Ecology, the Agency developed a series of training videos, filmed with

local truck owners and diesel mechanics, about proper maintenance and operating practices. The Agency then had the videos translated into six additional languages, reflecting the primary non-English languages spoken by the drayage driver community.

The Agency regularly manages a Wood Stove Replacement Program (WSRP) to recycle or buy back uncertified wood burning devices in our jurisdiction and reduce localized sources of pollution. These programs have removed thousands of older, more-polluting wood stoves from homes in the region and provided either a cleaner source of heat or a cash incentive.

## **B. COMPLIANCE**

### **1. Permitting**

Agency engineers review and issue permits for stationary sources to ensure their emissions and control equipment comply with the federal and state Clean Air Act. These permits include notice of construction permits and Air Operating Permits for larger or more complex sources. As permit applications are reviewed, Title VI principles are considered in State Environmental Policy Act (SEPA) processes mandated by the Washington State Clean Air Act, when appropriate. Title VI principles also guide how the Agency carries out public notice requirements. Agency engineers offer free interpretation services to permittees and the public when needed to ensure meaningful communications occur in all aspects of permitting.

### **2. Enforcement**

Agency inspectors regularly inspect stationary air pollution sources throughout our four-county jurisdiction. Through these inspections, the Agency ensures control equipment function properly and is maintained in line with permit requirements and applicable regulations.

When sources or individual are found to have violated air quality rules, the Agency uses enforcement tools including notices of violation and/or civil penalties. The Agency collects unpaid civil penalties through letters and ultimately by filing cases in King County Superior Court. The Agency uses environmental justice principles to promote equitable application of the Agency's enforcement process.

Agency inspectors and staff offer free interpretation services to the public when needed to ensure meaningful communications occur in all aspects of enforcement.

### **C. REQUESTS FROM THE PUBLIC**

The Agency frequently receives air quality complaints and requests for Agency documents from the public. In designing the Agency's procedures to respond to these complaints and requests, the Agency uses equity principles to provide the fullest assistance possible to requesters from all communities. This may include translated versions of the Agency's policies, procedures, and forms, and free interpretation services.

## IX. QUESTIONS

If you have questions regarding the Puget Sound Clean Air Agency's Title VI Plan or procedures, please contact Title VI Coordinator, at 206-343-8800 or by e-mail to [ej@pscleanair.gov](mailto:ej@pscleanair.gov). For information on the Agency's programs, publications, reports, data and public comment periods, please call 206-343-8800 or visit our website at [www.pscleanair.gov](http://www.pscleanair.gov).

Agency Title VI Plan originally adopted Nov. 4, 2015; revised and adopted on October 20, 2020.



**Craig Kenworthy**, Executive Director

Puget Sound Clean Air Agency

## X. APPENDIXES



## APPENDIX A: LIMITED ENGLISH PROFICIENCY AND ACCESS PLAN

The Puget Sound Clean Air Agency's (The Agency) vision is for everyone, everywhere to breathe clean, healthy air all the time. The Agency is committed to meeting this goal with inclusiveness and fairness rooted in our approach. The Agency's Limited English Proficiency Plan (LEP) is intended to meet the requirements of Title VI of the Civil Rights Act of 1964 and ensure meaningful access to the Agency's programs and activities for people with limited English proficiency. This plan shows our commitment to providing access to information to everyone and describes our translation, interpretation, and access approach.

### Four-Factor Analysis

The Agency conducts a four-factor analysis to guide the LEP and access plan implementation.

Limited English Proficiency (LEP) individuals self-identify their ability to speak English as "not very well."

In evaluating any potential translation or interpretation need, we consider the following four factors:

1. The number or proportion of LEP individuals our agency would likely serve or encounter.
2. The frequency with which LEP individuals come in contact with the Agency's programs, activities, and services.
3. The nature and importance of the program, activity or service provided by the Agency to people's lives.
4. The resources available to the recipient and costs.

