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

January 15, 2016

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

Gerald Yamada
Thomas R. Brugato
Covington & Burling LLP
One City Center
850 Tenth Street, NW
Washington, D.C. 20001-4956

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Benne C. Hutson
McGuireWoods LLP
201 North Tryon Street
Suite 3000
Charlotte, North Carolina 28202-2146

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Eugene E. ("Matt") Mathews, III
Christopher E. Trible
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3196

Dear Mr. Yamada, Brugato, Huston, Matthews, and Trible:

Thank you for your letters dated December 18, 2015 and January 7, 2016, on behalf of the National Pork Producers Council and North Carolina Pork Council. Your December 18, 2015 letter contained a "motion to intervene and participate in Administrative Complaint 11R-14-R4 Proceedings," specifically to participate in mediation and any further proceedings that the Office

of Civil Rights (OCR), Environmental Protection Agency may conduct in connection with the Complaint.

Currently, the Complainants and the North Carolina Department of Environmental Quality (NC DEQ) (formerly the North Carolina Department of Environment and Natural Resources) are engaging in Alternative Dispute Resolution (ADR), a voluntary process the purpose of which is to reach a mutually acceptable agreement to resolve the complaint. ADR is not an adjudicatory process requiring the filing and granting of motions to intervene or participate. In this ADR process, it is up to the Complainants and NC DEQ to decide jointly, in consultation with the mediator, whether other participants are needed. OCR is not a participant in the ADR process in which that the Complainants and NC DEQ are engaged. Should the participants agree to the request from the National Pork Producers Council and North Carolina Pork Council to participate in the ADR, the mediator will contact you.

If the Complainants and NC DEQ do not reach resolution through ADR, OCR will resume its investigation. The investigatory process is likewise not an adjudicatory process requiring motions to intervene. OCR encourages those who have information relevant to the allegations accepted for investigation to submit it. OCR will consider and evaluate any such submissions as part of its investigation. Furthermore, during the course of investigation, OCR may seek additional relevant information from entities and persons other than complainants and recipients.

If any hearings are held in the future related to Complaint No. 11R-14-R4, OCR will comply with all regulations, policies, and procedures that apply to those proceedings.

Sincerely,

Velveta Golightly-Howell
Director

cc: Marianne Engleman Lado and Jocelyn D'Ambrosio
Earthjustice
48 Wall Street, 19th Floor
New York, New York 10005

Sam M. Hayes
General Counsel
North Carolina Department of Environment Quality
217 West Jones Street
Raleigh, North Carolina 27603