UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CIVIL RIGHTS

May 5, 2016

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In Reply Refer To:
EPA File No. 11R-14-R4

Donald R. van der Vaart
Secretary
North Carolina Department of Environmental Quality
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

RE: REINITIATION OF INVESTIGATION

Dear Secretary van der Vaart:

On March 7, 2016, the Office of Civil Rights (OCR) was informed that the Alternative Dispute Resolution mediation process between the North Carolina Department of Environmental Quality (NC DEQ), formerly the North Carolina Department of Environment and Natural Resources (NC DENR), and the Complainants in the above referenced complaint (the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help ("REACH"), and Waterkeeper Alliance, Inc.) has concluded without resolution. Therefore, consistent with OCR procedures, OCR has reinitiated its investigation into:

> Whether the North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI of the Civil Rights Act of 1964 and the Environmental Protection Agency's (EPA) implementing regulations.

The decision to reinitiate this investigation is consistent with OCR's procedures to resume the investigation when ADR has concluded, and in no way amounts to a decision on the merits. EPA will continue gathering the relevant information, discuss the matter further with you and your designees and determine next steps utilizing its internal procedures. As a part of OCR's established investigative process, you will receive a request for information from OCR in the near future.

Also, we would like to remind you that no applicant, recipient or other may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the non-discrimination statutes OCR enforces. 40 C.F.R. § 7.100. Any individual alleging such harassment or

intimidation may file a complaint with OCR. OCR would investigate such a complaint if the situation warranted.

If you have any questions, please feel free to contact Ericka Farrell, Case Manager, at (202) 564-0717, or by e-mail at farrell.ericka@epa.gov, or U.S. mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000, or me at (202) 564-9649, or by e-mail at dorka.lilian@epa.gov. Thank you in advance for your cooperation.

Sincerely,

Lilian S. Dorka
Deputy Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Ken Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official, Region IV