

**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

**PROTESTANT CITY OF AUSTIN'S
DESIGNATION OF EXPERT WITNESSES**

To: **Applicant alignment, ("BFI")**, by and through its attorneys of record, Paul Gosselink and John Carlson, Lloyd, Gosseling, Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Executive Director, Texas Commission on Environmental Quality ("TCEQ"), by and through his attorney of record, Steve Shepherd, Legal Counsel, Texas Commission on Environmental Quality, Environmental Law Division, MC-173, P. O. Box 13087, Austin, Texas 78711-3087 and Susan White, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, P. O. Box 13087, Austin, Texas 78711.

Office of Public Interest Counsel, by and through its attorney of record, Christina Mann, Texas Commission on Environmental Quality, Office of Public Interest Counsel, P. O. Box 13087, MC-103, Austin, Texas 78711.

TJFA, L.P. ("TJFA"), by and through its attorneys of record, Bob Renbarger and J.D. Head, Bryne, Head & Harrison, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701.

Travis County, Texas, by and through its attorney of record, Kevin W. Morse, Assistant County Attorney, Travis County Attorneys Office, P. O. Box 1748, Austin, Texas 78767.

Protestants 1, by and through their attorney of record, Jim Blackburn, Attorney at Law, 4709 Austin, Houston, Texas 77004.

In accordance with Texas Rules of Civil Procedure and the State Office of Administrative Hearings Order No. 1, the City of Austin hereby designates its expert witnesses. Protestant City further incorporates into this designation any and all witnesses designated by the other parties to this proceeding.

EXPERT WITNESSES:

1. Greg Guernsey
City of Austin
Neighborhood Planning and Zoning Department
P.O. Box 1088, Austin, Texas 78767
(512) 974-2387
greg.guernsey@ci.austin.tx.us

Mr. Guernsey is the Director of the City of Austin Neighborhood Planning and Zoning Department. If called, Mr. Guernsey is expected to testify about subjects including but not limited to, current and planned land uses, zoning requirements, and growth trends and the potential facility impacts in the vicinity of the proposed landfill facility. His resume is attached.

2. Charles Lesniak, REM
Environmental Policy Program Manager
City of Austin
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
(512) 974-2699
charles.lesniak@ci.austin.tx.us

Mr. Lesniak is a Registered Environmental Manager and a Program Manager for the City of Austin, Watershed Protection and Development Review Department, Environmental Resource Management, Environmental Policies Section. If called, Mr. Lesniak is expected to testify about the potential impact of the landfill as it relates to subjects including but not limited to, erosion controls and compliance history. His resume is attached.

3. Mike Kelly
City of Austin
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767
(512) 974-6591
mike.kelly@ci.austin.tx.us

Mr. Kelly is a professional engineer and a Supervising Engineer with the City of Austin, Watershed Protection and Development Review Department, Stormwater Treatment and Stream Restoration Section. If called, Mr. Kelly is expected to testify about the potential impact of the landfill as it relates to subjects including but not limited to, alteration of natural drainage areas, cover, slope stability, and

closure and post closure of the proposed landfill facility and its impacts in the vicinity of the proposed landfill facility. . His resume is attached.

4. Joe Word, P.E.
City of Austin Solid Waste Services Department
P.O. Box 1088, Austin, Texas 78767
(512) 974-1970
joe.word@ci.austin.tx.us

Joe D. Word, P.E. is currently employed by the City of Austin Solid Waste Services Department as Coordinating Engineer for Special Projects. If called, Mr. Word is expected to testify regarding BFI's proposed landfill facility operations and their impact on land and roadways and citizens within the City of Austin.

