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January 12, 2009

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Client No.: 1635-03

From: Paul Gosselink

PART 2 of 2

No. of Pages: 29+ cover sheet

Comments: SOAH Docket No. 582-08-2178  
TCEQ Docket No. 2007-1774-MSW  
In re Permit Amendment Application of BFI Waste Systems of North America, LLC  
MSW Permit No. 1447A

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**Exhibit E**

**Excerpts from Deposition of B. Kier**

ORAL DEPOSITION OF ROBERT KIER, Ph.D., P.G.  
SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 1

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS

IN THE MATTER OF THE ) SOAH DOCKET NO.  
APPLICATION OF BFI WASTE ) 582-08-2178  
SYSTEMS OF NORTH AMERICA, LLC )  
PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
AMENDMENT NO. 1447A ) 2007-1774-MSW

ORAL DEPOSITION  
ROBERT KIER, Ph.D., P.G.  
THURSDAY, DECEMBER 4, 2008

ORAL DEPOSITION OF ROBERT KIER, Ph.D.,  
P.G., produced as a witness at the instance of the  
Applicant, and duly sworn, was taken in the above-styled  
and numbered cause on December 4, 2008, from 10:06 a.m.  
to 5:25 p.m., before Virginia L. Bunting, CSR, RPR, in  
and for the State of Texas, reported by machine  
shorthand, at the offices of Fritz, Byrne, Head &  
Harrison, LLP, 98 San Jacinto Boulevard, Suite 2000,  
Austin, Texas 78701, pursuant to the Texas Rules of  
Civil Procedure.

ORAL DEPOSITION OF ROBERT KIER, Ph.D., P.G.

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 218

1 A. Correct.  
 2 Q. All right. If you will hand me that, I'll put  
 3 that on the stack.  
 4 The second category of documents that  
 5 you've indicated supported your assertion regarding  
 6 leakage had to do with gas monitor probes that were  
 7 inoperable due to water levels. Do you recall that?  
 8 A. Yes.  
 9 Q. Did you find any documents during your search  
 10 that would have reflected that?  
 11 A. No. I remember them, but I didn't find them.  
 12 Q. A third category of documents you were looking  
 13 for were documents where landfill gas extraction wells  
 14 had excessive amounts of water in the wells. Do you  
 15 recall that?  
 16 A. Yes.  
 17 Q. You've pulled some documents you believe are  
 18 reflective of that?  
 19 A. Well, this first set of documents, beginning  
 20 with APP 014475 doesn't have to do with that. These are  
 21 groundwater monitoring well conditioning reports.  
 22 Q. Let me pull that and we'll talk about that  
 23 later. What I want you to do is stack any documents  
 24 that you believe from your files reflect that any  
 25 landfill gas extraction well at Sunset Farms had

Page 219

1 excessive amounts of water or leachate in the well.  
 2 A. (Complies.)  
 3 Q. These are definitely ones that indicate water  
 4 and gas extraction wells. This is one where there could  
 5 be an inference because of leachate outbreaks. Let me  
 6 mark them separately.  
 7 A. That's why I separated them out for you.  
 8 (Exhibit 119 marked)  
 9 Q. (By Mr. Carlson) Attached is a series of  
 10 documents that I've collectively labeled and clipped  
 11 together as Depo Exhibit 119. Can you explain for the  
 12 record what those documents are?  
 13 A. This is a series of documents that appear to  
 14 be -- appear to be all by Gas Recovery Services, Inc.,  
 15 which I think is the firm that manages the gas --  
 16 landfill gas extraction wells at Sunset Farms. And they  
 17 include reports of leachate outbreaks. They include  
 18 reports of high water levels.  
 19 Q. And the documents that have been labeled --  
 20 collectively marked as Exhibit 119, you believe those  
 21 are the documents -- or at least the documents that you  
 22 found from your files that you brought here today that  
 23 suggest or show that landfill gas extraction wells had  
 24 excessive amounts of water or leachate?  
 25 A. Yes.

Page 220

1 (Exhibit 120 marked)  
 2 Q. (By Mr. Carlson) What is Exhibit 120?  
 3 A. 120 is a GRS letter to Lee Kuhn, Allied Waste,  
 4 dated July 13th, 2004, and it discusses leachate  
 5 outbreaks near some gas extraction wells.  
 6 Q. I believe you testified earlier that you  
 7 thought that may be suggestive --  
 8 A. That's correct.  
 9 Q. -- of high leachate levels? But you've put  
 10 that in a different category than the documents we  
 11 marked as 119, right?  
 12 A. That is correct.  
 13 (Exhibit 121 marked)  
 14 Q. (By Mr. Carlson) All right. The last exercise  
 15 for the day. I hand you a group of documents. They're  
 16 invoices. Would you please identify those documents for  
 17 the record?  
 18 A. This is a -- all of the invoices that I have  
 19 submitted to Fritz, Byrne, Head & Harrison.  
 20 Q. In connection with your engagement on this  
 21 matter, is that right?  
 22 A. That's correct.  
 23 Q. And they start from the beginning of your  
 24 engagement?  
 25 A. Yes.

Page 221

1 Q. Okay. And do you have any outstanding invoices  
 2 or work in progress not yet billed?  
 3 A. Well, yes. Today, like, for example.  
 4 Q. I would suspect that. I figured this wasn't  
 5 pro bono. What's the most recent invoice date  
 6 reflected?  
 7 A. December 1st, 2008.  
 8 MR. CARLSON: All right. I'll pass the  
 9 witness.  
 10 MR. RENBARGER: I have no questions of this  
 11 witness.  
 12 (Deposition Concluded)

ORAL DEPOSITION OF ROBERT KIER, Ph.D., P.G.

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 222

1 CHANGES AND SIGNATURE  
 2 WITNESS NAME: DR. ROBERT S. KIER DATE: 12/4/08  
 3 PAGE LINE CHANGE REASON  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
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 25 \_\_\_\_\_

Page 223

1 I, ROBERT S. KIER, PH.D., P.G., have read the  
 2 foregoing deposition and hereby affix my signature that  
 3 same is true and correct, except as noted above.  
 4  
 5 \_\_\_\_\_  
 6 ROBERT S. KIER, PH.D., P.G.  
 7  
 8 THE STATE OF \_\_\_\_\_  
 9 COUNTY OF \_\_\_\_\_  
 10  
 11 Before me, \_\_\_\_\_, on this day  
 12 personally appeared ROBERT S. KIER, PH.D., P.G., known  
 13 to me (or proved to me under oath or through  
 14 \_\_\_\_\_) (description of identity  
 15 card or other document) to be the person whose name is  
 16 subscribed to the foregoing instrument and acknowledged  
 17 to me that they executed the same for the purposes and  
 18 consideration therein expressed.  
 19 Given under my hand and seal of office this  
 20 \_\_\_\_\_ day of \_\_\_\_\_  
 21  
 22  
 23 \_\_\_\_\_  
 24 NOTARY PUBLIC IN AND FOR  
 25 THE STATE OF \_\_\_\_\_  
 COMMISSION EXPIRES: \_\_\_\_\_

Page 224

1 TRANSCRIPT OF PROCEEDINGS BEFORE THE  
 2 STATE OFFICE OF ADMINISTRATIVE HEARINGS  
 3 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
 4 AUSTIN, TEXAS  
 5  
 6 IN THE MATTER OF THE ) SOAH DOCKET NO.  
 7 APPLICATION OF BFI WASTE ) 582-08-2178  
 8 SYSTEMS OF NORTH AMERICA, LLC )  
 9 PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
 10 AMENDMENT NO. 1447A ) 2007-1774-MSW  
 11  
 12 REPORTER'S CERTIFICATION  
 13 DEPOSITION OF ROBERT S. KIER, PH.D., P.G.  
 14 DECEMBER 4, 2008  
 15  
 16 I, Virginia L. Bunning, Certified Shorthand  
 17 Reporter in and for the State of Texas, hereby certify  
 18 to the following:  
 19 That the witness, ROBERT S. KIER, PH.D., P.G., was  
 20 duly sworn by the officer and that the transcript of the  
 21 oral deposition is a true record of the testimony given  
 22 by the witness;  
 23 That the deposition transcript was submitted on  
 24 \_\_\_\_\_ to the witness or to the attorney for  
 25 the witness for examination, signature, and return to me  
 by \_\_\_\_\_;  
 That the amount of time used by each party at the  
 deposition is as follows:  
 MR. JOHN CARLSON - 5 HOURS:11 MINUTES

