

**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

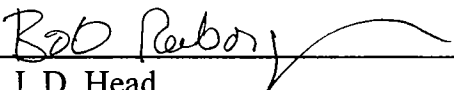
**TJFA, L.P.'s FIRST SET OF INTERROGATORIES,
FIRST REQUESTS FOR PRODUCTION, AND FIRST REQUESTS
FOR ADMISSIONS TO BFI WASTE SYSTEMS OF NORTH AMERICA, LLC**

TO: BFI Waste Systems of North America, LLC, by and through its attorneys of record, Mr. Paul Gosselink and Mr. John E. Carlson, Lloyd, Gosselink, Blevins, Rochell & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701

PLEASE TAKE NOTICE that pursuant to Rules 196, 197, and 198 of TEX.R.CIV.P., TJFA, L.P. ("TJFA"), in the above-styled cause, serve these Interrogatories, Requests for Production, and Requests for Admissions upon you. BFI Waste Systems of North America, LLC ("BFI") must answer each interrogatory in writing and under oath within thirty (30) days after service, must produce all requested documents as they are kept in the ordinary course of business or segregated according to each request, for inspection and copying not more than thirty (30) days after service at the law offices of J. D. Head and Bob Renbarger, and must provide written responses to each request for admission within thirty (30) days after service of such requests.

Respectfully submitted,

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By: 

J. D. Head
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Bob Renbarger
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ATTORNEYS FOR TJFA, L.P.

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing document has been served this 18th day of July, 2008, via e-mail, facsimile transmission or U.S. First Class mail, to the following:

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**BFI WASTE SYSTEMS OF NORTH AMERICA, INC. and
GILES HOLDINGS, L.P.**

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**NORTHEAST NEIGHBORS COALITION; MARK
MCAFEE; MELANIE MCAFEE; ROGER JOSEPH;
DELMER D. ROGERS; WILLIAMS, LTD.; and PIONEER
FARMS**

INSTRUCTIONS

The following instructions and definitions apply to these requests and your responses thereto.

1. These requests are continuing in nature and require supplementary responses if you or your attorney obtain information which reveals that your responses were incorrect or incomplete when made or that your responses are no longer correct or complete.

2. These requests and your responses may be offered in evidence at the hearings of the above cause.

3. Your failure to respond to these requests as required by the Texas Rules of Civil Procedure within the time required may result in sanctions determined by the Administrative Law Judge.

4. Strict compliance with the requirements of Rules 193, 196, 197, and 198 of the Texas Rules of Civil Procedure shall be required. Service of your written responses to these requests, together with any objections, is due from you within 31 days of the date of service of these requests.

5. If you refuse to answer any interrogatory on the grounds that some or all of the requested information is protected or privileged, set forth, in detail, the privilege claimed, the facts upon which you rely to support the claim of privilege, and the scope of said privilege, and proceed to answer with all requested information for which protection or privilege is not claimed.

6. If you have ever had any of the documents requested below in your possession, custody, or control but do not now, you are requested to state the following with respect to each such document:

- a. The present location thereof, if known, or all reasons why you cannot or do not know the location thereof;
- b. The date each such document left your possession, custody, or control;
- c. The reasons why each such document is not now in your possession, custody, or control; and

- d. Names and addresses of all persons having knowledge about the matters inquired about in the immediately preceding paragraphs (a) through (c).

7. If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction and to produce all documents which relate to either the circumstances or the reasons for such destruction.

8. If any document requested herein is withheld under claim of privilege or is not produced for whatever reason, you are instructed (i) to state with specificity the claim of privilege or other reason used to withhold production, and (ii) to identify each such document by date, author, addressee, persons or entities copied, persons or entities who reviewed the document, and subject matter, without disclosing its contents, in a manner sufficient to allow it to be described to the Court for ruling on the privilege or other reason asserted. You are further requested to produce those portions of any such documents which are not subject to a claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted. Also, for each document you claim is not discoverable, state the date of the document; the name, job title, and address of the person who prepared it; the name, address, and job title of the person to whom it was addressed or circulated, or who saw it; the name, job title, and address of the person now in possession of the document; a description of the subject matter of the document; and the present location and the custodian for the document.

9. Each of the requests contained herein is made in accordance with relevant provisions of Rules 193, 196, 197 and 198 of the Texas Rules of Civil Procedure. No request herein should be construed as calling for the following categories of information:

- a. Unless waiver of an existing privilege has occurred or is intended, the work-product of the attorneys for parties who have appeared in this case; and
- b. Documents containing information generated by a non-testifying consulting expert employed by you in anticipation of litigation unless the consulting expert's opinion or impressions have been reviewed by a testifying expert.

