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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,
Appellant,
v.
DEPARTMENT OF ECOLOGY AND THE PORT OF SEATTLE,
Respondents.

PCHB Case No. 01-160

PORT OF SEATTLE'S  
RESPONSE TO MOTION TO  
INTERVENE FROM  
CITIZENS AGAINST SEA-  
TAC EXPANSION (CASE)

Although respondent Port of Seattle ("Port") disagrees with the factual allegations in the motion to intervene filed by Citizens Against Sea-Tac Expansion ("CASE"), the Port does not object to CASE's intervention if appropriate limits are set on the intervention so that the "prompt and orderly conduct of the appeal will not be impaired." WAC 371-08-420(1).

In particular, the Port requests the Board place the following limits on the CASE intervention in order not to disrupt the conduct of this appeal:

- First, CASE should not be allowed to raise new issues that have not been raised by the existing appellant Airport Communities Coalition or stipulated to by the existing parties. Based on CASE's motion to intervene, all issues mentioned are covered by the current list of stipulated issues that the existing parties have submitted to the Board.
- Second, CASE must abide by the existing Pre-Hearing Order, including all discovery schedules in that order.

- 1 • Third, CASE should not be allowed to present any additional witnesses or exhibits that have not  
2 been listed by the existing parties already. CASE is involved in two lawsuits regarding the Port's  
3 Master Plan Update projects, monitor the Port's activities closely, and offer no explanation as to  
4 why they did not appeal either the original 401 Certification or the amended 401 Certification.  
5 The discovery schedule in this case was premised on the number of witnesses identified by the  
6 parties and the time required to conduct depositions of those witnesses. With that limitation,  
7 CASE could still file motions, conduct discovery and appear at depositions, brief the case for trial,  
8 cross-examine witnesses at trial, and argue the case. In the alternative, CASE should be required  
9 to disclose those witnesses and exhibits by December 14, 2001, or be barred from calling witness  
10 or presenting exhibits at trial.

11  
12 With those reasonable limitations, the Port does not oppose CASE's motion to intervene.

13 Respectfully submitted this 6th of December 2001.

14 PORT OF SEATTLE

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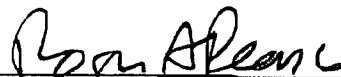
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