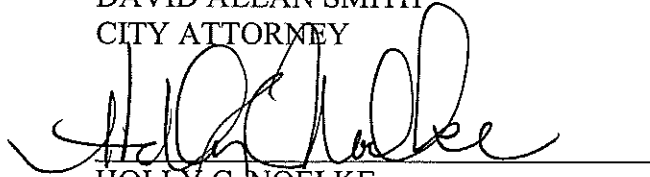
Mr. Word earned a Bachelor of Science in Civil Engineering from the University of Texas at Austin in 1975. He has worked for the City of Austin in a variety of positions, becoming the Division Engineer for the Street and Bridge Division of the Public Works Department, where he pioneered a number of new pavement management systems and techniques. He became Chief Engineer, and later, Assistant Director for Solid Waste Services in 1983. In this position, he was responsible for overall management of Solid Waste Services, including collection operations, street cleaning, and disposal operations. This included the City's municipal solid waste landfill. He participated in the permitting of that facility, as well as the evaluation of other disposal alternatives such as waste to energy. He has experience and expertise in landfill management, operations and permitting.

Mr. Word is a member of the Texas Chapter of the Solid Waste Association of North America, and a licensed engineer in the State of Texas, license # 50381.

The City of Austin reserves the right to supplement these designations, to substitute alternative witnesses and experts, to designate rebuttal experts and to cross-designate experts and fact witnesses who may be designated by other parties. The City of Austin will supplement its list of witnesses as required.

RESPECTFULLY SUBMITTED,

DAVID ALLAN SMITH
CITY ATTORNEY



HOLLY C. NOELKE
Assistant City Attorney
State Bar No. 04651000
City of Austin Law Department
Post Office Box 1546
Austin, Texas 78767-1546
(512) 974-2310
(512) 974-6490 [FAX]
holly.noelke@ci.austin.tx.us

ATTORNEYS FOR CITY OF AUSTIN

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing on all parties, or their attorneys of record, via e-mail and/or facsimile, this 27th day of June, 2008.

Applicant alignment, ("BFI")

Paul Gosselink
John Carlson
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
EMAIL: pgosselink@lglawfirm.com
EMAIL: jcarlson@lglawfirm.com

Executive Director, Texas Commission on Environmental Quality ("TCEQ")

Steve Shepherd, Legal Counsel
Commission on Environmental Quality
Environmental Law Division, MC-173
P. O. Box 13087
Austin, Texas 78711-3087
EMAIL: sshepher@tceq.state.tx.us

Susan White, Staff Attorney
Texas Commission on Environmental Quality
Litigation Division
P. O. Box 13087

Austin, Texas 78711
EMAIL: swhite@tceq.state.tx.us

Office of Public Interest Counsel

Christina Mann
Texas Commission on Environmental Quality
Office of Public Interest Counsel
P. O. Box 13087, MC-103
Austin, Texas 78711
EMAIL: cmann@tceq.state.tx.us

TJFA, L.P. ("TJFA")

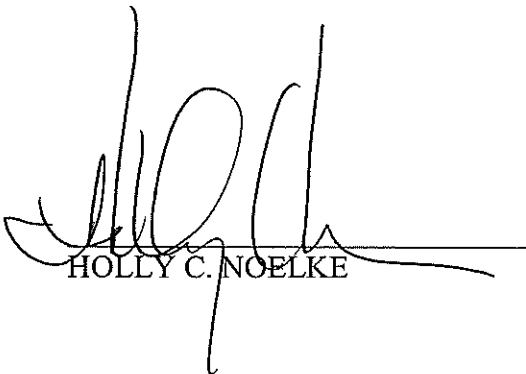
Bob Renbarger
J.D. Head, Bryne
Head & Harrison, LLP
98 San Jacinto Blvd., Suite 2000
Austin, Texas 78701
EMAIL: bob@fbhh.com
EMAIL: jdhead@fbhh.com

Travis County, Texas

Kevin W. Morse
Assistant County Attorney
Travis County Attorneys Office
P. O. Box 1748
Austin, Texas 78767
EMAIL: Kevin.morse@co.travis.tx.us

Protestants 1

Jim Blackburn
Attorney at Law
4709 Austin
Houston, Texas 77004
EMAIL: jbb@blackburncarter.com