As to that information which you contend falls into the categories enumerated above, or is protected from disclosure by any other privilege, counsel should follow the

relevant provisions of Rule 193 concerning presentation of objections to any information requested by these requests.

10. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, if any information responsive to any request for production is in electronic or magnetic format or otherwise exists on computer hard-drive or any other form of electronic data storage, you are instructed to provide such information by downloading true and correct copies of such information on a computer disc (“CD”). If you cannot, through reasonable efforts, provide such information in CD format, you are instructed to download and print true and correct copies of such information from the electronic storage format into hard copies for subsequent production. All such electronic, magnetic or computer information is specifically included within the scope and definition of the term “document” as hereinafter defined.

DEFINITIONS

1. “Applicant,” unless otherwise modified to reflect a different context, refers to BFI Waste Systems of North America, Inc., BFI Waste Systems of North America, LLC, BFI Sunset Farms Landfill, Sunset Farms Landfill and all of their present or former officers, directors, board members, employees, agents, engineers, consultants, experts, representatives, predecessors and all other persons acting in concert with such entities, on their behalf or under their control whether directly or indirectly.

2. “Application,” unless otherwise modified to reflect a different context, refers to the application for a permit amendment for TCEQ MSW Permit No. 1447-A originally submitted August 5, 2005 which is the subject of these proceedings, together with any and all documents, attachments, supplements or other written or electronically disseminated information filed or submitted in support thereto.

3. “BFI” refers to Applicant, as herein defined, and all of its present or former officers, directors, board members, employees, agents, engineers, consultants, experts, representatives, predecessors and all other persons acting in concert with BFI, on its behalf or under its control whether directly or indirectly.

4. “Communication(s)” refers to any oral or written communication of which the Applicant has knowledge, information or belief.

5. “Date” means the exact date, month, and year, if ascertainable, or, if not, the best available approximation.

6. “Document” refers to, without limitation, any book, pamphlet, magazine, circular, bulletin, manual, periodical, written communication, correspondence, resolution,

telegram, letter, message, report, inventory, account, bill of sale, purchase order, bill of lading, shipping order, work order, change order, invoice, check, memorandum, division order, contract, subcontract, agreement, draft, minute, diary, statement, study, analysis, evaluation, worksheet (including any accountant's worksheet), working paper, court paper, paper, transcript, note, pen or pencil notation, schedule, chart, list, log, graph, table, index, instruction, blueprint, drawing, questionnaire, survey, record, photograph, audio or video recording, information generated or stored on a computer disc or hard drive, personal electronic device, computer printout, data compilation, data processing card, microfilm or microfiche or any other writing or recording, however produced or reproduced.

7. "Executive Director" or "ED" refers to the chief administrative officer of the Texas Commission on Environmental Quality ("TCEQ") and all of his present and former employees, deputy directors, managers, agents, consultants, experts, representatives, predecessors and all other persons acting in concert with him, on his behalf or under his control whether directly or indirectly.

8. "Expert" refers to persons who have been consulted, retained or specifically employed by you in any way connected with or related to these permit proceedings, except that a person who will not be called to testify as an expert and whose opinions or impressions have not been and will not be reviewed, in whole or in part, by a testifying expert shall not be considered an expert for purposes of these interrogatories.

9. "Permit," unless otherwise modified to reflect a different context, refers to the authorization granted by the TCEQ to operate the Sunset Farms Landfill, together with any amendments or modifications thereto, for TCEQ MSW Permit No. 1447 as it currently exists and inclusive of the amendments requested in the Application.

10. "Person" refers to any individual, proprietorship, firm, corporation, association, partnership, organization, governmental subdivision or other entity.

11. "Regulatory authority" or "authority" refers to the specific guidance document(s), administrative rule(s), statutory reference(s), TCEQ or Environmental Protection Agency document(s), published study or reference, treatise, textbook or recognized authority consulted, reviewed or relied upon by BFI in support of any element of its application for a permit amendment sought in these proceedings.

12. "Site" or Facility" refers to the BFI Sunset Farms Landfill facility that is referenced in the Application which is the subject of these proceedings.

13. "Statement" includes any written or graphic statement, any stenographic, mechanical, electrical or other recording or transcription thereof which is a substantially

verbatim recital of an oral statement by the person making it and contemporaneously recorded.

14. "TCEQ" refers to the Texas Commission on Environmental Quality and all of its present and former commissioners, executive directors, deputy directors, managers, employees, agents, consultants, experts, representatives, predecessors, and all other persons acting in concert with it, on its behalf or under its control whether directly or indirectly.

15. "You," "Your," or "Yourself" refers to the Applicant, as herein defined, and all of its present and former employees, agents, consultants, experts, representatives, predecessors and all persons acting in concert with it, on its behalf or under its control whether directly or indirectly.

