

**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	§	OF
TO TYPE I MSW PERMIT NO. 1447A	§	
	§	ADMINISTRATIVE HEARINGS

**PLAINTIFF TRAVIS COUNTY'S ORIGINAL RESPONSES TO
BFI WASTE SYSTEMS OF NORTH AMERICA, INC.'S
REQUESTS FOR DISCLOSURE**

- TO: BFI Waste Systems of North America, Inc., by and through its attorneys of record Paul Gosselink and John Carlson

- TO: Giles Holdings, L.P., by and through its attorney of record Paul Terrill

- TO: Executive Director, Texas Commission on Environmental Quality, by and through his attorneys of record Steve Shepherd and Susan White

- TO: Office of Public Interest Counsel, Texas Commission on Environmental Quality, by and through its attorney of record Christina Mann

- TO: City of Austin, by and through its attorneys of record Holly Noelke and Meitra Farhadi

- TO: TJFA, L.P., by and through its attorneys of record Bob Renbarger and J.D. Head

- TO: Northeast Neighbors Coalition, by and through its attorney of record Jim Blackburn

- TO: Mark McAfee

- TO: Melanie McAfee

- TO: Roger Joseph

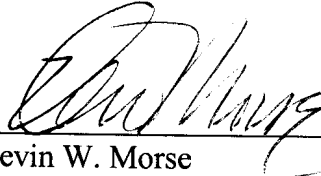
- TO: Delmer D. Rogers

- TO: Williams, Ltd., by and through its representative, Evan Williams

- TO: Pioneer Farms, by and through its representative, Celeste Scarborough

Respectfully submitted,

DAVID A. ESCAMILLA
Travis County Attorney

By: 
Kevin W. Morse
State Bar No. 14549420
Sharon Talley
State Bar No. 19627575

P. O. Box 1748
Austin, Texas 78767
(512) 854-9513 (telephone)
(512) 854-4808 (telecopier)

ATTORNEYS FOR
TRAVIS COUNTY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Travis County's Original Responses to BFI Waste Systems of North America, Inc.'s Requests for Disclosure** in accordance with the Texas Rules of Civil Procedure, via electronic mail delivery and/or certified mail, return receipt requested, on this 29th day of May, 2008, as follows:

Via electronic mail delivery

pgosselink@lglawfirm.com
PAUL GOSSELINK
LLOYD GOSSELINK BLEVINS ROCHELL &
TOWNSEND, P.C.
816 CONGRESS AVENUE, SUITE 1900
AUSTIN, TEXAS 78701
(512) 322-5800 (PH)
(512) 472-0532 (FAX)

For BFI Waste Systems of North America, Inc.
& aligned party Giles Holdings, L.P.

Via electronic mail delivery

holly.noelke@ci.austin.tx.us
HOLLY NOELKE
ASSISTANT CITY ATTORNEY
meitra.farhadi@ci.austin.tx.us
MEITRA FARHADI
ASSISTANT CITY ATTORNEY
CITY OF AUSTIN
P.O. BOX 1088
AUSTIN, TX 78767
(512) 974-2310 (PH)
(512) 974-6490 (FAX)

For the City of Austin

Via electronic mail delivery

bob@fbhh.com
BOB RENBARGER
FRITZ, BYRNE, HEAD & HARRISON, LLP
98 SAN JACINTO BLVD., SUITE 2000
Austin, Texas 78701
(512) 474-2020 (PH)
(512) 477-5167 (FAX)

For TJFA, L.P.

Via electronic mail delivery

sshepherd@tceq.state.tx.us
STEVE SHEPHERD
LEGAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
ENVIRONMENTAL LAW DIVISION
swhite@tceq.state.tx.us
SUSAN WHITE
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
LITIGATION DIVISION
P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0464 (PH)
(512) 239-0606 (FAX)

For the Executive Director

Via electronic mail delivery

cmann@tceq.state.tx.us
CHRISTINA MANN
ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087
MC-103
AUSTIN, TX 78711-3087
(512) 239-4014 (PH)
(512) 239-6377 (FAX)

For the Office of Public Interest Counsel

Via electronic mail delivery

jbb@blackburncarter.com

JIM BLACKBURN

BLACKBURN & CARTER, P.C.