HOLLY C. NOELKE

CHARLES LESNIAK III, REM

SUMMARY OF QUALIFICATIONS

Eighteen years of experience with the City of Austin working on water quality issues, including five years of experience coordinating and overseeing the work of a team of environmental investigators. Broad range of experience and skills, including; environmental regulatory compliance (federal, state and local), inter-agency coordination and issue resolution, multi-disciplinary technical review (surface water, groundwater, soil) and community outreach and education. Extensive experience working with multiple City Departments at the executive level and City Boards and Commissions. Very familiar with the policies, regulations, and staff of many City, State and Federal agencies including the Texas Commission on Environmental Quality, Texas Department of Transportation, Lower Colorado River Authority, US Environmental Protection Agency and the US Fish and Wildlife Service. Strong technical writing, public speaking and presentation skills.

WORK EXPERIENCE

2007-Present *Environmental Policy Program Manager*

City of Austin - Watershed Protection and Development Review Department, Austin, Texas

- Responsible for advising the Watershed Protection and Development Review Department (WPDRD) and other City of Austin departments on regulatory and technical aspects of contaminated sites and remediation activities which are the City's responsibility or which may impact the City.
- Coordinate with other Departments, and local, State and Federal authorities on potential environmental risks and potential impacts of pipelines, landfills, and other high-risk land uses or activities.
- Provide advice and recommendations on complex environmental regulatory and technical issues, including environmental risk assessment, contaminated site remediation, water quality protection, solid waste disposal facility operation, pipeline operations, and other high risk facilities. Includes reviewing or preparing technical reports, memoranda, summaries of applicable regulations, site assessments, contracts, regulations (local, state, federal) and providing expert opinions and recommendations based on that review.
- Prepares and provides briefings to the City Council and/or Boards and Commissions on complex and sensitive environmental issues.

1999 - 2007 *Environmental Program Coordinator*

City of Austin - Watershed Protection and Development Review Department, Austin, Texas

- Provide environmental technical expertise and assistance to many City

Departments including Watershed Protection and Development Review, Public Works and Transportation, Solid Waste Services, Parks and Recreation, and the Law Department. Major projects include the Longhorn Pipeline lawsuit, East Austin Tank Farm remediation, Mabel Davis Park landfill assessment and remediation, and Water Treatment Plant No. 4.

- Responsible for coordination with other City Departments and State agencies on a wide variety of environmental issues and developing solutions to address those issues. Coordinated and drafted an inter-Departmental agreement on spill response with the Austin Water Utility. Led the development of a Spill Plan for the Barton Springs salamander to establish spill response policies for the Barton Springs Zone of the Edwards Aquifer and coordinate the activities of municipal and county agencies in the region.
- Regularly review a wide range of technical reports including environmental site assessments, groundwater monitoring reports, and remediation reports for completeness and regulatory compliance.
- Work with the City Manager, Asst. City Managers, Law Department, Dept. Directors and Asst. Directors and City Boards and Commissions on many local environmental issues such as the Longhorn Pipeline, East Austin Tank Farm and the WMI Landfill Industrial Waste Unit.
- Routinely work with other staff in developing City ordinances and polices. Worked as lead technical staff person in developing Austin's ordinance regulating development along pipelines and City ordinance regarding development on abandoned and closed landfills.

1994 - 1998 *Environmental Quality Specialist III*

City of Austin - Watershed Management Department, Austin, Texas

- Team Leader for Spills and Complaints Response Program. Oversaw and coordinated the activities of 4 person team of pollution investigators. Assisted with budget and performance measure development and tracking.
- Responded to and investigated hazardous materials spills and pollution complaints. Personally conducted over 2,000 pollution investigations.
- Directed spill response and remediations of all sizes and types, including remediation projects in excess of \$500,000.
- Developed and managed abandoned hazardous waste disposal and remediation contracts (\$50K/year), including writing bid and contract specifications.
- Designed and maintained computerized investigation report database of over 8,000 records, including management of programmer services contract.
- Assisted City departments in environmental regulatory compliance and developing environmental policy and procedures.
- Created and reviewed technical reports and correspondence.
- Developed and presented multimedia presentations to community organizations, business associations, boards, commissions, and City Council.
- Developed and coordinated City's inter-departmental environmental

justice initiative.