16. When used in reference to an individual or person, "identify" means to state his full name, business affiliation and title, current telephone number, and his present and/or last known business address and personal residence. A request for the "identity" of an individual shall constitute a request for the same information.

17. When used in reference to an entity other than a natural person, "identify" means to state its full name, its assumed name if any, telephone number, the address of its principal place of business, its mode of organization (e.g., corporation, partnership, governmental subdivision, etc.), the names of its principals, if any, and the nature of its business. A request for the "identity" of an entity other than a natural person shall constitute a request for the same information.

18. When used in reference to a document (including any written communication), the terms "identify" and "describe" mean to state the nature and title of the document, its author, its recipient, the date of its preparation, a summary of its contents, its present location and custodian, and a statement of its disposition if it is no longer in the possession, custody or control of the respondent. A request for a "description" or "identification" of a document shall constitute a request for the same information. A true, legible and complete copy of each such document (with a designation of the interrogatory to which it relates) may be affixed to the answers supplied hereto in lieu of such description or identification.

19. When used with reference to an oral communication, the terms "identify" or "describe" mean to state its nature (e.g., telephone call, interview, conversation in person, etc.) the identity (as such term is defined above) of each person participating therein or witnessing any part thereof, its date, its place, and a summary of its substance. Additionally, if there is any written memorandum or other writing evidencing, reflecting or relating to such oral communication, identify or describe such document in accordance with Paragraph E. above. A request for a "description" or "identification" of an oral communication shall constitute a request for the same information.

20. When used in the context of a contention interrogatory, the term “state the basis” means to recite all facts, opinions, arguments and legal theories upon which you rely in support of such contention.

21. Any use of one gender herein is intended to include all genders.

22. Any use of the singular form of grammar herein is intended to include the corresponding plural form as well, and vice versa, where such alteration would contribute either to the accuracy or to the thoroughness of an answer.

INTERROGATORIES

1. Identify each person answering these interrogatories, supplying information to answer these interrogatories, or assisting in any way with the preparation of the answers to these interrogatories and state whether or not each person has read the instructions and “Definitions”.

ANSWER:

2. State the name, address, and telephone number of any person who is or may be called to testify at the contested case hearings for these permit applications.

ANSWER:

3. Identify each and every person, other than your attorneys, who has worked for, consulted with or otherwise assisted BFI in the development of the Application that is the subject of these permit hearings.

ANSWER:

4. Please identify and describe the working face operations in detail including the number of trucks dumped per hour and per day, the method of truck dumping, waste spreading, waste compaction techniques, cover soil application techniques, and cover soil compaction techniques.

ANSWER:

5. If you contend that the design of the leachate collection system described in the Application is adequate, please state the basis for this contention and identify with specificity the regulatory authority relied upon for each component of the leachate collection system.

ANSWER:

6. Please identify and describe how BFI intends to manage the leachate recovered from its leachate collection system.

ANSWER:

7. Please identify and describe how BFI intends to dispose of leachate, contaminated storm water and wastewater generated at the Sunset Farms Landfill.

ANSWER:

8. If you contend that the final cover system contained in the Application is adequate, please state the basis for this contention and identify with specificity the regulatory authority relied upon for each component of the final cover system.

ANSWER:

9. If you contend that the design of the above-grade slopes and berms contained in the Application are adequate, please state the basis for this contention and identify with specificity the regulatory authority relied upon for each component of these systems.

ANSWER:

10. If you contend that the design of the storm water management system contained in the Application is adequate, please state the basis for this contention and identify with specificity the regulatory authority relied upon for each component of such systems.

ANSWER:

11. If you contend that the Subsurface Soils Investigation and Geological Report contained in the Application is adequate, please state the basis for this contention and identify with specificity the regulatory authority relied upon for each component of the report.

ANSWER:

12. If you contend that characterization of groundwater contained in the Application is sufficient, please state the basis for this contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

13. If you contend that the Application demonstrates that natural drainage patterns will not be significantly altered by the expansion, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

14. If you contend that the Application proposes adequate protection of groundwater and surface water, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

15. If you contend that the Application includes adequate provisions to control odors, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

16. If you contend that the Application includes adequate provisions to manage landfill gas, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

17. If you contend that the Application includes adequate provisions for proper slope stability, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

18. If you contend that the Application includes adequate provisions for groundwater monitoring, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

19. If you contend that the Application includes adequate provisions calculating the estimated rate of solid waste deposition and operating life of the Site, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

20. If you contend that the Application includes adequate provisions for daily, intermediate and final cover, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

21. If you contend that the provisions proposed for buffer zones and landscape screening comply with agency rules, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

22. If you contend that the storage, treatment and disposal of contaminated water is adequately addressed in the Application and draft permit, please state the basis for such contention and identify with specificity the regulatory authority relied upon for this contention.

