

August 22, 2008

Via Facsimile

Judge William E. Newchurch
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701

Re: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW
Permit Amendment Application of BFI Waste Systems of North America, LLC
MSW Permit No. 1447A - Pre-Hearing Discovery Dispute

Dear Judge Newchurch:

Please find attached a Motion to Compel, Answers to Interrogatories and Requests for Production from TJFA in the Application of BFI Waste Systems of North America LLC, Permit No. MSW-1447A. BFI respectfully requests that this Motion be heard at the pre-scheduled pre-hearing conference on August 26th.

Motions to Compel, Answers to Interrogatories and Requests for Production directed at Williams, LTD, Northeast Neighbors Coalition, Pioneer Farms, Mark McAfee, Melanie McAfee, Roger Joseph and Delmer D. Rogers will follow.

Respectfully submitted,


Paul Gosselink

ATTORNEY FOR APPLICANT
BFI WASTE SYSTEMS OF NORTH AMERICA, LLC

cc: Ms. LaDonna Castañuela
Mr. Steve Shepherd
Ms. Susan White
Mr. James Blackburn
Ms. Mary Carter
Ms. Christina Mann
Mr. Kevin Morse
Ms. Holly Noelke
Ms. Meitra Farhadi

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
MOTION TO COMPEL (TJFA)**

Applicant BFI WASTE SYSTEMS OF NORTH AMERICA, LLC (BFI) files this motion to compel certain answers and responses to discovery requests served by BFI upon TJFA, LP, respectfully showing:

I. BACKGROUND

BFI served its discovery requests (interrogatories, requests for production and requests for admission) on TJFA on July 17th. TJFA served its objections and responses to BFI's requests on August 18th. TJFA has objected to three of the interrogatories, 19 of the requests for production, and 39 of the requests for admission on some variation of its assertion that matters pertaining to its relationship to persons or entities that are not party to this proceeding or matters involving other landfills TJFA has protested are irrelevant. TJFA also completely failed to answer 18 contention interrogatories based on its assertion that these interrogatories were "premature" and that it does not have to answer such interrogatories at least until its pre-filed testimony is due. And TJFA is categorically claiming that communications pertaining to application or the proposed expansion involving Bob Gregory, Jim Gregory or Dennis Hobbs – who are not attorneys – are somehow privileged attorney-client communications.

TJFA's objections to BFI's requests are attached as Exhibit A. BFI is moving to compel answers and responses to each of the following discovery requests within 10 days:

BFI Discovery Request	Basis for TJFA Objection
Interrogatory No. 3; Request for Production Nos. 1, 21 & 27; Request for Admission Nos. 1-8, 12, 21-24, 26-28, 30-34, 38, 40-41, 48, 56-57 & 59-61	The interrogatory pertains to TDS, TDSL and/or the Gregorys and other entities and thus is not relevant and not calculated to lead to the discovery of admissible evidence
Interrogatory Nos. 4 & 5 Request for Production Nos 2-6, 10-17, 26, 28, 30 Request for Admission Nos. 37, 39, 42-47 & 58	The discovery request seeks information on properties not related to properties in the immediate vicinity of the Sunset Farms landfill or related to proceedings involving other landfills, and is thus overbroad, harassing, and seeks information not relevant or reasonably calculated to lead to the discovery of admissible evidence
Interrogatory Nos. 7-24	The discovery request is premature because it requests information that will not be known until after additional discovery is requested. The answer will be supplemented by the filing of pre-filed expert testimony.
Request for Production No. 18(l)	Any part of any communication with Bob Gregory, Jim Gregory or Dennis Hobbs is a privileged attorney-client communication.

The undersigned counsel has conferred with counsel for TJFA regarding this motion, good cause exists for hearing this motion at the pre-scheduled pre-hearing conference on August 26th, a written request for a hearing has been made, and the motion is otherwise ripe to be heard.

II. TJFA'S RELEVANCE OBJECTIONS

TJFA's claim that the discovery sought is overbroad or not reasonably calculated to lead to the discovery of admissible evidence because Texas Disposal Systems (TDS), Texas Disposal Systems Landfill (TDSL) and/or Bob Gregory and Jim Gregory are not parties in this proceeding is utterly meritless (and, indeed, part of an ongoing charade). TDS, TDSL and the Gregorlys are direct competitors of BFI and the Sunset Farms Landfill in the Central Texas solid waste hauling and disposal markets.¹ TDS's, TDSL's and Bob Gregory's fingerprints are all over TJFA, a purported "real estate investment company," and its opposition to the expansion of the Sunset Farms Landfill in this proceeding. Among other things:

- TJFA has no offices of its own. Instead, its listed physical address, P.O. Box, and fax number are the same as TDS's and TDSL's.²
- A request for reconsideration that was filed on TJFA's behalf in connection with this permit application on November 5, 2007 was faxed from TDS's fax machine using a "Texas Disposal Systems, Inc." and "Texas Disposal Systems Landfill, Inc." fax cover sheet.³
- The "tjfa-lp.com" domain name that was identified as part of Dennis Hobb's e-mail address was registered in March of this year listing the "administrator" of TDS as the administrative and technical contact.⁴
- Dennis Hobbs, who is identified as TJFA's president (TJFA admits it has no employees of its own), is also identified as TDS's "Director of Special Projects" on TDS's website.⁵
- Bob Gregory, who has a direct ownership interest in TJFA, is identified as TDS's President and CEO on that company's website.⁶

¹ On its website (<http://www.texasdisposal.com/>), TDS states that it "offers services to Austin, San Antonio, San Marcos, Georgetown and surrounding communities." See Exhibit B (printout from TJFA website).

² 12200 Carl Road, Creedmoor, TX 78610; P.O. Box 17126, Austin, TX 78760; Fax No. (512)243-4123. This information is derived from TJFA's answer to Interrogatory No. 2, Exhibit B (printout from TJFA's website), and Exhibit C (November 5, 2007 fax).

³ See Exhibit C (November 5, 2007 fax with blow-up of fax header).

⁴ See Exhibit D (August 20, 2008 printout of page from Network Solutions website).

⁵ See Exhibit B (printout of TDS website)

⁶ See id.

- Bob Gregory and Dennis Hobbs both attended the jurisdictional hearing in this case.
- Bob Gregory gave a deposition as TJFA's designated corporate representative in another contested MSW proceeding (the Williamson County Landfill expansion case).⁷

Based on these and many other curious apparent connections and interrelationships between TJFA and TDS, TDSL, the Gregorlys and Hobbs – as well as TJFA's pattern of serially challenging proposed expansions of other landfills – BFI's discovery requests were, in fact, very reasonably calculated to lead to the discovery of admissible evidence. Indeed, the nature of the relationships between TJFA and TDS et al. and the exact nature of TJFA's putative real estate investment business – a business that is, upon information and belief, based at least in part upon purchasing tracts of land within one mile of the landfills of TDS's and TDSL's competitors and then challenging applications when the operators of those landfills seek to expand their facilities⁸ – is certainly relevant to matters in this hearing. Specifically, the relationship of TJFA to TDS et al. will go to the credibility of (among other things) TJFA's geology, hydrogeology and land use compatibility claims and assertions, as well as the credibility of its own lay witness or witnesses. The relationship and TJFA's prior positions in other cases will also go to the credibility of testifying expert witnesses that have been retained by TJFA in connection with this proceeding who also are (or have been) employed by or on behalf of TDS, TDSL, Gregory and/or Hobbs. Any such relationship and the facts and circumstances of TJFA's business transactions may also bear on TJFA's standing to remain a party in this proceeding. All of these are matters on which BFI is entitled to make a record and, as such, engage in discovery.

⁷ See Exhibit E (short excerpt from Bob Gregory deposition transcript in Williamson County Landfill case)

⁸ This includes, upon information and belief, expansion applications involving the Williamson County, Comal Count, Austin Community and Sunset Farms Landfills.

III. TJFA'S FAILURE TO ANSWER CONTENTION INTERROGATORIES

TJFA has also failed to answer BFI's contention interrogatories. Contention interrogatories are a proper form of discovery in Texas. *See* TEX. R. CIV. P. 192.3(j) & 197.1.

TJFA's claim that the contention interrogatories are somehow "premature" is spurious given that, among other things, BFI's application has been on file with TCEQ for over two years; TJFA has been commenting on the application for well over one year; the jurisdictional hearing was held almost four months ago; TJFA disclosed three testifying expert witnesses several months ago; and Gregory and Hobbs have participated in various ways at various forums in opposition to BFI's application since at least 2002. TJFA's assertion that it is entitled to avoid answering a contention interrogatory and instead simply make its case when its pre-filed testimony is due is equally spurious. As a threshold matter, any such "objection" is not founded in any rule or case law. And, procedurally, any such objection/intention is fundamentally unfair to BFI: BFI is entitled to know TJFA's basic contentions in this case *now*, before its pre-filed testimony is due on September 25th, instead of after that time and at TJFA's leisure.

IV. COMMUNICATIONS INVOLVING THE GREGORYS AND HOBBS

TJFA has also objected to BFI's request for "correspondence (including e-mails and attachments thereto) between [TJFA and its employees and representatives] and [Bob Gregory, Jim Gregory or Dennis Hobbs] 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" on attorney-client privilege grounds.⁹ More specifically, it categorically claims that "any" correspondence involving these gentlemen is privileged. Upon information and belief, none of these gentlemen is an attorney – so a blanket objection here seems unlikely if not impossible.