1992 - 1994 *Environmental Quality Specialist II*
City of Austin - Drainage Utility Department, Austin, Texas

- Senior Investigator in Spills and Complaints Response Program.
- Responded to hazardous and non-hazardous materials spills.
- Investigated citizen pollution complaints regarding residential, industrial, commercial, and government activities, directing responsible parties in remediation and disposal activities.
- Provided technical assistance and direction to other City Departments to assist with compliance with local, State, and Federal environmental regulations.
- Wrote and reviewed technical reports.
- Developed community education materials and gave numerous presentations to community and business organizations, including City Boards and Commissions.
- Created and led the City's East Austin Environmental Initiative, an initiative to coordinate and promote the City of Austin's environmental activities in East Austin and respond to the environmental concerns of this minority community. This project required extensive community relations work with neighborhood associations, East Austin businesses and environmental activist organizations.

1990 - 1992 *Environmental Quality Specialist I*
City of Austin - Environmental & Conservation Services Department,
Austin, Texas

- Worked in multi-dimensional program that included spill and complaint investigation, stormwater monitoring, and small business inspection.
- Responded to hazardous and non-hazardous materials spills, often as first responder.
- Provided technical guidance to emergency responders on environmental protection and regulatory compliance with local, State, and Federal laws.
- Investigated citizen pollution complaints regarding residential, industrial, commercial, and government activities.
- Directed responsible parties in both spills and complaints in remediation and disposal of contaminated media.
- Operated and maintained automated stormwater samplers and collected samples during storm events.
- Inspected small businesses for compliance with pollution prevention regulations.
- Designed and programmed computerized database for investigation tracking and reporting.

1989 *Field Technician*
Texas Parks and Wildlife Commission, Austin, Texas

- Continued work on instream flow project (see below) in cooperation with Lower Colorado River Authority.

- 20 hours per week while attending the University of Texas.

1988 – 1989 *Field Technician*

Lower Colorado River Authority, Austin, Texas

- Worked on instream flow/biological analysis project using a variety of hydrological and biological measurement techniques.
- Performed water sampling on Highland Lakes in ongoing water quality monitoring program.
- 20 hours per week while attending the University of Texas.

EDUCATION

1984 - 1989 University of Texas Austin, Texas
Bachelor of Science, Aquatic Biology

TRAINING

- Hazardous Waste Operations and Response – Technician Level, 40 hour
- Confined Space Entry
- Effective Negotiating Skills
- Hazardous Materials Transportation
- Texas Environmental Law Seminars

ACCREDITATIONS

- Registered Environmental Manager #8025 - National Registry of Environmental Professionals

References available upon Request

MICHAEL KELLY, P.E.
City of Austin
Watershed Protection and Development Review Department
P.O. Box 1088
Austin, Texas 78767- 1088

Mike.Kelly@ci.austin.tx.us

EXPERIENCE

City of Austin
Watershed Protection and Development Review Department
November 1, 1996-Present
Supervising Engineer

1/05-present: Supervising Engineer, Stormwater Treatment and Stream Restoration Section.

Duties: Senior Division Engineer charged with approval of all construction plan sets, analytical reports and design criteria for channel restoration and stormwater treatment projects. Research and adopt hydrologic and hydraulic computer models for in-house design and regulatory review of channel and pond projects. Update regulations to reflect state of science in stormwater treatment devices and erosion and sedimentation controls.

8/2002-1/2005: Lead Engineer for Austin Clean Water Program.

