

**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 TJFA, L.P.**

To: TJFA, L.P., by and through its attorneys of record, Bob Renbarger and J. D. Head, FRITZ, BYRNE, HEAD, & HARRISON, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701

Applicant BFI Waste Systems of North America, LLC serves its First Set of Interrogatories and Requests for Production of Documents and Things on TJFA, L.P. 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 Gosselink / by Perm JEC
Paul G. Gosselink
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**ATTORNEYS FOR APPLICANT
BFI WASTE SYSTEMS OF NORTH
AMERICA, LLC**

OF COUNSEL:

John E. Carlson
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing discovery requests were 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:

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**REPRESENTING NORTHEAST NEIGHBORS
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JOSEPH, AND DELMER D. ROGERS:**

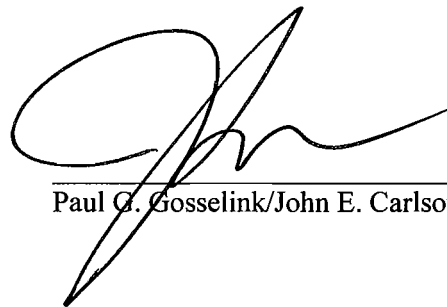
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Paul G. Gosselink/John E. Carlson

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," "yours" and "TJFA" refer to TFJA, L.P. "TDS" refers to Texas Disposal Systems, Inc. "TDSL" refers to Texas Disposal Systems Landfill, Inc.
2. "Affiliate" means any entity in which Texas Disposal Services, Inc. or Texas Disposal Systems Landfill, Inc. is presently either the direct or indirect owner of any beneficial interest.
3. "Applicant" and "BFI" refers to applicant BFI Waste Systems of North America, LLC.
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.
13. “ETJ” means the extraterritorial jurisdiction of the City of Austin.

III. INTERROGATORIES

1. Please identify (by name, address, phone number and title) all persons who participated in answering these interrogatories or provided any documents responsive to the requests for production.

Answer:

2. Please provide the following information regarding your company as of the date of the jurisdictional hearing in this Contested Case Hearing (May 8, 2008): the names, titles and business addresses, phone numbers and e-mail addresses of any and all persons responsible for the management of your company; your physical office address or location (including any suite or office number); your physical mailing address; any post office box mailing address used by your company; your company's main office telephone number; your main office facsimile number; and your company's website address.

Answer:

3. Describe the nature of any legal, business or other relationships between TJFA, L.P. and each of the following persons or entities: Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc., Texas Landfill Management, LLC, Texas Organic Products, Garden-Ville, Garra de Aguila, Inc., Bob Gregory, Jim Gregory and Dennis Hobbs. This interrogatory specifically requests, but is not limited to, information regarding common ownership, management and control of any of the corporations, partnerships or entities listed.

Answer:

4. List (by street address, city and county, and deed information such as volume and page number of deed in official county records or property ID number) all properties you have owned, either in whole or in part, in the past five (5) years. For each property listed in your answer, state the date of purchase; the purchase amount; the total acreage of the tract, the present use or uses of the tract (*e.g.*, single-family residential, multi-family residential, commercial, industrial, agricultural, etc.), and the names and addresses of any persons or business who reside on or operate a business on the tract.

Answer:

5. For each property listed in your answer to Interrogatory No. 4 above, state the proximity of the property to the closest landfill; the name of the landfill and its owner and operator; whether the landfill was the subject of planned expansion at any time since you purchased the property; whether you sought or obtained party status in any contested case

hearings involving that landfill since you purchased the property; and the TCEQ and SOAH Docket numbers for any such contested case proceedings.

Answer:

6. As a real estate investment company, have you calculated the expected costs, benefits and rate of return for your challenge to the application and various potential outcomes in this proceeding (*e.g.*, permit granted, permit denied, special conditions imposed, etc.)? If so, provide the rate or rates of return you have calculated and how you calculated any such rate of return.?

Answer:

7. Do you contend that the application for the vertical 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:

8. For each alleged deficiency you have identified in your answer to Interrogatory No. 7 immediately 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 reason why you contend that the draft permit cannot be cured by a technical revision or special condition.

Answer:

9. Do you contend that the application contains any "fatal flaws" not listed in your answer to Interrogatory No. 7 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, guideline or standard you contain 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:

10. Do you contend that, for the purposes of siting and operating an MSW landfill, the soil and groundwater characteristics and conditions at the TDS landfill facility in Creedmoor are different from the soil and groundwater characteristics and conditions at the Sunset Farms Landfill? If your answer is anything other than a categorical "no," describe in detail the differences between the two sites –including but not limited to any geological, geotechnical, geophysical, lithological, stratigraphical, hydrogeological and permeability characteristics and conditions – with respect to the siting and operation of an MSW landfill.