See the full Limited English Proficiency and Access Plan here:

[www.pscleanair.gov/LEPandAccessPlan](http://www.pscleanair.gov/LEPandAccessPlan)

## APPENDIX B: PUBLIC MEETING/HEARING PARTICIPANT SURVEY



1904 3rd Ave #105, Seattle, WA 98101  
206-343-8800  
[pscleanair.gov](http://pscleanair.gov)

### Public Meeting/Hearing Participant Survey

Title VI of the Civil Rights Act of 1964 requires the Puget Sound Clean Air Agency to gather statistical data on participants of Agency events to ensure inclusion of all segments of the population. This includes information on race, age and gender.

Providing this information is voluntary and disclosure is not required to participate in agency programs and activities. This form is a public document and will be archived by the Agency.

For further information or to submit questions, please contact the Title VI Coordinator by phone at 206-343-8800 or email at [EJ@pscleanair.gov](mailto:EJ@pscleanair.gov).

Voluntary Survey		
Project Name:	Date:	Zip Code:
Age:	Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-binary/third gender	
	Prefer to self-describe: <input type="checkbox"/> Prefer not to respond	
Your primary language spoken at home:		
What is your race/ethnicity? (Please check all that apply)		
<input type="checkbox"/> American Indian or Alaskan Native	<input type="checkbox"/> Native Hawaiian or other Pacific Islander	
<input type="checkbox"/> Asian	<input type="checkbox"/> White	
<input type="checkbox"/> Black or African American	<input type="checkbox"/> Two or more races	
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Prefer not to respond	
Please provide email address if you would like to receive Agency information:		

Please leave the completed questionnaire in the drop box at the registration table.

Thank you!

## APPENDIX C: PROGRAM PARTICIPANT/BENEFICIARY SURVEY



1904 3rd Ave #105, Seattle, WA 98101  
206-343-8800  
[pscleanair.gov](http://pscleanair.gov)

### Program Participant/Beneficiary Survey

Title VI of the Civil Rights Act of 1964 requires the Puget Sound Clean Air Agency to gather statistical data on participants and beneficiaries of Agency programs and activities to ensure inclusion of all segments of the population. This includes information on race, age and gender.

Providing this information is voluntary and disclosure is not required to participate in agency programs and activities. This form is a public document and will be archived by the Agency.

For further information regarding this process, please contact the Title VI Coordinator by phone at 206-343-8800 or email at [EJ@pscleanair.org](mailto:EJ@pscleanair.org).

Voluntary Survey		
Project Name:		Date:
Zip Code:		
Age:	Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-binary/third gender	
Prefer to self-describe:		<input type="checkbox"/> Prefer not to respond
Your primary language spoken at home:		
What is your race/ethnicity? (Please check all that apply)		
<input type="checkbox"/> American Indian or Alaskan Native	<input type="checkbox"/> Native Hawaiian or other Pacific Islander	
<input type="checkbox"/> Asian	<input type="checkbox"/> White	
<input type="checkbox"/> Black or African American	<input type="checkbox"/> Two or more races	
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Prefer not to respond	
Please provide email address if you would like to receive Agency information:		

Please return the complete survey to the Puget Sound Clean Air Agency using the preaddressed envelope.

Thank you!

## APPENDIX D: EQUAL EMPLOYMENT OPPORTUNITY FORM



1904 3rd Ave #105, Seattle, WA 98101  
206-343-8800  
[pscleanair.gov](http://pscleanair.gov)

### Equal Employment Opportunity Form

**Directions:** In an effort to ensure Equal Employment Opportunity (EEO), we ask that you respond to the questions below. Providing this information is voluntary and disclosure is not required of applicants. Please type or print legibly using black ink. Any information provided will be kept confidential from our other application materials, and will be available only to authorized personnel. The information will not be used to evaluate current or future employment eligibility. It will be used by the Agency to track applicant flow, analyze EEO efforts, and for required government reporting.

Please return with your employment application to Human Resources in person, by email to [recruitment@pscleanair.org](mailto:recruitment@pscleanair.org) or fax to 206.689.4039. For questions about this form, contact Human Resources at 206-689-4041.