Page 225

1 That pursuant to information given to the  
 2 deposition officer at the time said testimony was taken,  
 3 the following includes counsel for all parties of  
 4 record:  
 5 MR. JOHN CARLSON, Attorney for the Applicant BFI  
 6 Waste Systems of North America, LLC  
 7 MR. BOB RENBARGER, Attorney for TCEQ, L.P.  
 8 MS. MEITRA PARIJADI, Attorney for Travis County  
 9 MS. SUSAN WHITE, Attorney for TCEQ  
 10 I further certify that I am neither counsel for,  
 11 related to, nor employed by any of the parties or  
 12 attorneys in the action in which this proceeding was  
 13 taken, and further that I am not financially or  
 14 otherwise interested in the outcome of the action.  
 15 Certified to by me this 19th day of December, 2008.  
 16  
 17 \_\_\_\_\_  
 18 Virginia L. Bunning, Texas CSR 5704  
 19 Expiration Date: 12-31-09  
 20  
 21 Firm Registration No. 276  
 22 Kennedy Reporting Service, Inc.  
 23 Cambridge Tower  
 24 1801 Lavaca Street, Suite 115  
 25 Austin, Texas 78701  
 512.474.2233

**Exhibit F**

**Excerpts from Deposition of J. Neyens**

ORAL DEPOSITION OF JAMES NEYENS

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS

IN THE MATTER OF THE	)	SOAH DOCKET NO.
APPLICATION OF BFI WASTE	)	582-08-2178
SYSTEMS OF NORTH AMERICA, LLC	)	
PROPOSED SOLID WASTE PERMIT	)	TCEQ DOCKET NO.
AMENDMENT NO. 1447A	)	2007-1774-MSW

ORAL DEPOSITION

JAMES NEYENS

TUESDAY, DECEMBER 2, 2008

ORAL DEPOSITION OF JAMES NEYENS, produced as a witness at the instance of the Applicant and duly sworn, was taken in the above-styled and numbered cause on Tuesday, December 2, 2008, from 10:20 a.m. to 4:05 p.m., before Steven Stogel, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Fritz, Byrne, Head & Harrison, LLP, 98 San Jacinto Boulevard, Suite 2000, Austin, Texas, pursuant to the Texas Rules of Civil Procedure.

TUESDAY, DECEMBER 2, 2008

ORAL DEPOSITION OF JAMES NEYENS

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 42

1 and I might mark some individual documents, but we'll  
2 move on now. You're looking back in the manila folder  
3 marked Sunset Farms PA?  
4 A Yes. Mr. Carlson, what I'm handing you, held  
5 together with a paper clip, are all of the invoices  
6 that my firm has prepared in connection with my  
7 engagement, along with backup documentation that  
8 identifies each individual that worked on this  
9 assignment, and the -- all the hours that each  
10 individual has charged and the dates on which those  
11 charges were incurred.  
12 Q Okay. When were you first involved or  
13 contacted in connection with this particular  
14 engagement?  
15 A I can't say that I recall specifically, but I  
16 believe it was during the summer of 2008.  
17 Q Okay. The first time entries I see on your  
18 invoices are from June -- early June of 2008. Does  
19 that sound correct?  
20 A That sounds correct.  
21 Q Okay. Who contacted you?  
22 A Bob Kier.  
23 Q What was the nature -- was it by telephone?  
24 A I believe it was in person. We share office  
25 space in the same building.

Page 43

1 Q All right. What was the nature of that first  
2 discussion about this case?  
3 A I don't know that I recall specifically, but  
4 Bob asked me if I would be available to begin  
5 reviewing documents that he had in his possession.  
6 The documents I'm referring to specifically were one  
7 of the several versions of the permit application  
8 filed in this matter.  
9 Q Were you asked to look at a particular type  
10 or subject matter of documents?  
11 A Not at that point. I was asked simply to  
12 begin looking through the documents in general.  
13 Q Were you asked to critique the application,  
14 find potential problems with it?  
15 A That was my understanding, yes.  
16 Q Okay. But there was no particular focus of  
17 your -- what you were asked to do at that point in  
18 time. Is that right?  
19 A I can't recall if it was in that or  
20 subsequent conversation, but it was agreed that my --  
21 my principal area of focus would involve the site  
22 operating plan.  
23 Q Who agreed on that?  
24 A The two of us.  
25 Q Okay.

Page 44

1 A Mr. Kier and myself.  
2 Q You were eventually retained -- formally  
3 engaged in this project. Is that correct?  
4 A That's right.  
5 Q Do you have a written agreement with either  
6 Mr. Kier, or TJFA, or anybody else?  
7 A No. TRC's client is Bob Kier's company.  
8 Q So your firm was retained by Bob Kier's  
9 consulting company. Is that correct?  
10 A That's correct.  
11 Q And you don't know if you have a written  
12 agreement with Mr. Kier's company?  
13 A I honestly don't recall that we do.  
14 Q Does Mr. Kier's company pay your bills?  
15 A Yes.  
16 Q You get your checks from Bob Kier's  
17 consulting company?  
18 A That's correct.  
19 Q Okay. Your hourly rate on this engagement is  
20 150 per hour. Is that correct?  
21 A I believe so.  
22 Q And then you have another project engineer --  
23 or a project engineer named Christopher Mansuri who  
24 has assisted you. Is that correct?  
25 A Yes.

Page 45

1 Q And his rate is \$100 an hour?  
2 A I believe so.  
3 Q What sort of work has Mr. Mansuri done on  
4 this particular engagement?  
5 A I directed Mr. Mansuri to prepare several  
6 spreadsheets that represent closure cost estimates.  
7 Q Okay. He did the closure cost stuff that you  
8 reviewed and relied upon. Is that correct?  
9 A I -- no.  
10 Q Or at least assisted you?  
11 A I'm sorry. We're talking over one another.  
12 Q Sorry. Mr. Mansuri prepared the cost closure  
13 estimates that you -- strike that.  
14 Did you direct Mr. Mansuri to prepare  
15 the closure cost estimates, or at least the first  
16 round of them?  
17 A It would be more accurate to say that I  
18 engaged Mr. Mansuri to take the closure cost estimate  
19 data that I had prepared by myself and put it into a  
20 spreadsheet format.  
21 Q Okay. So he created the spreadsheet based on  
22 information provided by you?  
23 A That's correct.  
24 Q Did Mr. Mansuri do any work for Mr. Kier or  
25 any other consultant or expert witness on this



ORAL DEPOSITION OF JAMES NEYENS

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 166

1 A I'd like to explain that both the curves and  
2 the C factors are factors that engineers have to  
3 select on an individual basis.  
4 Q Okay. In terms of sizing detention basins  
5 and ponds, have you done any of that or seen any of  
6 that on any of the applications that you've worked on?  
7 A I've seen the work and -- yes, but I've not  
8 performed those calculations.  
9 Q What's your understanding of the -- the storm  
10 event that is used for design purposes? Is it a  
11 25-year, 24-hour storm?  
12 A That's correct, for drainage and runoff  
13 calculations.  
14 Q Okay. Are you aware of any landfill in Texas  
15 that has side slopes less than four to one -- less  
16 steep than four to one?  
17 A I can't think of any.  
18 Q Are you aware of any landfill in Texas that  
19 has excavation slopes that are steeper than three to  
20 one?  
21 A Yes. I've observed a number of Type IV  
22 landfills in the Houston area with excavation side  
23 slopes much steeper than four to one.  
24 Q Have you ever seen a -- an excavation slope  
25 failure at any landfill you've worked on in Texas?

