



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor

William G. Ross Jr., Secretary

November 6, 2006

CERTIFIED MAIL

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

Dear Mr. Andrews,

On August 13, 2006, B&B Topsoil Mine, Inc.'s permit to operate a solid waste treatment and processing facility (Permit #32-05) expired. On September 15, 2006, the Division of Waste Management issued the corporation a Compliance Order for operating its facility without a permit. This Compliance Order instructed the corporation to cease accepting all solid waste materials or to submit a permit application within 30 days of the date of the Compliance Order.

We have received your application on September 15, 2006. On September 19, Mr. Ted Lyon reviewed the application with Mr. Andrews at the Oberlin Road office. Although you submitted an application within the 30 day timeframe, the application is incomplete. The agency has determined that additional information is required under the composting rules, 15A NCAC 13B .1401 et. seq., before the agency can complete its review. Please contact Ted Lyon at 919-508-8508 to discuss further the information needed to complete the corporation's application.

Please be advised that you may not operate the facility without a permit. You are to cease operations immediately. Pursuant to NCGS 130A-22(a) an administrative penalty of up to \$5,000 per day per violation of the Solid Waste Management Statutes or Regulations may be assessed. You may also be subject to additional enforcement action, including injunctive action, to prevent the operation of the facility without a permit. If you have any questions about potential enforcement, please call Mr. Mark Poindexter at 919-508-8513.

Sincerely,

Paul Crissman, Chief
Solid Waste Section

Cc: Ted Lyon
Mark Poindexter
John Crowder
Mary Whaley
Amy Annechino
Central file