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TELECOPIER COVER SHEET

October 22, 2008

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Bob Renbarger J.D. Head	TJFA, L.P.	512-477-5267
Jim Blackburn Mary Carter	Northeast Neighbors Coalition	713-524-5165
Paul M. Terrill, III	Giles Holdings, L.P.	512-474-9888
Stephen P. Webb	Pioneer Farms	512-472-3183

Client No.: 1635-03
From: Paul Gosselink

No. of Pages: 8 + cover sheet

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

1 of 2

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**SOAH Docket No. 582-08-2178
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S
NOTICE OF ORAL DEPOSITION OF
CELESTE SCARBOROUGH AND SUBPOENA DUCES TECUM**

TO: Pioneer Farms, by and through its counsel of record, Stephen Webb, WEBB & WEBB,
1270 Bank of America Center, 515 Congress Avenue, Austin, Texas 78701.

PLEASE TAKE NOTICE pursuant to Rule 199 of the Texas Rules of Civil Procedure
that Applicant BFI Waste Systems of North America, LLC will take the following oral
deposition in this proceeding:

Witness: Celeste Scarborough
Date: Monday, October 27, 2008
Time: 1:30 p.m.
**Location: Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, Texas 78701**

The deposition will continue from day-to-day until completed. The deposition will be taken
before a certified court reporter from Kennedy Reporting Service. The following persons may
attend the deposition in addition to counsel for BFI: a corporate representative of BFI. The
witness is requested to bring to the deposition for review and inspection the originals of the
documents requested in the subpoena duces tecum that is attached as Exhibit "A."

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 of Service

I hereby certify that a true and correct copy of the foregoing Notice of Oral Deposition was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on October ~~22~~ 2008:

FOR THE PUBLIC INTEREST COUNSEL:

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

FOR THE EXECUTIVE DIRECTOR:

Steve Shepherd, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
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REPRESENTING CITY OF AUSTIN:

Holly Noelke
Assistant City Attorney
City of Austin Law Department
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Fax: (512) 974-6490

REPRESENTING GILES HOLDINGS, L.P.

Paul M. Terrill, III
The Terrill Firm, P.C.
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Fax: (512) 474-9888

**REPRESENTING NORTHEAST NEIGHBORS
COALITION AND INDIVIDUALS:**

Jim Blackburn and Mary Carter
Blackburn and Carter, LLP
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Tel: (713) 524-1012
Fax: (713) 524-5165

REPRESENTING TJFA, L.P.:

Bob Renbarger and J. D. Head
Fritz, Byrne, Head, & Harrison, LLP
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Tel: (512) 476-2020
Fax: (512) 477-5267

REPRESENTING TRAVIS COUNTY:

Kevin Morse
Assistant Travis County Attorney
Travis County Attorney's Office
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Fax: (512) 854-4808

REPRESENTING PIONEER FARMS:

Stephen P. Webb
Webb & Webb
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Austin, Texas 78767
Tel: (512) 472-9990
Fax: (512) 472-3183



Paul G. Gosselink

Exhibit "A"
Subpoena Duces Tecum

Please produce and make available at the deposition the following documents and things:

1. Any and all supplemental documents or tangible things within your possession, custody or control that are responsive to and within the scope of the discovery requests as set forth in BFI Waste Systems of North America, LLC's First Set of Interrogatories and Requests to Production and Things to Pioneer Farms.
2. Any and all documents in your possession, custody or control that regard, refer or relate to BFI's application to expand the Sunset Farms Landfill that have not been previously produced by you in this proceeding.
3. Location mapping of odor complaints/sources/impacts and documents that reflect, refer or relate to same.

**SOAH Docket No. 582-08-2178
TCEQ Docket No. 2007-1774-MSW**

**IN RE THE APPLICATION OF BFI WASTE § BEFORE THE
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS**

**APPLICANT BFI WASTE SYSTEMS OF NORTH AMERICA, LLC'S
NOTICE OF ORAL DEPOSITION OF THE CORPORATE REPRESENTATIVE
OF TJFA, L.P. AND SUBPOENA DUCES TECUM**

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


PLEASE TAKE NOTICE that Applicant BFI Waste Systems of North America, LLC will take the oral deposition of TJFA, L.P. on Thursday, October 30, 2008 commencing at 10:00 a.m. at the offices of Fritz, Byrne, Head & Harrison, LLP, 98 San Jacinto Blvd., Suite 2000, Austin, Texas 78701. Pursuant to TEX. R. CIV. P. 199.2(b)(1), TJFA, L.P. is directed to designate one or more persons to testify on its behalf who have the most knowledge regarding the following matters:

1. Background information regarding TJFA – including but not limited to its formation; the identity of its general and limited partners, directors and officers; and the nature of its relationship to Garra de Aguila, Inc., Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc., Bobby Gregory, Jimmy Gregory and Dennis Hobbs.
2. The existence and nature of any relationship between TJFA and/or its partners to any other parties in this proceeding.
3. The nature of TJFA's business and its business/investment model.
4. Properties owned by TJFA and these properties' proximity to MSW facilities.
5. TJFA challenges (past and present) to other MSW permit applications.

6. The effects, if any, of the Sunset Farms Landfill and other landfills (whether opened or closed) in the vicinity of Sunset Farms on any property owned by TJFA.
7. The effects, if any, of the proposed expansion of the Sunset Farms Landfill or the expansion of any other landfill in the vicinity of Sunset Farms on TJFA or any of its properties.
8. TJFA's contentions regarding BFI's application to vertically expand the Sunset Farms Landfill.
9. The scope and nature of TJFA's efforts to oppose BFI's application.
10. TJFA's answers to BFI's written discovery requests.

The deposition will be taken before a certified court reporter, and when transcribed will be used as evidence in this contested case hearing. TJFA, L.P. is directed to bring the documents and things listed in the subpoena duces tecum that is attached as Exhibit "A" to this notice to the deposition for review and inspection.

Respectfully submitted,

By: 
 Paul G. Gosselink
 Texas Bar No. 08222800

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 Austin, Texas 78701
 Phone: (512) 322-5800
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**ATTORNEYS FOR APPLICANT
 BFI WASTE SYSTEMS OF NORTH
 AMERICA, LLC**

OF COUNSEL:

John E. Carlson
 Texas Bar No. 00790426

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Notice of Deposition was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on October 22, 2008:

FOR THE PUBLIC INTEREST COUNSEL:

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Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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FOR THE EXECUTIVE DIRECTOR:

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Texas Commission on Environmental Quality
Environmental Law Division, MC-173
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REPRESENTING CITY OF AUSTIN:

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Assistant Travis County Attorney
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Fax: (512) 472-3183



Paul G. Gosselink

Exhibit "A"
Subpoena Duces Tecum

1. All documents and other tangible things which supplement TJFA's prior responses to BFI'S discovery requests served in this matter.

2. Copies of checks, drafts, bank statements or other similar documents which reflect any payments made by or on behalf of TJFA, Texas Disposal Systems, Inc. (TDS), Texas Disposal Systems Landfill, Inc. (TDSL), Bobby Gregory, Jimmy Gregory, Dennis Hobbs or any owner, agent or representative of TJFA, TDS or TDSL to: (a) the Northeast Neighbors Coalition (NNC) or its members or attorneys in connection with NNC's and its members' opposition to BFI's permit application for the vertical expansion of the Sunset Farms Landfill; or (b) any third party, including but not limited to Texas Campaign for the Environment, which, in turn, has provided funding support for NNC or its members in connection with its opposition to BFI's permit application for the vertical expansion of the Sunset Farms Landfill.