

**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 AND REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS TO PIONEER FARMS, WILLIAMS, LTD.,
NORTHEAST NEIGHBORS COALITION, MARK MCAFEE, MELANIE MCAFEE,
ROGER JOSEPH AND DELMER D. ROGERS**

To: Pioneer Farms, Williams, Ltd., Northeast Neighbors Coalition, Mark McAfee, Melanie McAfee, Roger Joseph, and Delmer D. Rogers, by and through the aligned parties' attorney of record, Jim Blackburn, Blackburn & Carter, LLP, 4709 Austin Street, Houston, Texas 77004.

Applicant BFI Waste Systems of North America, LLC serves its First Set of Interrogatories and Requests for Production of Documents and Things on Pioneer Farms, Williams, Ltd., Northeast Neighbors Coalition, Mark McAfee, Melanie McAfee, Roger Joseph, and Delmer D. Rogers 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 /s/ 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 to Pioneer Farms, Williams, Ltd., Northeast Neighbors Coalition, Mark McAfee, Melanie McAfee, Roger Joseph and Delmer D. Rogers 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
MCAFEE, MELANIE MCAFEE, ROGER
JOSEPH, AND DELMER D. ROGERS:**

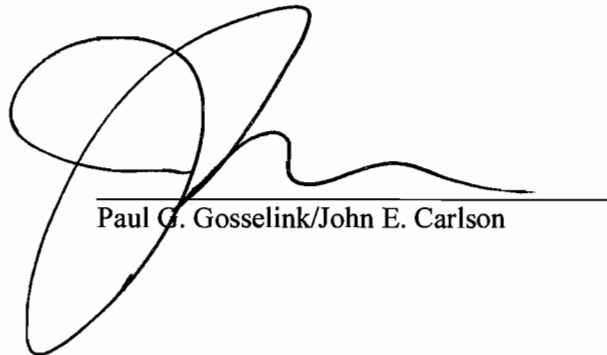
Jim Blackburn
Blackburn and Carter, LLP
4709 Austin Street
Houston, Texas 77004
Tel: (713) 524-1012
Fax: (713) 524-5165

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



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.
7. Interrogatories 19A-24A are to be completed by Pioneer Farms. Interrogatories 19B-25B are to be completed by Williams, Ltd. Interrogatories 19C-25C are to be completed by Northeast Neighbors Coalition. Interrogatories 19D-25D are to be completed by Mark McAfee. Interrogatories 19E-25E are to be completed by Melanie McAfee. Interrogatories 19F-25F are to be completed by Roger Joseph. Interrogatories 19G-25G are to be completed by Delmer D. Rogers. The remaining Interrogatories are to be completed by all parties. If answers to the common questions differ among the parties, separate answers are to be given, and which party is providing each answer should be specified.

II. DEFINITIONS

1. "You," "your," "yours" refer to Pioneer Farms, the historic farm located at 10621 Pioneer Farms Drive, Austin, Texas 78754 in interrogatories 19A-24A; to Williams, Ltd. in interrogatories 19B-25B; to Northeast Neighbors Coalition in interrogatories 19C-25C; to Mark McAfee in interrogatories 19D-25D; to Melanie McAfee in interrogatories 19E-25E; to Roger Joseph in interrogatories 19F-25F; to Delmer D. Rogers in interrogatories 19G-25G. In all other interrogatories, the term refers to each person or entity individually.

2. "Applicant" and "BFI" refers to applicant BFI Waste Systems of North America, LLC.
3. "TJFA" refers to TFJA, L.P. "TDS" refers to Texas Disposal Systems, Inc.
4. "CAPCOG" refers to the Capital Area Council of Governments.
5. "TCEQ" or "the Commission" refer to the Texas Commission on Environmental Quality.
6. "US EPA" refers to the United States Environmental Protection Agency.
7. 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.
8. "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.
9. "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.
10. "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.
11. "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.
12. "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

Interrogatory Nos. 1-18 are directed to Pioneer Farms, Williams, Ltd., Northeast Neighbors Coalition, Mark McAfee, Melanie McAfee, Roger Joseph and Delmer D. Rogers. Each entity/person should provide a separate answer to each interrogatory.