Answer:

11. Do you contend that the Landfill or the proposed expansion of the Landfill will adversely impact or affect groundwater or surface water in the area of the facility? If so, please describe the specific mechanism by which you believe that groundwater or surface water will become adversely affected and the legal and factual bases for your contention.

Answer:

12. Do you contend that the existence of other municipal solid waste (MSW) facilities (whether existing or closed) adjacent to or nearby the Sunset Farms Landfill such as the Austin Community Landfill warrant denial of BFI's application? If so, please list any and all such facilities whose existence warrants denial of this application and the factual and legal bases for your contention that the application should be denied on such grounds.

Answer:

13. Do you contend that the Landfill or the proposed expansion of the Landfill are inconsistent or incompatible with current or anticipated land uses or land use patterns in the vicinity of the facility? If so, describe the land uses or land use patterns you contend that the Landfill or proposed expansion is inconsistent or incompatible with and the legal and factual bases for your contention.

Answer:

14. Do you contend that the Landfill or the proposed expansion of the Landfill are inconsistent or incompatible with any existing or planned roadways or traffic patterns in the vicinity of the facility? If so, describe the roadway(s) or traffic patterns you contend that the Landfill or proposed expansion is inconsistent or incompatible with and the legal and factual bases for your contention.

Answer:

15. Do you contend that the applicant's compliance history warrants denial of the 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 any other matters or items related to the applicant's compliance history) you contend should be considered as a basis for denial of the permit amendment application and the legal and factual bases for your contention.

Answer:

16. Do you contend that the Landfill or the expansion of the Landfill will cause flooding, erosion or sedimentation – either at the facility or off of the site? If so, please describe the location where you contend flooding, erosion or sedimentation will take place, the nature of any flooding, erosion or sedimentation you contend will occur; the cause of any flooding, erosion or sedimentation you contend will take place at that location, the inadequacy of any flood, erosion or sediment control measures proposed in the application pertaining to any such location; and the legal and factual bases for your contention.

Answer:

17. Do you contend that the application fails to adequately provide for slope stability? If so, please describe the specific portion or portions of the application (whether text, appendixes, drawings, charts or calculations) you contend are inadequate, incorrect or improper vis-à-vis slope stability and give the legal and factual bases for your contention that any such portions are inadequate, incorrect or improper.

Answer:

18. Do you contend that the application fails to provide for adequate financial assurance? If so, please describe the specific portion or portions of the application (whether text, appendixes, drawings, charts or calculations) you contend are inadequate, incorrect or improper vis-à-vis financial assurance and give the legal and factual bases for your contention that any such portions are inadequate, incorrect or improper.

Answer:

19. Do you contend that the application fails to adequately provide for the management of landfill gas? If so, please describe the specific portion or portions of the application (whether text, appendixes, drawings, charts or calculations) you contend are inadequate, incorrect or improper vis-à-vis landfill gas and management of landfill gas and give the

legal and factual bases for your contention that any such portions are inadequate, incorrect or improper.

Answer:

20. Do you contend that DEFICIENCIES IN THE ?Landfill's liner warrants denial of the proposed expansion? If so, please describe any deficiency or inadequacy you contend exists with the Landfill's liner; how this liner is materially different from the liners of the TDS landfill in Creedmoor, the Williamson County Landfill near Hutto, or any other landfill in Texas that is situated in the Taylor or Ozan formations and does not have a geosynthetic or geocomposite liner system; why the liners of any such facilities are superior in terms of design, functionality or materials in your estimation to the Sunset Farms Landfill's liner; and give the legal and factual bases for your contentions.

Answer:

21. Do you contend that the proposed expansion of the Landfill will cause or create a nuisance or nuisance condition? If so, please identify each such nuisance or nuisance condition 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 or nuisance condition; and state the legal and factual bases for your contention.

Answer:

22. Do you contend that the application fails to adequately address control of landfill-related odors? If so, please identify the proposed design feature, condition or activity at the site you contend fails to adequately control landfill-related odors; the legal and factual bases for your contention; and what odor control measures, if any, you contend the applicant should or could implement in connection with the expansion to adequately control any such odors.

Answer:

23. Do you contend that the proposed Site Operating Plan (SOP) in the application, or any provision in the proposed SOP, fails to meet TCEQ's regulatory requirements for site operations or is otherwise inadequate? If so, please identify each provision in the proposed SOP you contend fails to meet the TCEQ's regulatory requirements and/or are otherwise inadequate; the regulation or regulations you contend have not been met; and the legal and factual bases for your contention.