ANSWER:

23. Please identify and describe any and all communications between the Applicant, as defined herein, and any Commissioner of the TCEQ or Mr. Glenn Shankle, its Executive Director that relate to the Application.

ANSWER:

24. If any document responsive to the Requests for Production, served contemporaneously herewith, no longer exists, has been destroyed or is otherwise unavailable for production, please identify each such document and describe the circumstances of its unavailability.

ANSWER:

REQUESTS FOR PRODUCTION

1. Please provide true and correct copies of any and all documents that were received or relied upon in preparing your responses to written discovery served contemporaneously herewith.
2. Please provide true and correct copies of any and all documents indicating the ownership of the Applicant.
3. Please provide true and correct copies of any and all documents indicating ownership of the Facility.
4. Please provide true and correct copies of any and all investigations, analyses, studies, maps, charts, data compilations, or graphs made on behalf of Applicant concerning the Application and/or the Sunset Valley Landfill that have not been filed with the TCEQ for its review.
5. Please provide true and correct copies of any and all correspondence or other documents between Applicant, and/or its current or former directors, officers, employees, or agents and the TCEQ and any other governmental entity referenced in the Application.
6. Please provide true and correct copies of any and all documents containing any Statement, as defined herein, made by Applicant, and/or its current or former directors, officers, employees, or agents related to the Application.
7. Please provide true and correct copies of any and all engineering studies and reports prepared for or by Applicant for matters pertaining to the Application.
8. Please provide true and correct copies of any and all preliminary design notes, computations, reports, or other documents related to the Facility and the Application.
9. Please provide true and correct copies of any and all geotechnical or hydrological tests performed on, at or for BFI that relates to the proposed Application.
10. Please provide true and correct copies of any and all well records or plugging records of any wells or abandoned wells on or within a one-mile radius of the outer property line of the Sunset Farms Landfill Site.
11. Please provide true and correct copies of any and all documents pertaining to any complaints filed against Applicant with any state or federal agency concerning the disposal of any type of waste, the discharge of water or contaminants of any kind emanating from the Sunset Farms Landfill or its operations.

12. Please provide true and correct copies of any and all documents pertaining to complaints involving odors, windblown wastes and traffic safety issues which relate to the Sunset Farms landfill facility.

13. Please provide true and correct copies of any and all documents which reflect each of your expert witnesses' observations, studies, analyses, and conclusions pertaining to the Application.

14. Please provide true and correct copies of any and all documents used, reviewed or consulted by each of your experts in performing studies or evaluations or arriving at conclusions related to the Application.

15. Please provide true and correct copies of any and all documents, reports, drafts of reports, and worknotes for each of Applicant's expert and consulting witnesses.

16. Please produce all documents which reflect or relate to any analysis you have undertaken regarding the effect the transportation of waste to your facility will have on public roads, particularly with regard to the frequency and type of additional maintenance which may be required as a result of your use of the public roads.

17. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in generating the Transportation Study identified in the Application.

18. Please produce any and all documents to identify how Applicant intends to ensure that wastes received at the BFI Sunset Farms Landfill Facility are authorized and only in appropriate amounts and/or concentrations.

19. Please produce any documents which reflect, constitute or relate to any studies or analyses you have conducted with regard to land use compatibility.

20. Please produce all documents which establish the existence, type and amount of financial assurance to cover both your proposed operations and the required closure and post-closure activities.

21. Please produce all liability insurance policies which are applicable to your current and proposed activities.

22. Please produce all documents which reflect, constitute or relate to any studies or analyses you have undertaken with regard to the risks associated with the receipt and disposal of special wastes which you intend to receive.

23. Please produce any documents which reflect, constitute or relate to any study or evaluation you conducted regarding the time, costs and methods necessary to properly dispose of any leachate or wastewaters potentially generated at the proposed Sunset Farms Landfill facility.

24. Please produce all documents which reflect the physical characteristics and chemical composition of any synthetic liner material which you intend to use at the site.

25. Please produce all documents which reflect the physical characteristics and chemical composition of the geomembrane which you intend to incorporate into your final cover system for the landfill.

26. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the Closure Plan in the Application.

27. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the cost estimate for closure in the Application.

28. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the Post-Closure Care Plan in the Application.

29. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the cost estimate for post-closure care found in the Application.

30. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the Subsurface Investigation Report and Geotechnical Report found in the Application.

31. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the Site Operating Plan found in the Application.

32. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the liner system found in the Application.

33. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the leachate collection system found in the Application.

