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MAR 11 2002

ENVIRONMENTAL  
HEARINGS OFFICE

**POLLUTION CONTROL HEARINGS BOARD  
THE STATE OF WASHINGTON**

AIRPORT COMMUNITIES  
COALITION,

Appellant,

CITIZENS AGAINST SEA-TAC  
EXPANSION,

Intervenor/Appellant,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY; and  
PORT OF SEATTLE,

Respondents.

PCHB No. 01-160

DECLARATION OF JOAN M.  
MARCHIORO

Joan Marchioro declares as follows:

1. I am one of the attorneys assigned to represent the Department of Ecology (Ecology) in the above-referenced matter. I have been assigned to provide legal support to Ecology on the Port of Seattle's (Port) request for a Clean Water Act § 401 Certification since 1998 and became lead counsel for the matter in 1999.

2. I have no recollection of receiving any communication from Tom Luster regarding his intention to submit sworn testimony to the Board in this appeal. I have reviewed my files and telephone logs and can find no reference to any such communication. The only contact that I recall having with Mr. Luster since he left his position with Ecology was on

1 September 28, 2001, after Mr. Luster had submitted a declaration in support of the ACC's  
2 Motion for Stay. On that date, Mr. Luster called me to discuss a deposition subpoena he  
3 received from the Port. The conversation was brief and related solely to the deposition  
4 subpoena.

5 I declare under penalty of perjury under the laws of the state of Washington that the  
6 foregoing is true and correct.

7 DATED this 11<sup>th</sup> day of March, 2002.

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11 JOAN MARCHIORO  
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