Answer:

24. Do you contend that the applicant or any of its engineers or 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:

25. 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:

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. Any organizational chart or charts portraying or describing:
 - a) TJFA;
 - b) Garra de Aguila, Inc.; and
 - c) how TJFA is related to any entity owned or controlled by TDS, TDSL or Bob Gregory.
2. Deeds for any real property listed in your answer to Interrogatory No. 4 above.
3. Any list, chart or spreadsheet that lists any real properties owned by you.
4. Sales/purchase agreements or similar documents that reflect the date of purchase and purchase price of any real property listed in your answer to Interrogatory No. 4 above.
5. Appraisals of any real property listed in your answer to Interrogatory No. 4 above.
6. Documents that contain or reflect any cost/benefit analyses or rate of return calculations pertaining to your challenge of the application and/or the projected impact of your challenge on any real property owned by you.

7. Your partnership agreement (plus any amendments thereto).
8. Your certificate of formation.
9. Your mission statement.
10. Documents that describe or reflect your business model, investment strategies and investment goals – including but not limited to your business plan (if any) and all such documents that pertain to investments in properties located near landfills.
11. Any comments and requests for hearing made by or on behalf of TJFA in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above
12. Any proposals for decisions and final orders issued in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.
13. Copies of any deposition transcripts for any depositions that were taken of any TJFA representative or employee in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.
14. Copies of any deposition transcripts for any depositions that were taken of any testifying or consulting expert witness retained by TJFA in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.
15. Copies of any expert witness reports produced by any testifying or consulting expert witness retained by TJFA in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.
16. Transcripts of the hearing on the merits in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.
17. Copies of any expert reports or transcripts of any deposition or hearings involving TDSL's landfill permit in which that site and facility are compared or contrasted in any way to the Sunset Farms site or facility.
18. Any and all correspondence (including e-mails and attachments thereto) between you or your representatives and employees on the one hand and any of the following persons or entities on the other hand regarding the permit amendment application, the draft permit, the proposed expansion, closure of the Landfill, or any alleged deficiency in the Landfill or its operation:
 - 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 or the City of Austin (or any department, board or commission of either);
 - h) Capital Area Council of Governments (CAPCOG);
 - i) any federal, state or local elected official;
 - j) any other party to this proceeding;
 - k) any business competitor of the Applicant or Allied Waste/BFI (including but not limited to TDS, TDSL and Waste Management);
 - l) Bob Gregory, Jim Gregory or Dennis Hobbs;
 - m) Pierce Chandler or Bob Kier;
 - n) Texas Campaign for the Environment;
 - o) the Sierra Club (including but not limited to its Lone Star Chapter);
 - p) Save Our Springs;
 - q) Joyce Best;
 - r) Trek English;
 - s) Bluebonnet Elementary School or its administrators;
 - t) any neighborhood association for any neighborhood in the vicinity of the Landfill;
or
 - u) any daily or weekly newspaper (including but not limited to the Austin American-Statesman and the Austin Chronicle).
19. Any and all internal TJFA correspondence (including e-mails, but excluding privileged communications between you and your lawyers) regarding the permit amendment application, the draft permit, the proposed expansion, closure of the Landfill, or any alleged deficiency in the Landfill or its operation:
20. Any and all documents reflecting or referring to any and all citizen complaints that were made by anyone to the State of Texas (or any of its agencies), the federal government (or any of its agencies), Travis County or 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.)
21. Any and all studies, analyses or reports in your possession, custody or control that were prepared by or for you, TDS, TDSL, Bob Gregory, any entity owned or controlled by TDS or Bob Gregory, TCEQ, EPA, Travis County or any other party pertaining to the Landfill, its operation, the proposed expansion of the Landfill, closure of the Landfill, or the City's projected disposal capacity if the expansion application is either granted or denied.
22. Any and all studies, analyses or reports in your possession, custody or control or constructive possession, custody or control that compare or contrast any aspect of the location, design or operation of the TDSL landfill in Creedmoor with any of the following MSW landfills:

