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ENVIRONMENTAL  
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7 POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

8  
9 AIRPORT COMMUNITIES COALITION, ) PCHB No. 01-160  
10 Appellant, )  
11 v. ) CASE's REPLY BRIEF  
12 ) SUPPORTING INTERVENTION  
13 WASHINGTON STATE DEPARTMENT OF )  
ECOLOGY and THE PORT OF SEATTLE, )  
14 Respondents. )  
15

16  
17 Neither the Department of Ecology nor the Port of Seattle identifies any factual or legal  
18 basis to deny CASE's Motion to Intervene. However, on the condition that the Board imposes  
19 certain specified "limits" on CASE's intervention, each agrees not to oppose CASE's  
20 intervention. Appellant ACC does not oppose intervention.

21  
22 For its part, CASE disclaims any intent to raise new issues, or to identify any additional  
23 witnesses. Further, CASE agrees to abide by the existing Pre-Hearing Order. With but one  
24 exception, these concessions satisfy all concerns identified by the parties.

25  
26 CASE objects to the proposed limitation on its ability to present new exhibits. The  
27 limitation is not necessary to preserve the Pre-Hearing Order, as the deadline for final exhibit  
28 lists has not yet passed. Moreover, the suggestion that CASE should be required to disclose

29 CASE'S REPLY BRIEF SUPPORTING  
INTERVENTION - 1

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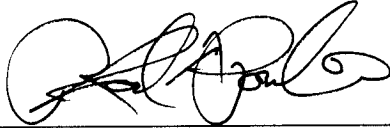
AR 005803

1 exhibits by December 14, 2001 -- even before its party status is confirmed -- is manifestly  
2 unreasonable.

3 Accordingly, CASE respectfully requests the Board to grant its petition for intervention  
4 without restricting CASE's ability to identify exhibits up to the date identified in the Pre-Hearing  
5 Order for the submission of final exhibit lists.  
6

7 DATED this 17th day of December, 2001.  
8

9 SMITH & LOWNEY, P.L.L.C.

10  
11 By:   
12 Richard A. Poulin, Of Counsel  
13 WSBA # 27782  
14 Attorneys for Intervenor  
15 Citizens Against Seatac Expansion  
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**CERTIFICATE OF SERVICE**

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I declare under penalty of perjury under the laws of the State of Washington that I served a copy of CASE's Reply Brief on counsel for appellant Airport Communities Coalition, and on counsel for respondents Washington State Department of Ecology and the Port of Seattle, by facsimile, on this date, directed to:

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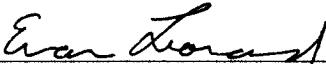
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DATED this 17th day of December, 2001.

  
Evan Leonard