34. Please produce any and all documents relating to how Applicant is going to collect and dispose of leachate from the pre-Subtitle D portion of the Sunset Farms landfill facility.

35. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the final cover system found in the Application.

36. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the storm water management system found in the Application.

37. Please produce all documents, including but not limited to, studies, reports, treatises and models, upon which you relied in evaluating and assessing the adequacy of the Site Development Plan found in the Application.

38. Please produce any and all records, reports, memoranda, correspondence or other documents, which have not been otherwise produced which describe or refer to any deficiencies in BFI's Application.

39. Please produce all documents which support your assertion that the proposed site is not located in the 100-year floodplain.

40. Please produce all documents which support your assertion that BFI has properly identified the aquiclude beneath the proposed Facility.

41. Please produce any and all documents, including but not limited to, any computer-generated communications, e-mails, correspondence, notes, drafts or other documents that reflect communications with the Executive Director, as herein defined, regarding the Application.

42. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Land Use Report contained in the Application.

43. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Floodplains and Wetlands Statement contained in the Application.

44. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Endangered Species sections contained in the Application.

45. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Coordination Letters contained in the Application.

46. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Site Life Calculations contained in the Application.

47. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Erosion Loss Calculations contained in the Application.

48. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Final Cover Run-Off Velocities contained in the Application.

49. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Soil Balance Calculations contained in the Application.

50. Please provide true and correct copies of any and all documents which identify and describe how the Applicant intends to address the shortfall of soils at the Site to meet the operational and closure needs of the Sunset Farms landfill facility.

51. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Groundwater Investigation Report contained in the Application.

52. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Groundwater Characterization Report contained in the Application.

53. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Groundwater and Surface Water Protection Plan contained in the Application.

54. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Soil and Liner Quality Control Plan contained in the Application.

55. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Groundwater Sampling and Analysis Plan contained in the Application.

56. Please provide true and correct copies of any and all documents which identify, describe or relate to how the Applicant will monitor groundwater between the Sunset Farms landfill facility and the adjacent Waste Management landfill.

57. Please provide true and correct copies of any and all document which identify, describe or relate to detection of groundwater contaminant migration at or near the shared property line of the Sunset Farms landfill facility and the adjacent Waste Management landfill.

58. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Landfill Gas Management Plan contained in the Application.

59. Please provide true and correct copies of any and all documents which relate to landfill gas monitoring between the Sunset Farms landfill facility and the adjacent Waste Management landfill.

60. Please provide true and correct copies of any and all documents which relate to reports, studies, data compilations or investigations of any contaminant migrating to or from the Sunset Farms landfill facility.

61. Please provide true and correct copies of any and all documents which identify, describe or relate to detection of landfill gas migration between Sunset Farms landfill facility and the adjacent Waste Management landfill.

62. Please provide true and correct copies of any and all documents which describe, identify, support or were reviewed by Applicant, as herein defined, that relate to the Leachate and Contaminated Water Plan contained in the Application.

63. Please provide true and correct copies of any and all and all storm water pollution prevention plans for the Sunset Farms landfill facility.

64. Please provide true and correct copies of any and all inspection reports and analytical sampling related to the storm water pollution prevention plan and the general storm water permit for the Sunset Farms landfill facility.

65. Please provide true and correct copies of any and all correspondence between BFI, its consultants, and the TCEQ and its predecessor agencies related to boring plan submissions and approvals for the Sunset Farms landfill facility, original logs and field notes for such borings, and all samples, laboratory analyses of samples, data compilations or reports and correspondence related to these borings.

66. Please provide true and correct copies of any and all documents related to groundwater monitoring or contamination at any offsite locations in the vicinity of the BFI Sunset Farms landfill.

67. Please provide true and correct copies of any and all documents related to any TCEQ or EPA inspection reports, notices of violation, notices of enforcement, and enforcement actions pertaining to the BFI Sunset Farms landfill facility.

68. Please provide true and correct copies of any and all notes recounting any meetings with BFI and its consultants regarding the Application and any enforcement actions.

69. Please provide true and correct copies of any and all documents related to addressing offsite sedimentation problems to operations at the BFI Sunset Farms landfill facility.

70. Please provide true and correct copies of the spill prevention control and countermeasures plan under Section 311 of the Clean Water Act for the Sunset Farms landfill facility.

71. Please provide true and correct copies of any and all documents relating to removing sedimentation from sedimentation ponds, sedimentation basins, and detention/water quality ponds at the Site.

72. Please provide true and correct copies of any and all documents, certified topographic maps, models and support documentation you submitted to the Federal Emergency Management Agency (“FEMA”) regarding the request for a conditional letter of map revision (“CLOMR”) and a letter of map revision (“LOMR”) for the channel modification project for FEMA Map Panel 48453C0085E at or near the BFI Sunset Farms landfill facility.