- a) the Sunset Farms Landfill;
 - b) the Austin Community Landfill in Travis County; or
 - c) the Williamson County landfill in Williamson County (near Hutto).
23. Any photos and videos of the Landfill or the areas surrounding the Landfill (including roadways within two miles of the landfill) taken by you, that you have provided to any expert, or that you intend to use as a demonstrative exhibit offer as evidence in this Contested Case Hearing.
 24. Any photos and videos of the Landfill or the areas surrounding the Landfill (including roadways within two miles of the landfill) that have been provided to you by any of the persons or entities listed in RFP No. 18 above.
 25. Any groundwater or surface water samples – or any reports of same – for any groundwater or surface water collected within one (1) mile of the Landfill. (This request specifically includes but is not limited to any such samples or reports relating to the Applied Materials property that is in your possession, custody or control.)
 26. Any and all documents reviewed or prepared by you in connection with the proposed expansion of the Landfill (other than attorney-client privileged documents) or planned expansion of the Austin Community Landfill that is located immediately to the south of the Landfill
 27. Any and all studies or reports that were prepared by or for TFJA, TDS, TDSL, Bob Gregory, any entity owned or controlled by TDS or Bob Gregory, TCEQ, US EPA, Travis County, the City, or any other party pertaining to the Landfill or its operation or the Austin Community Landfill and its operation.
 28. All reports, studies, analyses or similar documents showing that the Landfill or the Austin Community Landfill have adversely impacted land development, property use or land use within five (5) miles of the Landfill or that the Landfill or the Austin Community Landfill are otherwise incompatible with surrounding land uses.
 29. Any reports, studies, master growth plans, regional or area growth plans (whether or not so named), photographs, diagrams, charts and graphs that discuss growth trends of the area in the vicinity of the Landfill and/or of the City of Austin in general.
 30. All studies, reports, documents or correspondence discussing any impact of the Landfill or the Austin Community Landfill on area growth trends that have been generated or produced in the last ten (10) years.
 31. Copies of any ordinances or regulations restricting, allowing or addressing the siting of landfills within Travis County, the City of Austin, or the City's ETJ.

32. All reports, studies, presentations (Power Point type or otherwise) or other similar documents which have been generated or produced in the last ten (10) years specifying, describing or estimating the future landfill disposal or capacity needs of the City of Austin, Travis County and/or Central Texas.
33. All reports, correspondence or similar documents describing inspections of the Landfill by TCEQ, Travis County or the City of Austin or its contractors, including but not limited to:
 - a) inspections carried out during the construction of all projects associated with the site;
 - b) inspections by City of Austin's Watershed Protection department during routine inspections, and
 - c) complaint-driven inspections performed by TCEQ, Travis County or the City of Austin.
34. Records of all complaints made to TCEQ, Travis County or the City of Austin regarding the Landfill or its operation during the past ten (10) years, and all responses from the TCEQ, Travis County or the City regarding such complaints.
35. All documentation regarding any violation by the Landfill of any federal, state or local groundwater, surface water or air emission pollution standard (for any constituent).
36. Any and all documents which identify, characterize or otherwise reflect, refer or relate to the quality of groundwater under the Landfill or under any property that is located within one (1) mile of the Landfill's permit boundary.
37. Any and all documents which identify, characterize or otherwise reflect, refer or relate to the flow of groundwater (direction, depth, rate of flow and hydrogeologic characterizations) under the Landfill or under any property that is located within one (1) mile of the Landfill's permit boundary.
38. Any groundwater models, animations or simulations (whether computerized or not) of groundwater located at the Sunset Farms Landfill or within one (1) mile of the Landfill's permit boundary.
39. Any documentation of any operational noncompliance with applicable permits that has occurred at the Landfill within the last ten (10) years.
40. 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.)

41. Any models, simulations or visualizations showing the Landfill at its projected elevation if the vertical expansion is shown.
42. Any and all traffic or transportation projections, surveys, plans or counts you contend are applicable to the Landfill and the proposed expansion.
43. Any and all analyses, samples, test results, studies, memoranda, reports, charts, lists, drawings, sketches, calculations, models, simulations, charts, lists, photos, videos, correspondence, etc., in your possession, custody or control that pertain to any of the following issues in this case:
 - 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) 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;
44. All documents or things you intend to offer as evidence at the contested case hearing.
45. 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 requests:

1. Texas Disposal Systems (TDS) is a waste services company that does business in Central Texas.
2. TDS is a competitor of BFI's in the Central Texas market.
3. Bob Gregory is the President of TDS.
4. Bob Gregory has an ownership interest in TDS.
5. TDSL owns a landfill in Travis County.
6. TDSL's landfill competes with the Sunset Farms Landfill in the waste disposal business.
7. Bob Gregory is the President of TDSL.
8. Bob Gregory has an ownership interest in TDSL.
9. Garra de Aguila, Inc. is the general partner of TJFA.
10. Bob Gregory is the President of Garra de Aguila, Inc.
11. Dennis Hobbs is an officer or director of Garra de Aguila, Inc.
12. Dennis Hobbs is an employee of TDS or TDSL.
13. Bob Gregory has a direct ownership interest in Garra de Aguila, Inc.
14. Bob Gregory has an indirect ownership interest in Garra de Aguila, Inc.
15. Bob Gregory is a limited partner of TJFA.
16. Bob Gregory is the only limited partner of TJFA.
17. Dennis Hobbs is the President of TJFA.
18. Dennis Hobbs is an officer or director of TJFA.
19. TJFA has no full-time employees of its own.
20. TJFA has no separate office of its own.
21. TJFA shares office space with TDS, TDSL or affiliates of TDS and TDSL.