Page 167

1 A I don't recall seeing any, no.  
2 Q Have you ever seen a side slope failure or a  
3 failure related to a side slope at any landfill you've  
4 worked on in Texas?  
5 A Not in Texas.  
6 Q Are you aware of any TCEQ regs -- the ones  
7 we've been talking about today -- that require that an  
8 application contain provisions for the construction of  
9 a sedimentation pond to prevent either silts or solids  
10 from leaving the site, as opposed to some other  
11 measure of control, such as silt fences or berms or  
12 anything like that?  
13 A I'm sorry. I missed that.  
14 Q Yeah. Are you aware of any regulation that  
15 requires the use of a sedimentation pond to control  
16 sediments or silts leaving a site as opposed to using  
17 any sort of other control method, such as silt fences,  
18 berms, or anything else.  
19 A I believe the regulations do not specify one  
20 structural control method over another, but typically  
21 require some type of control.  
22 Q Some sort of control, but not necessarily a  
23 sedimentation pond. Is that fair to say under your  
24 understanding of the regulations?  
25 A That's my understanding, yes.

Page 168

1 MR. CARLSON: All right. Thank you,  
2 sir. Pass the witness.  
3 MR. HEAD: No questions.  
4 MR. SHEPHERD: No questions.  
5 (Deposition concluded at 4:05 p.m.)  
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Page 169

1 CHANGES AND SIGNATURE  
2 WITNESS NAME: James Neyens DATE: 12/02/08  
3 PAGE LINE CHANGE REASON  
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ORAL DEPOSITION OF JAMES NEYENS

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 170

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 I, JAMES NEYENS, have read the foregoing  
4 deposition and hereby affix my signature that same is  
5 true and correct, except as noted above.  
6  
7 \_\_\_\_\_  
8 JAMES NEYENS  
9 THE STATE OF \_\_\_\_\_  
10 COUNTY OF \_\_\_\_\_  
11 Before me, \_\_\_\_\_, on  
12 this day personally appeared JAMES NEYENS, known to me  
13 (or proved to me under oath or through  
14 \_\_\_\_\_) (description of identity card or  
15 other document) to be the person whose name is  
16 subscribed to the foregoing instrument and  
17 acknowledged to me that they executed the same for the  
18 purposes and consideration therein expressed.  
19 Given under my hand and seal of office  
20 on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
21  
22 \_\_\_\_\_  
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF \_\_\_\_\_  
25 My Commission Expires: \_\_\_\_\_

Page 172

1 of the deposition:  
2 Mr. John E. Carlson (4 hours and 40 minutes)  
3 Attorney for The Applicant BFI Waste  
4 Systems of North America, LLC:  
5 Mr. J.D. Head (no time)  
6 Attorney for TCEQ, L.P.  
7 Mr. Steve Shephard (no time)  
8 Attorney for The Executive Director:  
9  
10 I further certify that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties in the action in which this testimony was  
13 taken, and further that I am not financially or  
14 otherwise interested in the outcome of this action.  
15 Certified to by me on this 16th day of  
16 December 2008.  
17  
18 \_\_\_\_\_  
19 Steven Stogel, CSR  
20 Texas CSR 6174  
21 Expiration: 12/31/10  
22  
23 Firm Certification No. 276  
24 KENNEDY REPORTING SERVICE, INC.  
25 Cambridge Tower  
1801 Lavaca Street, Suite 115  
Austin, Texas 78701  
512.474.2233

Page 171

1 TRANSCRIPT OF PROCEEDINGS BEFORE THE  
2 STATE OFFICE OF ADMINISTRATIVE HEARINGS  
3 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
4 AUSTIN, TEXAS  
5  
6 IN THE MATTER OF THE ) SOAH DOCKET NO.  
7 APPLICATION OF BFI WASTE ) 582-08-2178  
8 SYSTEMS OF NORTH AMERICA, LLC )  
9 PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
10 AMENDMENT NO. 1447A ) 2007-1774-MSW  
11  
12 REPORTER'S CERTIFICATION  
13 ORAL DEPOSITION OF JAMES NEYENS  
14 TUESDAY, DECEMBER 2, 2008  
15  
16 I, Steven Stogel, Certified Shorthand  
17 Reporter in and for the State of Texas, hereby certify  
18 to the following:  
19 That the witness, JAMES NEYENS, was  
20 duly sworn by the officer and that the transcript of  
21 the oral deposition is a true record of the testimony  
22 given by the witness;  
23 That the deposition transcript was  
24 submitted on December 16, 2008, to the witness or to  
25 the attorney for the witness for examination,  
signature, and return to me by January 5, 2008;  
That pursuant to information given to  
the deposition officer at the time said testimony was  
taken, the following includes all parties of record  
and the amount of time used by each party at the time

44 (Pages 170 to 172)

TUESDAY, DECEMBER 2, 2008

**Exhibit G**

**Excerpts from Deposition of S. Stecher**

ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
SOAH DOCKET NO. 582-08-2178 TCEQ DOCKET NO. 2007-1774-MSW

Page 1

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS

IN THE MATTER OF THE	)	SOAH DOCKET NO.
APPLICATION OF BFI WASTE	)	582-08-2178
SYSTEMS OF NORTH AMERICA, LLC	)	
PROPOSED SOLID WASTE PERMIT	)	TCEQ DOCKET NO.
AMENDMENT NO. 1447A	)	2007-1774-MSW

ORAL DEPOSITION

LEE ROY STEPHEN STECHER, JR.

MONDAY, DECEMBER 8, 2008

VOLUME

ORAL DEPOSITION OF LEE ROY STEPHEN

STECHER, JR., produced as a witness at the instance of the Applicant and duly sworn, was taken in the above-styled and numbered cause on Monday, December 8, 2008, from 10:05 a.m. to 6:25 p.m., before Kim Pence, Certified Shorthand Reporter in and for the State of Texas, reported by machine shorthand at the offices of Byrne, Head & Harrison, LLP, 98 San Jacinto Boulevard, Suite 2000, Austin, Texas 78701, pursuant to the Texas Rules of Civil Procedure.

MONDAY, DECEMBER 8, 2008

VOLUME 1

ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
SOAH DOCKET NO. 582-08-2178 TCEQ DOCKET NO. 2007-1774-MSW

Page 58

1 representations that they designed to comply with  
2 this, though, did they?  
3 A I don't recall.  
4 Q They just made a representation that they  
5 used it in trying to help them in the design. Isn't  
6 that accurate?  
7 A I believe so.  
8 Q Okay. 129 is Certified Professional in  
9 Erosion and Sediment Control, Examine Review, Study  
10 Guide. What's that?  
11 A This is a new -- a relatively new  
12 certification process for erosion and sedimentation  
13 control professionals, and I just happened to have  
14 that. It has several things about erosion control in  
15 here.  
16 Q Okay. Is this a test that one takes in order  
17 to be certified?  
18 A Yes, it can be.  
19 Q Okay. Did you take this test?  
20 A No.  
21 Q Okay. Are you certified?  
22 A No.  
23 Q A certified professional erosion and sediment  
24 control specialist?  
25 A No.

Page 59

1 Q Okay.  
2 A It's a relatively new certification.  
3 Q And number -- Exhibit 130, would you tell me  
4 what these are or this is?  
5 A They are notes that me and my staff made when  
6 going through the applications and the rules.  
7 Q Okay. What do they relate to, what issues?  
8 A Drainage, erosion, water quality.  
9 Q All of them?  
10 A All of them.  
11 Q Okay. Let me see this.  
12 MR. GOSSELINK: Okay. I'm going to give  
13 this to Mr. Mehevec and ask him to study furiously.  
14 MR. HEAD: Probably a good call.  
15 (Discussion off the record)  
16 Q (BY MR. GOSSELINK) Exhibit -- Deposition  
17 Exhibit No. 131, what is that?  
18 A This is copies of our invoices --  
19 Q Ah.  
20 A -- for this project.  
21 Q Are these -- is the total amount billed to  
22 date \$73,855.85?  
23 A Yes.  
24 Q Okay. And is your client in this case Fritz,  
25 Byrne, Head & Harrison, or is it TJFA?