73. Please provide true and correct copies of any and all documents relating to drainage calculations based on the “rational method” for any feature of the drainage plan included in the Application.

74. Please provide true and correct copies of any and all documents reflecting plans, stationing and HEC-RAS model runs for Ditch K referenced in the drainage plan contained in the Application.

75. Please provide true and correct copies of any and all documents reflecting the calculations for the storage capacity of the permanent pool portion of the wet pond identified in the Application’s drainage plan for the Sunset Farms landfill facility.

76. Please provide true and correct copies of any and all documents reflecting the calculations for the storage capacity of the sedimentation portion of the wet pond identified in the Application’s drainage plan for of the Sunset Farms landfill facility.

77. Please provide true and correct copies of any and all documents reflecting a maintenance plan for the wet pond identified in the Application’s drainage plan for the Sunset Farms landfill facility.

78. Please provide true and correct copies of any and all documents reflecting calculations of storage capacity, stage storage tables and drawdown times for each of the sediment ponds referenced in the Application’s drainage plan for the Sunset Farms landfill facility.

79. Please provide true and correct copies of any and all documents, including the actual electronic versions, of the HEC-HMS, HEC-RAS and any other hydrologic or hydraulic model runs for all surface water management features at the Sunset Farms landfill facility.

80. Please provide true and correct copies of any and all records of all leachate removed from the BFI Sunset Farm Landfill within the last ten (10) years.

81. Please provide true and correct copies of any and all records of all monitoring of landfill gas for the last ten (10) years at the Sunset Farms landfill facility.

82. Please provide true and correct copies of any and all records of all groundwater monitoring for the last ten (10) years at the Sunset Farms landfill facility.

83. Please provide true and correct copies of any and all records of leachate level measurements during the last ten (10) years at the Sunset Farms landfill facility.

84. Please provide true and correct copies of any and all documents related to disposal of leachate from the Sunset Farms landfill facility.

85. Please provide true and correct copies of any and all documents related to disposal of contaminated storm water from the Sunset Farms landfill facility.

86. Please provide true and correct copies of any and all documents related to a litter fence that was erected at the Sunset Farms landfill facility within the last ten (10) years to reduce windblown wastes.

87. Please provide true and correct copies of any and all documents regarding a deodorizing system that was installed along Blue Goose Road at the Sunset Farms landfill facility within the last ten (10) years to address odor controls and specifically the identity of any odor masking agents or chemical compositions emitted from such system.

88. Please produce true and correct copies of any and all documents of all calculations performed for the design and performance of the wet pond identified in the Application and each of its components.

89. Please produce true and correct copies of any and all documents of calculations performed for the design and performance of each existing and proposed sedimentation and detention pond at the Sunset Farms Landfill facility.

90. Please produce true and correct copies of any and all documents of water quality studies, reports and data compilations for the watersheds downstream of the Sunset Farms landfill facility.

91. Please provide true and correct copies of any and all records of prohibited waste inspection reports from the Sunset Farms landfill facility.

92. Please provide true and correct copies of any and all quarterly and annual solid waste summary reports for the last ten (10) years for the Sunset Farms landfill facility.

93. Please provide true and correct copies of any and all special waste manifests, trip tickets and all other documents related to special wastes received at the Sunset Farms landfill facility for the last ten (10) years.

94. Please provide true and correct copies of any and all random inspections of incoming waste to the BFI Sunset Farms landfill facility.

95. Please produce true and correct copies of the fire protection plan for the BFI Sunset Farms Landfill.

96. Please provide true and correct copies of any and all records of fires at the BFI Sunset Farms landfill facility.

97. Please provide true and correct copies of any and all written notifications of fires at the BFI Sunset Farms landfill facility for the last ten (10) years.

98. Please provide true and correct copies of the BFI log documenting the areas inspected, whether litter was present and collection activities conducted for onsite litter pickup within the last ten (10) years for the Sunset Farms landfill facility.

99. Please provide true and correct copies of any and all logs maintained to document the date and time roads are checked and whether litter was observed for offsite litter pickup related to the BFI Sunset Farm landfill facility.

100. Please provide true and correct copies of any and all documentation of inspections by licensed commercial pesticide applicators related to inspections of the filled area for disease vectors at the Sunset Farms landfill facility.

101. Please provide true and correct copies of any and all documents related to inspections of site access roads at the Sunset Farms landfill facility.

102. Please provide true and correct copies of any and all cover erosion inspections within the last ten (10) years at the Sunset Farms landfill facility.

103. Please provide true and correct copies of any and all SLER inspections, reports and documents related thereto generated within the last ten (10) years at the Sunset Farms landfill facility.