⁹ See Exhibit A at Response to Request for Production No. 18(l).

V. CONCLUSION AND PRAYER

For the foregoing reasons, BFI respectfully requests that the ALJ overrule the objections listed in TJFA's responses to the discovery requests identified in Section I above for the reasons provided herein, and compel TJFA to provide thorough and complete responses to these discovery requests within 10 days. BFI further requests any and all other relief to which it is entitled.

Respectfully submitted,

By: 
Paul G. Gosselink
Texas Bar No. 08222800

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

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

OF COUNSEL:
John E. Carlson
Texas Bar No. 00790426

Certificate Conference and Attempted Resolution

By my signature above, I, Paul G. Gosselink, certify to the following: I am attorney for BFI Waste Systems of North America, LLC. Pursuant to Civil Procedure Rule 191.2 and 1 T.A.C. 155.31(l), when the discovery dispute underlying this motion arose, I made a reasonable effort to resolve the matter with the opposing counsel without the necessity of intervention from the Administrative Law Judges. The parties conferred, negotiated in good faith, and were unable to resolve the dispute prior to submitting the dispute to the Administrative Law Judges for resolution. Counsel for the Protestants and I agreed it was unlikely we would reach agreement as to resolution of the issues raised in this motion to compel without the intervention of the Administrative Law Judges. We were unable to come to any resolution of the matter. I will continue to seek resolution of all or any part of these matters until the hearing on this Motion.

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 August 22, 2008:

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REPRESENTING NORTHEAST NEIGHBORS
COALITION AND INDIVIDUALS:

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

FOR THE PUBLIC INTEREST COUNSEL:

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

REPRESENTING TJFA, L.P.:

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

FOR THE EXECUTIVE DIRECTOR:

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

REPRESENTING TRAVIS COUNTY:

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

REPRESENTING CITY OF AUSTIN:

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



Paul G. Gosselink

**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**

Affidavit of Paul G. Gosselink

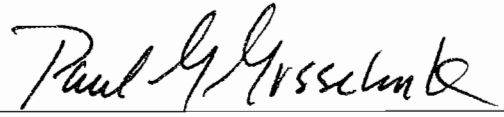
BEFORE ME, the undersigned authority, personally appeared Paul G. Gosselink, known to me to be the person whose name is subscribed below and, after being duly sworn, stated upon his oath as follows:

1. “My name is Paul G. Gosselink. I am over 18 years of age and have never been convicted of a felony or a crime of moral turpitude. I am of sound mind, and am otherwise competent to make this affidavit. The facts stated in this affidavit are based on my personal knowledge and are, in all things, true and correct.
2. “I am an attorney duly licensed to practice law in the State of Texas. I am a partner in the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. My law firm and I represent applicant BFI Waste Systems of North America, LLC in the above-captioned contested case hearing.
3. “Attached as Exhibits A through E to the foregoing motion to compel are true and correct copies of the following documents:

Exhibit No.	Description
A	TJFA’s Objections and Responses to BFI’s Discovery Requests
B	Printouts of pages from Texas Disposal System’s web site (www.texasdisposal.com)
C	TJFA’s Request for Reconsideration (11/5/07)
D	Printout from Network Solutions website.
E	Excerpts from Bob Gregory Deposition transcript

Further affiant sayeth not.

Dated: August 22, 2008.



Paul G. Gosselink

State of Texas

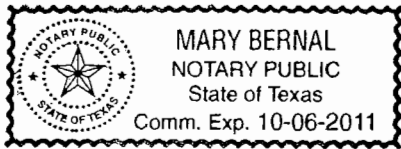
§

County of Travis

§

§

SWORN AND SUBSCRIBED TO before me by Paul G. Gosselink on August 22, 2008.



Notary Public in and for
The State of Texas

Seal:

Exhibit A

TJFA's Objections and Responses to BFI's Discovery Requests

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 RESPONSES TO BFI WASTE SYSTEMS OF NORTH AMERICA, LLC's
FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS, AND REQUESTS FOR ADMISSIONS**

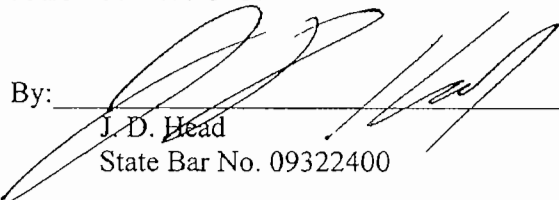
TO: BFI Waste Systems of North America, LLC, by and through its attorneys of record,
Mr. Paul Gosselink and Mr. John E. Carlson, Lloyd, Gosselink, Rochelle & Townsend,
P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701

COMES NOW, TJFA, L.P. ("TJFA") and pursuant to Rules 190 - 198 of the TEX. R. CIV.
P. and the Texas Commission on Environmental Quality ("TCEQ") discovery rules submits its
responses to BFI Waste Systems of North America, LLC's First Set of Interrogatories, Requests
for Production of Documents and Things, and Requests for Admissions. The filing of these
responses is not to be construed as a waiver of any objections served contemporaneously
herewith nor a waiver of any legal privileges claimed. To the extent that discovery is ongoing in
this case, TJFA specifically reserves its rights to change or supplement any of its responses as
recognized by the TEX. R. CIV. P. and relevant regulations.

Respectfully submitted,

FRITZ, BYRNE, HEAD & HARRISON, PLLC
98 San Jacinto Blvd., Suite 2000
Austin, TX 78701
TEL: 512/476-2020
FAX: 512/477-5267

By: _____


J. D. Head
State Bar No. 09322400

Bob Renbarger
State Bar No. 16768100

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 August, 2008, via e-mail, facsimile transmission or U.S. First Class mail, to the following:

Mr. Paul G. Gosselink
Mr. John E. Carlson
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701
TEL: 512/322-5800
FAX: 512/472-0532
E-MAIL: pgosselink@lglawfirm.com
E-MAIL: jcarlson@lglawfirm.com
**BFI WASTE SYSTEMS OF NORTH
AMERICA, INC. and
GILES HOLDINGS, L.P.**

Mr. Steve Shepherd
Legal Counsel
Environmental Law Division (MC-173)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
TEL: 512/239-0464
FAX: 512/239-0606
E-MAIL: sshepher@tceq.state.tx.us
EXECUTIVE DIRECTOR

Ms. Susan White
Staff Attorney
Litigation Division (MC-173)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
TEL: 512/239-0454
FAX: 512/239-0606
E-MAIL: swhite@tceq.state.tx.us
EXECUTIVE DIRECTOR

Ms. Christina Mann
Attorney
Office of Public Interest Counsel (MC-103)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
TEL: 512/239-4014
FAX: 512/239-6377
E-MAIL: cmann@tceq.state.tx.us
OFFICE OF PUBLIC INTEREST COUNSEL

Mr. Kevin W. Morse
Assistant Travis County Attorney
P.O. Box 1748
Austin, TX 78767
TEL: 512/854-9513
FAX: 512/854-4808
E-MAIL: kevin.morse@co.travis.tx.us
TRAVIS COUNTY

Ms. Holly C. Noelke
Assistant City Attorney
City of Austin Law Department
P.O. Box 1088
Austin, TX 78767
TEL: 512/974-2630
FAX: 512/974-6490
E-MAIL: holly.noelke@ci.austin.tx.us
CITY OF AUSTIN

Ms. Meitra Farhadi
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, TX 78767
TEL: 512/974-2310
FAX: 512/974-6490
E-MAIL: meitra.farhadi@ci.austin.tx.us
CITY OF AUSTIN

Mr. Jim Blackburn
Ms. Mary W. Carter
Blackburn & Carter, P.C.
4709 Austin St.

Houston, TX 77004

TEL: 713/524-1012

FAX: 713/524-5165

E-MAIL: jbb@blackburncarter.com

E-MAIL: mcarter@blackburncarter.com

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

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. TJFA objects to Instruction No. 1. TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.
2. TJFA objects to Definition No. 2 regarding “affiliate.” Neither Texas Disposal Services, Inc. nor Texas Disposal Systems Landfill, Inc. is a party to these proceedings and the information requested is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

OBJECTIONS AND RESPONSES TO 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: J. D. Head
Fritz, Byrne, Head & Harrison, PLLC
98 San Jacinto Blvd., Suite 2000
Austin, TX 78701
512/476-2020

Attorney for TJFA.

Bob Renbarger
Fritz, Byrne, Head & Harrison, PLLC
98 San Jacinto Blvd., Suite 2000
Austin, TX 78701
512/476-2020

Attorney for TJFA.

Dennis Hobbs
P.O. Box 17126
Austin, TX 78760-7126
TEL: 512/421-1320

President of Garra de Aguila, Inc., TJFA’s general partner.

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: Dennis Hobbs
P.O. Box 17126
Austin, TX 78760-7126
12200 Carl Rd.
Creedmoor, TX 78610
TEL: 512/421-1320
FAX: 512/243-4123
E-MAIL: dennis@tjfa-lp.com

TJFA has no company website address. Garra de Aguila, Inc. is the general partner of TJFA. Bob Gregory is a limited partner of TJFA. Dennis Hobbs is the director of Garra de Aguila, Inc. and president, vice president and secretary of Garra de Aguila, Inc.