Page 60

1 A It's TJFA.  
2 Q Okay. Do you do other work for TJFA, TDS,  
3 TDSL or any one of Bob Gregory's other companies?  
4 A Not currently.  
5 Q Have you?  
6 A Yes.  
7 Q You've got one in your resume I suppose we'll  
8 get to, but I'm jumping the gun. Which?  
9 MR. HEAD: The whole deposition has gone  
10 awry. My deponent is sitting next to Paul.  
11 THE WITNESS: It's more fun this way.  
12 (Laughter)  
13 THE WITNESS: This saves time.  
14 Q (BY MR. GOSSELINK) This entry regarding your  
15 work for TDSL, evaluation and design. is this -- what  
16 is this in relation to, big picture? Is it an  
17 amendment to the permit?  
18 A Most of that is related to the Subtitle D. I  
19 don't even know if it was a permit amendment or what.  
20 Q This was back in 1993 or '94?  
21 A '94.  
22 Q Okay. And so did you -- were you responsible  
23 for certain portions of -- you're just looking to see  
24 how much more we've got? All right. You were just  
25 responsible for certain portions -- I'm going to start

Page 61

1 again for the court reporter's benefit.  
2 With regard to your Exhibit 2 reference  
3 to TDSL, you were responsible for evaluating portions  
4 of the 1993 and '94 submission to the Subtitle D MOD.  
5 Is that right?  
6 A That's correct.  
7 Q What portions were you responsible for?  
8 A The HELP modeling and I believe it was the  
9 contaminant transport scenarios to see if the  
10 pollutants could migrate out from the landfill.  
11 Q Groundwater?  
12 A And groundwater.  
13 Q Was this a groundwater transport question?  
14 A The second part was. The first part is more  
15 of a leachate modeling. The HELP model is for  
16 leachate modeling to see -- to design the cover and  
17 the leachate collection system.  
18 Q And it includes a reference to a stormwater  
19 pollution prevention plan. Did you do that?  
20 A Yes.  
21 Q Okay.  
22 A And that was a separate project.  
23 Q Ah.  
24 A From the -- from the actual HELP modeling  
25 project.

ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
SOAH DOCKET NO. 582-08-2178 TCEQ DOCKET NO. 2007-1774-MSW

Page 254

1 Q Okay. The city of Austin had a requirement  
2 at one point that you had to have makeup water, didn't  
3 they?  
4 A I don't recall.  
5 Q Okay. What I'm getting at, Mr. Stecher, is  
6 an awful lot of these criticisms are really sort of  
7 accurate, but fairly picky. I mean, I'm not sure what  
8 difference a lot of these make.  
9 MR. HEAD: Objection; form. Question?  
10 MR. GOSSELINK: Don't you agree?  
11 (Laughter)  
12 MR. GOSSELINK: Sorry, that was a  
13 speech.  
14 Q (BY MR. GOSSELINK) Do you have a particular  
15 concern about why the depth exceeds eight feet? You  
16 say it's 13 feet deep and the Edwards Aquifer  
17 Technical Guidance Manual says it should only be eight  
18 feet. Why is that applicable here?  
19 A What happens is the water stagnates, and the  
20 water will actually go anaerobic at the bottom of the  
21 pond, and it will start to smell and kill the fish and  
22 things like that.  
23 Q It can. You said it will. It will go  
24 anaerobic for sure?  
25 A That's why the eight-foot criteria is in

Page 255

1 there is because it can do that, not that it will.  
2 Q There are stock ponds around here that are  
3 deeper than eight feet, aren't they?  
4 A Yes.  
5 Q Okay. And they don't kill the fish, do they?  
6 A Sometimes.  
7 Q But mostly they stock fish in stock ponds,  
8 and they like a deeper stock pond. Isn't that right?  
9 A I understand. I'm telling you why there is  
10 an eight-foot requirement in the TCEQ.  
11 Q Well, is that the reason, or is there  
12 something unique about the Edwards Aquifer area that  
13 requires it to be eight feet?  
14 A No.  
15 Q Okay. But it's only applicable to the  
16 Edwards Aquifer area?  
17 A In the Edwards Aquifer rules. The city rules  
18 have that same eight-foot limit.  
19 Q But the city approved it upon review.  
20 Correct?  
21 A That's correct.  
22 Q So you would disagree with the city on that  
23 point?  
24 A I guess.  
25 Q Or you really don't care that much after all

Page 256

1 about whether it's eight feet or 13 feet. Is that  
2 really correct?  
3 A Do you want the answer?  
4 Q Yes.  
5 A Yes. Okay. So you were complaining -- you  
6 were saying that all these things were complaints more  
7 than real things. Some of them probably are.  
8 Q How about let's start with the answer to the  
9 question on the table. You don't really care about  
10 whether it's 13 feet or eight feet. You just noted  
11 that that's a violation of some criteria?  
12 A Well --  
13 Q Is that correct?  
14 A "Caring" is the wrong word anyway, but  
15 whenever there's a rule, there's a rule for a reason.  
16 Someone has put the rule in for a specific reason. I  
17 don't know if this particular -- the eight versus 13  
18 feet, is going to be a major problem in this.  
19 MR. GOSSELINK: Okay. Let me know. Am  
20 I done?  
21 THE REPORTER: Almost.  
22 MR. GOSSELINK: Almost? Okay.  
23 (Discussion off the record)  
24 MR. GOSSELINK: Okay. What I'm going to  
25 say here at the end is I don't know how much time I

Page 257

1 have left, but I'll at least reserve it because I want  
2 to look at -- because I want to look at the disk, and  
3 I may have questions about it.  
4 And I'm going to say to you that I spent  
5 a lot of time doing something I could have looked at  
6 earlier had he provided the documents to me in the  
7 supplementation earlier. And so I hope we can work  
8 something out that I can spend a little more time with  
9 him if I need to. Okay?  
10 MR. HEAD: We'll cross that bridge when  
11 we get to it.  
12 MR. GOSSELINK: Okay. Well, if we can't  
13 agree to it now, then I've got to get ready and file  
14 something. We ain't got much time left, J.D.  
15 MR. HEAD: Look at the disk, give me a  
16 call and we'll see what we can work out.  
17 MR. GOSSELINK: Okay. I'm going to shut  
18 down the deposition now on -- with at least my version  
19 of those terms. Okay?  
20 (Discussion off the record)  
21 MR. GOSSELINK: Let the record reflect  
22 that Mr. Head has requested that all the original  
23 documents be returned to he and his witness, and I  
24 have agreed to that with the knowledge that the  
25 accurate copies will be appended to the -- to the

ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
SOAH DOCKET NO. 582-08-2178 TCEQ DOCKET NO. 2007-1774-MSW

Page 258

1 deposition.  
2 MR. HEAD: We agree.  
3 (Deposition recessed at 6:25 p.m.)  
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Page 260

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 I, LEE ROY STEPHEN STECHER, JR., have  
4 read the foregoing deposition and hereby affix my  
5 signature that same is true and correct, except as  
6 noted above.  
7  
8 LEE ROY STEPHEN STECHER, JR.  
9  
10 THE STATE OF \_\_\_\_\_ )  
11 COUNTY OF \_\_\_\_\_ )  
12 Before me, \_\_\_\_\_ )  
13 on this day personally appeared LEE ROY STEPHEN  
14 STECHER, JR., known to me or proved to me on the oath  
15 of \_\_\_\_\_ or through \_\_\_\_\_  
16 (description of identity card or other document) to be  
17 the person whose name is subscribed to the foregoing  
18 instrument and acknowledged to me that he/she executed  
19 the same for the purpose and consideration therein  
20 expressed.  
21 Given under my hand and seal of office  
22 on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.  
23  
24 NOTARY PUBLIC IN AND FOR  
25 THE STATE OF \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Page 259