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.) For each witness listed whom you anticipate will provide direct testimony, identify the referred issue(s) that the witness direct testimony is anticipated to be relevant to.

Answer:

2. Please identify any and all real property owned or leased by you or (if applicable) your members that is located either within two (2) miles of the Landfill or that you otherwise contend will be affected by the expansion of the Landfill. For each tract so identified, please describe whether you own or lease the tract and provide the full legal name and address of each person or entity that has any ownership or leasehold interest in the tract; how long you have owned or leased the tract; name of the previous owner(s); and all known past and any current and planned use or uses of the tract.

Answer:

3. Do you contend that BFI's application for the expansion of the landfill fails to satisfy any TCEQ regulation that governs such applications (including but not limited to the agency's "MSW rules" found at 30 TAC §330.1 et seq.)? For any such alleged deficiency, please specify the portion or portions of the application you contend are deficient; the regulation or regulations you contend have not been satisfied or met; and why you contend the application fails to satisfy or meet each such regulation.

Answer:

4. Do you contend that the application contains any "fatal flaws" not listed in your answer to Interrogatory No. 3 above that warrant denial of the permit amendment for the vertical expansion of the Landfill? (For the purposes of this interrogatory, "fatal flaw" means any legal basis for denying the application.) If so, specify each fatal flaw you contend that the application contains; any statute, law, ordinance, regulation or standard you contend has not been met or satisfied; and the factual and legal bases for your contention that the alleged flaw is fatal to the application.

Answer:

5. For each alleged deficiency you have identified in your answer to Interrogatories Nos. 3 and 4 above, do you contend that the draft permit cannot be cured by a technical revision or special condition such that the permit should be issued by the TCEQ? Please include in your answer the reason or reasons why you contend that the alleged deficiency cannot be cured by a technical revision or special condition.

Answer:

6. Do you contend that BFI or any of its consultants made any incorrect or improper assumptions or calculations in its permit amendment application? If so, please identify (by Part/Attachment/Section/Subsection/Page Number) any assumption you contend was incorrect or improper and state the basis for your contention that the assumption was incorrect or improper.

Answer:

7. Do you contend that the proposed expansion of the Landfill will negatively impact the health of any individual(s)? If so, please identify (by name, address, phone number and relationship to you or your organization) the person or persons whose health you contend will be negatively impacted, the negative health impact or impacts you contend will occur due to the expansion, the specific proposed design feature, condition or activity at the site you contend will cause or contribute to the negative health impact you have identified, the anticipated pathway for exposure between the Landfill and the individual, and provide the legal and factual bases for your contention.

Answer:

8. Do you contend that you or any member of your family (or, alternatively, any member of your organization, employee or guest or invitee to your property) has ever had any illness, sickness, disease or other adverse health effect that is attributable to the Landfill? If so, please identify (by name, age, address and phone number) all persons you contend have become ill, sick or diseased as a result of the Landfill; the nature of the illnesses, sicknesses, diseases or adverse health effects you contend have occurred; the date of any such illness, sickness or disease; whether the persons allegedly affected sought medical treatment; and the diagnoses and outcome of the alleged illness, sickness, disease or other adverse health impact.

Answer:

9. Do you contend that the proposed expansion of the Landfill will cause or create a nuisance or nuisance condition, or will cause or create adverse odors? If so, please identify the nuisance(s) or nuisance condition(s) you contend the expansion will cause or create, the proposed design feature, condition or activity at the site you contend will cause or contribute to a nuisance, nuisance condition, or adverse odors, and state the basis or bases for your contention.

Answer:

10. Do you contend that the Site Operating Plan (SOP) in the permit amendment application, or any provision in the SOP, fails to meet the State's regulatory requirements for site operations or is otherwise inadequate? If so, please identify the provision(s) in the SOP you contend fail to meet the regulatory requirements and/or are otherwise inadequate, and the legal and factual bases for your contention(s).