Voluntary Survey	
Full Name:	Date:
Position applied for:	Check one: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-binary/third gender <input type="checkbox"/> Self-describe: <input type="checkbox"/> Prefer not to respond

Race / Ethnicity (Please check all that apply)	
<input type="checkbox"/> American Indian or Alaskan Native	<input type="checkbox"/> Native Hawaiian or other Pacific Islander
<input type="checkbox"/> Asian	<input type="checkbox"/> White
<input type="checkbox"/> Black or African American	<input type="checkbox"/> Two or more races
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Prefer not to respond

**Veteran Status** (Please check all that apply)

- ☐ **Qualified Disabled Veteran:** 1) A person entitled to disability compensation under laws administered by the Veteran Administration for disability rated at 30% or more; or 2) a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty; and 3) is capable (qualified) of performing a particular job with reasonable accommodation to his/her disability.
- ☐ **Vietnam Era Veteran:** A person who 1) actively served for more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was released with other than a dishonorable discharge; or 2) was released from such active duty for a service-connected disability.
- ☐ **"Other Veteran":** Other Veteran is defined as a veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. A complete list of campaigns is at <http://www.fedshirevets.gov/hire/hrp/vetguide/index.aspx>.
- ☐ **Newly Separated Veteran:** Veteran whose discharge date from active duty in the US military occurred in the past 12 months.

## APPENDIX E: TITLE VI DISCRIMINATION COMPLAINT FORM



1904 3rd Ave #105, Seattle, WA 98101  
206-343-8800  
[pscleanair.gov](http://pscleanair.gov)

### Title VI Discrimination Complaint Form

The Puget Sound Clean Air Agency (PSCAA) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin or sex, as provided by the Title VI of the Civil Rights Act of 1964, as amended. Complaints based on protections afforded under other civil rights statutes, including sexual orientation, gender identity, religion or age should also be filed with the Agency. Title VI complaints must be filed within 180 calendar days from the date of alleged discrimination and must be received in writing.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by calling 206-343-8800. The completed form must be returned to the PSCAA – Title VI Coordinator, 1904 Third Avenue, Suite 105, Seattle, WA 98101.

I. COMPLAINANT INFORMATION					
Your Name		Phone Number			
Business Name (if applicable)					
Street Address					
City		State		Zip Code	
Have you filed a complaint about this incident with another entity?			<input type="checkbox"/> Yes <input type="checkbox"/> No		

II. INCIDENT INFORMATION	
Which of the following best describes the reason for the alleged discrimination?	
<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender Identity <input type="checkbox"/> Race/ Color <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion <input type="checkbox"/> Sex	



Please describe the circumstances of the alleged discrimination incident, including the date of the alleged occurrence, who you believe was responsible, and other specific and relevant information. Please attach a separate sheet if additional space is required.

What remedy are you seeking for the alleged discrimination?

Signature	Date
-----------	------

## APPENDIX F: REQUIRED CONTRACT PROVISIONS – FEDERAL FINANCIAL ASSISTANCE

During the performance of this contract, the contractor, sub-contractor, subrecipient, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance With Regulations – The contractor shall comply with the Regulations Relative to Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination – The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, national origin, creed, religion, gender, gender identity or sexual orientation in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, which only applies to federal grants designed to provide federal employment.
3. Solicitations for Subcontracts, including Procurement of Materials and Equipment – In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, national origin, creed, religion, gender, gender identity or sexual orientation.
4. Information and Reports – The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Agency, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance – In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Agency reserves the right to:
  - a. Withhold of payments to the contractor under the contract until the contractor complies, and/or;
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions – The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Puget Sound Clean Air Agency or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Agency enter into such litigation to protect the interests of the Agency and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX G: TRANSFER OF TITLE – LETTER TEMPLATE



**PUGET SOUND**  
**Clean Air Agency**

1904 3rd Ave #105  
Seattle, WA 98101

206-343-8800

[pscleanair.gov](http://pscleanair.gov)

### Board of Directors

**Bremerton**  
Greg Wheeler  
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**King County**  
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Bruce Dammeier  
Executive

**Public-at-Large**  
Stella Chao

**Seattle**  
Jenny Durkan  
Mayor

**Snohomish County**  
Megan Dunn  
Councilmember

**Tacoma**  
Chris Beale  
Councilmember

**Executive Director**  
Craig T. Kenworthy

Date

Equipment Owner Name  
Equipment Owner Address

Dear Mr./Ms. \_\_\_\_\_:

Puget Sound Clean Air Agency Assistance Award No.

