
State Water Resources Control Board

SUPPLEMENTAL NOTICE OF PUBLIC HEARING

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 sur-rebuttal evidence will
be held on April 25-29, 2022, beginning each day at 9:00 a.m.**

**The AHO is reserving additional hearing days on May 23-27,
in case additional hearing days are necessary.**

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=NjBnT3B5V2wwbGlrcXdoWIN3RmcyQT09> with Meeting ID: 971 1650 3192 and Passcode: 967163
or by calling 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 days as scheduled on January 10-14 and 31, February 1-2, 2022, and March 21-24, 2022. The AHO held a site visit on February 16-17, 2022.

NEW HEARING DATES AND NEW EXHIBIT SUBMISSION DEADLINE

The AHO is adding April 25-26 to the hearing days for sur-rebuttal evidence that previously were scheduled for April 27-29.

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. Parties shall follow all the rules for submission of exhibits that are stated in the November 17, 2021 notice for their submissions of written proposed sur-rebuttal testimony and sub-rebuttal exhibits. Rather than updating previously submitted exhibit indices, parties may submit new exhibit identification indices (in Excel format) that just list the parties’ new sur-rebuttal exhibits. Each party shall number the party’s sur-rebuttal exhibits with numbers that begin one number after the highest number of the party’s previously submitted exhibits.

During the hearing on sur-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. Cross-examination of witnesses offering sur-rebuttal testimony normally will be limited to the scope of the sur-rebuttal evidence.

The AHO is reserving the additional hearing days of May 23-27, 2022, in case it turns out to be necessary to conduct additional hearing days. The AHO hearing officer will decide whether or not to conduct such additional hearing days, and, if so, what topics may be covered during them, during the April 25-29 hearing.

The hearing dates and deadlines in this notice supersede the corresponding dates and deadlines stated in the November 17, 2021 notice, the January 27, 2022 Amended Supplemental Notice of Public Hearing, and the February 23, 2022 Supplemental Notice of Public Hearing and Pre-Hearing Order, to the extent there are any differences. Except as expressly stated in this notice, all provisions of the November 17, 2021 notice remain in effect.

CLOSING BRIEFS

After the conclusion of all hearing phases, the AHO will issue a notice listing the issues that the AHO will request the parties address in their closing briefs and the deadline for parties to file these briefs. The AHO's notice also will specify a later deadline for parties to file objections under Government Code section 11513, subdivision (d), to citations in other parties' closing briefs to hearsay evidence.

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
Hearing days to receive sur-rebuttal exhibits and testimony	April 25-29, 2022, 9:00 a.m. to 5:00 p.m.
Deadline for all parties to file sur-rebuttal exhibits (including written proposed sur-rebuttal testimony and summary slides) and updated exhibit identification indices with AHO	April 8, 2022, 1:00 p.m.
Potential additional hearing days	May 23-27, 9:00 a.m. to 5:00 p.m.

March 25, 2022
Date _____

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

Enclosure:
-Service List

SERVICE LIST

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