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: TJFA objects to this interrogatory as it pertains to Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc., Texas Landfill Management, LLC, Texas Organic Product, Gardenville, and Jim Gregory inasmuch as these inquiries are not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections:

Garra de Aguila, Inc. is the general partner of TJFA. Bob Gregory is a limited partner of TJFA. Dennis Hobbs is the director of Garra de Aguila, Inc. and president, vice president and secretary of Garra de Aguila, Inc.

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: TJFA objects to this interrogatory to the extent it seeks information on properties not located in the direct vicinity of BFI's Sunset Farms landfill

inasmuch as such requests are overbroad, harassing and seek information not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, TJFA answers as follows: TJFA owns property at 5510 Blue Goose Road, Austin, Travis County, Texas. The deed volume and page number are Volume 11378, Page 166. The purchase date was November 19, 2004. The purchase amount was \$129,864.70. The total acreage is 11.27 acres. The property is used for grazing and the current lessee is Cecil Remmert. TJFA also owns property at 9900 Springdale Road, Austin, Travis County, Texas. The deed volume and page are Volume 820, Page 619. This property was purchased December 13, 2004 for an amount of \$133,628.36. The property comprises 5.67 acres and is for residential use. The lessee is Jeff Young.

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: TJFA restates its objections to Interrogatory No. 4. Subject to and without waiving the foregoing objection, the property on Blue Goose Road is located less than 100 feet from the BFI Sunset Farms landfill. The property on Springdale Road is located approximately 220 feet from the Waste Management Austin Community landfill. Both landfills were the subject of planned expansions at the time of purchase. TJFA has obtained party status in this proceeding and in SOAH Docket No. 582-08-2186 regarding Waste Management's Austin Community landfill application.

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: TJFA objects to this interrogatory in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving the foregoing objection, no.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: TJFA objects to this interrogatory in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence. TJFA further objects that this interrogatory is harassing and burdensome. Finally, TJFA objects inasmuch as the TDS landfill soil and groundwater conditions and characteristics are irrelevant to this proceeding.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: The answer to the part of this interrogatory referenced in the first sentence is premature because it requests information that will not be known until after additional discovery is completed. This part of the interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this part of the interrogatory at this time. With respect to the remaining information sought in this interrogatory, TJFA objects in that it requests information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature because it requests information that will not be known until after additional discovery is completed. This interrogatory will be supplemented by the filing of pre-filed expert testimony in accordance with Order No. 1. Subject to and without waiving the foregoing objection, TJFA has no information in response to this interrogatory at this time.

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: This interrogatory is premature inasmuch as TJFA has not identified all persons it intends to call as a witness at the hearing on the merits. Please refer to TJFA's Responses to Requests for Disclosure and Expert Designations.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

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.

Answer: TJFA objects to this request on relevance grounds to the extent it seeks information regarding TDS or TDSL, who are not parties to this proceeding. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

2. Deeds for any real property listed in your answer to Interrogatory No. 4 above.

Answer: Subject to its earlier objection to Interrogatory No. 4, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

3. Any list, chart or spreadsheet that lists any real properties owned by you.

Answer: TJFA objects to this request in that it seeks the production of documents that are not relevant and not reasonably calculated to lead to the discovery of admissible evidence relating to any issues referred to the ALJ by the Commission. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

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.

Answer: Subject to its earlier objection to Interrogatory No. 4, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

5. Appraisals of any real property listed in your answer to Interrogatory No. 4 above.

Answer: TJFA objects to this request in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

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.

Answer: TJFA objects to this request in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

7. Your partnership agreement (plus any amendments thereto).

Answer: TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

8. Your certificate of formation.

Answer: TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

9. Your mission statement.

Answer: TJFA has no documents responsive to this request.

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.

Answer: TJFA objects to this request in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

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

Answer: TJFA objects to this request to the extent it seeks documents related to any other landfill than BFI Sunset Farms facility in that it seeks the production of documents that are not relevant and not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: Subject to its objections to Interrogatory No. 5, TJFA has no documents responsive to this request.

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.

Answer: Subject to its objections to Interrogatory No. 5, TJFA has no documents responsive to this request.

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.

Answer: Subject to its objections to Interrogatory No. 5, TJFA has no documents responsive to this request.

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.

Answer: Subject to its objections to Interrogatory No. 5, TJFA has no documents responsive to this request.

16. Transcripts of the hearing on the merits in any contested case hearing referenced or described in your answer to Interrogatory No. 5 above.

Answer: Subject to its objections to Interrogatory No. 5, TJFA has no documents responsive to this request.

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.

Answer: TJFA objects in that the requested information is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA has no responsive documents.

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).

Answer: TJFA objects to this request as burdensome and harassing. With respect to subparts g) and j), any communication between legal counsel for protesting parties is privileged. Any communication with respect to subpart l) is privileged attorney-client communication. Subject to the foregoing objection and without waiving the objection, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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:

Answer: TJFA has no documents responsive to this request.

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.)

Answer: TJFA objects to this request as burdensome and harassing. Moreover, the documents requested are obtainable from some other source that is more convenient, less burdensome or less expensive. Subject to the foregoing objection and without waiving such objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request as it relates to TDS, TDSL, Bob Gregory or any entity owned or controlled by TDS or Bob Gregory. TDS and TDSL are not parties to this proceeding. Subject to the foregoing objection and without waiving such objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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).

Answer: TJFA objects to this request as seeking documents not relevant nor reasonably calculated to lead to the discovery of admissible evidence. The TDSL landfill is not the subject of this proceeding. Subject to and without waiving the foregoing objection, TJFA has no responsive documents to this request.

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.

Answer: TJFA has no documents responsive to this request.

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.

Answer: Other than the documents included in the application, TJFA has no documents responsive to this request.

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.)

Answer: TJFA objects to this request as burdensome and harassing. Moreover, the documents requested are obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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

Answer: TJFA objects to this request as it relates to Austin Community landfill in that the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

27. Any and all studies or reports that were prepared by or for TJFA, 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.

Answer: TJFA objects to this request insofar as it requests studies or reports prepared for TDS, TDSL or any entity owned or controlled by TDS or Bob Gregory. Moreover, TJFA objects to this request to the extent it seeks information regarding the Austin Community landfill inasmuch as such information is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

Answer: TJFA objects to this request insofar as it requests documents related to the Austin Community landfill inasmuch as such information is not relevant nor reasonably calculated to lead to the admission of admissible evidence

in this proceeding. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

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.

Answer: TJFA has no documents responsive to this request.

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.

Answer: TJFA objects to this request insofar as it requests information regarding Austin Community landfill inasmuch as such request is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA has no documents responsive to this request.

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.

Answer: TJFA objects to this request as burdensome and harassing. Moreover, the information sought is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA has no responsive documents.

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.

Answer: TJFA will provide responsive documents to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request inasmuch as discovery sought is unreasonably cumulative or duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce responsive documents at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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).

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

39. Any documentation of any operational noncompliance with applicable permits that has occurred at the Landfill within the last ten (10) years.

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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.)

Answer: TJFA objects to this request inasmuch as the discovery sought is unreasonably cumulative and duplicative and is obtainable from some other source that is more convenient, less burdensome and less expensive. Subject to and without waiving the foregoing objection, TJFA will

produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

41. Any models, simulations or visualizations showing the Landfill at its projected elevation if the vertical expansion is shown.

Answer: TJFA has no documents responsive to this request.

42. Any and all traffic or transportation projections, surveys, plans or counts you contend are applicable to the Landfill and the proposed expansion.

Answer: TJFA has no documents responsive to this request.

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;

Answer: TJFA will produce documents responsive to this request at the offices of Fritz, Byrne, Head & Harrison, PLLC, located at 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701 at a mutually agreeable time.

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

Answer: TJFA objects to this request in that it is premature and TJFA has not, at this time, determined documents and things intended to offer as evidence in the contested case hearing. Moreover, under the Texas Rules of Civil Procedure, there is no requirement to provide demonstrative exhibits in the absence of a court or SOAH order.

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

Answer: TJFA objects to this request in that it is premature and TJFA has not determined all documents and things it intends to use as demonstrative evidence at the contested case hearing. Moreover, under the Texas Rules of Civil Procedure, there is no requirement to provide demonstrative exhibits in the absence of a court or SOAH order.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

1. Texas Disposal Systems (TDS) is a waste services company that does business in Central Texas.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

2. TDS is a competitor of BFI's in the Central Texas market.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Bob Gregory is the President of TDS.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. Bob Gregory has an ownership interest in TDS.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5. TDSL owns a landfill in Travis County.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6. TDSL's landfill competes with the Sunset Farms Landfill in the waste disposal business.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7. Bob Gregory is the President of TDSL.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

8. Bob Gregory has an ownership interest in TDSL.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. Garra de Aguila, Inc. is the general partner of TJFA.

Answer: Admit.

10. Bob Gregory is the President of Garra de Aguila, Inc.

Answer: Deny.

11. Dennis Hobbs is an officer or director of Garra de Aguila, Inc.

Answer: Admit.

12. Dennis Hobbs is an employee of TDS or TDSL.

Answer: TJFA objects to this request. TDS is not a party to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

13. Bob Gregory has a direct ownership interest in Garra de Aguila, Inc.

Answer: Admit.

14. Bob Gregory has an indirect ownership interest in Garra de Aguila, Inc.

Answer: Deny.