104. Please provide true and correct copies of any and all daily inspection reports kept in accordance with the Site Operating Plan for the last ten (10) years at the Sunset Farms landfill facility.

105. Please provide true and correct copies of any and all weekly inspection reports in accordance with the Site Operating Plan maintained for the last ten (10) years at the Sunset Farms landfill facility.

106. Please provide true and correct copies of any and all monthly inspection reports required by the Site Operating Plan maintained for the last ten (10) years at the Sunset Farms landfill facility.

107. Please provide true and correct copies of any and all documents that identify, describe or relate to right-of-ways or recorded easements at or within 100 yards of the Facility boundaries.

108. Please provide true and correct copies of any and all documents that identify, describe or relate to the location of any existing or proposed buffer zones within the right-of-way of any public street, road or highway.

109. Please produce any and all documents that identify, describe or relate to the creation of BFI Waste Systems of North America, LLC.

110. Please produce any and all documents that identify, describe or relate to the transfer of Permit No. MSW-1447 from BFI Waste Systems of North America, Inc. to BFI Waste Systems of North America, LLC.

111. Please produce any and all documents that identify, describe or relate to the purported transfer of BFI Waste Systems of North America, Inc.'s interests in the Application to BFI Waste Systems of North America, LLC.

112. Please produce any and all documents that identify, describe or relate to any permit modification to Permit No. MSW-1447 which was filed or became effective on or after the filing of the Application and all documents, correspondence and communications related thereto.

113. Please produce any and all documents that identify, describe or relate to changes to the Application made on or after the original date that notice of the Executive Director's Preliminary Decision on the Application was published or issued.

114. Please produce any and all documents that identify, describe or relate to any draft permit(s) developed by the Executive Director for Permit No. MSW-1447A and all documents, correspondence and communications related thereto.

115. Please produce any and all documents that identify, describe or relate to a draft permit identifying Giles Holdings, L.P. as a co-permittee, owner or operator at the Sunset Farms landfill facility.

116. Please produce any and all documents that identify, describe or relate to communications between BFI and any Commissioner(s) of the TCEQ regarding the Application.

117. Please produce any and all documents that identify, describe or relate to communications between Applicant and the Executive Director, as herein defined, regarding the Application.

118. Please produce any and all documents that identify, describe or relate to communications between the Applicant and Giles Holdings, L.P. and its predecessors regarding the Application.

119. Please produce any and all documents that identify, describe or relate to any contractual agreements between the Applicant and Giles Holdings, L.P. and its predecessors relating to the Application, the permit and/or the operations of the Sunset Farms landfill facility.

120. Please produce any and all documents that identify, describe or relate to any lawsuits or legal claims involving the Applicant and Giles Holdings, L.P. within the last ten (10) years involving the capacity, operations, closure and/or remaining life of the Sunset Farms landfill facility.

121. Please provide true and correct copies of any and all documents that relate to Gas Recovery Systems, LLC and its relationship with the Applicant and the Sunset Farms landfill facility.

122. Please provide true and correct copies of any and all documents that relate to communications or agreements between the Applicant and Travis County regarding establishment of a November 1, 2015 cessation of waste handling operations at the Sunset Farms landfill facility.

123. Please provide true and correct copies of any and all documents that relate to communications or agreements between the Applicant and Capital Area Council of Governments regarding establishment of a November 1, 2015 cessation date for waste handling operations at the Sunset Farms landfill facility.

124. Please provide true and correct copies of any and all documents that relate to communications or agreements between Applicant and Giles Holdings, L.P. regarding the establishment of a November 1, 2015 cessation date for waste handling operations at the Sunset Farms landfill facility.

125. Please provide true and correct copies of any and all documents that relate to Applicant's contractual obligations to manage waste at the Sunset Farms landfill facility after November 1, 2015.

126. Please provide true and correct copies of any and all documents that relate to Applicant's contractual obligation to manage waste at the Sunset Farms landfill facility after November 1, 2015 by methods other than landfill disposal.

127. Please provide true and correct copies of any and all documents that relate to all agreements, commitments, understandings and representations that Applicant will cease waste handling at the Sunset Farms landfill facility and not build or operate a transfer station at the Site after November 1, 2015.

128. Please provide true and correct copies of any and all documents that relate to any future merger, consolidation, combination or joint operation of the Sunset Farm landfill facility and the adjacent landfill operated by Waste Management.

129. Please provide true and correct copies of any and all documents that relate to a bulk mail-out sent by Allied Waste on behalf of BFI Waste Systems in April 2008 setting forth concerns about the potential closure of two Northwest Travis County landfills and enclosing a pre-paid reply card, together with all responses to the mail-out, actions taken in response to the mail-out and documents generated which relate to the mail-out.

