
State Water Resources Control Board

STATUS CONFERENCE ORDER; NOTICE OF HEARING

The State Water Resources Control Board
Administrative Hearings Office
held a status conference on May 23, 2023 in the AHO proceeding
on the issues the court has referred
to the Board pursuant to Water Code section 2000 in

City of Marina v. RMC Lonestar,
Monterey County Superior Court No. 20CV001387.

**The AHO will hold hearings in this proceeding on
July 17-21, 2023, from 9:00 am to 5:00 pm each day**

The hearings will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference
of the hearings by using this link:

<https://waterboards.zoom.us/j/95899889673?pwd=R2lwclZjS2xwdWVRaXg3ZlhtWXg4UT09>, with Meeting ID: 958 9988 9673 and Passcode: 561435

or by calling in at:

+16699009128,,95899889673#,,,,*561435# US (San Jose)

Any interested member of the public who would like to watch these hearings without
participating may access the Administrative Hearings Office YouTube channel at:

<https://www.youtube.com/@swrcbadministrativehearing728/streams>

BACKGROUND

On May 6, 2022, the State Water Resources Control Board (“State Water Board”) Administrative Hearings Office (“AHO”) issued its Notice of Public Hearing and Pre-Hearing Conference in this proceeding. The purpose of this proceeding, background, hearing issues and related information are discussed in that notice.

On May 23, 2023, the AHO held a status conference in this proceeding. This order and notice follow that status conference. Except as expressly stated in this order and notice, all provisions of all prior AHO notices and orders in this proceeding remain in effect.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

STATUS CONFERENCE ORDER

On or before **May 31, 2023, at 1:00 pm**, one of the attorneys for the California-American Water Company (“Cal-Am”) shall provide Mr. Durbin’s regional model input and output files, and any other relevant modeling information, for his regional model runs of Cal-Am’s refined Option C (which is identified in the table on page 3 of the AHO’s March 7, 2023 Post-Hearing Order and Notice in this proceeding), to the other side’s technical experts and the AHO. Cal-Am’s attorney shall provide these files and information to the AHO by uploading them to Cal-Am’s exhibit folder within the AHO-FTP upload folder for this proceeding.

On or before **June 1, 2023, at 1:00 pm**, one of the attorneys for Marina Coast Water District (“Marina Coast WD”) shall transmit to the attorneys for Cal-Am, with cc’s to the other people on the service list for this proceeding and the AHO, an e-mail with the requests of Marina Coast WD’s technical experts to Mr. Durbin to run the iterative regional model on their behalf.

On or before **June 7, 2023, at 1:00 pm**, Mr. Durbin shall provide the modeling input and output files and other relevant information associated with his running the iterative regional model on behalf of Marina Coast WD’s technical experts to the other side’s technical experts and the AHO. Cal-Am’s attorney shall provide these files and information to the AHO by uploading them to Cal-Am’s exhibit folder within the AHO-FTP upload folder for this proceeding.

After each of the uploads described in the preceding paragraphs are completed, one of Cal-Am’s attorneys shall send an e-mail to adminhrgoffice@waterboards.ca.gov, with all the e-mail addresses listed in the service list for this proceeding listed in the e-mail’s cc line, advising the AHO that the files have been provided to the other side’s technical experts and uploaded to the AHO-FTP folder.

As necessary, the technical experts for all parties shall continue to cooperatively exchange information and modeling files so that each side’s technical experts can understand the other side’s technical experts’ modeling work. I expect each side’s technical experts to promptly respond to such requests, so that no delays in the following schedule will be necessary.

The following deadlines and hearing dates shall apply:

- (a) deadline for exchange among the parties of calibrated local model files, and to submit them to the AHO: May 31, 2023, 5:00 pm;
- (b) deadline for submittal to AHO and exchange among the parties of model scenario files, written proposed testimony and related exhibits: June 15, 2023, 1:00 pm;
- (c) deadline for submittal to AHO and exchange among the parties of written proposed rebuttal testimony and related exhibits: July 6, 2023, 1:00 pm;
- (d) deadline for submittal to AHO and exchange among the parties of witnesses’ summary slides: July 10, 2023, 1:00 pm;

- (e) hearing dates: July 17-21, 2023, starting each day at 9:00 am and ending each day at 5:00 pm (the AHO may have to cancel all or part of the hearing day set for either July 18 or July 19; I will advise the parties if this is necessary when I know);
- (f) deadline for submittal to AHO and exchange among the parties of closing briefs and proposed text for the sections and answers in the February 6, 2023 draft outline of draft referee's report for which proposed text has not already been submitted: August 28, 2023, 5:00 pm.