15. Bob Gregory is a limited partner of TJFA.

Answer: Admit.

16. Bob Gregory is the only limited partner of TJFA.

Answer: Admit.

17. Dennis Hobbs is the President of TJFA.

Answer: Deny.

18. Dennis Hobbs is an officer or director of TJFA.

Answer: Deny.

19. TJFA has no full-time employees of its own.

Answer: Admit.

20. TJFA has no separate office of its own.

Answer: Admit.

21. TJFA shares office space with TDS, TDSL or affiliates of TDS and TDSL.

Answer: TJFA objects to this request. TDS and TDSL are not parties to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

22. TJFA has no separate phone line of its own.

Answer: Admit.

23. TJFA has no separate fax line of its own.

Answer: Admit.

24. TJFA shares phone and fax lines with TDS, TDSL or affiliates of TDS or TDSL.

Answer: TJFA objects to this request. TDS and TDSL are not parties to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

25. TJFA has no separate e-mail addresses or accounts.

Answer: Deny.

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.

Answer: TJFA objects to this request. TDS and TDSL are not parties to this proceeding and the information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

27. TJFA shares a post office box number (P.O. Box 17126, Austin, TX 78760) with TDS, TDSL and Garra de Aguila, Inc.

Answer: TJFA objects to this request to the extent it seeks information regarding non-parties. The information sought regarding non-parties is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. TJFA admits its shares a post office box with Garra de Aguila, Inc.

28. TJFA receives funding from TDS, TDSL or affiliates of TDS or TDSL.

Answer: TJFA objects insofar as this request seeks information with regard to non-parties. TJFA further objects in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence.

29. TJFA wants BFI's application to expand the Sunset Farms Landfill to be denied.

Answer: Admit.

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.

Answer: TJFA objects to this request inasmuch as it seeks information regarding non-parties to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

31. Denial of the expansion permit for the Sunset Farms Landfill would likely result in increased profits for TDSL.

Answer: TJFA objects to this request inasmuch as it seeks information regarding non-parties to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

32. It is in TDSL's economic interest that BFI's application be denied.

Answer: TJFA objects to this request inasmuch as it seeks information regarding non-parties to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

33. It is in TDS's economic interest that BFI's application be denied.

Answer: TJFA objects to this request inasmuch as it seeks information regarding non-parties to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

34. It is in Bob Gregory's economic interest that BFI's application be denied.

Answer: TJFA objects to this request. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

35. TJFA purchased a tract of land within one mile of the Sunset Farms Landfill in 2004 (the 5510 Blue Goose Road tract).

Answer: Admit.

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.

Answer: Deny.

37. TJFA purchased a tract of land within one mile of the Austin Community Landfill in 2004 (the 9900 Springdale Road tract).

Answer: TJFA objects to this request inasmuch as it seeks information regarding the Austin Community landfill. The requested information is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. TJFA admits it owns the property at 9900 Springdale Road.

38. The Austin Community Landfill is operated by a business competitor of TDS and TDSL's.

Answer: TJFA objects to this request. TDS and TDSL are not parties to this proceeding and this proceeding does not involve Austin Community landfill. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

39. TJFA has sought affected person or party status in a contested case hearing involving the expansion of the Austin Community Landfill.

Answer: TJFA objects to this request inasmuch as Austin Community landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

40. It is in TDSL's economic interest that the application for the expansion of the Austin Community Landfill be denied.

Answer: TJFA objects to this request. TDSL is not a party to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

41. It is in TDS's economic interest that the application for the expansion of the Austin Community Landfill be denied.

Answer: TJFA objects to this request. TDS is not a party to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

42. TJFA purchased a tract of land within one mile of the Williamson County Landfill.

Answer: TJFA objects to this request. The William County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

43. The Williamson County Landfill is operated by a business competitor of TDS and TDSL's.

Answer: TJFA objects to this request. The William County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

44. TJFA sought affected person or party status in a contested case hearing involving the expansion of the Williamson County Landfill.

Answer: TJFA objects to this request. The William County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

45. TJFA purchased a tract of land within one mile of the Comal County Landfill.

Answer: TJFA objects to this request inasmuch as Comal County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

46. The Comal County Landfill is operated by a business competitor of TDS and TDSL's.

Answer: TJFA objects to this request inasmuch as Comal County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

47. TJFA sought affected person or party status in a contested case hearing involving the expansion of the Comal County Landfill.

Answer: TJFA objects to this request inasmuch as Comal County landfill is not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

Answer: TJFA objects to this request in that TDSL is not a party to this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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.

Answer: TJFA cannot admit or deny based on available information or knowledge. A reasonable inquiry was made but the information known or easily attainable is insufficient to enable TJFA to admit or deny.

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.

Answer: TJFA cannot admit or deny based on available information or knowledge. A reasonable inquiry was made but the information known or easily attainable is insufficient to enable TJFA to admit or deny.

51. TJFA is a real estate investment company.

Answer: Admit.

52. TJFA has never turned a profit in any calendar year.

Answer: TJFA objects in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence.

53. TJFA stands for "Texas Justice for All."

Answer: Deny.

54. Garra de Aguila, Inc. is a holding company.

Answer: Deny.

55. Garra de Aguila, Inc. has never turned a profit in any calendar year.

Answer: TJFA objects to this interrogatory in that it requests information that is not relevant nor reasonably calculated to lead to discovery of admissible evidence.

56. TJFA and its affiliates have coordinated opposition to BFI's application with the Texas Campaign for the Environment.

Answer: TJFA objects to this inquiry inasmuch as Applicant's definition of affiliates includes entities that are not parties to this proceeding and the information sought with regard to affiliates is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA denies.

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.

Answer: TJFA objects to this inquiry inasmuch as Applicant's definition of affiliates includes entities that are not parties to this proceeding and the information sought with regard to affiliates is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA admits, through its attorneys, it is coordinating with counsel for party protestants.

58. TJFA and its affiliates have coordinated opposition to expansions of landfills other than the Sunset Farms Landfill with Texas Campaign for the Environment.

Answer: TJFA objects to this request inasmuch as it seeks information regarding landfills not the subject of this proceeding. The information sought is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. TJFA further objects to any inquiry regarding its affiliates inasmuch as any affiliates are not parties to this proceeding and the information sought with regard to any affiliates is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

59. TJFA and its affiliates have made efforts to discourage the development of a landfill by the City of Austin in Webberville.

Answer: TJFA objects to this inquiry inasmuch as Applicant's definition of affiliates includes entities that are not parties to this proceeding and the information sought with regard to affiliates is not relevant nor reasonably

calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA denies.

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.

Answer: TJFA objects to this inquiry inasmuch as Applicant's definition of affiliates includes entities that are not parties to this proceeding and the information sought with regard to affiliates is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA denies.

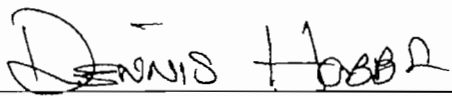
61. Representatives of TJFA and its affiliates have met privately with one or more City of Austin officials (whether mayor or city council members or management-level staff) to discuss the Sunset Farms application.

Answer: TJFA objects to this inquiry inasmuch as Applicant's definition of affiliates includes entities that are not parties to this proceeding and the information sought with regard to affiliates is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, TJFA denies.

VERIFICATION

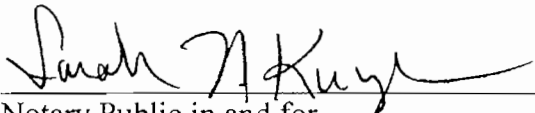
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority in and for said county and state, personally appeared Dennis Hobbs, as the duly authorized representative of TJFA, L.P., who is known to me, to be the person whose name is subscribed below, who, after being duly sworn by me, upon oath deposed and stated that he has read the above and foregoing Responses to BFI Waste Systems of North America, LLC's First Set of Interrogatories, and that all information and statements contained herein are within his own personal knowledge or are derived from TJFA, L.P.'s business records or other reliable sources and are true and correct.



Dennis Hobbs

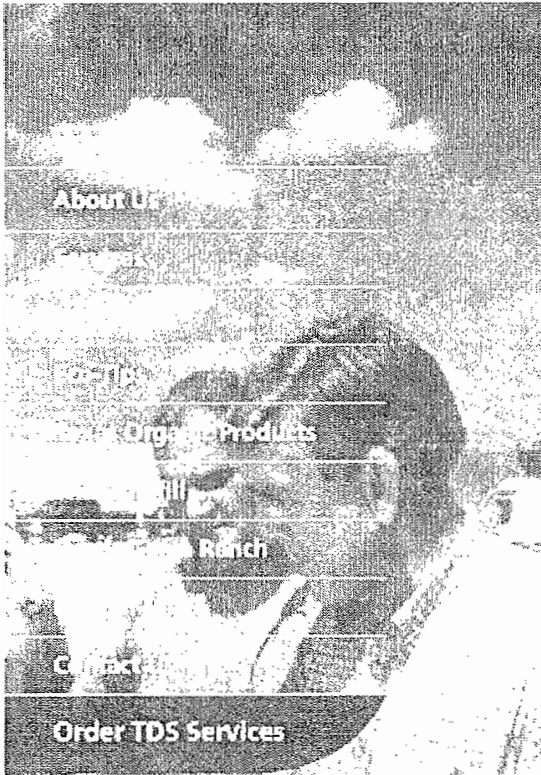
SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 18th day of August, 2008.



