Ed Mussler

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DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
Washington Regulatory Field Office
P.O. Box 1000
Washington, North Carolina 27889-1000

IN REPLY REFER TO

January 8, 2007

Received
JAN 2007
Waste Management

Regulatory Division

ORM ID 200511917 / Black Bear Landfill

Mr. Ven Poole, Vice-President
Corporate Development
Black Bear Disposal, LLC
3301 Benson Drive
Raleigh, North Carolina 27609

Dear Mr. Poole:

This correspondence is in reference to your proposed construction of a solid waste landfill on a tract of land located just south of the Virginia state line, off the east side of U.S. Highway 17, adjacent to Ponderosa Canal, north of South Mills, in Camden County, North Carolina.

As you are aware, the Corps provided to Mr. Frank Williams a jurisdictional determination, dated September 26, 2002 that no waters of the United States existed on the farmed portion of the tract, due to its status as prior-converted (PC) cropland. As we have explained to you, that determination will expire on September 26, 2007, or until agricultural activities cease on the site, whichever comes first.

I strongly recommend that you schedule a new jurisdictional determination before undertaking any non-agricultural work onsite. It is also my recommendation that, prior to undertaking any activity which might impact one of the three main north-south transverse ditches onsite (labeled AB, BC, and CD on the attached sketch), you contact this office to determine whether, in light of recent court decisions, those ditches are waters of the United States.

Received
FEB 2007
Solid Waste Section

Mr. Ron Sechler
National Marine Fisheries, NOAA
Habitat Conservation Division
Pivers Island
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Ms. Cyndi Karoly
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North Carolina Department of Environment
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Mr. Frank Jennings
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