Answer:

11. Do you contend that the applicant's compliance history warrants denial of the permit amendment application? If so, please identify all events, occurrences or conditions (including but not limited to any Areas of Concern, Notices of Violation (NOVs), Notices of Enforcement (NOEs), final orders or other matters or items related to compliance history) you contend should be considered as a basis for denial of the permit amendment application and the legal and factual basis or bases for your contention.

Answer:

12. Do you contend that the expansion of the Landfill is not compatible with the surrounding land uses? If so, please list or describe any property, properties or areas within two (2) miles of the Landfill that you contend will not be compatible with the expanded Landfill, the current and (if known) planned use or uses for such properties, and the reason or reasons why you contend that the expanded Landfill will be incompatible with such properties.

Answer:

13. Do you contend that the buffer zones and/or landscape screening that have been proposed in the application do not comply with TCEQ's MSW rules (30 TAC §330.1 et seq.) and/or are otherwise inadequate? If so, please identify the location or feature of the proposed buffer zone and/or landscaping that you contend is not adequate or does not comply with agency rules and the legal and factual bases for your contention.

Answer:

14. Do you contend that the roadways in the area of the Landfill are inadequate for any increased traffic caused by the landfill expansion? If so, please provide the legal and factual bases of your contention.

Answer:

15. Do you contend that the expansion of the Landfill will cause drainage problems, either on the site or off the site, or that the drainage plan is inadequate or does not meet the requirements of the rules or statutes relevant to the application? If so, please describe the location where you contend drainage problem(s) will occur, the nature of the drainage problem you contend will occur, the reason you contend the drainage plan is not adequate, and/or the rule or statute that you contend the drainage plan does not meet, and the legal and factual bases of your contention.

Answer:

16. Do you contend that the expansion of the Landfill will cause flooding, erosion or sedimentation problems, either on the site or off the site, or that the erosion plan is inadequate or does not meet the requirements of the rules or statutes relevant to the application? If so, please describe the location where you contend flooding, erosion or sedimentation problem(s) will occur, the nature of the flooding, erosion or sedimentation problem you contend will occur, the reason you contend the erosion plan is not adequate, and/or the rule or statute that you contend the erosion plan does not meet, and the legal and factual bases of your contention.

Answer:

17. Do you contend that the application does not adequately protect groundwater or surface water in the vicinity of the Landfill? If so, describe any inadequacies you contend exist in the application vis-à-vis protection of groundwater or surface water and the legal and factual bases for your contention that groundwater and surface water will not be adequately protected.

Answer:

18. Do you contend that the application should be denied due to the presence or potential presence of birds or vectors at the Landfill? If so, state all legal and factual bases for your contention.

Answer:

Interrogatory Nos. 19A-24A are to be answered by Pioneer Farms only:

19A. Please identify the complete formal name of Pioneer Farms and state whether Pioneer Farms has been incorporated or formed as a partnership, and if so, the date the entity was incorporated or formed, and the state of incorporation or formation.

Answer:

20A. Do you contend that the proposed expansion of the Sunset Farms Landfill will threaten Pioneer Farms' status as a historical landmark? If so, please provide the legal and factual bases for your contention.

Answer:

21A. Do you contend that the operation of the Sunset Farms Landfill or the Austin Community Landfill that is located south of the Sunset Farms Landfill have negatively affected the operation of your facility in any way over the past ten (10) years? If so, please describe the activities or conditions of your facility that you contend have been adversely affected by the landfills, what you contend caused the adverse effects, when such adverse effects occurred, and which landfill you attribute the adverse effects to.

Answer:

22A. Do you contend that the Landfill will be visible from the Pioneer Farms property if the application is approved? If so, please state whether the Landfill is currently visible from Pioneer Farms; the area or areas of the property where you contend the Landfill will be visible from as the expansion proceeds, your use or uses of any such area(s); and the height of the landfill at which you contend it will become visible from your property.

