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December 11, 2008

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Client No.: 1635-03

From: Paul Gosselink

No. of Pages: 7 + 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  
NOTICE OF ORAL DEPOSITION OF  
PIERCE L. CHANDLER 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 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:** Pierce L. Chandler  
**Date:** Thursday, December 18, 2008  
**Time:** 10:00  
**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: Greg Adams, H. C. Clark, Ray Shull, and 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 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 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 11, 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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Environmental Law Division, MC-173  
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**REPRESENTING CITY OF AUSTIN:**

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Assistant City Attorney  
City of Austin Law Department  
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**REPRESENTING GILES HOLDINGS, L.P.**

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**REPRESENTING TRAVIS COUNTY:**

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Assistant Travis County Attorney  
Travis County Attorney's Office  
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Austin, Texas 78767  
Tel: (512) 854-9513  
Fax: (512) 854-4808



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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 your 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).
3. To the extent not identified in the curriculum vitae you have provided in this case, 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.
4. 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 contested case hearing.
5. 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.
6. 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 site characterization, "piggyback" vertical expansion, "unstable area" location restriction, stability analysis, groundwater protection, surface water protections, landfill gas or odor (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 project(s) for the Texas Disposal Systems Landfill and Compost Facility in Austin, Texas as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

b. 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 and Compost Facility as referenced in item No. 7.a. above.

c. Any and all reports or other documentary or electronic work product relating to project(s) involving the Waste Management's Skyline Landfill in Dallas/Ellis Counties, Texas, as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

d. 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 Waste Management's Skyline Landfill as referenced in item No. 7.c. above.

e. Any and all reports or other documentary or electronic work product relating to project(s) involving the North Texas Municipal Water District's Maxwell Creek Landfill in Collin County, Texas, as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

f. 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 North Texas Municipal Water District's Maxwell Creek Landfill as referenced in item No. 7.e. above.

g. Any and all reports or other documentary or electronic work product relating to project(s) involving the North Texas Municipal Water District's McKinney Landfill in Collin County, Texas, as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

h. 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 North Texas Municipal Water District's McKinney Landfill as referenced in item No. 7.g. above.

i. Any and all reports or other documentary or electronic work product relating to project(s) involving the North Texas Municipal Water District's 121 Regional Disposal Facility in Collin County, Texas, as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

j. 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 North Texas Municipal Water District's 121 Regional Disposal Facility as referenced in item No. 7.i. above.

k. Any and all reports or other documentary or electronic work product relating to project(s) involving the Ellis County Disposal Landfill in Ellis County, Texas, as relate to the issues referred in this case; as well as documents and things reviewed, referred to, or relied upon by you in connection with such projects.

l. 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 Ellis County Disposal Landfill as referenced in item No. 7.k. above.