



**FRITZ, BYRNE, HEAD & HARRISON, PLLC**

*Attorneys at Law*

December 11, 2008

**VIA FACSIMILE NO. 239-3311**

**- and -**

**U. S. FIRST CLASS MAIL**

Ms. LaDonna Castañuela, Chief Clerk  
Office of the Chief Clerk (MC-105)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW; In re:  
the Application of BFI Waste Systems of North America, Inc., for a Major  
Amendment to Type I MSW Permit No. 1447A

Dear Ms. Castañuela:

Enclosed are an original and one copy of TJFA, L.P.'s Notice of Oral Deposition of Larry Dunbar and Subpoena Duces Tecum which we respectfully request be filed among the other papers in the above-referenced proceeding. Please return a file-stamped copy to me in the self-addressed, postage prepaid envelope provided for your convenience.

A copy of the enclosure is being forwarded to all parties of interest as set forth below. Thank you for your assistance in this matter.

Very truly yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: \_\_\_\_\_

Ann M. Devers  
Assistant to Bob Renbarger

Enclosures

cc: See, Certificate of Service (w/encl)



*Value Driven...Client Oriented*

98 SAN JACINTO BOULEVARD SUITE 2000 AUSTIN, TEXAS 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHH.COM

**SOAH DOCKET NO. 582-08-2178  
TCEQ DOCKET NO. 2007-1774-MSW**

<b>APPLICATION OF BFI WASTE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>SYSTEMS OF NORTH AMERICA,</b>	<b>§</b>	
<b>INC., FOR A MAJOR AMENDMENT</b>	<b>§</b>	<b>OF</b>
<b>TO TYPE I MSW PERMIT NO.</b>	<b>§</b>	
<b>1447A</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**TJFA, L.P.'s NOTICE OF ORAL DEPOSITION OF  
LARRY DUNBAR AND SUBPOENA DUCES TECUM**

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

PLEASE TAKE NOTICE pursuant to Rules 195.4 and 199 of the Texas Rules of Civil Procedure that Protestant TJFA, L.P. (TJFA) will take the following oral deposition in this proceeding:

**Witness: Larry Dunbar**

**Date: Wednesday, December 17, 2008**

**Time: 10:00 a.m.**

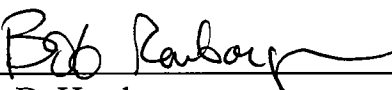
**Location: Offices of Fritz, Byrne, Head & Harrison, PLLC, 98  
San Jacinto Blvd., Suite 2000, Austin, Texas 78701**

The deposition will continue from day-to-day until completed. The deposition will be taken before a certified court reporter from Affiliated Reporting & Video. The following persons may attend the deposition in addition to counsel for TJFA: Bob Gregory and Steve Stecher. This 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 Subpoena  
Duces Tecum that is attached as **Exhibit A**.

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 11<sup>th</sup> day of December, 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](mailto:pgosselink@lglawfirm.com)  
E-MAIL: [jcarlson@lglawfirm.com](mailto:jcarlson@lglawfirm.com)  
**BFI WASTE SYSTEMS OF NORTH AMERICA, INC. and  
GILES HOLDINGS, L.P.**

Mr. Steve Shepherd  
Ms. Susan White  
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](mailto:sshepher@tceq.state.tx.us)  
E-MAIL: [swhite@tceq.state.tx.us](mailto: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](mailto: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](mailto: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](mailto:holly.noelke@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](mailto:jbb@blackburncarter.com)  
E-MAIL: [mcarter@blackburncarter.com](mailto:mcarter@blackburncarter.com)  
**NORTHEAST NEIGHBORS COALITION; MARK  
MCAFEE; MELANIE MCAFEE; ROGER JOSEPH;  
DELMER D. ROGERS; and WILLIAMS, LTD.**

# EXHIBIT A

## SUBPOENA DUCES TECUM

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 TJFA, L.P.:

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 Waste Systems of North America, LLC’s (BFI) 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 documents 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. Any and all invoices for payments for work on the BFI Sunset Farms Landfill expansion permit application.

- g. Any and all documents, including check stubs, relating to payments by BFI or others to you related to the BFI Sunset Farms Landfill expansion permit application.