Answer:

23A. Do you contend that the continued presence or expansion of the Landfill will diminish or impair your business or the value of your property, or conversely, that the denial of the permit for the expansion will enhance your business or value of your property? If so, please state whether you contend that the impairment is based on the presence or expansion of the Landfill, the reason(s) that you contend the landfill will impair your business, whether any party expressing an interest in holding an event at the Barr Mansion cited the existence of the Sunset Farms landfill as a reason for later deciding not to hold their event at the Barr Mansion, how far in advance the Barr Mansion is reserved as of the date of the response, and the legal and factual bases for your contention.

Answer:

- 24A. Please identify (by date, name and address of complainant, and nature of complaint) any complaints made by you, your agents or representatives during the past ten (10) years regarding the Sunset Farms Landfill, the operation of the Landfill, or any event or condition associated with the Landfill to BFI, Allied Waste, TCEQ, US EPA, Travis County, the City of Austin, the State of Texas (including any of its agencies), the federal government (including any of its agencies) or the press. (Note: If you or any testifying expert designated by you will be referring to or relying upon any such complaint made more than ten years ago for any purpose in this case, please identify all such complaints.)

Answer:

Interrogatory Nos. 19B-25B are to be answered by Williams, Ltd. only:

- 19B. Please state when Williams, Ltd. was incorporated or formed, provide the state of incorporation or formation, and the identity of the person who incorporated or formed the corporation or partnership.

Answer:

- 20B. Please identify (by name, address, phone number and title) all persons or entities who have an ownership interest in Williams, Ltd. and state the percentage interest owned by that person or entity.

Answer:

- 21B. For each tract of land identified in your answer to Interrogatory No. 2 above, please state the current use or uses of the property and any planned or projected use or uses for the property.

Answer:

- 22B. Do you contend that the expansion of the landfill will diminish or impair the value of any tract identified in your answer to Interrogatory No. 2 above or, conversely, that the denial of the permit for the expansion will enhance the value of any such tract? If so, please state the legal and factual bases for your contention.

Answer:

23B. Please identify (by name, address, phone number and title) the person or persons who have the most knowledge about Williams, Ltd., its formation, its properties and its business plan.

Answer:

24B. Do you contend that the expansion of the Landfill will diminish or impair your business or, conversely, that the denial of the permit for the expansion will enhance your business? If so, please state the legal and factual bases for your contention.

Answer:

25B. Do you contend that the operation of the Sunset Farms Landfill or the Austin Community Landfill that is located south of the Sunset Farms Landfill have negatively affected the operation of your facility in any way over the past ten (10) years? If so, please describe the activities or conditions of your facility that you contend have been adversely affected by the landfills, what you contend caused the adverse effects, when such adverse effects occurred, and which landfill you attribute the adverse effects to.

Answer:

Interrogatory Nos. 19C-25C are to be answered by Northeast Neighbors Coalition only:

19C. Is Northeast Neighbors Coalition formed as a legal entity such as a corporation or partnership? If so, please identify the formal name of the entity, the date the association was incorporated or formed, and the state of incorporation or formation.

Answer:

20C. Does Northeast Neighbors Coalition have a written charter, mission statement or other document which sets forth the stated mission, purpose or goals of the organization, including any bylaws? If so, please describe (by document name, date and author) the document or documents that describe the organization's stated mission, purpose or goals. If not, please describe the purpose of the organization, when this purpose was established, and who established or participated in the establishment of this purpose.

Answer:

21C. Please identify (by name, address, phone number and title) all members, persons or entities who have served as board members, directors and officers of Northeast Neighbors Coalition in the past five (5) years.

Answer:

22C. Does Northeast Neighbors Coalition have any geographic boundaries relating to inclusion in its organization? If so, please identify the boundary lines and any document or documents which define or describe the organization's geographic boundaries.

Answer:

23C. Please list (by name, address, phone number and membership status) any individual members of Northeast Neighbors Coalition who you contend would have individual standing as party-protestants in this proceeding and their basis for such standing.

Answer:

24C. Please identify (by proceeding or permit number, applicant, permit type and permitting authority) all prior or pending civil lawsuits and contested case hearings during the past ten (10) years in which Northeast Neighbors Coalition or any of its members has been admitted as a party or has sought to be a party. For any such lawsuit or contested case hearing in which Northeast Neighbors Coalition sought but was denied party status, please explain the basis or bases for such denial.

Answer:

25C. Please describe any connection between your organization, Trek English and the Northeast Action Group – including but not limited to common members, shared facilities and/or shared or common sources of funding.

Answer:

Interrogatory Nos. 19D-24D are to be answered by Mark and Melanie McAfee only:

19D. Is the Barr Mansion owned by a legal entity such as a corporation or partnership? If so, please identify the formal name of the entity, the date the association was incorporated or formed, and the state of incorporation or formation.

Answer:

20D. Please identify (by name, address, phone number and title) all persons or entities who have an ownership interest in the Barr Mansion business and state the percentage interest owned by that person or entity.

Answer:

21D. Do you contend that the continued presence or expansion of the Landfill will diminish or impair your business or the value of your property, or conversely, that the denial of the permit for the expansion will enhance your business or value of your property? If so, please state whether you contend that the impairment is based on the presence or expansion of the Landfill, the reason(s) that you contend the landfill will impair your business, whether any party expressing an interest in holding an event at the Barr Mansion cited the existence of the Sunset Farms landfill as a reason for later deciding not to hold their event at the Barr Mansion and the particular facts supporting this contention, how far in advance the Barr Mansion is reserved as of the date of the response, and the legal and factual bases for your contention.

Answer:

22D. Please identify any and all historical designations that pertain to your property. For each such designation, identify the official name or type of designation, the agency or entity that has issued the designation, and the date the designation was made.

Answer:

23D. Do you contend that the operation of the Sunset Farms Landfill or the Austin Community Landfill that is located south of the Sunset Farms Landfill have negatively affected the operation of your facility in any way over the past ten (10) years? If so, please describe the activities or conditions of your facility that you contend have been adversely affected by the landfills, what you contend caused the adverse effects, when such adverse effects occurred, and which landfill you attribute the adverse effects to, and how you know which Landfill to attribute the problem to?

Answer:

24D Please identify (by date, name and address of complainant, and nature of complaint) any complaints made by you, your agents or representatives during the past ten (10) years regarding the Sunset Farms Landfill, the operation of the Landfill, or any event or condition associated with the Landfill to BFI, Allied Waste, TCEQ, US EPA, Travis County, the City of Austin, the State of Texas (including any of its agencies), the federal government (including any of its agencies) or the press. (Note: If you or any testifying

expert designated by you will be referring to or relying upon any such complaint made more than ten years ago for any purpose in this case, please identify all such complaints.)

Answer:

Interrogatory Nos. 19E-20E are to be answered by Roger Joseph and Delmer Rogers only:

- 19E. Do you contend that the continued presence or expansion of the Landfill will diminish or impair your business or the value of your property, or conversely, that the denial of the permit for the expansion will enhance your business or value of your property? If so, please state whether you contend that the impairment is based on the presence or expansion of the Landfill, the reason(s) that you contend the landfill will impair your business, and the legal and factual bases for your contention.

Answer:

- 20E Please identify (by date, name and address of complainant, and nature of complaint) any complaints made by you, your agents or representatives during the past ten (10) years regarding the Sunset Farms Landfill, the operation of the Landfill, or any event or condition associated with the Landfill to BFI, Allied Waste, TCEQ, US EPA, Travis County, the City of Austin, the State of Texas (including any of its agencies), the federal government (including any of its agencies) or the press. (Note: If you or any testifying expert designated by you will be referring to or relying upon any such complaint made more than ten years ago for any purpose in this case, please identify all such complaints.)

