
State Water Resources Control Board

SUPPLEMENTAL NOTICE OF PUBLIC HEARING AND PRE-HEARING ORDER

The State Water Resources Control Board
Administrative Hearings Office
will hold additional hearing days for its
public hearing to determine whether to prepare
a proposed cease-and-desist order to

BlueTriton Brands, Inc.
(successor by name change to Nestlé Waters North America, Inc.)

on the draft Cease and Desist Order
issued by the State Water Resources Control Board,
Division of Water Rights, Permitting and Enforcement Branch,
on April 23, 2021.

**The Public Hearing on rebuttal evidence will begin on
March 21, 2022, beginning at 9:00 a.m.,
and will continue as necessary on March 22, 2022, beginning at 1:00 pm, and on
March 23-25, 2022, beginning each day at 9:00 a.m.**

**The Public Hearing on sur-rebuttal evidence will be held on
April 27-29, 2022, beginning each day at 9:00 a.m.**

The AHO will schedule additional hearing days, if necessary.

The hearings will be held by Zoom teleconference.

To participate, please use the following link:
<https://waterboards.zoom.us/j/97116503192?pwd=NjBnT3B5V2wwbGlrXdoWIN3RmcyQT09> with Meeting ID: 971 1650 3192 and Passcode: 967163
or call in at:
+16699009128,,97116503192#,,,,*967163# US (San Jose)

**To observe without participating, please access the
Administrative Hearings Office YouTube channel:**
<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57>

BACKGROUND

The purpose of this hearing, background information, hearing issues and other hearing information are discussed in the Notice of Second Pre-Hearing Conference and Public Hearing, issued by the Administrative Hearings Office (“AHO”) on November 17, 2021. That information is not repeated here. The AHO held the public hearing as scheduled on January 10-14 and 31 and February 1-2, 2022. The AHO held a site visit on February 16-17, 2022.

RE-SCHEDULED AND NEW HEARING DATES

In response to the Story of Stuff Project’s February 17, 2022 request to stay hearing and for sub-rebuttal, the AHO is re-scheduling the hearing on rebuttal evidence that was scheduled for February 28 through March 4, 2022 to March 21-25, 2022. The AHO has received rebuttal exhibits and written proposed rebuttal testimony from the Prosecution Team, BlueTriton Brands, Inc. (“BlueTriton”), Steve Loe, Anthony Serrano and San Bernardino Valley Municipal Water District. During this hearing on rebuttal evidence, each party will be allowed a maximum of 30 minutes for all of the party’s witnesses to summarize their testimony, and each other party will be allowed a maximum of 30 minutes to conduct cross-examination. For good cause, the hearing officer may allow additional time for cross-examination.

Exercising his discretion, as stated in the November 17, 2021 hearing notice on page 11, first full paragraph, the AHO hearing officer will allow parties to submit sur-rebuttal exhibits and written proposed sur-rebuttal testimony. All parties shall submit any written proposed sur-rebuttal testimony and sur-rebuttal exhibits by the deadline specified in this notice. Any written proposed sur-rebuttal testimony shall specify the previously submitted rebuttal testimony that is being rebutted. Cross-examination of witnesses offering sur-rebuttal testimony normally will be limited to the scope of the sur-rebuttal evidence.

The AHO is scheduling the hearing on sub-rebuttal evidence for April 27-29, 2022. During this hearing, each party will be allowed a maximum of 30 minutes for all of the parties’ witnesses to summarize their testimony, and each other party will be allowed a maximum of 30 minutes to conduct cross-examination. For good cause, the hearing officer may allow additional time for cross-examination.

The hearing dates and deadlines in this notice supersede the corresponding dates and deadlines stated in the November 17, 2021 notice and the January 27, 2022 Amended Supplemental Notice of Public Hearing. Except as expressly stated in this notice and order, all provisions of the November 17, 2021 notice remain in effect.

PRE-HEARING MOTIONS

The AHO has received the Prosecution Team's February 11, 2022 motion for judgment. BlueTriton shall file, and any other party may file, opposition to this motion on or before the deadline specified in this notice. Any such opposition shall not exceed 10 pages, double-spaced.

The AHO has received BlueTriton's February 17, 2022 motion to quash the Story of Stuff Project's February 7, 2022 subpoena duces tecum to BlueTriton. The Story of Stuff Project shall file, and any other party may file, opposition to this motion on or before the deadline specified in this notice. The Story of Stuff Project's opposition shall describe which requests in its subpoena, if any, have been satisfied by BlueTriton's rebuttal exhibits and written proposed rebuttal testimony, which requests have not been satisfied, and why the AHO should order BlueTriton to respond to these requests. Any such opposition shall not exceed 10 pages, double-spaced. BlueTriton's obligation to comply with this subpoena duces tecum is stayed until the AHO rules on BlueTriton's motion to quash.

CLOSING BRIEFS

After the conclusion of the hearing to receive sur-rebuttal exhibits and testimony, the AHO will issue a notice listing the issues that the AHO will request the parties address in their closing briefs.

SERVICE LIST

The AHO has posted a Word file of the service list for this matter in a folder titled "Service List" within the AHO-FTP folder for this matter. The AHO will update this service list whenever the AHO receives information requiring updates. The parties shall use this service list, and include a copy of it, whenever they file any documents with the AHO (unless the AHO specifies otherwise).

REVISED HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline for parties to file oppositions to Prosecution Team's motion for judgment	March 10, 2022, 1:00 p.m.
Deadline for parties to file oppositions to BlueTriton's motion to quash	March 14, 2022, 1:00 p.m.
Hearing days to receive rebuttal exhibits and testimony	March 21, 2022, 9:00 a.m. to 5:00 p.m., March 22, 2022, 1:00 to 5:00 p.m., March 23-25, 2022, 9:00 a.m. to 5:00 p.m.
Deadline for all parties to file sur-rebuttal exhibits (including written proposed sur-	April 4, 2022, 1:00 p.m.

rebuttal testimony and summary slides) and updated exhibit identification indices with AHO	
Hearing to receive sur-rebuttal exhibits and testimony	April 27-29, 2022, 9:00 a.m. to 5:00 p.m.
Deadline for all parties to file written closing briefs	May 31, 2022, 1:00 p.m.

Feb. 23, 2022 _____
Date

/s/ ALAN B. LILLY _____
Alan B. Lilly
Presiding Hearing Officer

Enclosure:
-Service List

SERVICE LIST

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