Notary Public in and for
the State of Texas



Exhibit B
Printouts from TDS Website
(www.texasdisposal.com)



Contact Us

Contact Us
AUSTIN

Main Office:
12200 Carl Road
Creedmoor, Texas 78610-2184
Toll free: (800) 375-8375
Phone: (512) 421-1300
Fax: (512) 243-4123
Email: tdscorporate@texasdisposal.com

[Click here for directions to the Texas Disposal System and Pavilion in Creedmoor](#)

Texas Disposal Systems landfill:
3016 FM 1327
Buda, Texas 78610
Phone: (512) 421-1363

Customer Care and Dispatch (24 Hours):
Phone: (512) 421-1340
Fax: (512) 421-1344
Email: customercare@texasdisposal.com

Sales Office:
Phone: (512) 421-1300
Fax: (512) 421-1325
Email: sales@texasdisposal.com

Eco Depot (West Austin):
4001 Ranch Road 620 South (near Highway 71)
Bee Cave, Texas 78738
Phone: (512) 263-5265
Fax: (512) 263-0178

GEORGETOWN - Convenience Center and Custome
250 W.L. Waldon
Georgetown, Texas 78626

Phone: (512) 930-1715
Fax: (512) 930-2884

SAN ANTONIO
Starcrest Transfer Station:
11601 Starcrest
San Antonio, Texas 78247
Phone: (210) 494-0239
Fax: (210) 491-3441

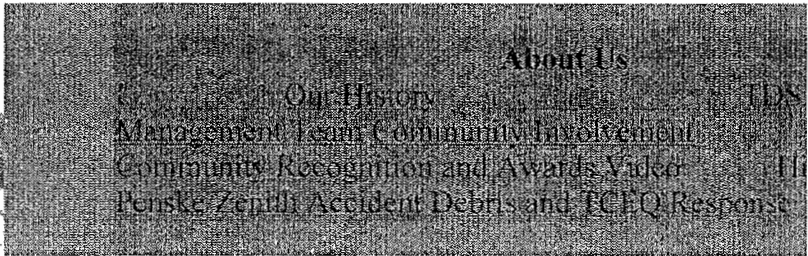
Customer Care:
Phone: (210) 483-1900
Fax: (512) 421-1344
Email: customercare@texasdisposal.com

Sales Office:
Phone: (210) 483-1900
Fax: (512) 421-1325
Email: sales@texasdisposal.com

ALPINE

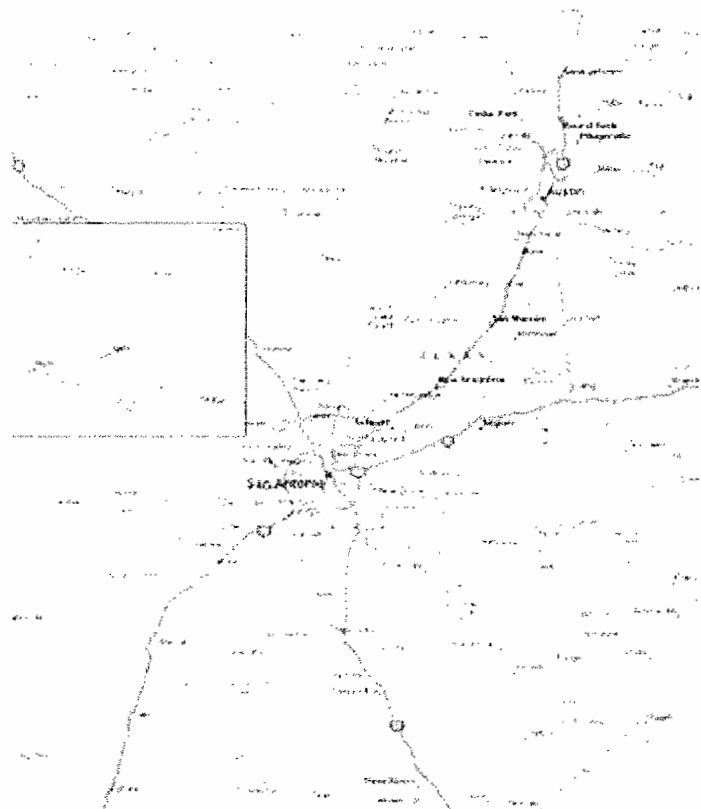
City of Alpine Landfill Operated by TDS
2501 E. Hwy 90
Alpine, TX 79830
Office (432) 837-0845
Fax (432) 837-0846

© 2008 Texas Disposal Systems



Major Markets Served

Today, TDS offers services to Austin, San Antonio, Georgetown and surrounding communities. TDS has over 25 surrounding counties in central Texas; services are provided to businesses of all sizes, governmental entities, educational facilities, associations (HOA's), area municipal utility districts (MUD's) and rural property owners.



© 2008 Texas Disposal Systems



[About Us](#)
[Our History](#)
[TDS](#)
[Community Involvement](#)
[Community Recognition and Awards Video](#)
[Penske/Zenith Accident Debris and TCEQ Response](#)

Management Team

Bob Gregory, President and CEO



Bob Gregory serves as president, chief principal owner for Texas Disposal Systems Landfill, Inc., Texas Disposal Management, LLC, Texas Organic Processing, Inc., and Texas Organic Processing, Inc. He began the collection of solid waste and his brother Jim incorporated TDS in 1974. At the time, the brothers had three generations in the scrap-metal processing industry and a dream to build a company that would benefit the community and the industry.

Through innovative ideas in landfill management and environmental stewardship, TDS has become the largest independently-owned solid waste disposal company in central Texas, and one of the largest in the United States.

Bob also owns Txalloy, Inc., d.b.a. Acme Iron and Metal, a scrap metal processing facility handling approximately 100,000 tons of recyclable materials per month. Txalloy is located in San Antonio, Texas.

Bob graduated from Central High School in San Antonio, Texas and holds a Bachelor's degree in Business from the University of Texas at San Antonio (1974). He also holds a TNRCC Class "A" Solid Waste Management Certification. He has been a member of the state's Municipal Solid Waste Management and Resource Recovery Advisory Council since 1991 and also served as chairman of the Texas Chapter of the National Solid Waste Management Association (NSWMA) since 1991 and as a past president and directors of the Detachable Container Association and the Texas Chapter of the Council of the Boy Scouts of America.

The NSWMA honored Bob as the Member of the Year in 2005 and received a Certificate of Appreciation from the Texas Waste Council (TWC) in recognition for his contribution to protect the environment.

environment and his efforts towards developing municipal landfill regulations for the TWC in 1993. He served on several statewide committees that oversaw the development of landfill management regulations.

Bob has lived in Austin since 1971. He and his wife, Rogers, of San Angelo, Texas, have been married since 1971. They have three children, Paul, Rebekah, Elizabeth and Adam.

Jim Gregory, Vice President and Landfill Manager



Jim Gregory serves as co-owner, vice president of Texas Disposal Systems, Inc., Texas Landfill, Inc., Texas Landfill Manager of Organic Products and Garden-Ville, which has six retail stores in San Antonio, Austin, Georgetown and San Marcos.

When Jim and his brother, Bob, started TDS, they had only one truck, a strong desire to start a company that would be founded on strong Godly principles and be respected in their community as well as the waste industry. With the help of God and many dedicated employees, TDS has become one of the most and most respected independent waste haulers in the region.

Jim oversees the daily operations and management of the ranching operation. He also works alongside with the Landfill division and Garden-Ville. He enjoys interacting with customers and makes himself available to assist in troubleshooting, plus other issues of daily operations. Jim works to ensure the highest level of service to the community and industry by motivating employees to achieve outstanding performance and service.

Jim holds a current Texas Commission on Environmental Solid Waste Technician Certification. Jim is an active member of the Environmental Industries Association, Detachable Company, National Solid Wastes Management Association, Texas Safari Club International and serves on the board of the Texas Waste Association. He has received numerous awards for service from these various associations. Jim is also very involved in community work throughout the Austin area.

After graduation from Central High School in San Antonio, Jim entered the management of the family business, Acme Iron Works, which he helped build into a respected full-service scrap metal processing facility - where he worked until moving to Texas Disposal Systems.

Jim and his bride, Janet, were married in 1972 and have three children since 1977. They consider their two children, Jennifer and J

Accomplishment" and their two grandchildren, Zach and
greatest "Joy in Life."

Rick Cabrera, CPA, CFO



Rick Cabrera serves as the chief financial officer. In this position, he is responsible for the financial planning of the company.

When he joined TDS in January 2001, he brought over 10 years of extensive financial experience in the waste industry, primarily from his tenure with BFI Industries, Inc. (BFI), and a public accounting firm. He also served as the vice president and controller for U.S. Waste located in Knoxville, Tennessee.

Rick earned a Bachelor of Business Administration from the University of Memphis in 1977 and a Masters of Business Administration from the University of Texas at Austin in 1979. Rick is a Certified Public Accountant in Texas and a member of both the American Institute of Certified Public Accountants and the Texas Society of Accountants.

Rick Fraumann, Director of Sales & Customer Care



Rick Fraumann has 19 years of experience in the waste industry and has consistently been a top performer in the field for publicly owned companies. He has been successful in managing top producing sales teams in the waste industry and has a successful track record in managing hauling operations, as well as landfill operations. He has the opportunity to train numerous sales managers in various selling skills courses throughout the Southeast and in Texas. He has worked in the most competitive metropolitan markets in the Southeast. He brings a "hands on" approach and a wealth of experience to the Customer Care Team.