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.

RFP Nos. 1-22 are directed to Pioneer Farms, Williams, Ltd., Northeast Neighbors Coalition, Mark McAfee, Melanie McAfee, Roger Joseph and Delmer D. Rogers. Each entity/person should produce any and all documents and things responsive to these requests.

1. Deeds for any and all real property owned by you or (if applicable) your members that is located either within two (2) miles of the Landfill or is property that you otherwise contend will be affected by the expansion of the Landfill.

Response:

2. Lease agreements for any and all real property leased by you or (if applicable) your members that is located either within two (2) miles of the Landfill or is property that you otherwise contend will be affected by the expansion of the Landfill.

Response:

3. If you have either purchased, sold or offered to sell any tract identified in your answer to Interrogatory No. 2 in the past ten (10) years:
 - a) copies of any sale/purchase agreement(s);
 - b) documents reflecting any listing price for the property; and
 - c) documents reflecting the amount of any offer made on the property.

Response:

4. Copies of any appraisals that have been made on any tract identified in your answer to Interrogatory No. 2 above in the past ten (10) years.

Response:

5. Any and all correspondence (including e-mails) between you and any of the following persons or entities regarding the permit amendment application, the draft permit, the proposed expansion and/or the operation of landfill:
 - a) TCEQ;
 - b) Texas Department of Transportation
 - c) Texas Parks & Wildlife Department;
 - d) United States Environmental Protection Agency (US EPA);
 - e) Federal Aviation Administration
 - f) U.S. Fish & Wildlife Service;
 - g) Travis County;
 - h) the City of Austin (including but not limited to the City's Department of Solid Waste and any department, board or commission);
 - i) Capital Area Council of Governments (CAPCOG);
 - j) any federal, state or local elected official;
 - k) any other party to this proceeding;
 - l) any business competitor of the Applicant or Allied Waste/BFI (including but not limited to Texas Disposal Systems, Inc. and Waste Management);
 - m) Bob Gregory, Jim Gregory or Dennis Hobbs;
 - n) Texas Campaign for the Environment;

- o) any daily or weekly newspaper (including but not limited to the Austin American-Statesman and the Austin Chronicle).
- p) Trek English;
- q) Joyce Best;
- r) Northeast Action Group;
- s) Lone Star Chapter of the Sierra Club
- t) Neil Carmen;
- u) Walnut Place Neighborhood Association;
- v) Joyce Thoresen;
- w) Chimney Hills Home Owner's Association;
- x) Walnut Creek Home Owner's Association; and
- w) any and all testifying experts disclosed by any party, including but not limited to Bob Kier and Pierce Chandler.

Response:

- 6. Any and all public comments regarding the proposed expansion that were prepared and/or filed on your behalf (or, if applicable, on behalf of your members) and provided to the TCEQ, US EPA, Travis County, the City of Austin, CAPCOG, any federal, state or local elected official, or the press.

Response:

- 7. Any and all documents reflecting or referring to any and all citizen complaints that were made to BFI, Allied Waste, the State of Texas (or any of its agencies), the federal government (or any of its agencies), Travis County, the City of Austin in connection with the Landfill or its operation in the past ten (10) years. (Note: If you or any testifying expert designated by you will be referring to or relying upon any such complaint made more than ten years ago for any purpose in this case, please produce copies of documents reflecting or referring to any and all such complaints.)

Response:

- 8. If your answers to Interrogatories Nos. 7 & 8 above were anything other than an unconditional "no," please sign the attached HIPAA-compliant release for the release of medical records from each health care provider listed in your answers to Interrogatories Nos. 7 & 8 for any individual who contends that he or she has suffered negative health impacts due to the Landfill during the past ten (10) years or who contends that he or she will suffer negative health impacts due to the proposed expansion.