Duties: developed design criteria and procedures to remove sanitary lines from the channel and floodplain wherever practical, and where not practical, ensure design accounts for hydraulic, sediment transport and geomorphic conditions that impact channel stability and pipeline integrity.

11/1996-8/2002: Water Resources Design Engineer.

Duties: Engineered channel design and implementation for major projects to restore channel stability to both bed and banks using Natural Channel Design and Biotechnical Stabilization techniques.

Private Consultant 1996
(Employed by land owner, US Forest Service)

- Designed and installed system to repair levee and dam for millpond
- Designed and installed plans for drainage basin restoration, slope stabilization and channel restoration on US Forest Service lands impacted by logging roads
- Supervised construction crews during installation of both projects

Wisconsin Department of Natural Resources 1995
Bureau of Water Regulation and Zoning
Engineer Assistant

- Performed hydraulic and hydrologic modeling for floodplain
 - determinations, dam safety, detention pond design and in-stream structure design
 - Performed surveys, dam safety inspections and hydraulic capacity analyses
 - Reviewed streambank stabilization plans

University of Wisconsin- Madison
Graduate Research Assistant 1994-1996

- Responsible for maintenance and data collection/analysis on wetland constructed to treat dairy milkhouse wastewater
- Authored annual reports and journal articles on research status

Wisconsin Department of Natural Resources 1994
Bureau of Water Resource Management,
Non-point Source Pollution Unit Engineer Assistant

- Authored chapter on Stormwater Infiltration Best Management Practices
- Developed technical report as basis for Animal Waste Regulations
- Created precipitation input files for use in Stormwater Management Model

EDUCATION

University of Wisconsin-Madison August, 1996
MS Agricultural Engineering
Soil & Water Resources Concentration

University of Wisconsin-Milwaukee Spring, 1994
Engineering Course Requirements for Agricultural Engineering MS Program

Austin Community College January, 1992- January, 1994
Pre-Engineering

University of Wisconsin-Madison September, 1984 - May, 1988
Bachelor of Arts: Psychology
Graduated with Distinction and Honors

AREAS OF EXPERTISE

Open Channel Hydraulics, Sediment Transport in relation to Stream Mechanics

Stormwater Management for Water Quality and Quantity

Construction Phase Erosion and Sedimentation Management

Slope Stability of Embankments

ACTIVITIES & REGISTRATIONS

Professional Engineer (TX #87774) 02/09/01

- Member American Society of Civil Engineers
- Dripping Springs Planning and Zoning Commissioner 2002-2003
- Alpha Epsilon (Agricultural Engineering Honor Society) 1995-96 Vice President

PUBLICATIONS & PRESENTATIONS

Byars, Morgan S. and Michael P. Kelly, "Sediment Transport in Urban Stream"

- Rehabilitation," Proceedings from American Society of Civil Engineers
- Wetlands Engineering and River Restoration Conference, Reno, NV, August 27-31, 2001. Resulted in receiving the ASCE Hawley Award for Technical Papers.

Instructor for courses in channel restoration and slope stability for the following organizations:

- University of Wisconsin-Madison, Dept. of Engineering Professional Development
- United States Army Corps of Engineers
- American Society of Civil Engineers

Gregory I. Guernsey, A.I.C.P.

Gregory I. Guernsey, A.I.C.P., Director
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

EXPERIENCE

February 2006
to Present

Director, Neighborhood Planning and Zoning Department, City of Austin, Texas.

Responsible for a department consisting of 63 employees and an annual operating budget of \$5.3 million dollars. The department administers the City's comprehensive plan, neighborhood plans, long range transportation plans, zoning, historic preservation, annexation, great streets and urban design programs.

April 2005-
January 2006

Assistant Director, Neighborhood Planning and Zoning Department, City of Austin, Texas.

Managed division activities and develop and establish goals, priorities and operational procedures. Interpret and enforce City policies and procedures, zoning regulations and related ordinances.