Rick was raised in Atlanta, Georgia, and went on to attend college in Wilmore, Kentucky. Rick enjoys reading and music - he sings, plays piano, keyboard, and guitar. He also enjoys recording music. Rick is most proud of his family which is a great source of joy and strength. He has been married for 22 years. They have a son, Bobby, who is presently serving in the States Marine Corps. They also have a daughter, Britt, who was a member of Ballet Excelsior in Houston, and is currently a dancer in Austin.

Rick considers it a blessing to work at what he considers his dream company in the waste industry - a company founded c

and one which values character, integrity, and excellence

Dennis Hobbs, Director of Special Projects



Dennis Hobbs has been with TDS for 15 years. As the director of special projects, he plays a key role in every daily function of the company from client and school tours to landfill functions. He works closely with the CEO and COO on company communication and marketing projects.

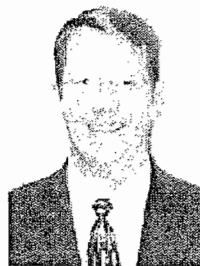
He played an integral part in the permitting of the Texas Disposal Systems landfill and in contract negotiations for a transfer station in San Antonio. He participated in the design of the landfill and the contract negotiations for both projects. He has an extensive understanding of the landfill design, operational issues, and compatibility issues.

Before joining Texas Disposal Systems, Mr. Hobbs worked for Chevrolet and was active in the management of the franchise. He is responsible for all management operations.

Mr. Hobbs has been the past president of Keep Texas Beautiful. He is still actively involved in both organizations as a board member.

During his career at TDS, Dennis has been honored several times by Keep Texas Beautiful with the Individual Leadership Award and the Award of Excellence. Keep Austin Beautiful awarded him the annual "*Dennis Hobbs Individual Achievement Award*."

Ryan Hobbs, Director of Operations



Since 2003, Ryan Hobbs has served as the Director of Operations for Texas Disposal System's operating companies. Ryan oversees all of the company's daily operations in Austin, Georgetown and Alpine, Texas. Hobbs has 15 years in the waste industry and has extensive experience in operations management, sales & marketing, and finance.

In addition to Texas Disposal Systems, Hobbs was previously the Director of Operations based, Advanced Disposal Services. Similarly, Advanced Disposal Services also owns & operates a vertically integrated network of transfer stations and landfill operations. Ryan worked in their operations in Atlanta, Georgia.

Hobbs received a Bachelor's of Business Administration from the University of Georgia Magna Cum Laude in 2001. He is an active member of the Waste Industry Association.

Waste Hauler's Group wherein he will serve chairman is also an active member of the Young Men's Business League. Ryan and his wife, Katie, have been married for 7 years and their first child in 2008.

Edwin Ivester, Director of Maintenance



Edwin Ivester has over 20 years of experience in Maintenance and Logistical Support. He served in the United States military after having served both the Air Force and Army. He came to the industry where he devised and implemented a maintenance plan for his company while in Baghdad in Iraq. Edwin enjoys people and those he manages to achieve all they can. His motto "lead by example." He has experience in managing fleets with varying and demanding service needs. He has received awards and commendations for his innovative ideas, methods that meet new challenges and the forethought and productivity with an eye to the future.

Edwin attended the University of Maryland and Central Florida State University. Edwin enjoys NASCAR racing, fishing and playing golf with his family. He has been married 20 years to his wife Nancy and has three children. His son Jacob is an audio consultant who lives in Florida, his daughter Emily teaches third grade and lives in the state of Mississippi. Family life and love are important to Edwin and their close and loving relationship his finest achievement.

Edwin is excited to be with Texas Disposal Systems as it has opened the opportunity to work for a company that strives to grow their business in a way that benefits its community.

Gary Newton, J.D., General Counsel



Gary Newton has served as general counsel since 1996. In this position, he represents TDS entities on general legal issues with a focus on legislative and regulatory affairs.

Gary's daily responsibilities at TDS include legislative activities, responding to issues with the Natural Resource Conservation Commission, litigation, and ensuring that the operations comply with state and federal regulations.

Prior to TDS, Gary was in private practice with a large law firm, Jenkens & Gilchrist, P.C. He has extensive experience in environmental law.

clients in areas of environmental, legislative and regulatory. He worked on legislative affairs regarding solid waste and was a member of the Texas House of Representatives' Environment Committee from 1985 to 1992.

Gary received a Bachelor of Business Administration honors in 1980 from Southwest Texas State University and a law degree from the University of Houston in 1985. He is a member of the Texas and American Bar Associations. Gary is also a member of the Texas Legislative Sportsman's Caucus, which promotes outdoor sports such as hunting and fishing. He actively participates in the National Solid Wastes Management Association (NSWMA) program.

Wade Wheatley, P.E., Director of Facility Operations



Wade Wheatley serves as the Director of Facility Operations and Development for Texas Disposal Systems. He is responsible for compliance oversight, facility management, and works to develop new business opportunities for the company.

When he joined Texas Disposal Systems, Wade brought with him 20 years of professional and regulatory experience in solid waste management, primarily with the Texas Commission on Environmental Quality. Prior to his employment with the State of Texas, Wade managed a hazardous waste thermal treatment unit and emergency response services, serving as an officer in the United States Marine Corps.

Wade earned a Bachelor of Science in Mechanical Engineering from the United States Naval Academy at Annapolis, Maryland. He is a licensed professional engineer in Texas and a member of the American Society of Mechanical Engineers.

Wade is married to the former Katharine Williams and has three children: Elisabeth, Joshua, Gideon, and Zebulun.

© 2008 Texas Disposal Systems

Exhibit C
TDS Request for Reconsideration (11/5/07)
with blow-up of fax header

Received:
NOV-05-2007 MON 04:50 PM TEXAS DISPOSAL SYSTEMS

Nov 5 2007 03:42pm
FAX NO. 5122434123

P. 01

TEXAS DISPOSAL SYSTEMS, INC.
TEXAS DISPOSAL SYSTEMS LANDFILL, INC.



P.O. Box 17126
Austin, Tx 78760-7126
(512) 421-1300 Office
(512) 243-4123 Fax
www.texasdisposal.com

FACSIMILE
TRANSMISSION MEMORANDUM

DATE: November 5, 2007

NUMBER OF PAGES TRANSMITTED: 5 (including cover)

MESSAGE IS FOR: LaDonna Castañuela, Office of the Chief
Clerk, Texas Commission on Environmental Quality

MESSAGE IS FROM: Dennis L. Hobbs

FAX NO. CALLED: 239-3311

REGARDING: Please see attached letter re: Application of
BFI Waste Systems of North America, Inc.; MSW Permit No. 1447A

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

CHIEF CLERKS OFFICE

2007 NOV - 5 PM 3: 51

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

8/oz

TJFA, L.P.

P.O. Box 17126
Austin, TX 78760
(512) 619-9103
(512) 243-4123

November 5, 2007

*Via Facsimile: (512) 239-3311
and Federal Express*
LaDonna Castañuela
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Application of BFI Waste Systems of North America, Inc.;
MSW Permit No. 1447A

Dear Ms. Castañuela:

This letter is being submitted on behalf of TJFA, L.P. ("TJFA") in response to the Executive Director's Response to Public Comment and the opportunity to request a contested case hearing dated October 5, 2007 from the Chief Clerk's Office on the above-referenced application. TJFA is opposed to this proposed permit amendment, and hereby requests the Executive Director reconsider his decision for the reasons explained herein, and again TJFA also requests a contested case hearing on this application. TJFA previously submitted comments and requested a contested case hearing on June 15, 2007.

TJFA is a real estate investment company which owns real property within one mile of the BFI Sunset Farms Landfill. TJFA is an affective person because it owns approximately 11 acres across the street from the landfill on the north side of Blue Goose Road in the Lucas Munos Survey Abstract No. 513. TJFA is concerned about the negative impact to the use and value of its property due to foul odors, dust, windblown debris, vectors, noise, traffic, methane gas migration, contaminated groundwater contamination migration, and other negative affects. Thus, TJFA has a justiciable interest related to the legal rights, duties, privileges, powers, or economic interests in this property that are adversely affected by this application in a way that is not common to the general public because of such close proximity. TJFA incorporates by reference and raises again the disputed issues of fact submitted in its June 15, 2007 public comments. TJFA further disputes the Executive Director's Responses to Comments in 1-44 and more particularly asserts:

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 NOV - 5 PM 3: 50
CHIEF CLERKS OFFICE

LaDonna Castañuela
November 5, 2007
p. 2

Applicant Identification, Comment No. 5

In response to comments, the Executive Director has changed the Draft Permit to identify the applicant as BFI Waste Systems of North America, Inc. as the sole permittee, and to identify that BFI Waste Systems of North America, Inc. and Giles Holdings, L.P. are the property owners. This landfill, however, has a history of non-compliance with matters that directly impact TJFA's property. Therefore, TJFA must be sure there is a responsible entity for the operations at this landfill. The permittee must be responsible and responsive when these impacts occur, without shifting responsibility to some other entity.