1 CHANGES AND SIGNATURE  
2 WITNESS NAME: LEE ROY STEPHEN STECHER, JR.  
3 DATE: 12/08/08  
4 PAGE LINE CHANGE REASON  
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Page 261

1 TRANSCRIPT OF PROCEEDINGS BEFORE THE  
2 STATE OFFICE OF ADMINISTRATIVE HEARINGS  
3 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
4 AUSTIN, TEXAS  
5  
6 IN THE MATTER OF THE ) SOAH DOCKET NO.  
7 APPLICATION OF BEI WASTE ) 582-08-2178  
8 SYSTEMS OF NORTH AMERICA, LLC )  
9 PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
10 AMENDMENT NO. 1447A ) 2007-1774-MSW  
11  
12 REPORTER'S CERTIFICATION  
13 ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
14 MONDAY, DECEMBER 8, 2008  
15  
16 I, Kim Pence, Certified Shorthand  
17 Reporter in and for the State of Texas, hereby certify  
18 to the following:  
19 That the witness, Lee Roy Stephen  
20 Stecher, Jr., was duly sworn and that the transcript  
21 of the deposition is a true record of the testimony  
22 given by the witness;  
23 That the deposition transcript was duly  
24 submitted on December 22, 2008, to the witness or to  
25 the attorney for the witness for examination,  
signature, and return to me by January 12, 2009.  
That pursuant to information given to  
the deposition officer at the time said testimony was  
taken, the following includes all portions of record  
present and the amount of time used by each party at

ORAL DEPOSITION OF LEE ROY STEPHEN STECHER, JR.  
SOAH DOCKET NO. 582-08-2178 TCEQ DOCKET NO. 2007-1774-MSW

Page 262

1 the time of the deposition:  
2 Mr. Paul Gosselink (5 hours, 52 minutes)  
3 Attorney for The Applicant BFI Waste  
4 Systems of North America, LLC;  
5 Mr. Jerrey S. Road (no time)  
6 Attorney for The Applicant BFI Waste  
7 Systems of North America, LLC;  
8 Mr. J.D. Road (no time)  
9 Attorney for TJFA, L.P.  
10 Ms. Holly Noeika (no time)  
11 Attorney for The City of Austin  
12 Mr. Steve Shepard (no time)  
13 Attorney for the Executive Director  
14 of the TCEQ

15 I further certify that I am neither  
16 counsel for, related to, nor employed by any of the  
17 parties in the action in which this proceeding was  
18 taken, and further that I am not financially or  
19 otherwise interested in the outcome of this action.  
20 Certified to by me on this 22nd day of  
21 December 2008.

Kim Pence, CSR  
Texas CSR 4595  
Expiration: 12/31/08

Firm Certificate No. 276  
Kennedy Reporting Service, Inc.  
Cambridge Tower  
1801 Lavaca Street, Suite 115  
Austin, Texas 78701  
512.474.3233



**Exhibit H**

**Excerpts from Deposition of P. Chandler**

ORAL DEPOSITION OF PIERCE CHANDLER  
SOAH DOCKET NO. 582-08-2178

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS  
IN RE THE APPLICATION OF ) SOAH DOCKET NO.  
BFI WASTE SYSTEMS OF NORTH ) 582-08-2178  
AMERICA, LLC, ) TCEQ DOCKET NO.  
PERMIT NO. MSW-1447A ) 2007-1774-MSW

ORAL DEPOSITION  
PIERCE L. CHANDLER, JR., PE.  
THURSDAY, DECEMBER 18, 2008  
ORAL DEPOSITION OF PIERCE L. CHANDLER, JR.,  
PE, produced as a witness at the instance of the  
Applicant and duly sworn, was taken in the  
above-styled and numbered cause on Thursday,  
December 18, 2008, from 10:21 a.m. to 6:39 p.m.,  
before Steven Stogel and Evelyn Cogder, Certified  
Shorthand Reporters in and for the State of Texas,  
reported by computerized stenotype machine at the  
offices of Fritz, Bynne, Head & Harrison, LLP, 98 San  
Jacinto Boulevard, Suite 2000, Austin, Texas, pursuant  
to the Texas Rules of Civil Procedure.

Page 3

TABLE OF CONTENTS

	PAGE
1	
2	
3	APPEARANCES .....
4	PIERCE L. CHANDLER, JR., PE
5	Examination by Mr. Gosselink .....
6	CHANGES AND SIGNATURE .....
7	REPORTERS' CERTIFICATE .....
8	
9	EXHIBITS
10	NO. DESCRIPTION PAGE
11	191. Representative Resume of Pierce L. Chandler, Jr., PE .....
12	192. Notice of Deposition .....
13	193. 2008 Annual Review of the Closure Cost Estimate for TDS Landfill .....
14	194. Invoices of Pierce L. Chandler, Jr. ....
15	195. Figure 4B.2 .....
16	196. North Texas Municipal Water District 121 Regional Disposal Facility, Part III, Site Development Plan .....
17	197. Boring Log Data 121 Regional Disposal Facility .....
18	198. Average Material Properties, Sunset Farms Landfill .....
19	199. Section 330.305 Unstable Areas .....
20	200. Google Search Results .....
21	201. Exhibit PC-16 .....
22	202. Letter dated 02/03/97 from P. Chandler to P. Gosselink .....
23	
24	
25	

Page 2

APPEARANCES

1

2

3 FOR THE APPLICANT:

4 Paul G. Gosselink

5 John E. Carlson

6 Joe Jiminez

7 LLOYD GOSSSELINK, ROCHELLE & TOWNSEND, P.C.

8 816 Congress Ave.

9 Suite 1900

10 Austin, Texas 78701

11 Phone: (512) 322-5800 Fax: (512) 472-0532

12 FOR THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

13 Susan Jane White

14 Staff Attorney

15 Texas Commission on Environmental Quality

16 Environmental Law Division

17 MC-173

18 P.O. Box 13087

19 Austin, Texas 78711-3087

20 Phone: (512) 239-0600 Fax: (512) 339-0606

21 FOR TJFA, L.P.:

22 Bob Renbarger

23 FRITZ, BYRNE, HEAD, & HARRISON, LLP

24 98 San Jacinto Blvd.

25 Suite 2000

26 Austin, Texas 78701

27 Phone: (512) 476-2020 Fax: (512) 477-5267

28 ALSO PRESENT:

29 Gregg Adams

30 Matthew Udmanawa

31 Arden J. Avakian

32

33

34

35

Page 4

EXHIBITS

	PAGE
1	
2	NO. DESCRIPTION PAGE
3	203. Calculations done by Mr. Chandler .....
4	204. Letter dated 11/26/07 from D. Clark to A. Mahevec .....
5	205. North Texas Municipal Water District 121 Regional Disposal Facility, Part III, Site Development Plan .....
6	206. Letter dated 03/24/02 from D. Daniel to R. Kier .....
7	207. Chapter 19, Landfill Stability Analysis Excerpt, Page 486 .....
8	208. Preventing Slides, Page 5 .....
9	209. Attachment 2, Sheet 1 of 4 .....
10	210. Figure 4C.4 .....
11	211. Attachments 7-1 through 7-6 .....
12	212. Letter dated 10/31/08 from P. Gosselink to W. Neuchurch .....
13	213. Guidance for Addressing Erosional Stability During All Phases of Landfill Operation .....
14	214. Figure 14A-1 .....
15	215. E-mail dated 06/18/08 from P. Chandler to J.D. Head .....
16	216. E-mail dated 10/31/08 from B. Renbarger to P. Chandler .....
17	217. Texas Disposal Systems - How the Landfill is Constructed .....
18	218. TDSL Permit Application Excerpt .....
19	219. TDSL Excerpt .....
20	
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1 (Pages 1 to 4)

