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December 2, 2008

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Client No.: 1635-03

From: Paul Gosselink

No. of Pages: 6 + 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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Lloyd Gosselink Rochelle & Townsend, P.C.

**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
AMENDED NOTICE OF ORAL DEPOSITION OF
L. STEPHEN STECHER AND REQUEST FOR PRODUCTION**

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 pursuant to Rules 195.4 and 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: L. Stephen Stecher
Date: Monday, December 8, 2008
Time: 10:00 a.m.
**Location: Offices of Fritz, Byrne, Head & Harrison, LLP, 98 San
Jacinto Blvd., Suite 2000, 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: Ray Shull, Adam Mehevec, Greg Lewis
and/or a corporate representative of BFI. This Amended Notice of Deposition requests the

witness to bring to the deposition for review, inspection, and possibly copying, the originals of the documents requested in the Request for Production 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 Supplement to 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 December 2, 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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COALITION AND INDIVIDUALS:

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REPRESENTING TRAVIS COUNTY:

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



Paul G. Gosselink

Exhibit "A" to Deposition Notice

REQUEST FOR PRODUCTION

The witness is hereinafter referred to as "you" or "your". You are directed to bring with you to the deposition the following materials, to the extent such documents have not previously been produced to BFI:

1. All documents, tangible things, reports, models, or data compilations that have been provided to you, reviewed by you, or prepared by or for you in anticipation of his testimony, including:
 - a. Any and all documents and things reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - b. Any and all documents and things created or produced by you in connection with your work pertaining to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - c. Any and all documents in your custody or control concerning this contested case hearing.
 - d. Any and all documents in your custody or control concerning the BFI Sunset Farms Landfill.
 - e. Your complete file in this case – including but not limited to any and all of your records, correspondence (including e-mails), personal notes, calendars, diaries, phone logs and any other type of document concerning any fact or opinion in relation to BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - f. Invoices and time entries for work performed by you and/or anybody under your control or supervision in connection with the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing
 - g. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - h. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions in your custody or control concerning the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.

- i. All models, samples and test results that relate in any way to the BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing. This request specifically encompasses any and all tables, spreadsheets, summaries or graphical representations of such information.
 - j. Any and all photographs, recordings, digital videos, videotapes and/or films reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning this BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - k. Any and all photographs, recordings, videotapes, and/or radiographic films in your custody or control concerning BFI Sunset Farms Landfill, BFI's application to expand the landfill, and this contested case hearing.
 - l. Any and all models, illustrations, photographs or other exhibits or documents of any kind which you intend or contemplate using to illustrate, explain or support your testimony at the trial of this cause.
2. Any memoranda, letters, notes, or other documents prepared by you or reviewed by you relating to the Rule 11 Agreement between BFI, Giles Holdings, LP., and the City of Austin dated October 31, 2008, or relating to the Austin City Council's consideration of that Rule 11 Agreement (or topics addressed therein) prior to or at the Austin City Council meeting planned for December 11, 2008.
3. A current copy of your curriculum vitae summarizing your professional qualifications, publications, presentations, affiliations, and professional licensure.
4. To the extent not identified in your curriculum vitae produced pursuant to Item 2 above, lists, spreadsheets or other documents that list or reflect legal proceedings in which you have given testimony or in which you have made an expert report.
5. A bibliography identifying all papers, abstracts, governmental publications or other medical, technical or scientific articles written or authored, in whole or in part, by you relating in any way to the subject or issues of this lawsuit.
6. To the extent not identified in response to requests for disclosures made in this case, a list of all papers, abstracts, learned treatises, technical guidance documents, governmental publications, or other engineering, technical or scientific articles or texts you will rely on or claim to be authoritative in this matter.
7. Any and all documents which reflect your opinions, modeling or other work product as well as any trial, contested case hearing and/or deposition transcripts containing any testimony you have given in any other proceeding concerning an application for a municipal solid waste landfill permit or concerning compliance of such a facility that

pertains in any way to issues upon which you will be providing expert opinions in this proceeding, including but not limited to protection of surface water, drainage and storm-water protection or control (hereafter the "relevant issues"). This request specifically encompasses any and all pre-filed testimony prepared by or for you in such proceedings relating to the relevant issues. Without limiting the foregoing, the following specific documents or tangible things are requested:

a. Any and all reports or other documentary or electronic work product relating to the project(s) where you acted as Project Engineer at the Texas Disposal Systems Landfill in Austin, Texas as relate to the relevant issues; as well as documents and things reviewed, referred to, or relied upon by you in performing such work as identified in your pre-filed testimony Exhibit SS-2 as repeated below:

Texas Disposal Systems Landfill Evaluation and Design: Austin, Texas. *Project Manager.* Performed computer modeling of potential runoff, infiltration, evapotranspiration, and leachate formation at this municipal solid waste landfill in southeast Austin using EPA's HELP (Hydrologic Evaluation of Landfill Performance) and MULTIMED (Multimedia Exposure Assessment) models and ordinary analytical approaches to demonstrate compliance with the federal and state performance design criteria. Performed potential contaminant transport evaluations for BTEX using AT123D. Evaluated soils, geology and groundwater hydrology of the host formation to determine potential for migration of pollutants and developed and evaluated design alternatives for landfill covers and leachate collection systems. Work included storm water and leachate pond design, and development of the Storm Water Pollution Prevention Plan (SW3P).

b. Any and all reports filed or records kept pursuant to the Storm Water Pollution Prevention Plan (SW3P) for the Texas Disposal Systems Landfill as referenced in item No. 7.a. above.

c. Any and all transcripts of testimony given by you either in deposition or live testimony in any contested case hearing or trial related to the application for permit for the Texas Disposal Systems Landfill as referenced in item No. 7.a. above.