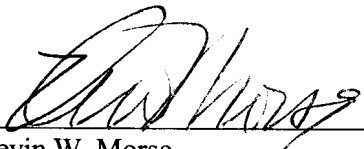
4709 AUSTIN STREET

HOUSTON, TX 77004

(713) 524-1012 (PH)

(713) 524-5165 (FAX)

For the Northeast Neighbors Coalition and aligned parties Mark McAfee; Melanie McAfee; Roger Joseph; Delmer D. Rogers; Williams, Ltd.; and Pioneer Farms



Kevin W. Morse
Assistant County Attorney

TRAVIS COUNTY, TEXAS' RESPONSES TO REQUESTS FOR DISCLOSURE

Travis County, Texas (hereafter, Travis County) discloses the following:

- (a) the correct names of the parties to the lawsuit:

RESPONSE:

BFI Waste Systems of North America, Inc.
Executive Director, Texas Commission on Environmental Quality
Office of Public Interest Counsel, Texas Commission on Environmental Quality
Travis County, Texas
City of Austin, Texas
Giles Holdings, L.P.
TJFA, L.P.
Northeast Neighbors Coalition
Mark McAfee
Melanie McAfee
Roger Joseph
Delmer D. Rogers
Williams, Ltd.
Pioneer Farms

- (b) the name, address and telephone number of any potential parties:

RESPONSE:

At this time Travis County knows of no additional potential parties to this contested case hearing.

- (c) the legal theories and, in general, the factual bases of the responding party's claims or defenses:

RESPONSE:

Regarding this landfill, as indicated in its letter of June 5, 2007, to the TCEQ Travis County has been, and remains, very concerned about land use compatibility, certain technical issues, compliance issues, and clarification of certain provisions of the proposed permit, and thus in the mandatory inclusion of the closing date of November 1, 2015, in Proposed Permit 1447A, should it not be denied.

- (d) the amount and any method of calculating economic damages:

RESPONSE:

Travis County's economic damages, if any, are not at issue in this contested case hearing and thus have not been determined at this time. Travis County will supplement its response should they become so.

- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case:

RESPONSE:

David Escamilla, Travis County Attorney
John Hille, Assistant Travis County Attorney
Kevin Morse, Assistant Travis County Attorney
Sharon Talley, Assistant Travis County Attorney
Annalynn Cox, Assistant Travis County Attorney
Neil Kucera, Assistant Travis County Attorney
David Nottingham, Paralegal
Sheila Moss, Legal Secretary
Leticia Tapia-Ojeda, Legal Secretary
Kenneth Miller, Law Clerk
Travis County Attorney's Office
314 W. 11th Street, Suite 420
Austin, Texas 78701
(512) 854-9513

The Travis County Attorney and the above listed employees of his office have knowledge of relevant facts relating to the representation of Travis County in this contested case hearing.

Joe Gieselman, Executive Manager
Jon White, Division Director, Natural Resources and Environmental Quality
Melinda Mallia, Environmental Project Manager
David Fowler, Environmental Project Manager
Keith Coburn, Environmental Project Manager
Brian Dudley, Solid Waste Manager (former employee)
Evette Alvarado, Engineering Specialist, Senior (former employee)
Travis County Transportation and Natural Resources Department
411 West 13th Street, 11th Floor
Austin, Texas 78701
(512) 854-9383

The Executive Manager and the above listed employees and former employees of the Travis County Transportation and Natural Resources Department have

knowledge of this permit application, the history of BFI's Sunset Farms Landfill, and policies of Travis County Transportation and Natural Resources Department.

John Kuhl
Hicks & Company
1504 W. 5th St.
Austin, TX 78703
(512) 478-0858

Mr. Kuhl has knowledge of this permit application and the history of BFI's Sunset Farms Landfill by virtue of his previous employment as Natural Resources and Environmental Quality Division Director in the Transportation and Natural Resources Department of Travis County, Texas.

Tom Nuckols
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, TX 78767
(512) 974-2310

Mr. Nuckols has knowledge of this permit application and the history of BFI's Sunset Farms Landfill by virtue of his previous employment as an Assistant County Attorney in the Travis County Attorney's Office.