THURSDAY, DECEMBER 18 2008

ORAL DEPOSITION OF PIERCE CHANDLER  
SOAH DOCKET NO. 582-08-2178

Page 81

1 in this case, and I was drawing a distinction. Was  
2 your answer --  
3 A My answer was correct. When I was retained  
4 to be a formal witness in this case was either May or  
5 June of this year.  
6 Q And who retained you?  
7 A TJF -- well, actually J.D. and Bob Renbarger  
8 on behalf of TJFA.  
9 Q But your employment agreement is with TJFA?  
10 A Actually, my employment agreement is with  
11 Head, Harrison.  
12 Q And your pay checks come from TJFA after you  
13 submit them to the lawyers?  
14 A That is correct.  
15 Q Before we go off the record -- so,  
16 Mr. Chandler, did you produce your invoices in  
17 response to the subpoena?  
18 A Yes, I did.  
19 MR. GOSSELINK: Now can we go off the  
20 record while I look at them a second?  
21 (Recess: 12:14 p.m. to 12:15 p.m.)  
22 (Exhibit Chandler No. 194 marked)  
23 Q (BY MR. GOSSELINK) Mr. Chandler, I show you  
24 what's been marked as Exhibit Chandler 194 and ask you  
25 if this is six pages of your invoices which you

Page 82

1 produced today to TJFA for your services in this case?  
2 A Yes, it is.  
3 Q Since we only have one copy, may I come stand  
4 next you to?  
5 A Sure.  
6 Q And these invoices begin on June 9, 2008?  
7 A Yes, sir.  
8 Q And is that -- docs that reflect -- remind me  
9 of when you said you were retained.  
10 A I believe I said May or June, I believe, is  
11 what I recalled.  
12 Q And this reflects your first work period from  
13 May 1st to May 31st in 2008?  
14 A And it refers to the first meeting in Austin.  
15 Q Your rate is 150 bucks an hour?  
16 A Yes.  
17 Q You charge 75 cents a mile?  
18 A Uh-huh.  
19 Q That's pretty exorbitant there, Mr. Chandler.  
20 A Have you checked fuel costs, until it came  
21 down.  
22 Q And then you worked in July looking at the  
23 geology and geotechnical report. Correct?  
24 A Yes, sir, that is correct.  
25 Q And in August, you took the month off?

Page 83

1 A Working on other clients.  
2 Q Actually, it's in July that your -- your  
3 August invoice shows you did not charge anything in  
4 July. Correct?  
5 A Right.  
6 Q And your September invoice shows what you did  
7 in August, which was review exploration data, review  
8 application and work on prefiled testimony. Right?  
9 A Yes, sir.  
10 Q And you met with the lawyer about this  
11 matter. Right?  
12 A Yes.  
13 Q And in October -- this next bill is dated  
14 November, and it's for October 1 through November 3rd.  
15 And this is all work on prefiled. Is that correct?  
16 A Yes, sir.  
17 Q And now, we've gotten to the end of November,  
18 and you had a limited amount of work on the prefiled  
19 and you've done some work now in December. Correct?  
20 A That is correct.  
21 Q And how much does all that add up to,  
22 roughly?  
23 A I don't know. You want me to add it?  
24 Q Yeah.  
25 MR. GOSSELINK: Can we go off the record

Page 84

1 while he adds that up, please?  
2 (Brief pause)  
3 A A little over \$30,000 --  
4 Q (BY MR. GOSSELINK) Thank you.  
5 A -- if I added correctly.  
6 Q Thank you. Did you recommend that TJFA  
7 oppose this application?  
8 A I don't recall making recommendations. I  
9 pointed out regulatory variances, but I don't think I  
10 made any recommendations.  
11 Q Did you understand that TJFA would like to  
12 oppose this application when they hired you?  
13 A No, I didn't.  
14 Q So your assignment wasn't in the nature of  
15 we -- you know, "We believe we would like to oppose  
16 this application, but we want to check to see whether  
17 or not we have any basis to do it," nothing -- no  
18 motivation at all in the assignment?  
19 A Not for me, no, and not for the assignment.  
20 Q Okay. And your invoices reflect when you  
21 looked at the application and looked at the boring  
22 plans, et cetera. Correct?  
23 A Yes, sir.  
24 Q When it says you met with the lawyers, would  
25 that be J.D. Head and Bob Renbarger?

ORAL DEPOSITION OF PIERCE CHANDLER  
SOAH DOCKET NO. 582-08-2178

Page 281

Page 283

1 to present?

2 A I don't think so.

3 MR. GOSSELINK: All right. I have no  
4 questions. I have no more questions.

5 MS. WHITE: The Executive Director will  
6 reserve its right to ask a few questions at the  
7 hearing on the merits but not pose any questions  
8 today.

9 And we thank the parties for allowing  
10 the Executive Director to observe and participate.

11 MR. RENBARGER: TJFA reserves its  
12 questions.

13 (Deposition concluded at 6:39 p.m.)  
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1 \_\_\_\_\_  
2 \_\_\_\_\_

3 I, PIERCE L. CHANDLER, JR., PE, have  
4 read the foregoing deposition and hereby affix my  
5 signature that same is true and correct, except as  
6 noted above.  
7

8 PIERCE L. CHANDLER, JR., PE

9 THE STATE OF \_\_\_\_\_)

10 COUNTY OF \_\_\_\_\_)

11 Before me, \_\_\_\_\_

12 on this day personally appeared PIERCE L. CHANDLER,  
13 JR., PE, known to me or proved to me on the oath of  
14 \_\_\_\_\_ or through \_\_\_\_\_

15 (description of identity card or other document) to be  
16 the person whose name is subscribed to the foregoing  
17 instrument and acknowledged to me that he/she executed  
18 the same for the purpose and consideration therein  
19 expressed.

20 Given under my hand and seal of office  
21 on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.  
22  
23  
24  
25

26 NOTARY PUBLIC IN AND FOR  
27 THE STATE OF \_\_\_\_\_

28 My Commission Expires: \_\_\_\_\_

Page 282

Page 284

1 CHANGES AND SIGNATURE

2 WITNESS NAME: Pierce L. Chandler, Jr. PE

3 DATE: 12/18/08

4 PAGE LINE CHANGE REASON

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1 TRANSCRIPT OF PROCEEDINGS  
2 BEFORE THE  
3 STATE OFFICE OF ADMINISTRATIVE HEARINGS  
4 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
5 AUSTIN, TEXAS  
6 IN RE THE APPLICATION OF ) SOAH DOCKET NO.  
7 BFI WASTE SYSTEMS OF NORTH ) 582-08-2178  
8 AMERICA, LLC, ) TCEQ DOCKET NO.  
9 PERMIT NO. MSW-1447A ) 2007-1774-MSW

10 REPORTER'S CERTIFICATE

11 ORAL DEPOSITION OF PIERCE L. CHANDLER, JR., PE  
12 December 18, 2008

13 We, Evelyn Codex and Steven Stogel,  
14 Certified Shorthand Reporters in and for the State of  
15 Texas, hereby certify to the following:

16 That the witness, PIERCE L. CHANDLER,  
17 JR., PE, was duly sworn and that the transcript of the  
18 deposition is a true record of the testimony given by  
19 the witness;

20 That the deposition transcript was duly  
21 submitted on January 8, 2009 to the witness or to the  
22 attorney for the witness for examination, signature,  
23 and return to us;

24 That pursuant to information given to  
25 the deposition officers at the time said testimony was  
26 taken, the following includes all parties of record  
27 and the amount of time used by each party at the time  
28 of the deposition:

ORAL DEPOSITION OF PIERCE CHANDLER  
SOAH DOCKET NO. 582-08-2178

Page 285

1 Mr. Paul Gosselink (6 hours, 4 minutes)  
2 Attorney for Applicant  
3 Mr. Bob Renbarger (no time)  
4 Attorney for TJFA, LP  
5 Ms. Susan Jern White (no time)  
6 Attorney for the Executive Director of the  
7 Texas Commission on Environmental Quality  
8 We further certify that we are neither  
9 counsel for, related to, nor employed by any of the  
10 parties in the action in which this proceeding was  
11 taken, and further that we are not financially or  
12 otherwise interested in the outcome of this action.  
13 Certified to by us on this \_\_\_\_\_ day  
14 of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Evelyn Coder, CSR  
Texas CSR No. 2845  
Expiration: 12/31/09

