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

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OFFICE OF
CIVIL RIGHTS

Donald R. van der Vaart, Secretary
North Carolina Department of Environment and
Natural Resource
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Re: **Clarification**

Dear Mr. van der Vaart:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) will not investigate the allegation related to North Carolina Department of Environment and Natural Resources' (NC DENR's) failure to enforce its regulatory and/or statutory requirements for swine farms. This decision is based on the complainants' indication that they do not wish to pursue this allegation further. Hence, the OCR will only continue to investigate the allegation described in my February 20, 2015 letter and repeated below:

- 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 and EPA's implementing regulations.

As indicated in my earlier correspondence, the EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. 40 C.F.R. §7.120(d)(2). Accordingly, OCR is willing to discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders. Currently, both parties have expressed interest in exploring Alternative Dispute Resolution (ADR).

If NC DENR and the Complainants agree to engage in ADR, OCR will suspend its investigation and toll the associated regulatory deadline for the duration of the ADR process. OCR will resume the investigation if the parties do not reach resolution through ADR. The EPA's ADR Law Office will be in touch to discuss this option further, and more information about the ADR process can be found at http://www.epa.gov/civilrights/faq-adrt6.htm.

If you have any other questions, please do not hesitate to contact Helena Wooden-Aguilar, Assistant Director, External Civil Rights Program at (202) 564-0792, by e-mail at wooden-aguilar.helena@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.

Sincerely,

Velveta Golightly-Howell
Director, Office of Civil Rights