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REGARDING:

**ORDER NO. 13- DENYING MOTIONS TO QUASH SUBPOENA FOR PROTECTIVE ORDER,
AND FOR SANCTIONS AND GRANTING MOTION TO COMPEL**

DOCKET NUMBER:

582-08-2178

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**SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW**

**APPLICATION OF BFI WASTE § BEFORE THE STATE OFFICE
SYSTEMS OF NORTH AMERICA, INC., §
FOR A MAJOR AMENDMENT TO § OF
TYPE I MSW PERMIT NO. 1447A §
§ ADMINISTRATIVE HEARINGS**

**ORDER NO. 13
DENYING MOTIONS TO QUASH SUBPOENA, FOR PROTECTIVE ORDER, AND
FOR SANCTIONS AND GRANTING MOTION TO COMPEL**

On January 7, 2009, Texas Disposal Systems Landfill, Inc. (TDSL), which is not a party in this case, filed a motion to quash a subpoena for the production of documents and the deposition on written questions of Mr. Bob E. Gregory, which was issued at the request of BFI Waste Systems of North America, Inc. (BFI) and served on Mr. Gregory on December 18, 2008. BFI especially seeks a full and complete copy of the current version of Texas Commission on Environmental Quality (TCEQ) permit No. 2123 for a Texas Disposal Systems landfill, and supporting application documents. TDSL claims the subpoena should be quashed because complying with the requests it contains would be unduly burdensome to, expensive to, and harassing of TDSL and a copy of TDSL's permit can be obtained from the TCEQ. TDSL also asked for a protective order and the imposition of sanctions on BFI to avoid further alleged harassment, etc.

On January 12, 2009, BFI responded and objected to TDSL's motions claiming they were groundless. BFI also asked the Administrative Law Judge (ALJ) to compel TDSL to comply with the subpoena; make TDSL's permit available at 2:00 p.m., January 14, 2009, at the offices of BFI's counsel; and give BFI a reasonable opportunity to copy TDSL's permit. The ALJ agrees with BFI.

TDSL's motions to quash the subpoena and for a protective order and sanctions are denied. BFI's motion to compel is granted. TDSL shall comply with the subpoena; make

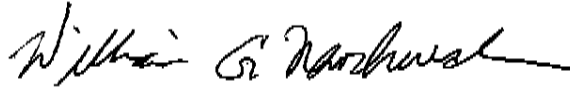
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TDSL's permit available at 2:00 p.m., January 14, 2009, at the offices of BFI's counsel; and give BFI a reasonable opportunity to copy TDSL's permit.

SIGNED January 13, 2009.



WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: BFI WASTE SYSTEMS OF NORTH AMERICA INC
SOAH DOCKET NUMBER: 582-08-2178
REFERRING AGENCY CASE: 2007-1774-MSW

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HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ WILLIAM G. NEWCHURCH**

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