130. Please provide true and correct copies of any and all documents that relate to any agreements with property owners within two miles of the Sunset Farms landfill facility that provide for non-opposition to the Applicant's operations or expansion or otherwise reflect a settlement of any claims of such property owners.

131. If any of your responses to the Requests for Admissions, served contemporaneously herewith, is anything other than an unequivocal admission, please produce any and all documents you rely upon in support of such response.

132. Please produce any and all documents, not previously identified above, in your custody or control that were reviewed or relied upon in preparing your answers to the Interrogatories served contemporaneously herewith.

133. Please produce any and all documents produced, made available or responsive to any party to these proceedings related to the Application.

134. Please produce any and all documents, not previously identified above, in your custody or control that relates to the pending Application.

REQUESTS FOR ADMISSIONS

1. Admit that there is no leachate removal system for the pre-Subtitle D portion of the BFI landfill.

RESPONSE:

2. Admit that the landfill will be vertically expanded over the pre-Subtitle D cells in the landfill.

RESPONSE:

3. Admit that no leachate will be removed from the pre-Subtitle D cells in the landfill.

RESPONSE:

4. Admit that the corporation BFI Waste Systems of North America, Inc. ceased to exist as of December 30, 2007.

RESPONSE:

5. Admit that the limited liability Company BFI Waste Systems of North America, LLC did not exist prior to December 30, 2007.

RESPONSE:

6. Admit that the corporation BFI Waste Systems of North America, Inc. did not exist when the TCEQ transferred Permit No. MSW-1447 to BFI Waste Systems of North America, LLC on April 3, 2008.

RESPONSE:

7. Admit that BFI failed or refused to amend its Application to reflect all of the ED's proposed revisions identified in notice of deficiency letters.

RESPONSE:

8. Admit that there are insufficient soils at the Site for the daily cover, intermediate cover, final cover and construction needs identified in the Application.

RESPONSE:

9. Admit that, absent timely maintenance and removal of sediments, the sedimentation ponds, basins and water quality detention ponds will be inadequate to contain the storm water runoff from a 25 year, 24 hour rainfall event.

RESPONSE:

10. Admit that the channel modification project for FEMA Map Panel 48453C0085E has altered the natural drainage pattern at the Sunset Farms landfill facility.

RESPONSE:

11. Admit that the Transportation Study contained in the Application is based on information and data that do not reflect current traffic and/or residential development conditions.

RESPONSE:

12. Admit that one or more buffer zones for the Sunset Farms landfill facility encroaches upon an existing road right-of-way.

RESPONSE:

13. Admit that the Applicant has received numerous complaints regarding odors, wind blown wastes and traffic safety issues related to the operations of its Sunset Farms landfill facility.

RESPONSE:

14. Admit that Applicant has provided revisions to its Application subsequent to the issuance of the ED's preliminary decision and draft permit.

RESPONSE:

15. Admit that the Capital Area Council of Government's finding that the Application conditionally conforms with its Regional Solid Waste Management Plan is contingent upon your agreement to cease all waste handling, including disposal and operation of a transfer station, at the Site by November 1, 2015.

RESPONSE:

16. Admit that you will comply with the Capital Area Council of Government condition to cease all waste handling, including disposal and operation of a transfer station, at the Site by November 1, 2015.

RESPONSE:

17. Admit that the Applicant has no plans or intentions to sell or transfer its interest in the permit, permit Application and/or the Sunset Farms landfill facility to another entity.

RESPONSE:

18. Admit that any transfer of Applicant's interest in the permit, permit Application and/or the Sunset Farms landfill facility shall be conditioned on the transferee's agreement to cease all waste handling, including the operation of a transfer station, by November 1, 2015.

RESPONSE:

19. Admit that the closure and post-closure plans contained in the Application are based on the assumption that the Sunset Farms landfill facility will reach its design capacity on or before November 1, 2015.

RESPONSE:

20. Admit that without sufficient groundwater monitoring at or near the common property boundary with the neighboring Waste Management landfill, Applicant will not be able to determine if contaminated groundwater is either migrating from offsite property onto Applicant's Site or migrating from Applicant's Site onto adjacent property.

RESPONSE:

21. Admit that Giles Holdings, L.P. has agreed to the November 1, 2015 date for cessation of all waste handling operations at the Sunset Farms landfill facility.

RESPONSE:

22. Admit that alternative daily cover will not be utilized in the future operations of the Sunset Farms landfill facility.

RESPONSE:

23. Admit that Applicant is contractually obligated to receive and manage wastes at the Sunset Farms landfill facility subsequent to November 1, 2015.

RESPONSE: