

State of North Carolina  
Department of Environment  
and Natural Resources



Michael F. Easley, Governor  
William G. Ross, Jr., Secretary  
Dexter R. Matthews, Director

**THE DIVISION OF WASTE MANAGEMENT**

September 15, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

B&B Topsoil Mine, Inc.  
c/o Mr. William S. Andrews III, Vice President  
1800 Hamlin Road  
Durham, NC 27704

**Re: Compliance Order**  
**B&B Topsoil Mine, Inc.- Solid Waste Treatment and Processing Facility**  
**Permit #32-05**

Dear Mr. Andrews:

Enclosed is a Compliance Order issued to B&B Topsoil Mine, Inc. because of certain violations of the North Carolina Solid Waste Management Act (N.C. General Statute 130A, Article 9) and of the North Carolina Solid Waste Management Rules (15A N.C. Administrative Code 13B) which implements the Act. This Compliance Order describes the violations of concern and the actions required by B&B Topsoil Mine, Inc. to come into compliance with both the General Statutes and the Administrative Code.

I encourage B&B Topsoil Mine, Inc. to schedule an informal conference at once with my staff to discuss this Compliance Order. Please contact Ms. Mary Whaley, Waste Management Specialist at the Raleigh Central Office at (919) 508-8523.

Sincerely,

Paul S. Crissman, Chief  
Solid Waste Section  
Division of Waste Management

Enclosure

cc: Lauren Clemmons, Assistant Attorney General  
John Crowder, Eastern District Supervisor  
Mary Whaley, Waste Management Specialist  
Paul Crissman, Chief, Solid Waste Section  
Mark Poindexter, Supervisor, Field Operations Branch  
Central Files, Solid Waste

**COMPLIANCE ORDER**

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**NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
SOLID WASTE SECTION**

**In Re: B&B Topsoil Mine, Inc.**

**COMPLIANCE ORDER**

**PRELIMINARY STATEMENT**

This Compliance Order is issued under N.C. General Statutes 130A-22, the Solid Waste Management Act (N.C.G.S. 130A, Article 9), and the Solid Waste Management Rules (15A N.C. Admin. Code 13B). Title 15A of the N.C. Admin. Code, Chapter 13B contains standards and requirements applicable to the proper management of solid waste.

On March 1, 1971, the State of North Carolina, Department of Human Resources, Division of Health Services, Solid Waste Section, implemented a Solid Waste Management Program under the Solid Waste Management Act, N.C.G.S. 130A, Article 9 and Rules codified at 15A N.C. Admin. Code 13B. Solid Waste Management is now regulated under the Solid Waste Section of the Division of Waste Management of the Department of Environment and Natural Resources. Mr. Paul S. Crissman, Chief of the Solid Waste Section, Division of Waste Management, Department of Environment and Natural Resources, has been delegated the authority to implement both the Act and the Rules. Based upon information available, the Division has determined that B&B Topsoil Mine, Inc. is in violation of certain requirements of the Act and/or Rules, as set forth below.

**STATEMENT OF FACTS**

1. On August 15, 2001, the Division of Waste Management issued a permit to operate (Permit #32-05) a Solid Waste Treatment and Processing Facility to B&B Topsoil Mine, Inc. located at 1800 Hamlin Road Durham, North Carolina, Durham County. Permit #32-05 Condition No. 14 states, "This permit shall expire on August 13, 2006", in accordance with 15A NCAC 13B .1603(a)(5)(B), which requires the owner to submit an application for permit renewal five years from the issuance date of the original permit. No renewal application was received by the Division.
2. On September 14, 2006, Ms. Mary Whaley, Waste Management Specialist, Solid Waste Section, spoke by telephone to Mr. Billy Andrews, Vice President, B&B Topsoil Mine, Inc. Mr. Andrews told Ms. Whaley that B&B Topsoil Mine, Inc. was currently accepting waste.

**COMPLIANCE ORDER**

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**STATEMENT OF VIOLATIONS**

The above facts constitute violations of the following sections of Title 15A N.C. Admin. Code Subchapter 13B:

1. Section .0201(a) states that:

No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the Division.

B&B Topsoil Mine, Inc. is in violation of *15A NCAC 13B .0201(a)* in that they operated a solid waste management facility without a valid permit.

**CONDITIONS FOR COMPLIANCE**

Upon receipt of this Compliance Order, you must:

1. Immediately cease accepting all solid waste materials, or
2. Within 30 days submit a permit application to:

Ted Lyon  
N.C. DENR – Div. of Waste Management  
1646 Mail Service Center  
Raleigh, N.C. 27699-1646

**POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY**

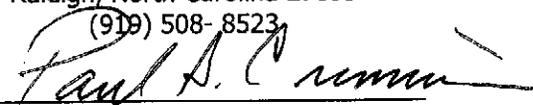
You are hereby advised that, pursuant to N.C.G.S. 130A-22, each day of continued violation of any requirement of the act, the rules, or any order issued under the act or rules constitutes a separate violation for which a penalty of up to \$5,000.00 per day may be imposed. If the violation(s) continue, you may also be subject to further enforcement actions including injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

**INFORMAL CONFERENCE**

The Division encourages you to schedule an informal conference to discuss this matter and to give you an opportunity to provide additional information, including any actions you have taken to correct the violation(s). If you desire an informal conference, please contact:

Ms. Mary Whaley  
Waste Management Specialist  
Raleigh Central Office  
401 Oberlin Rd., Suite 150  
1646 Mail Service Center  
Raleigh, North Carolina 27699  
(919) 508-8523

By:



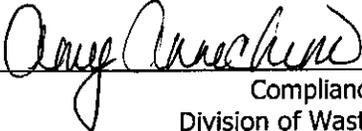
Paul S. Crissman  
Chief, Solid Waste Section  
Division of Waste Management  
Department of Environment and Natural Resources

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing Compliance Order to be served upon the person designated below, at the last known address, causing said copy to be deposited in the U.S. Mail, First Class (certified mail postage prepaid, and return receipt requested) in an envelope addressed to:

B&B Topsoil Mine, Inc.  
c/o Ms. Billy Ann Andrews  
1800 Hamlin Road  
Durham, NC 27704

Dated this 18 day of September, 2006

  
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Compliance Officer  
Division of Waste Management  
Department of Environment and Natural Resources