May 2001-
March 2005

Development Services Manager, Neighborhood Planning and Zoning Department, City of Austin, Texas. Responsible for the management and coordination of zoning, land use, and land development related matters for City Council consideration.

June 1997-
May 2001

Principal Planner, Neighborhood Planning and Zoning Department/Development Review and Inspection Department, City of Austin, Texas. Responsible for the management and coordination of zoning, land use, and land development related matters for City Council consideration.

June 1995 -
June 1997

Principal Planner, Development Review and Inspection Department, City of Austin, Texas. Manager land use review teams for zoning, historic zoning, subdivision, sign, alcoholic beverage permit, and Board of Adjustment variance applications. Lead planner responsible for the Planning Commission, Zoning Board of Adjustment, Sign Review Board, and the Historic Landmark Commission.

May 1993-
June 1995

Senior Planner, Department of Planning and Development, City of Austin, Texas.

Reviewed site plans and development application and assisted the public with the City of Austin's land development process and the Land Development Code.

Gregory I. Guernsey, A.I.C.P.

February 1988-
April 1993

Senior Planner/Planning Coordinator, Department of Planning and Development/Planning Department, City of Austin, Texas. Case manager responsible for the processing and coordination of administrative site plans, Planning Commission, and City Council approved site plan applications and zoning cases.

March 1987-
February 1988

Planner III, Office of Land Development Services, City of Austin, Texas. Case manager responsible for the processing and coordination of administrative, Planning Commission, and City Council approved site plan applications and zoning cases.

June 1985-
March 1987

Planner II, Office of Land Development Services, City of Austin, Texas. Case manager responsible for the processing and coordination of administrative site plan applications.

June 1983-
June 1985

Planner II, Department of Planning and Transportation, City of Galveston, Texas.

Responsible for the administration and creation of amendments to the City's Zoning Ordinance, Subdivision Ordinance, Beach and Dune Management Master Plan, and Oil and gas Master Plan

September 1982-
May 1983

Planning Intern, Department of Urban Transportation, City of Austin, Texas. Researched and wrote a draft pamphlet entitled a "Citizen's Guide to City Traffic" and conducted vehicle windshield and traffic count surveys.

February 1982-
May 1983

Research Assistant, School of Architecture, University of Texas at Austin, Texas.

Researched various structural and non-structural land use techniques to manage development over the Southern Edwards Aquifer Recharge Zone in central Texas.

June 1982-
August 1982

Planning Assistant, Department of Community Development, Mentor, Ohio. Collected analyzed and forecasted population and housing data for an update to the City's Comprehensive Plan. Assisted in the formulation of standards for conditional use permits. Reviewed sign permit and residential permits for compliance with the City's Zoning Ordinance.

June 1981-
August 1981

Planning Assistant, Department of Community Development, Mentor, Ohio. Collected, mapped and analyzed land use and transportation data for an update to the City's Comprehensive Plan. Other duties included research and preparation of support information for the Planning Commission and the Zoning Board of Appeals.

June 1980-
August 1980

Planning Intern, Planning Department, Ann Arbor, Michigan.

Assisted in the creation of the Park, Recreation and Open Space Plan. Duties included research and analysis of various park plans, conducting on-site inventories surveys, designing preliminary park improvement site plans, and presentations before the Planning Commission and neighborhood associations.

EDUCATION

Master of Science in Community and Regional Planning, School of Architecture, The University of Texas, Austin, Texas. May 1983.

Bachelor of Science in Urban Planning, School of Planning and Landscape Architecture, Michigan State University, East Lansing, Michigan. June 1981.

PROFESSIONAL ACTIVITIES

Member of the American Institute of Certified Planners
Member of the American Planning Association
Member of the Urban Land Institute
1991-1993 State Board Member, Texas Chapter, APA
1991-1993 Director, Central Texas Section, Texas Chapter, APA
1992 Texas-Louisiana State Planning Conference Coordinator