\_\_\_\_\_ (enter EPA grant number) — Transfer of Title

Under a recent federally funded project administered by the Puget Sound Clean Air Agency, contractors completed the installation of

a \_\_\_\_\_ (describe equipment installed under Assistance Award including serial number) (serial No. \_\_\_\_\_) on

\_\_\_\_\_ (describe the vehicle, vessel, or thing on which the equipment was installed) on \_\_\_\_\_ (date the equipment was installed). Partial funding for purchasing and installing this equipment was provided by EPA Assistance Award No. \_\_\_\_\_.

As the EPA grant recipient, the Agency currently holds title to the \_\_\_\_\_ (describe retrofit device, new engines, etc.).

According to Programmatic Condition \_\_\_\_, "Equipment Disposition," of Assistance Award No. \_\_\_\_\_, at the end of the project period the title to equipment acquired under this award may be transferred to a third party. The project period for the grant award ended on \_\_\_\_\_ (insert date), and EPA granted the Agency permission to transfer title on \_\_\_\_\_ (insert date). In accordance with 40 CFR 31.32 "Equipment," and the terms of Assistance Award No. \_\_\_\_\_, the Agency hereby transfers title to the \_\_\_\_\_ (describe retrofit device, new engines, etc.) to \_\_\_\_\_ (enter equipment owner to whom title is being transferred).

Please indicate \_\_\_\_\_ (equipment owner's) acceptance of title to the \_\_\_\_\_ (describe retrofit device, new engines, etc. including serial number) currently installed on \_\_\_\_\_ (describe the vehicle, vessel, or structure on which the equipment was installed) by returning one signed copy of this letter to the Agency Project Manager, \_\_\_\_\_. In addition, please record the current fair market value of the \_\_\_\_\_ (describe retrofit device, new engines, etc) below.

By signing this letter, \_\_\_\_\_ (*equipment owner*) agrees to all of the following conditions:

1. Continue to use the \_\_\_\_\_ (*describe retrofit device, new engines, etc.*), which was/were purchased under Assistance Award No. \_\_\_\_\_, as an emission reduction technology for the remainder of the useful life of the \_\_\_\_\_ (*vehicle/vessel/thing on which the equipment was installed*) or for *Emerging Technology grants for the grant's project lifetime*.
2. Properly maintain the equipment purchased under the assistance award according to the equipment manufacturer's specifications.
3. Not impede or hamper the function of the equipment purchased under the assistance award without the approval of EPA.

\_\_\_\_\_ (*equipment owner*) is not required to continue to use the emission reduction technology equipment if \_\_\_\_\_ (*equipment owner*) determines that in spite of properly maintaining the emission control technology in accordance with the manufacturer's specifications, the emission reduction technology will compromise or otherwise damage the \_\_\_\_\_ (*describe the vehicle, vessel, or structure on which the equipment was installed*) on which it is currently installed.

We are pleased with the overall success of this project and we appreciated the cooperation of \_\_\_\_\_ (*equipment owner*), our partners on this important project.

Sincerely,

Craig T. Kenworthy  
Executive Director

Acknowledgement of Receipt of Title:

\_\_\_\_\_  
(*President of Company or Name of person authorized to sign*)

Date \_\_\_\_\_

Equipment transferred: \_\_\_\_\_ (serial No. \_\_\_\_\_)

Current fair market value of the \_\_\_\_\_ (*describe retrofit device, new engines, etc. funded under the Assistance Award*): \$ \_\_\_\_\_

Bcc \_\_\_\_\_ (*insert name and address of EPA or other agency grant administrator*)

Page 2 of 2







## **PLEASE CONTACT US**

**for questions, concerns,  
and suggestions.**

**Title VI Coordinator**

**206-343-8800**

**[ej@pscleanair.gov](mailto:ej@pscleanair.gov)**





PUGET SOUND  
Clean Air Agency

**WEBSITE**  
[pscleanair.gov](http://pscleanair.gov)

**MAILING**  
1904 3rd Ave #105  
Seattle, WA 98101