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

AIRPORT COMMUNITIES
COALITION,

Appellant,

v.

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

Respondents.

PCHB No. 01-133
PCHB No. 01-160

DEPARTMENT OF ECOLOGY'S
RESPONSE TO ACC'S
REQUEST TO FILE AN
OVERLENGTH REPLY BRIEF

Respondent, Department of Ecology (Ecology), submits this response in opposition to the ACC's request to file an overlength reply brief.¹ The ACC seems to have forgotten the recent history of this matter. It created the current cramped briefing schedule. It was informed by the Board in the September 17, 2001 prehearing conference that its reply brief was to include any new issues raised by the Amended 401 Certification. Moreover, in that conference, after stating to the Board that the length of the briefs on the motion for stay should be adjusted, the ACC was told that its reply was not to exceed 30 pages. This latter directive is incorporated in the Agreement and Order Re Rescission of 401 Certification entered by the Board on September 20, 2001.

¹ Ecology joins in the Port of Seattle's Motion to Strike the ACC's Overlength Brief.

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1 In its motions, the ACC claims that it needed to file the overlength brief because of the
2 new issues raised in the Amended 401 Certification. This statement is belied by the contents
3 of its Reply brief. There is, at best, a handful of pages of discussion of changes that appear in
4 the Amended 401 Certification. In addition, the ACC states that, rather than file a separate
5 brief on the changes, it elected to simply file the overlength reply. Again, the ACC seems to
6 disregard the fact that the schedule it asked for and received from the Board did not include
7 the opportunity to file such a separate brief.

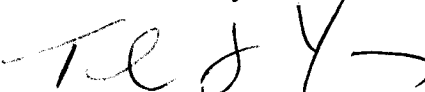
8 Ecology and the Port of Seattle respected the Board's order on the briefing schedule
9 and briefing length. The ACC should not be permitted to simply ignore the Board's order
10 regarding the briefing schedule. The Board should deny the ACC's request to file an
11 overlength brief, and require the ACC to submit a brief in conformance with the Board's
12 previous order.

13 DATED this 9 day of October, 2001.

14 CHRISTINE O. GREGOIRE
15 Attorney General

16 

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