

**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**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S
FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS, AND REQUESTS FOR ADMISSIONS
TO THE TCEQ EXECUTIVE DIRECTOR**

To: Executive Director of the Texas Commission on Environmental Quality, by and through his attorneys of record, Steve Shepherd and Susan White, Environmental Law Division (MC-173), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

Applicant BFI Waste Systems of North America, LLC serves its First Set of Interrogatories and Requests for Production of Documents and Things on the Executive Director of the Texas Commission on Environmental Quality pursuant to Rules 196 and 197 of the Texas Rules of Civil Procedure and the ALJ's Order No. 1. The interrogatories are to be answered separately and fully in writing under oath. These interrogatories and requests are continuing in character so as to require you to file supplemental answers and responses if you obtain further or different information or locate additional responsive documents or things prior to trial.

Respectfully submitted,

By: Paul G. Gosselink / by per JEC
Paul G. Gosselink
Texas Bar No. 08222800

LLOYD, GOSSELINK, ROCHELLE & TOWNSEND, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
Phone: (512) 322-5800
Fax: (512) 472-0532

**ATTORNEYS FOR APPLICANT
BFI WASTE SYSTEMS OF NORTH
AMERICA, LLC**

OF COUNSEL:

John E. Carlson
Texas Bar No. 00790426

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Interrogatories and Requests for Production of Documents and Things and Requests for Admissions to the Executive Director of the Texas Commission on Environmental Quality was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand-delivery and via e-mail on July 18, 2008:

FOR THE PUBLIC INTEREST COUNSEL:

Christina Mann
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4014
Fax: (512) 239-6377

FOR THE EXECUTIVE DIRECTOR:

Steve Shepherd, Staff Attorney
Susan White, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

REPRESENTING CITY OF AUSTIN:

Holly Noelke and Meitra Farhadi
Assistant City Attorneys
City of Austin Law Department
P. O. Box 1088
Austin, Texas 78767
Tel: (512) 974-2630
Fax: (512) 974-6490

**REPRESENTING NORTHEAST NEIGHBORS
COALITION, WILLIAMS LTD., MARK
MCAFFEE, MELANIE MCAFFEE, ROGER
JOSEPH, AND DELMER D. ROGERS:**

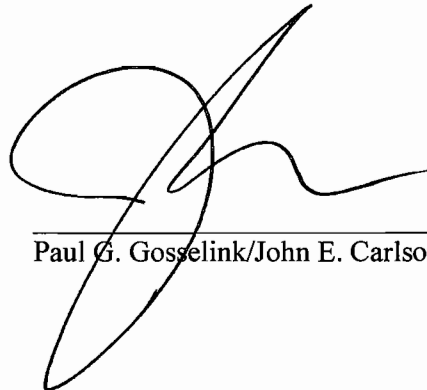
Jim Blackburn
Blackburn and Carter, LLP
4709 Austin Street
Houston, Texas 77004
Tel: (713) 524-1012
Fax: (713) 524-5165

REPRESENTING TJFA, L.P.:

Bob Renbarger and J. D. Head
Fritz, Byrne, Head, & Harrison, LLP
98 San Jacinto Blvd., Suite 2000
Austin, Texas 78701
Tel: (512) 476-2020
Fax: (512) 477-5267

REPRESENTING TRAVIS COUNTY:

Kevin Morse
Assistant Travis County Attorney
Travis County Attorney's Office
P. O. Box 1748
Austin, Texas 78767
Tel: (512) 854-9513
Fax: (512) 854-4808



A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail stroke.