Firm Registration No. 276  
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1801 Lavaca, Suite 115  
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\_\_\_\_\_  
Steven Stogel, CSR  
Texas CSR No. 6174  
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**Exhibit I**  
**Attendance Pages from Depositions**

ORAL DEPOSITION OF DENNIS HOBBS  
SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 1

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS

IN THE MATTER OF THE ) SOAH DOCKET NO.  
APPLICATION OF BFI WASTE ) 582-08-2178  
SYSTEMS OF NORTH AMERICA, LLC )  
PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
AMENDMENT NO. 1447A ) 2007-1774-MSW

ORAL DEPOSITION  
DENNIS HOBBS  
THURSDAY, OCTOBER 30, 2008

ORAL DEPOSITION OF DENNIS HOBBS, produced  
as a witness at the instance of the Applicant, and duly  
sworn, was taken in the above-styled and numbered cause  
on October 30, 2008, from 9:58 a.m. to 1:55 p.m. before  
Virginia L. Bunting, CSR, RPR, in and for the State of  
Texas, reported by machine shorthand, at the offices of  
Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress  
Avenue, Suite 1900, Austin, Texas 78701, pursuant to the  
Texas Rules of Civil Procedure.

---

**CONDENSED TRANSCRIPT**

*Kennedy Reporting Service, Inc.  
1801 Lavaca, Suite 115  
Austin, Texas 78701*

THURSDAY, OCTOBER 30, 2008





ORAL DEPOSITION OF ROBERT KIER, Ph.D., P.G.

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

Page 1

TRANSCRIPT OF PROCEEDINGS BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AUSTIN, TEXAS

IN THE MATTER OF THE ) SOAH DOCKET NO.  
APPLICATION OF BFI WASTE ) 582-08-2178  
SYSTEMS OF NORTH AMERICA, LLC )  
PROPOSED SOLID WASTE PERMIT ) TCEQ DOCKET NO.  
AMENDMENT NO. 1447A ) 2007-1774-MSW

ORAL DEPOSITION  
ROBERT KIER, Ph.D., P.G.  
THURSDAY, DECEMBER 4, 2008

ORAL DEPOSITION OF ROBERT KIER, Ph.D.,  
P.G., produced as a witness at the instance of the  
Applicant, and duly sworn, was taken in the above-styled  
and numbered cause on December 4, 2008, from 10:06 a.m.  
to 5:25 p.m., before Virginia L. Bunting, CSR, RPR, in  
and for the State of Texas, reported by machine  
shorthand, at the offices of Fritz, Byrne, Head &  
Harrison, LLP, 98 San Jacinto Boulevard, Suite 2000,  
Austin, Texas 78701, pursuant to the Texas Rules of  
Civil Procedure.

THURSDAY, DECEMBER 4, 2008

ORAL DEPOSITION OF ROBERT KIER, Ph.D., P.G.

SOAH DOCKET NO. 582-08-2178

TCEQ DOCKET NO. 2007-1774-MSW

APPEARANCES

FOR THE APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC:

Mr. John Carlson  
LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
Telephone: 512.322.5800 - Fax: 512.472.0532

FOR TJFA, L.P.:

Mr. Bob Renbarger  
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Austin, Texas 78701  
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FOR THE COUNTY OF TRAVIS:

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Assistant City Attorney  
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FOR TCEQ:

Ms. Susan White  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Telephone: 512.239.0600 - Fax: 512.239.0606

ALSO PRESENT:

Mr. Bob Gregory  
Mr. Arden Avakian  
Mr. Mike Snyder

EXHIBITS - cont'd

NO.	DESCRIPTION	PAGE
110	Letter to Mr. Lee Kuhn from GRS dated 7-13-04.	220
121	Invoices from Robert S. Kier Consulting.	220

REQUESTED DOCUMENTS/INFORMATION

NO.	DESCRIPTION	PAGE
1	EPA Leaker List Information.	216

INDEX

	PAGE	
Appearances.....	2	
ROBERT S. KIER, Ph.D., P.G. Examination by Mr. Carlson.....	5	
Changes and Signature.....	222	
Reporter's Certificate.....	224	
EXHIBITS		
NO.	DESCRIPTION	PAGE
109	Direct Testimony of Dr. Kier.....	77
110	Map, Cross-Section Location Map, 4C.1.....	100
111	Map, Geologic Cross-Section, 4C.4.....	108
112	Map, Geologic Cross Section C-C, BFI Sunset Park Sunset Farms Landfill Major Permit Amendment.....	147
113	Map, Exhibit UK-6, Caxel Groundwater Contour Map.....	171
114	FBS&J Report.....	178
115	Memoiranda from Dr. Kier.....	191
116	Map, Updated Top of Unweathered Clay Surface.....	201
117	Map, Groundwater Flow Path Map.....	207
118	Travis County Landfill Odor/Gas Emission Study.....	217
119	Documents - Gas Recovery Systems, Inc.....	219

ROBERT KIER, Ph.D., P.G.,  
having been first duly sworn, testified as follows:  
EXAMINATION

BY MR. CARLSON:

Q. What's your full name?

A. Robert S., which stands for Spencer, Kier,  
K-i-e-r.

Q. Dr. Kier, my name is John Carlson. I represent  
the applicant in this proceeding. Do you understand  
that?

A. Yes.

Q. You've been deposed before, haven't you?

A. Yes.

Q. You understand the rules governing depositions?

A. Yes.

Q. You're self-employed?

A. Yes.

Q. What's the name of your business?

A. Robert S. Kier Consulting.

Q. Is it a sole proprietorship?

A. Yes.

Q. What's the business address for your business?

A. Let's see. What is it now? Where's my card?

I may have it here.

Q. I hope that's not the toughest question I ask

(1) SOAH DOCKET NO. 582-08-2178  
(2) TCEQ DOCKET NO. 2007-1774-MSW

(2) APPLICATION OF BFI WASTE ) BEFORE THE STATE OFFICE  
(3) SYSTEMS OF NORTH AMERICA, )  
(4) INC., FOR A MAJOR AMENDMENT ) OF  
(4) TO TYPE I MSW PERMIT NO. )  
1447A ) ADMINISTRATIVE HEARINGS  
(5)

(6)

(7) \*\*\*\*\*

(8) ORAL DEPOSITION OF  
(9) BRAD DUGAS  
(10) DECEMBER 10, 2008

(11) \*\*\*\*\*

(12)

(13) ORAL DEPOSITION OF BRAD DUGAS, produced as a witness  
(14) at the instance of TJFA, L.P., and duly sworn, was taken  
(15) in the above-styled and numbered cause on the 10th day of  
(16) December, 2008, from 1:08 p.m. to 4:14 p.m., before  
(17) Shelly M. Tucker, RPR, CRR, CSR in and for the State of  
(18) Texas, reported by machine shorthand, at the offices of  
(19) Lloyd, Gosselink, Rochelle & Townsend, 816 Congress  
(20) Avenue, Suite 1900, Austin, Texas, pursuant to the Texas  
(21) Rules of Civil Procedure and/or the provisions stated on  
(22) the record.

(23)

(24)

(25)

Page 2

(1) APPEARANCES

(2) FOR TJFA, L.P.:

(3) Mr. J. D. Head

(4) FRITZ, BYRNE, HEAD & HARRISON, PLLC

(5) 98 San Jacinto Boulevard

(6) Suite 2000

(7) Austin, Texas 78701

(8) 512.476.2020

(9) jdhead@fbhh.com

(10) FOR BFI WASTE SYSTEMS OF NORTH AMERICA, INC.:

(11) Mr. John R. Moore

(12) LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.

(13) 816 Congress Avenue

(14) Suite 1900

(15) Austin, Texas 78701

(16) 512.322.5800

(17) jmoore@lglawfirm.com

(18) ALSO APPEARING:

(19) Mr. Bob Gregory, TJFA

(20)

(21)

(22)

(23)

(24)

(25)

Page 4

(1) EXHIBITS (continued)

(2) NO. DESCRIPTION PAGE

(3) 179..... 78

(4) TCEQ Investigation Report

(5) 180..... 97

(6) October 31, 2008 Rule 11 Agreement

(7) CERTIFIED QUESTIONS

(8) NO. PAGE

(9) 1..... 24

(10) 2..... 32

(11) 3..... 95

(12)

(13)

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

(22)

(23)

(24)

(25)

Page 3

(1) INDEX PAGE

(2)

(3) Appearances..... 2

(4) BRAD DUGAS

(5) Examination by Mr. Head..... 5

(6) Changes and Signature..... 103

(7) Reporter's Certificate..... 105

(8)

(9) EXHIBITS PAGE

(10) NO. DESCRIPTION PAGE

(11) 170..... 18

(12) TJFA, L.P.'s Notice of Oral Deposition of Brad Dugas and Subpoena Duces Tecum

(13) 171..... 35

(14) Site Layout Plan, Attachment 1, Sheet 1 of 1

(15) 172..... 36

(16) Site Layout Plan, Attachment 1, Sheet 1 of 2

(17) 173..... 39

(18) Site Layout Plan, Figure 2

(19) 174..... 42

(20) SWP3 Attachment 6

(21) 175..... 52

(22) FY 2008 MSW Annual Report - General Section

(23) 176..... 64

(24) Part III - Site Development Plan

(25) Appendix III-D - Soil Balance Calculations

(1) 177..... 66

(2) First Amended Purchase and Sale Agreement

(3) 178..... 69

(4) Part III - Attachment 8 - Cost Estimate for Closure and Post-Closure Care

(5)

Page 5

(1) BRAD DUGAS,

(2) having been first duly sworn, testified as follows:

(3) EXAMINATION

(4) BY MR. HEAD:

(5) Q. Please state your name for the record.

(6) A. Brad Dugas.

(7) Q. Okay. And my name's J. D. Head, and I'm an

(8) attorney for TJFA and we're taking this deposition in the

(9) contested case proceeding regarding BFI. You understand

(10) that?

(11) A. Right. Yes, sir.

(12) Q. Mr. Dugas, have you ever been deposed before?

(13) A. I have.

(14) Q. And how many times have you been deposed?

(15) A. Twice.

(16) Q. And have you discussed the rules with your

(17) counsel here?

(18) A. We have.

(19) Q. Okay. Let me just very briefly go through them.

(20) The primary rule is, we'll do our best to attempt to not

(21) talk over each other. So if I ask a question, please

(22) wait till I finish, and I'll hopefully wait till you

(23) finish your answer.

(24) Your testimony is under oath, can be used

(25) at trial, can be used at the hearing. If I ask any

2 (Pages 2 to 5)

(1) THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

(2) SOAH DOCKET NO. 582-08-2178  
(3) TCEQ DOCKET NO. 2007-1774-MSW

(4) IN RE: APPLICATION OF BFI WASTE \* BEFORE THE STATE OFFICE  
(5) SYSTEMS OF NORTH AMERICA, INC., \*  
(6) FOR A MAJOR AMENDMENT \* OF  
(7) TO TYPE I MSW PERMIT NO. \*  
(8) 1447A \* ADMINISTRATIVE HEARINGS

(9) \* \* \* \* \*

(10) ORAL DEPOSITION OF

(11) STEVE MOBLEY

(12) MONDAY, DECEMBER 15, 2008

(13) \* \* \* \* \*

(14) ORAL DEPOSITION OF STEVE MOBLEY, produced as a  
(15) witness at the instance of TJFA, L.P. and duly sworn, was  
(16) taken in the above-styled and numbered cause on the 15th  
(17) day of December, 2008, from 1:07 p.m. to 7:22 p.m., before  
(18) Christy Leslie, CSR in and for the State of Texas,  
(19) reported by machine shorthand, at the offices of The  
(20) Terrill Firm, P.C., 810 West 10th Street, Austin, Texas,  
(21) pursuant to the Texas Rules of Civil Procedure and the  
(22) provisions attached hereto.

(23)

(24)

(25)

Page 2

(1) APPEARANCES

(2) FOR BFI WASTE SYSTEMS OF NORTH AMERICA, INC.:

(3) Mr. John E. Carlson

(4) LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.

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(7) Austin, Texas 78701

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(9) E-mail: jcarlson@lglawfirm.com

(10) FOR GILES HOLDINGS, L.P.:

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(15) (512) 474-9100

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(17) FOR TJFA, L.P.:

(18) Mr. Bob Renbarger

(19) FRITZ, BYRNE, HEAD & HARRISON, L.L.P.

(20) 98 San Jacinto Boulevard

(21) Suite 2000

(22) Austin, Texas 78701

(23) (512) 476-2020

(24) E-mail: bob@fbhh.com

(25) ALSO PRESENT:

(26) Mr. Dennis Hobbs

(27) Mr. Bob Gregory

Page 4

(1) CERTIFIED QUESTIONS (CONTINUED)

(2) PAGE 134, LINE 25

(3) PAGE 136, LINE 11

(4) PAGE 136, LINE 18

(5) PAGE 136, LINE 25

(6) PAGE 137, LINE 20

(7) PAGE 144, LINE 19

(8) PAGE 145, LINE 6

(9) PAGE 145, LINE 15

(10) PAGE 145, LINE 22

(11) PAGE 146, LINE 5

(12) PAGE 146, LINE 11

(13) PAGE 194, LINE 22

(14) PAGE 196, LINE 21

(15) PAGE 199, LINE 5

(16)

(17)

(18)

(19)

(20)

(21)

(22)

(23)

(24)

(25)

Page 3

(1) INDEX

(2) Appearances ..... 2

(3) STEVE MOBLEY

PAGE

(4) Examination by Mr. Renbarger ..... 5

(5) Changes and Signature ..... 201

(6) Reporter's Certificate ..... 203

(7) EXHIBIT INDEX

(8) NO. DESCRIPTION PAGE

(9) 185 Rule 11 Agreement 140

(10) 186 Restrictive Covenant 147

(11) 187 Reciprocal Access License Agreement 149

(12) CERTIFIED QUESTIONS

(13) PAGE 23, LINE 19

(14) PAGE 35, LINE 20

(15) PAGE 36, LINE 7

(16) PAGE 36, LINE 23

(17) PAGE 42, LINE 12

(18) PAGE 108, LINE 7

(19) PAGE 110, LINE 1

(20) PAGE 126, LINE 24

(21) PAGE 133, LINE 24

(22) PAGE 134, LINE 9

(23) PAGE 134, LINE 18

(24)

(25)

Page 5

(1) PROCEEDINGS

(2) MONDAY, DECEMBER 15, 2008

(3) (1:07 p.m.)

(4) STEVE MOBLEY,

(5) having been first duly sworn, testified as follows:

(6) EXAMINATION:

(7) BY MR. RENBARGER:

(8) Q Good afternoon. Would you please state your full

(9) name for the record?

(10) A Steven Mark Mobley.

(11) Q And what's your business address, Mr. Mobley?

(12) A 2205 Westover Road, Austin, 78703.

(13) Q What is your relationship to Giles Holdings, LP?

(14) A I am a partner and also the president of the

(15) general partner.

(16) Q When you say you're a partner, do you mean you're

(17) a limited partner? Is that correct?

(18) A Yes.

(19) Q What is the name of the company that is the

(20) general partner?

(21) A Mobley Management Company, LLC.

(22) Q And as you sit here today, you are fully

(23) authorized to speak on behalf of Giles Holdings, LP?

(24) A I am.

(25) Q Prior to today's deposition, Mr. Mobley, did you