22. TJFA has no separate phone line of its own.
23. TJFA has no separate fax line of its own.
24. TJFA shares phone and fax lines with TDS, TDSL or affiliates of TDS or TDSL.
25. TJFA has no separate e-mail addresses or accounts.
26. To the extent that they use e-mail to conduct TJFA business, TJFA's representatives use e-mail addresses associated with TDS, TDSL or affiliates of TDS or TDSL.
27. TJFA shares a post office box number (P.O. Box 17126, Austin, TX 78760) with TDS, TDSL and Garra de Aguila, Inc.
28. TJFA receives funding from TDS, TDSL or affiliates of TDS or TDSL.
29. TJFA wants BFI's application to expand the Sunset Farms Landfill to be denied.
30. Denial of the expansion permit for the Sunset Farms Landfill would likely result in increased volume of waste for disposal at the TDSL landfill.
31. Denial of the expansion permit for the Sunset Farms Landfill would likely result in increased profits for TDSL.
32. It is in TDSL's economic interest that BFI's application be denied.
33. It is in TDS's economic interest that BFI's application be denied.
34. It is in Bob Gregory's economic interest that BFI's application be denied.
35. TJFA purchased a tract of land within one mile of the Sunset Farms Landfill in 2004 (the 5510 Blue Goose Road tract).
36. TJFA purchased the 5510 Blue Boose Road tract so that TJFA could qualify as an affected person or party in connection with BFI's application.
37. TJFA purchased a tract of land within one mile of the Austin Community Landfill in 2004 (the 9900 Springdale Road tract).
38. The Austin Community Landfill is operated by a business competitor of TDS and TDSL's.
39. TJFA has sought affected person or party status in a contested case hearing involving the expansion of the Austin Community Landfill.
40. It is in TDSL's economic interest that the application for the expansion of the Austin Community Landfill be denied.

41. It is in TDS's economic interest that the application for the expansion of the Austin Community Landfill be denied.
42. TJFA purchased a tract of land within one mile of the Williamson County Landfill.
43. The Williamson County Landfill is operated by a business competitor of TDS and TDSL's.
44. TJFA sought affected person or party status in a contested case hearing involving the expansion of the Williamson County Landfill.
45. TJFA purchased a tract of land within one mile of the Comal County Landfill.
46. The Comal County Landfill is operated by a business competitor of TDS and TDSL's.
47. TJFA sought affected person or party status in a contested case hearing involving the expansion of the Comal County Landfill.
48. Denial of the expansion permit for the Sunset Farms Landfill would have significantly greater impact on the profitability of TDSL than it will on the value of TJFA's land near the Landfill.
49. Any increase in the value of the 5510 Blue Goose Road tract arising from denial of the expansion permit for the Sunset Farms Landfill would likely be less than the costs to TJFA of participating in this contested case hearing.
50. Any increase in the value of TJFA's property arising from denial of the expansion permit for the Sunset Farms Landfill would likely be less than the costs to TJFA of participating in this contested case hearing.
51. TJFA is a real estate investment company.
52. TJFA has never turned a profit in any calendar year.
53. TJFA stands for "Texas Justice for All."
54. Garra de Aguila, Inc. is a holding company.
55. Garra de Aguila, Inc. has never turned a profit in any calendar year.
56. TJFA and its affiliates have coordinated opposition to BFI's application with the Texas Campaign for the Environment.
57. TJFA and its affiliates have coordinated opposition to BFI's application with neighborhood associations of neighborhoods in the vicinity of the Sunset Farms Landfill.
58. TJFA and its affiliates have coordinated opposition to expansions of landfills other than

the Sunset Farms Landfill with Texas Campaign for the Environment.

59. TJFA and its affiliates have made efforts to discourage the development of a landfill by the City of Austin in Webberville.
60. Representatives of TJFA and its affiliates have met privately with one or more Travis County officials (whether county judge or county commissioners or management-level staff) to discuss BFI's application.
61. Representatives of TJFA and its affiliates have met privately with one or more City of Austin officials (whether mayor or city council members or management-level staff) to discuss the Sunset Farms application.