Paul G. Gosselink/John E. Carlson

I. INSTRUCTIONS

1. Your responses to these discovery requests must be served upon the undersigned counsel within the deadlines established by the Texas Rules of Civil Procedure and the ALJ's Order No. 1.
2. Your answers to the interrogatories must be made in writing and under oath.
3. In those instances in which you choose to respond to any of these discovery requests by referring to a specific document or record, the response should be in sufficient detail to permit the requesting party to locate and identify the records and documents from which the answer is to be ascertained.
4. If there are no documents or information responsive to a specific discovery request, please indicate so in your written response.
5. This discovery is continuing in nature, and a demand is made for the supplementation of this discovery as required by the Texas Rules of Civil Procedure.
6. If any documents requested herein have been lost or destroyed, in lieu of a true and correct copy thereof provide a list of such documents lost or destroyed together with the following information: (a) the date or origin of the document; (b) a brief description of the document; (c) the author of the document; (d) the date the document was lost or destroyed; and (e) a brief statement describing the manner in which the document was lost or destroyed.

II. DEFINITIONS

1. "You," "your" and "yours" refer to the Executive Director of the Texas Commission on Environmental Quality and his staff.
2. "Applicant" and "BFI" refers to applicant BFI Waste Systems of North America, LLC.
4. "TCEQ" or "the Commission" refer to the Texas Commission on Environmental Quality.
5. The "Landfill" refers to the Sunset Farms Landfill located at the intersection of Giles Lane and Blue Goose Road approximately five miles east of the intersection of U.S. 290 and I.H. 35 in Travis County, Texas.
6. "Communications" and "correspondence" are used in their broadest sense to encompass any transmission or exchange of information, ideas, facts, data, proposal, or any other matter, whether between individuals or between or among the members of a group, whether face-to-face, by telephone, or by means of written, electronic or other medium.

7. “Describe” or “identify,” when referring to a person, includes information regarding the person’s full name; the present or last known address of the person; the present or last known residential and office telephone numbers of the person.
8. “Describe” or “identify,” when referring to a document means information sufficient to discern the type (*e.g.*, letter, handwritten note) of document; the title of or heading on the document; the date of the document; the identity of the author of the document; and the person or persons who have custody of the document.
9. “Document(s)” or “record(s)” means any writing, recording, or photograph in your actual or constructive possession, custody, care or control, that directly or indirectly concerns, in whole or in part, any matter relevant to the issues in this action, including, but not limited to, paper documents, electronic data, magnetic data, correspondence, memoranda, notes, messages, diaries, minutes, books, reports, drafts, charts, ledgers, invoices, computer printouts, microfilms, videotapes, audio recordings, visual recordings, CD’s, digital photographs, e-mail, graphs, drawings, or any other data compilation from which information can be obtained. Any magnetic or electronic data should be produced in hard copy form.
10. “Relating,” “referring,” and “regarding” include, without limitation, embodying, mentioning, pertaining to, connected with, evidencing, or concerning, directly or indirectly, the subject matter identified.

III. INTERROGATORIES

1. Please identify (by name, address, phone number and title) all persons you intend to call as a witness at the hearing on the merits. (This interrogatory specifically includes all persons whom you reasonably anticipate to use as witnesses for impeachment or rebuttal purposes.)

Answer:

IV. REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Please produce the following documents or things in your possession, custody or control or your constructive possession, custody or control:

1. All documents or things you intend to offer as evidence at the contested case hearing.
2. All documents or things you intend to use as demonstrative exhibits at the contested case hearing.

V. REQUESTS FOR ADMISSION

Admit or deny the following:

1. BFI's application for an amendment to its Type I Municipal Solid Waste (MSW) permit (MSW Permit No. 1447-A) meets all applicable statutory requirements.

Response:

2. The application of BFI for an amendment to its Type I Municipal Solid Waste (MSW) permit (MSW Permit No. 1447-A) meets all applicable regulatory requirements.

Response:

For the purposes of the following two requests, "TCEQ's MSW Regulations" refer to the regulations at Title 30, Chapter 330 of the Texas Administrative Code that were in effect at the time that Sunset Farms Landfill filed its permit amendment application in January 2006.

3. TCEQ's MSW Regulations do not require a landfill applicant to submit a foundation bearing capacity analysis with a new permit application.

Response:

4. TCEQ's MSW Regulations do not require a landfill applicant to submit a foundation bearing capacity analysis with a major permit amendment application.

Response: