

**SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW**

**APPLICATION OF BFI WASTE
SYSTEMS OF NORTH AMERICA,
LLC, FOR A MAJOR AMENDMENT
TO TYPE I MSW PERMIT NO. 1447A**

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**BEFORE THE STATE OFFICE

OF

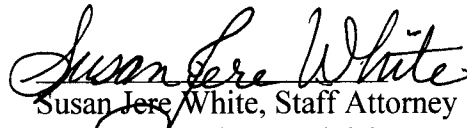
ADMINISTRATIVE HEARINGS**

EXECUTIVE DIRECTOR'S SUPPLEMENTAL PRODUCTION OF DOCUMENTS

TO: TJFA, L.P. & BFI L.L.C.

The Executive Director of the Texas Commission of Environmental Quality ("TCEQ") serves TJFA, L.P. ("TJFA") and BFI Sunset Farms L.L.C ("BFI") with the production of supplemental documents related to complaint investigations, pursuant to Rule 197 of the Texas Rules of Civil Procedure.

Respectfully Submitted,



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Representing the Executive Director
of the Texas Commission on Environmental
Quality

CERTIFICATE OF SERVICE

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

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Susan Jere White

Requests For Production

Requests 1- 18. No change

19. Please produce true and correct copies of any and all documents reflecting complaints and investigations involving the Applicant and/or the Sunset Farms landfill facility in the preceding ten (10) years whether located in the TCEQ's Central Office, Regional Office or other locations.

RESPONSE: On September 22, 2008, the Executive Director discovered documents that we believe to be responsive to this Request for Production. Accordingly, we are providing you with the following four items:

- 1. a summary of BFI complaints in .pdf format;**
- 2. a summary of BFI complaints with details in .pdf format;**
- 3. an Excel spreadsheet entitled "landfill"; and**
- 4. an Excel spreadsheet entitled "whowhere"**

These spreadsheets and summaries were developed and maintained electronically by Barry Kalda, TCEQ Region 11 Waste Manager. Mr. Kalda indicated that all complaints related to BFI Sunset Farms are stored chronologically in 3-ring binders, along with all other complaints received by the Region 11 Office regarding facilities within the Region's jurisdiction.

The 3-ring binders have been made available to all parties since the beginning of the BFI Sunset Farms Discovery process. However, these summaries and spreadsheets provided today make it easier to locate a specific complaint record related to BFI Sunset Farms in the binders based on the correlation of a complainant number and incident number.

The complainant's name has been redacted and replaced with an assigned number. The complainant is consistently identified by the same number, making it possible to see exactly how many times and when a particular individual has complained. The Executive Director will not be providing unabridged spreadsheets which contain names or addresses of complainants due to the confidential nature of that information.

Requests 20-28 No change