

**SOAH Docket No. 582-08-2178
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**ANGIE DIETZ, AS CUSTODIAN OF RECORDS FOR
TEXAS DISPOSAL SYSTEMS LANDFILL, INC.'S
RESPONSE TO DEPOSITION ON WRITTEN QUESTIONS**

To: BFI Waste Systems of North America, LLC, by and through its attorney, Mr. Paul Gosselink, LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C., 816 Congress Ave., Suite 1900, Austin, Texas 78701.

1. Please provide your name, address, occupation and job title:

ANSWER: My name is Angie Dietz. My business address is P.O. Box 17126, Austin, Texas 78760. I am employed by Texas Disposal Systems, Inc. as the Human Resources Manager.

2. Please state whether or not you are the custodian of records for Texas Disposal Systems Landfill, Inc.

ANSWER: I am the custodian of record for the Texas Disposal Systems Landfill, Inc. ("TDSL") landfill permit.

3. Have you been served with a subpoena duces tecum for the production of all documents requested to be produced in Exhibit B?

ANSWER: My supervisor, Mr. Bob Gregory, was served with the subpoena.

4. **Do you have in your custody or subject to your control the records requested in Exhibit B?**

ANSWER: I have in my control the permit that I understand to be a complete copy of the TDSL landfill permit. The actual permit is maintained by the Texas Commission on Environmental Quality.

5. **Are these documents, memoranda, reports, records or data compilations produced in response to the request for documents under your case, supervision, direction, custody and/or control?**

ANSWER: Yes.

6. **Were these documents, memoranda, reports, records or data compilations produced in response to the request for documents made at or near the time of the transaction recorded on these entries?**

ANSWER: I believe they were, but I have personally only been involved with the landfill permit as a custodian since 1997.

7. **State whether or not it was in the regular course of business for an employee or representative with personal knowledge of the event, condition, act or opinion recorded in the documents requested to be produced in Exhibit B and records produced to the Notary Public to make such memorandum or record or transmit the information which is included in this record.**

ANSWER: Yes, it was.

8. **In the regular practice of Texas Disposal Systems Landfill, Inc. has Texas Disposal Systems Landfill, Inc. kept records of the type requested to be produced in Exhibit B in the normal course of business?**

ANSWER: Yes, it has kept the records it believes to be the correct landfill permit, but the official permit is maintained by the Texas Commission on Environmental Quality.

9. **Please hand exact duplicates of all records pertaining to Exhibit B (or the originals thereof) for photocopying to the Notary Public taking your deposition for the attachment to the deposition. Have you done as requested? If not, why?**

ANSWER: Yes, I have.

10. **Have you been requested or directed to withhold any records, or has it been suggested by any person that any part of the records which are the subject of this deposition should be withheld or protected from discovery for this reason? If so, please state the name, address, and telephone number of the person who conveyed this information to you and when such event occurred.**

ANSWER: No, I have not.

11. **Do you know whether or not, or do you have any reason to believe that the records that are the subject of this deposition have in any manner been edited, purged, culled, or in any manner made different from the way such records existed when created? If so, please explain your knowledge or belief in this regard.**

ANSWER: The records are maintained in the manner presented. If there has been any change, it is without my knowledge.

12. **Are there any records, documents, papers, correspondence, or tangible matter of any kind pertaining to documents requested to be produced by Exhibit B that you have not provided to the Notary Public taking your deposition?**

ANSWER: I am not aware of any, but the copy presented is not the official permit of TDSL. Said copy is maintained by the Texas Commission on Environmental Quality. I cannot certify that the presented copy is identical to the official copy maintained by the Texas Commission on Environmental Quality.

13. **Are you aware that it may be necessary to subpoena you or your employer at the time of the trial of this case, if you have not provided the Notary Public taking your deposition all papers, documents, records, correspondence, or tangible matter of any kind pertaining to the documents requested to be produced in Exhibit B?**

ANSWER: I am not aware that any further subpoenas are necessary.

I, ANGIE DIETZ, have read the foregoing deposition on written questions and hereby affix my signature that same is true and correct.

Angie Dietz
ANGIE DIETZ

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

Before me, Barbara Lazenby, on this 14th day personally appeared ANGIE DIETZ, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of January, 2009.

Barbara Lazenby
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