Betty Voights, Executive Director, Capital Area Council of Governments
Joe Roland, Caldwell County, Member, Solid Waste Advisory Committee
Ralph Wueller, Private Industry Rep., Member, Solid Waste Advisory Committee
Don Birkner, City of Austin, Member, Solid Waste Advisory Committee
Steve Jacobs, Private Industry Rep., Member, Solid Waste Advisory Committee
Comm. Russell Graeter, Burnet County, Member, Solid Waste Advisory Committee
Kyle Hahn, Private Industry Rep., Member, Solid Waste Advisory Committee
Melani Howard., Citizen/Env. Rep., Member, Solid Waste Advisory Committee
Ross Johnson, Bastrop County, Member, Solid Waste Advisory Committee
Chance Goodin, TCEQ, Non-voting Member, Solid Waste Advisory Committee
John Kuhl, Travis County, Member, Solid Waste Advisory Committee
Bill Rich, Private Industry Rep., Member, Solid Waste Advisory Committee
Kim Lutz, Williamson County, Member, Solid Waste Advisory Committee
Melinda Mallia, Travis County, Member, Solid Waste Advisory Committee
Comm. Tom Muras, Fayette County, Member, Solid Waste Advisory Committee
LaMarr Petersen, Hays County, Member, Solid Waste Advisory Committee
Paulo Pinto, Williamson County, Member, Solid Waste Advisory Committee
Comm. Maurice Pitts, Lee County, Member, Solid Waste Advisory Committee
Comm. Paul Granberg, Blanco County, Chair, Solid Waste Advisory Committee
Jack Ranney, LCRA, Member, Solid Waste Advisory Committee
Richard Salmon, Hays County, Member, Solid Waste Advisory Committee
Comm. Duane Stueven, Llano County, Vice-Chair, Solid Waste Advisory Committee

Cheryl Untermeyer, TCEQ, Non-voting Member, Solid Waste Advisory Committee
Joey Crumley, Educational Rep., Solid Waste Advisory Committee
Capital Area Council of Governments
6800 Burleson Rd., Bldg. 310, Ste. 165
Austin, TX 78744
(512) 916-6000

Ms. Voights has knowledge of this permit application and the review of the permit application by the Solid Waste Advisory Committee of the Capital Area Council of Governments. The above-listed members of the Solid Waste Advisory Committee (as of August 2006) had the opportunity to review the permit application and vote on its conformity with the Regional Solid Waste Management Plan.

TRAVIS COUNTY COMMISSIONERS COURT

Sam Biscoe, Travis County Judge
314 W. 11th Street, Suite 520
Austin, Texas 78701
(512) 854-9555

Ron Davis, Commissioner Precinct 1
314 W. 11th Street, Suite 510
Austin, Texas 78701
(512) 854-9111

Sarah Eckhart, Commissioner Precinct 2
314 W. 11th Street, Suite 530
Austin, Texas 78701
(512) 854-9222

Gerald Daugherty, Commissioner Precinct 3
314 W. 11th Street, Suite 500
Austin, Texas 78701
(512) 854-9333

Margaret Gomez, Commissioner Precinct 4
314 W. 11th Street, Suite 525
Austin, Texas 78701
(512) 854-9444

The Commissioners' Court has knowledge of this permit application as is reflected in Travis County's resolution and letters to the TCEQ regarding its concerns about this landfill.

All individuals identified by BFI Waste Systems of North America, Inc. as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Giles Holdings, L.P. as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by the Executive Director, Texas Commission on Environmental Quality, as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by the Office of Public Interest Counsel, Texas Commission on Environmental Quality, as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by the City of Austin as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by TJFA, L.P. as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by the Northeast Neighbors Coalition as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Mark McAfee as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Melanie McAfee as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Roger Joseph as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Delmer D. Rogers as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Willams, Ltd. as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified by Pioneer Farms as persons with knowledge of relevant facts in any discovery responses concerning the instant case.

All individuals identified during deposition testimony in this contested case hearing.

- (f) for any testifying expert:
- (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
 - (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume or bibliography;

RESPONSE:

No experts have been designated at this time.

Plaintiff Travis County reserves the right to supplement its list of testifying expert witnesses in accordance with the TEX. R. CIV. P.

Plaintiff Travis County also reserves the right to call any expert witness(es) identified by BFI Waste Systems of North America, Inc., Giles Holdings, L.P., the Executive Director of the Texas Commission on Environmental Quality, the Office of Public Interest Counsel, the City of Austin, the Northeast Neighbors Coalition, or any other party in any interrogatory responses or responses to Requests for Admission, in any documents produced in response to Requests for Production, in any deposition testimony, or in any Designation of Potential Witnesses filed pursuant to the Scheduling Order(s).

- (g) any indemnity and insuring agreements described in Rule 192.3(f);

RESPONSE:

Regarding this contested case hearing, it is believed that there are none concerning Travis County. Travis County asserts the privilege created by the Civil Practice and Remedies Code whereby the existence and/or amount of insurance held by Travis

County is prohibited from discovery pursuant to 101.104(b) of the Texas Tort Claims Act.

- (h) any settlement agreements described in Rule 192.3(g);

RESPONSE:

There are none at this time concerning Travis County.

- (i) any witness statements described in Rule 192.3(h);

RESPONSE:

None at this time. Will supplement, if any.

- (j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

RESPONSE:

Not applicable

- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party;

RESPONSE:

Not applicable

- (l) the name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

None identified at this time. Will supplement, if necessary.