

POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION, )  
Appellant, ) PCHB 01-160  
CITIZENS AGAINST SEATAC ) ORDER DENYING APPELLANT'S  
EXPANSION, ) MOTION IN LIMINE TO EXCLUDE LATE-  
Intervenor, ) PRODUCED PLANS AND REPORTS  
v. )  
STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY and THE )  
PORT OF SEATTLE, )  
Respondents. )

On March 19, 2002, at 1:00 p.m., during the hearing on the merits, the Board entered its ruling on appellant ACC's Motion In Limine to Exclude Late-Produced Plans and Reports. Kaleen Cottingham presided for the Board. The parties were represented by Kevin Stock and Michael Witek (for ACC), Rick Poulin (for CASE), Gillis Reavis (for the Port) and Jeff Kray (for Ecology). Kim Otis provided court-reporting services.

The following reflects the decisions made after hearing from all parties:

**RULING ON MOTION TO EXCLUDE LATE-PRODUCED PLANS**

The Board denies ACC's Motion In Limine to Exclude Late-Produced Plans and Reports. This ruling is based on the Board's pre-hearing order which set tight time lines for the production of plans and reports "prepared or expected to be prepared pursuant to the §401 certification."

1 The operative intent of the pre-hearing order, as evidenced by the transcript of the  
2 hearing, was to prevent the late presentation of those formal aspects of the §401 conditions.  
3 None of the 17 items identified by ACC were prepared pursuant to the §401 certification so these  
4 items will not be excluded.

5 **ORDER**

6 The Board DENIES ACC's Motion In Limine to Exclude Late-Produced Plans and  
7 Reports.

8 SO ORDERED this 19<sup>th</sup> day of March, 2002.

9  
10 **POLLUTION CONTROL HEARINGS BOARD**

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13 **KALEEN COTTINGHAM,**  
14 Presiding