Response:

9. Any and all photographs, videos, sketches, diagrams, models, drawings or simulations of:
- a) the Sunset Farms Landfill (including any aspect of its facilities and operations);
 - b) any waterway within two (2) miles of the Landfill that you contend is impacted by the Landfill;
 - c) any roadway within five (5) miles of the landfill that you contend is impacted by the Landfill;
 - d) any waste haul vehicles traveling to or from the Landfill;
 - e) any alleged impact of the Landfill or its operation on any person or property (including but not limited to any property owned or leased by you);
 - f) any public meeting or presentation regarding the Landfill or the proposed expansion;
 - g) any alleged flooding, erosion or sedimentation caused by or attributable to the Landfill;
 - h) birds or vectors in the vicinity of the Landfill; and
 - i) matters or things pertaining to any issue that has been referred to Contested Case Hearing.

Response:

10. Any and all documents regarding, referring and/or relating to any site visits, inspections or investigations that were performed by any federal, state or local governmental investigator or inspector at the Landfill in the past ten (10) years. (Note: If you or any testifying expert designated by you will be referring to or relying upon any such site visits, inspections or investigations which occurred more than ten years ago for any purpose in this case, please produce copies of documents reflecting or referring to any and all such site visits, inspections or investigations.)

Response:

11. Any and all studies or reports in your possession custody or control that were prepared by or for you, your members (if applicable), TCEQ, EPA, Travis County, and/or the City of Austin, pertaining to the Landfill, its operation, or the proposed expansion.

Response:

12. Any and all newspaper, magazine, newsletter, or community publication articles in your possession custody or control regarding the Landfill or the proposed expansion.

Response:

13. Any and all video or audio recordings of local news reports regarding the Landfill or the proposed expansion in your possession custody or control.

Response:

14. Any and all analyses, samples, test results, studies, memoranda, reports, notes, charts, lists, drawings, sketches, calculations, models, simulations, lists, photos, videos, correspondence, etc., in your possession, custody or control that pertain to any of the following issues that have been referred to Contested Case Hearing:

- a) drainage design (existing or proposed);
- b) vectors and/or vector control;
- c) groundwater or surface water / contamination of groundwater or surface water;
- d) odors and/or odor management at the site;
- e) landfill gas;
- f) slope stability;
- g) spillage of waste or windblown waste;
- h) groundwater monitoring;
- i) operating life or rate of solid waste deposition;
- j) closure and post-closure of the site;
- k) management or disposal of special waste at the site;
- l) the owner, operator, responsible parties and qualified personnel at the Landfill;
- m) management or disposal of unauthorized wastes;
- n) transportation/traffic in and around the site;
- o) dust control and maintenance of access roads;
- p) endangered or threatened species, and/or habitat;
- q) adequacy of landfill cover;
- r) the Applicant's compliance history and/or the calculation of same;
- s) fires and/or adequacy of fire protection;
- t) adequacy of financial assurance;
- u) compatibility of the Landfill with other land uses;
- v) landfill buffer zones and/or landscape screening;
- w) impacts or effects (whether past, current or prospective) of the Landfill or the proposed expansion on the health of any person or persons, or on the general population;
- x) operational hours of the Landfill;
- y) adequacy of erosion control;
- z) storage, treatment and disposal of contaminated water at the Landfill; and
- aa) nuisance/nuisance conditions at or near the Landfill;

Response:

15. Any photos or videos of the Landfill or the areas surrounding the Landfill (including roadways within five miles of the landfill) you have taken or that you have provided to

any expert or that has been provided to you or that you intend to use as an exhibit, to offer as evidence in this contested case hearing, or that you reasonably anticipate offering in rebuttal in this contested case hearing.

Response:

16. Any models, simulations, animations or visual representations of the proposed landfill expansion (including but not limited to any line-of-sight visualizations and any groundwater models).

Response:

17. All studies, appraisals, calculations or similar documents regarding any economic impact that you contend the Landfill will have on your property or business – including but not limited to impacts from approval of the application, expansion of the Landfill, denial of the application, and early closure of the Landfill.

Response:

18. All studies, maps, photographs, communications and documents that indicate past uses of any property described in your answer to Interrogatory No. 2.

