

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

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DATE: **12/10/2008**

NUMBER OF PAGES INCLUDING THIS COVER SHEET: **9**

REGARDING: **SUBPOENA- TEXAS DISPOSAL SYSTEMS LANDFILL**

DOCKET NUMBER: **582-08-2178**

JUDGE WILLIAM G NEWCHURCH

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TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT NORMA LOPEZ(nlo) (512) 475-4993

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Please disregard previous subpoena. It had an incorrect date for the deposition. The following is the correct subpoena.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

**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**

SUBPOENA

To any Sheriff, Constable, or any other person authorized to serve and execute subpoenas in the State of Texas:

You are commanded to summon: Texas Disposal Systems Landfill, Inc.
12200 Carl Road
Creedmoor, Texas 78610

By and through its registered agent,
Bob E. Gregory
12200 Carl Road
Creedmoor, Texas 78621

on behalf of BFI Waste Systems of North America, Inc., the applicant and a party in the above-contested case hearing now pending at the State Office of Administrative Hearings to appear at:

Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
Phone: (512) 322-5800

on January 9, 2009 at 9:00 a.m., and there to remain until discharged, in order to:

 X Give testimony at a:

 X DEPOSITION (by written questions only)
 HEARING
 TRIAL

 X Produce and permit inspection and copying of the following designated documents or tangible things in the possession, custody, or control of BFI Waste System of North America, LLC's counsel, Paul G. Gosselink, Lloyd Gosselink Rochelle & Townsend,

P.C., 816 Congress Ave., Suite 1900, Austin, Texas 78701 on or before January 9, 2009.

X See list attached as Exhibit A.

FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY RESULT IN THE INITIATION OF ENFORCEMENT PROCEEDINGS AND MAY BE PUNISHED IN ACCORDANCE WITH CIVIL AND/OR CRIMINAL SANCTIONS IN PROCEEDINGS BROUGHT IN DISTRICT COURT.

ISSUED THE 10th DAY OF DECEMBER 2008.

By: William G Newchurch
WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE

Received on the _____ day of _____, 2008 at _____ a.m./p.m.
Executed on the _____ day of _____, 2008 at _____ a.m./p.m. by
delivering, in person, to: _____
at _____
in _____ County, Texas, a true copy of this Subpoena and the sum of \$ _____.

SHERIFF/CONSTABLE
AUTHORIZED PERSON

By: _____
DEPUTY/SERVER

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2008

Seal:

Notary Public, State of Texas

Certificate of Service

I hereby certify that a true and correct copy of this document 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 _____:

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
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Paul G. Gosselink

EXHIBIT "A"

SUBPOENA FOR PRODUCTION OF DOCUMENTS

I. INSTRUCTIONS

1. If there are no documents or information responsive to a specific discovery request, please indicate so in your written response.
2. This discovery is continuing in nature, and a demand is made for the supplementation of this discovery as required by the Texas Rules of Civil Procedure.
3. If any documents requested herein have been lost or destroyed, in lieu of a true and correct copy thereof provide a list of such documents lost or destroyed together with the following information: (a) the date or origin of the document; (b) a brief description of the document; (c) the author of the document; (d) the date the document was lost or destroyed; and (e) a brief statement describing the manner in which the document was lost or destroyed.

II. DEFINITIONS

1. "You," "your," "yours" and "TDSL" refer to Texas Disposal Systems Landfill, Inc.
2. "TCEQ" or "the Commission" refer to the Texas Commission on Environmental Quality.
3. "Communications" and "correspondence" are used in their broadest sense to encompass any transmission or exchange of information, ideas, facts, data, proposal, or any other matter, whether between individuals or between or among the members of a group, whether face-to-face, by telephone, or by means of written, electronic or other medium.
4. "Document(s)" or "record(s)" means any writing, recording, or photograph in your actual or constructive possession, custody, care or control, that directly or indirectly concerns, in whole or in part, any matter relevant to the issues in this action, including, but not limited to, paper documents, electronic data, magnetic data, correspondence, memoranda, notes, messages, diaries, minutes, books, reports, drafts, charts, ledgers, invoices, computer printouts, microfilms, videotapes, audio recordings, visual recordings, CD's, digital photographs, e-mail, graphs, drawings, or any other data compilation from which information can be obtained. Any magnetic or electronic data should be produced in hard copy form.
5. "Relating," "referring," and "regarding" include, without limitation, embodying, mentioning, pertaining to, connected with, evidencing, or concerning, directly or indirectly, the subject matter identified.

III. DOCUMENTS REQUESTED

1. A full and complete copy of the current version of TCEQ Permit No. 2123 (Texas Disposal Systems Landfill) (with all supporting application documents).

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: BFI WASTE SYSTEMS OF NORTH AMERICA INC

SOAH DOCKET NUMBER: 582-08-2178

REFERRING AGENCY CASE: 2007-1774-MSW

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ WILLIAM G. NEWCHURCH**

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cc: Docket Clerk, State Office of Administrative Hearings