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October 23, 2008

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Client No.: 1635-03

From: Paul Gosselink

No. of Pages: 4 + 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

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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
JEREMIAH BENTLEY AND SUBPOENA DUCES TECUM**

TO: Northeast Neighbors Coalition and Aligned Entities and Individuals, by and through their counsel of record, Jim Blackburn, Blackburn and Carter, LLP, 4709 Austin Street, Houston, Texas 77004.

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: Jeremiah Bentley
Date: Wednesday, October 29, 2008
Time: 6:00 p.m. (or immediately upon completion of the deposition of Mark McAfee in the event that deposition runs past 6:00 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

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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 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 23, 2008:

FOR THE PUBLIC INTEREST COUNSEL:

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Public Interest Counsel, MC-103
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FOR THE EXECUTIVE DIRECTOR:

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City of Austin Law Department
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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 First Set of Interrogatories and Requests to Production and Things to Northeast Neighbors Coalition (NNC).
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.
4. Annual reports and other "financial records of the organization" kept pursuant to Article V, Section 3 of NNC's bylaws for the past five (5) years that reflect any gifts or contributions of money, goods or services to NNC by or on behalf of any of the following persons or entities or their attorneys, agents or representatives:
 - a. Texas Disposal Systems, Inc.
 - b. Texas Disposal Systems Landfill, Inc.
 - c. Garra de Aguila, Inc.
 - d. TJFA, L.P.
 - e. Bob Gregory
 - f. Jim Gregory
 - g. Dennis Hobbs
 - h. Texas Campaign for the Environment
 - i. Robin Schneider
5. A full, complete and unredacted copy of the 4-page e-mail dated July 31, 2005 for which the first page only has been produced as Bates label NNC001994.