Permit Term, Comment No. 6

TJFA supports the special provision that has been included in the permit that specifies that BFI shall receive no waste after November 1, 2015. It must be understood by all parties that no amendments are allowed and no transfer station will be allowed at this site.

Compatibility with Surrounding Community and Growth Trends, Comment 13.

The proposed permit amendment is not compatible with land use in the surrounding area. The adverse impact of this facility upon the community, property owners and individuals is unacceptable. Community growth patterns indicate that this is a rapidly growing residential area, incompatible with a nearly 200-foot tall landfill. Comments 13, 14 and 17.

The character of the surrounding land uses within one mile of the proposed facility is generally residential and the growth trends of the nearest community are also residential. This expansion is in the community's preferred growth corridor designated as the "desired development zone." Expansion of a landfill is not compatible with these trends and growth patterns. 30 TAC §330.53(b)(8). Comments 13, 24, 26, 27, and 28.

Roads within a mile of the facility have not been fully identified by the applicant. Accordingly a reviewer cannot determine the adequacy of the access roads, availability of roads or volume of traffic. 30 TAC § 330.53(b)(9). Comment 20.

The draft permit authorizes this landfill to be open 24 hours a day 7 days a week which is unacceptable based on its proximity to residential neighborhoods. The landfill should be completely closed on Sundays, and closed from 9:00 p.m. to 5:00 a.m. nightly for all activities including waste acceptance, landfill construction and maintenance, waste composting and processing and the use of any heavy construction equipment. Comment 25.

Because of the landfill's history of odor violations, the New 330 rules should be followed for odor control. 30 TAC § 330.149 requires that the site operating plan have an odor management plan that addresses the "sources of odors and includes general instructions to control odors or sources of odors. Plans for odor management must include the identification of wastes that require special attention such as septage, grease trap waste, dead animals and leachate." Comments 22 and 33.

LaDonna Castañuela
November 5, 2007
p. 3

It was evident from comments presented at the public meeting held on May 24, 2007, that this facility already has a problem with surface water drainage. Accordingly, the New 330 rules should be used for erosion and sediment control in order to protect the surrounding properties. 30 TAC §§ 330.301 through 330.305. Comment 33.

It does not appear that compliance with requirements for non-erodible velocities, minimizing soil losses, and stability of final cover has been demonstrated. 30 TAC § 330.55(b)(5)(E), § 330.56(f)(4)(A)(vi), § 330.56(f)(4)(A)(vii), § 330.133(b), and/or § 330.55(f). Comment 34.

There is significant contradiction between various parts of the Amendment Application regarding cover inspection and erosion repair. 30 TAC § 330.113(b)(B). § 330.133(g), § 330.55(b)(1). Comment 34.

It is stated that the inspections for erosion of final and intermediate cover will occur only Monday through Friday, yet, the landfill would be permitted to operate 24 hours per day, 7 days a week. 30 TAC §§ 330.133, 330.55(b)(1). This is another reason not to authorize this landfill being open 24 hours per day, 7 days a week. Comments 31 and 34.

It is unclear whether the use of alternate daily cover is authorized by the permit amendment. Standard Permit Condition VIII, I. TJFA regards alternate daily cover as unacceptable for this permit application and should be prohibited, primarily because of the severe violations of nuisance odor requirements. 30 TAC § 330.133 (a) and (c). Comment 31.

The onsite materials may be unsuitable for landfill construction purposes without specific information regarding the very high plasticity characteristics. It is also not clear from the application that the onsite soils can be successfully used for soil liner. 30 TAC § 330.56 (d) (5) (B). Comment 32.

The discussion regarding likely pathways of pollution migration does not address contaminant migration possible from the Waste Management site adjacent to the BFI site. 30 TAC § 330.56 (d) (5) (C) (iv). Comments 35 and 38.

The storage, treatment and disposal of contaminated water must be detailed in the application. There does not appear to be a description that demonstrates that the facility meets the criteria to ensure that runoff from daily cover is not potentially contaminated. 30 TAC § 330.56 (e) (1). Comment 36.

The SLQCP does not appear to address the specific conditions at this site. 30 TAC §§ 330.56(j) and 330.205. Comment 29.

The landfill gas collection systems, are not protective of human health and the environment, because of the removal of gas monitoring probes between the BFI and Austin County Landfill boundary. 30 TAC § 330.56 (n) (1) (B). Comment 39.

The demonstration of no significant alteration of natural drainage patterns was based on a comparison of the existing permit with the proposed permit amendment rather than

LaDonna Castañuela
November 5, 2007
p. 4

predevelopment conditions. 30 TAC §330.55(b) (5) (D), §330.56 (f) (2), and/or §330.56 (f) (4) (A) (iv). Comments 33 and 36.

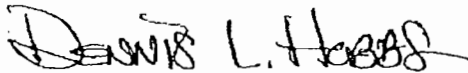
The leachate collection system may not work adequately because of problems related to the sump. It appears that leachate levels will accumulate above one foot on the liner and flood the waste above the pump. 30 TAC § 330.5 (e) (6) (A) (ii). Comment 35.

This Applicant's compliance history, specifically with regard to odor conditions, gas emissions, contaminated storm water, and the leachate collection system is a material and relevant issue. Comment 10.

Finally, TJFA is still opposed to expansion of this landfill and dispute that the Application complies with applicable rules. Comment 1

Accordingly, TJFA re-urges its request for a contested case hearing.

Very truly yours,



Dennis L. Hobbs

Exhibit D
Printout from Network Solutions Website

Pop-up blocked. To see this pop-up or additional options click here...

Registrant: [Make this info private](#)
Texas Disposal Systems
12200 Carl Road
Creedmoor, TX 78610
US

Domain Name: TJFA-LP.COM

Promote your business to millions of viewers for only \$1 a month!
Learn how you can get an Enhanced Business Listing here for your domain name.
[» Learn More](#)

Administrative Contact , Technical Contact :
Texas Disposal Systems
administrator@texasdisposal.com
12200 Carl Road
Creedmoor, TX 78610
US
Phone: 512-421-1300

Record expires on 08-Mar-2012
Record created on 08-Mar-2007
Database last updated on 08-Mar-2007

Domain servers in listed order: [Manage DNS](#)

NS1.WORLDDNIC.COM	205.178.190.1
NS2.WORLDDNIC.COM	205.178.144.1

[Show underlying registry data for this record](#)

Current Registrar: NETWORK SOLUTIONS, LLC.
IP Address: [209.62.20.216](#) (ARIN & RIPE IP search)
IP Location: US(UNITED STATES)-TEXAS-DALLAS
Record Type: Domain Name
Server Type: Apache 2
Lock Status: clientTransferProhibited
Web Site Status: Active
DMOZ: no listings
Y! Directory: [see listings](#)
Secure: No
E-commerce: No
Traffic Ranking: Not available
Data as of: 14-Jun-2005

Exhibit E
Excerpts from Bob Gregory Deposition Transcript

ORAL DEPOSITION OF BOBBY EDWARD GREGORY
SOAH DOCKET NO. 582-06-3321 TCEQ DOCKET NO. 2005-0037-MSW

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS
(FOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)
AUSTIN, TEXAS

IN THE MATTER OF:) SOAH DOCKET NO.
WILLIAMSON COUNTY RECYCLING) 582-06-3321
& DISPOSAL FACILITY) TCEQ DOCKET NO.
) 2005-0037-MSW

ORAL DEPOSITION OF BOBBY EDWARD GREGORY

TUESDAY, NOVEMBER 7, 2006

ORAL DEPOSITION OF BOBBY EDWARD GREGORY,
produced as a witness at the instance of TJFA, LP, and
duly sworn, was taken in the above-styled and numbered
cause on Tuesday, November 7, 2006 from 1:30 p.m. to
4:41 p.m., by William C. Beardmore, a Certified
Shorthand Reporter in and for the State of Texas,
reported by computerized stenotype machine at the
Offices of Vinson & Elkins, 2801 Via Fortuna, Suite
100, Conference Room, Austin, Texas 78746-7568,
pursuant to the Texas Rules of Civil Procedure.