Response:

19. All studies, maps, photographs, communications and documents that support your contention of planned uses of any property described in your answer to Interrogatory No. 2.

Response:

20. Any witness statements.

Response:

21. All documents or things you intend to offer as evidence at the contested case hearing.

Response:

22. All documents or things you intend to use as demonstrative exhibits at the contested case hearing.

Response:

RFP Nos. 23-29 are directed to Pioneer Farms, Northeast Neighbors Coalition and Williams, Ltd.:

23. Your articles of incorporation, charter and/or constitution.(as applicable)

Response:

24. Your certificate of incorporation or formation (as applicable).

Response:

25. Your bylaws and any amendments thereto.(as applicable)

Response:

26. Your partnership agreement (if applicable) plus any amendment thereto.

Response:

27. Any board or partnership resolutions pertaining to the Landfill or the proposed expansion.

Response:

28. Any list, roster, spreadsheet, table, chart or similar document identifying your members, board members and management.

Response:

29. Documents identifying or reflecting any persons or entities who have served as board members, directors or officers of your organization in the past five years

Response:

RFP Nos. 30-34 are directed to Pioneer Farms and Mark and Melanie McAfee only:

30. Documents reflecting, referring or relating to any historical landmark designations pertaining to any tract identified in your answer to Interrogatory No. 2 above.

Response:

31. Brochures, pamphlets and advertisements for any activities, events, functions or services you sponsor or provide on your property (Pioneer Farms or Barr Mansion)

Response:

32. Documents reflecting, referring or relating to any:

- (a) complaints from any volunteers, employees or guests (invitees) pertaining to the Landfill or any aspect of its operations; and
- (b) cancellations of events on your property attributed to the Landfill or any aspect of its operations.

Response:

33. All studies, reports or analyses regarding whether the Landfill will be visible from your property.

Response:

34. Business records for the last ten (10) years that would tend to prove or disprove your allegation that the Landfill and/or the Landfill expansion will harm your business, including but not limited the following:

- a) income statements;
- b) balance sheets;
- c) statements of changes in financial position; and
- d) records showing reservations, billings and bookings for your facilities and requests for reservations.

Response:

RFP Nos. 35-38 are directed to Northeast Neighbors Coalition only:

35. Any written mission statement, charter or other document reflecting the purpose, policies or goals of Northeast Neighbors Coalition.

Response:

36. All other documents reflecting or explaining Northeast Neighbors Coalition's mission, purpose, policy or goals.

Response:

37. Documents establishing the criteria, rules or guidelines for obtaining and maintaining membership in Northeast Neighbors Coalition.

Response:

38. Any list, roster, spreadsheet, table, chart or similar document identifying any member or members of Northeast Neighbors Coalition whom you contend would have individual standing as party-protestants in this contested case proceeding.

Response:

**AUTHORIZATION FOR DISCLOSURE OF
PROTECTED HEALTH INFORMATION**

I authorize the use/disclosure of health information about me as described below.

1. Person(s) or class of persons authorized to disclose the information:

2. Person(s) or class of persons to whom the information may be disclosed:

Paul G. Gosselink
Lloyd, Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
Phone: (512) 322-5800

3. Description of information to be disclosed regarding treatment, hospitalization and/or outpatient care, including, but not limited to, psychological or psychiatric treatment, drug abuse, alcoholism, sickle cell anemia, acquired immunodeficiency virus (HIV) as specified:

All medical records and reports, patient information and history forms, x-rays, x-ray reports, insurance records, health care providers' reports and consultations, prescriptions, off-work slips, therapy records, lab reports, notes, other providers' notes and tests and any and all billing records.

4. The information will be used/disclosed for the following purposes: Use for discovery purposes and as evidence in the lawsuit styled:

SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW; *In re the Application of BFI Waste Systems of America, LLC*; Permit No. MSW-1447-A

5. I understand that the health information described above may be redisclosed and no longer protected by federal and state privacy regulations.