As I stated during the May 23, 2023 status conference, I cannot and will not change any of the preceding deadlines or hearing dates.

Each witness's summary slides shall summarize the witness's written proposed direct testimony and written proposed rebuttal testimony, with citations to the pages and paragraph numbers of the written proposed testimony and any other relevant exhibits. Each witness may include a maximum of three additional slides that summarize the witness's responses to written proposed rebuttal testimony and related exhibits submitted by the other side's witnesses.

I will allow each witness 45 minutes to summarize the witness's slides. I and other AHO staff members then will ask the witness our questions, and I then will allow brief cross-examination by the other sides' attorneys, and brief re-direct questions. Unless a party demonstrates that it is absolutely necessary, I do not plan to allow any further testimony by any of the witnesses or any further questioning by the attorneys.

If any party believes, after reviewing the written proposed testimony, slides and other exhibits, that I should make any changes to the provisions of the preceding paragraph, then an attorney for that party shall file an e-mail with the party's proposed changes, with a brief statement of the reasons for them, to the AHO, with cc's to everyone on the service list for this proceeding, on or before **July 13, at 1:00 pm**.

May 30, 2023
Date

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

Attachment:

Service List (copies of notice sent by e-mail only, to all listed e-mail addresses)

Service List
City of Marina v. RMC Lonestar Court Reference

Marina Pantchenko
Salinas Valley Basin Groundwater
Sustainability Agency
Office of County Counsel
168 West Alisal
3rd Floor
Salinas, CA 93901
Pantchenkoms@co.monterey.ca.us

Howard F. Wilkins III (Chip)
Christina L. Berglund
Kathryn A. Ramirez
Bridget K. McDonald
Remy, Moose, Manley LLP
555 Capitol Mall
Suite 800
Sacramento, Ca 95814
cwilkins@rmmenvirolaw.com
cberglund@rmmenvirolaw.com
kramirez@rmmenvirolaw.com
bmcdonald@rmmenvirolaw.com
*Attorneys for Marina Coast Water
District*

David L. Osias, Robert R. Moore,
Michael J. Betz, Kathryn Horning,
Alexander J. Doherty
Allen Matkins Leck Gamble Mallory
& Natsis LLP
Three Embarcadero Center
12th Floor
San Francisco, CA 94111
dosias@allenmatkins.com
rmoore@allenmatkins.com
mbetz@allenmatkins.com
Kathryn.Horning@amwater.com
adoherty@allenmatkins.com
*Attorneys for California-American Water
Company*

Robert E. Donlan
Ellison Schneider Harris & Donlan
2600 Capitol Avenue
Suite 400
Sacramento, CA 95816
red@eslawfirm.com
*Attorney for California-American Water
Company*

B. Tilden Kim
Richards, Watson & Gershon
350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
tkim@rwglaw.com
Attorney for Marina Coast Water District

James L. Markman
Richards, Watson & Gershon
1 Civic Center Circle
P.O. Box 1059
Brea, CA 92822-1059
jmarkman@rwglaw.com
Attorney for Marina Coast Water District

Kyle H. Brochard
Richards, Watson & Gershon
350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
kbrochard@rwglaw.com
Attorney for Marina Coast Water District

Ruth Stoner Muzzin
Friedman & Springwater LLP
350 Sansome Street
Suite 800
San Francisco, CA 94104
rmuzzin@friedmanspring.com
Attorney for Marina Coast Water District

James Neudecker
Jeffer, Mangels Butler & Mitchell LLP
Two Embarcadero Center
5th Floor
San Francisco, CA 94111
jneudecker@jmbm.com
*Attorney for RMC Pacific Materials LLC
d/b/a CEMEX*

Paul P. Spaulding, III, Larisa A.
Meisenheimer, Joseph V. Mauch,
Suzanne S. Orza, Chris Berggren
Shartsis Friese LLP
One Maritime Plaza, 18th Floor
San Francisco, CA 94111-3598
sspaulding@sflaw.com
lmeisenheimer@sflaw.com
jmauch@sflaw.com
sorza@sflaw.com
cberggren@sflaw.com
Attorneys for City of Marina

Andrew Sawyer
Tina Leahy
David Rose
1001 I Street 22nd Floor
Sacramento CA 95814
andy.sawyer@waterboards.ca.gov
Tina.Leahy@Waterboards.ca.gov
david.rose@waterboards.ca.gov
*Attorneys for State Water Resources
Control Board*

Tom Luster
Tom.Luster@coastal.ca.gov

Administrative Hearings Office
adminhrgoffice@waterboards.ca.gov