CONDENSED TRANSCRIPT

Kennedy Reporting Service, Inc.
1801 Lavaca, Suite 115
Austin, Texas 78701
512.474.2233 - phone
512.474.6704 - fax
Kennedyrpt@aol.com

TUESDAY, NOVEMBER 7, 2006

ORAL DEPOSITION OF BOBBY EDWARD GREGORY
 SOAH DOCKET NO. 582-06-3321 TCEQ DOCKET NO. 2005-0037-MSW

Page 2	Page 4
<p style="text-align: center;">APPEARANCES</p> <p>1 2 3 MR. JOHN A. RILEY, Vinson & Elkins, LLP, 4 2801 Via Fortuna, Suite 100, Austin, Texas 78756-7568, 5 (512)542-8520, appearing on behalf of WASTE MANAGEMENT 6 OF TEXAS, INC. 7 8 MR. R. MARK DIETZ, Dietz & Jarrard, P.C., 106 9 Fannin Avenue East, Round Rock, Texas 78664, 10 (512)244-9314, appearing on behalf of the APPLICANT, 11 WILLIAMSON COUNTY. 12 13 MR. LAWRENCE G. DUNBAR, Dunbar, Harder & 14 Benson, LLP, One Riverway, Suite 1850, Houston, Texas 15 77056, (713)782-4646, appearing on behalf of TJFA, LP. 16 17 MR. ANTHONY TATU, Staff Attorney, Texas 18 Commission on Environmental Quality, MC-173 P.O. Box 19 13087, Austin, Texas 78711-3087, (512)239-4761, 20 appearing on behalf of THE EXECUTIVE DIRECTOR OF THE 21 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. 22 23 DR. ORLYNN EVANS, 112 Guadalupe Dr., Hutto, 24 Texas 78634, appearing on behalf of MOUNT HUTTO AWARE 25 CITIZENS.</p>	<p style="text-align: center;">TABLE OF CONTENTS</p> <p>1 2 PAGE 3 TELEPHONE CONFERENCE (Judge Seitzman and Parties) 9 4 DEPOSITION OF BOBBY EDWARD GREGORY 5/23 5 EXAMINATION (RILEY) 23 EXAMINATION (EVANS) 117 6 7 JURAT 124 8 9 REPORTER'S CERTIFICATE 125 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p style="text-align: center;">APPEARANCES</p> <p>1 2 3 Also present: 4 Nicole Adame Winingham, Attorney, Vinson & Elkins 5 Chris Macomb, Governmental Affairs Director with 6 Waste Management of Texas 7 Ruth Muelker, Sr. Legal Counsel, Waste Management 8 Don Smith, Vice President of Waste Management of 9 Texas, Inc. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">PROCEEDINGS</p> <p>1 TUESDAY, NOVEMBER 7, 2006 2 (1:30 p.m.) 3 MR. RILEY: Mr. Dunbar? 4 MR. DUNBAR: I'm Larry Dunbar 5 representing TJFA, and I just wanted to make it clear 6 and get an understanding of who's in attendance at 7 this deposition and who'll be taking the deposition. 8 MR. RILEY: Under what rights do you 9 have to gain that information? 10 MR. DUNBAR: My understanding is, my 11 client has agreed to take the deposition or have a 12 deposition taken on behalf of Williamson County who's 13 a party -- 14 MR. RILEY: In fact, I have a transcript 15 from the preliminary hearing. 16 MR. DUNBAR: -- who is a party to this 17 deposition -- a party of this proceeding. And we're 18 more than happy to give the deposition based upon 19 questions asked of a party to this proceeding or its 20 designated counsel. 21 MR. RILEY: Waste Management was 22 accepted by the Administrative Law Judge in this 23 matter. Are you objecting? 24 MR. DUNBAR: As what? 25</p>

2 (Pages 2 to 5)

TUESDAY, NOVEMBER 7, 2006

Page 22	Page 24
<p>1 considerations by which you object in me 2 participating, and as the Judge has just said I 3 should, then I would ask you as a professional and 4 under your ethical obligations to make that known now. 5 MR. DUNBAR: I put my objections on the 6 record. 7 MR. RILEY: You realize that if you sit 8 there idly by and you allow me to commit an ethical 9 violation that you're in violation of your ethical 10 responsibilities. Do you realize that? 11 MR. DUNBAR: I put my objections on the 12 record. 13 MR. RILEY: Thank you. Before we 14 proceed, Mr. Dietz, do you have any concern with me 15 proceeding as designated by Williamson County to take 16 this deposition? 17 MR. DIETZ: No. 18 MR. RILEY: Do you know of any reason 19 that Williamson County would object to me taking this 20 deposition? 21 MR. DIETZ: No. 22 MR. RILEY: Okay. 23 24 25</p>	<p>1 believe that's what it -- 2 Q Who chose the name? 3 A Dennis Hobbs. 4 Q Who is Dennis Hobbs? 5 A He is the vice president of that company. 6 Q And you're the president of the company. 7 Correct? 8 A That is correct. 9 Q Does the company have any employees? 10 A No, it does not. 11 Q Is it a for-profit entity? 12 A Yes, it is. 13 Q Is it registered with the Secretary of State? 14 A Yes. 15 Q When was the company formed? 16 A I don't recall exactly. I think we 17 determined in the hearing the other day that TJFA was 18 in 2004, approximately two years ago. 19 Q But I was speaking of Garra de Aguila. 20 A I think it was about the same time. So I 21 assume it was about that period. 22 Q What type of business is Garra de Aguila? 23 A It's a real estate development and investment 24 company. 25 Q Why did you form Garra de Aguila?</p>
Page 23	Page 25
<p>1 BOBBY EDWARD GREGORY, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. RILEY: 5 Q Mr. Gregory, please state your name and 6 address. 7 A My name is Bobby Edward Gregory. My address 8 is 2939 Westlake Cove, Austin, Texas. 9 Q "Bobby," is that your given name? 10 A That is my given and legal name. 11 Q In what capacity do you appear here today for 12 this deposition? 13 A As President of Garra de Aguila, Incorporated 14 that serves as the General Partner of TJFA, LP. 15 Q Garra de Aguila -- am I pronouncing that 16 correctly? 17 A Yes. 18 Q Is that in the Spanish language? 19 A Yes, sir. 20 Q What does it mean, if you know? 21 A I think it means -- is that what your 22 question was? 23 Q Yes. 24 A I think it means talon of the eagle or 25 something like that. It was not my name choice, but I</p>	<p>1 A For real estate investment. 2 Q Has Garra de Aguila made any real estate 3 purchases? 4 A It is a holding company for different 5 investments including its general partnership position 6 in TJFA, LP. 7 MR. RILEY: Objection, nonresponsive. 8 Q (By Mr. Riley) I asked you a simple 9 question, Mr. Gregory. I know you've had your 10 deposition taken before, and if you can answer my 11 question with either a "yes" or "no" truthfully, I 12 would appreciate it if you would do so. 13 MR. DUNBAR: I'll object to badgering my 14 client. 15 MR. RILEY: Okay. 16 Q (By Mr. Riley) Okay. Does Garra de Aguila 17 have any real estate holdings? 18 A Not that I recall. 19 Q You mentioned that Garra de Aguila, then, is 20 a holding company and is the general partner in 21 another entity. Is that correct? 22 A That is correct. 23 Q And that's TJFA? 24 A That's correct. 25 Q Who are the other partners in TJFA?</p>

ORAL DEPOSITION OF BOBBY EDWARD GREGORY
 SOAH DOCKET NO. 582-06-3321 TCEQ DOCKET NO. 2005-0037-MSW

Page 122

1 time? That's what we're --
 2 DR. EVANS: To him? No, I don't think I
 3 could add anything to what's happened here.
 4 MR. DUNBAR: Okay.
 5 MR. RILEY: Well, I think what we
 6 usually say, because we're going to do more
 7 depositions, is, when you're through asking questions
 8 of the witness, if you want to pass the witness, then
 9 you just say "pass the witness."
 10 DR. EVANS: Pass.
 11 MR. DUNBAR: I have no questions at this
 12 time. Thank you.
 13 (Proceedings concluded at 4:41 p.m.)
 14 WITNESS: BOBBY EDWARD GREGORY DATE: 11-7-2006
 15 CHANGES AND SIGNATURE
 16 PAGE LINE CHANGE REASON
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

Page 124

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 I, BOBBY EDWARD GREGORY, have read the
 foregoing deposition and hereby affix my signature
 that same is true and correct, except as noted above.
 11
 12 BOBBY EDWARD GREGORY
 13
 14 THE STATE OF _____)
 15 COUNTY OF _____)
 16 Before me, _____, on this day
 personally appeared BOBBY EDWARD GREGORY, known to me
 17 or proved to me on the oath of _____
 or through _____ (description of
 18 identity card or other document) to be the person
 whose name is subscribed to the foregoing instrument
 19 and acknowledged to me that he/she executed the same
 for the purposes and consideration therein expressed.
 20
 21 Given under my hand and seal of office on
 this _____ day of _____,
 22
 23 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
 24 My Commission Expires: _____
 25

Page 123

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

Page 125

1 TRANSCRIPT OF PROCEEDINGS
 2 BEFORE THE
 3 STATE OFFICE OF ADMINISTRATIVE HEARINGS
 4 (FOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)
 5 AUSTIN, TEXAS
 6
 7 IN THE MATTER OF:) SOAH DOCKET NO.
 8 WILLIAMSON COUNTY RECYCLING) 582-06-3321
 9 & DISPOSAL FACILITY) TCEQ DOCKET NO.
 10) 2005-0037-MSW
 11
 12 REPORTER'S CERTIFICATE
 13 ORAL DEPOSITION OF BOBBY EDWARD GREGORY
 14 TUESDAY, NOVEMBER 7, 2006
 15 I, William C. Beardmore, Certified Shorthand
 16 Reporter in and for the State of Texas, hereby certify
 17 to the following:
 18 That the witness, BOBBY EDWARD GREGORY, was
 19 duly sworn and that the transcript of the deposition
 20 is a true record of the testimony given by the
 21 witness;
 22 That the deposition transcript was duly
 23 submitted on _____ to the attorney/witness
 24 for examination, signature and return;
 25 That pursuant to information given to the
 deposition officer at the time said testimony was
 taken, the following includes all parties of record
 and the amount of time used by each party at the time
 of the deposition:
 John Riley (Two Hours, 9 minutes)
 Attorney for Waste Management of Texas, Inc.
 Orlynn Evans (6 minutes)
 Party Representative For Mount Hutto Aware
 Citizens
 I further certify that I am neither counsel
 for, related to, nor employed by any of the parties in
 the action in which this proceeding was taken, and