

---

## State Water Resources Control Board

### NOTICE OF DRAFT PROPOSED ORDER

The State Water Resources Control Board  
Administrative Hearings Office  
has held a 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 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 public hearing days on January 10-14 and 31, February 1-2, March 21-24, April 25-27, and May 23, 2022. The AHO held a site visit on February 16-17, 2022. Parties filed their closing briefs on August 4 and 5, 2022.

The AHO has released a draft proposed order for review and comments by the parties to this proceeding. Because of large file sizes, the AHO has posted the following three files in the folder for AHO Notices, Orders and Rulings, which is within the Hearing Documents folder for this proceeding:

- 2023-04-21 Draft proposed order and App. A (BlueTriton Brands, Inc.)
- 2023-04-21 Draft proposed order Figs. 1-8 (BlueTriton)
- 2023-04-21 Draft proposed order Figs. 9-16 and Table 1 (BlueTriton)

Parties may access this folder through the State Water Board’s FTP site and may download these files from that folder. The AHO also has asked the Board’s Department of Information Technology to post these files on the Board’s public website in the folder that may be accessed at:

[https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/bluetriton\\_brands\\_nestle.html](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/bluetriton_brands_nestle.html).

Any comments on or objections to the draft proposed order shall be submitted to the AHO on or before **May 8, 2023, at 1:00 pm**. Any comments shall be submitted by e-

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

mailing them to the AHO at [adminhrгоffice@waterboards.ca.gov](mailto:adminhrгоffice@waterboards.ca.gov), and including all e-mail addresses on the service list for this proceeding in the e-mail's cc line. After this deadline, the matter shall be deemed submitted to the AHO for preparation of a final proposed order and transmittal of that proposed order to the Clerk of the Board for the Board's consideration.

Each party's comments and objections shall not exceed 15 pages, double-spaced. Each comment and objection shall specifically refer to the page and paragraph in the draft proposed order to which the comment or objection is directed.

April 21, 2023

Date

/s/ ALAN B. LILLY

Alan B. Lilly  
Senior Hearing Officer

Enclosure: Service List (all copies served by e-mail only)

## SERVICE LIST

### Representatives of participating parties:

Kenneth Petruzzelli  
John Prager  
Office of Enforcement, State Water  
Resources Control Board  
801 K St., 23<sup>rd</sup> Floor  
Sacramento, CA 95814  
[Kenneth.Petruzzelli@Waterboards.ca.gov](mailto:Kenneth.Petruzzelli@Waterboards.ca.gov)  
[John.Prager@Waterboards.ca.gov](mailto:John.Prager@Waterboards.ca.gov)  
*Attorneys for Division of Water Rights  
Prosecution Team*

Robert E. Donlan  
Christopher M. Sanders  
Shawnda M. Grady  
Hih Song Kim  
Patty Slomski  
Ellison Schneider Harris & Donlan L.L.P.  
2600 Capitol Avenue, Suite 400  
Sacramento, California 95816  
[red@eslawfirm.com](mailto:red@eslawfirm.com)  
[cms@eslawfirm.com](mailto:cms@eslawfirm.com)  
[sgrady@eslawfirm.com](mailto:sgrady@eslawfirm.com)  
[ps@eslawfirm.com](mailto:ps@eslawfirm.com)  
[HihSong.Kim@BlueTriton.com](mailto:HihSong.Kim@BlueTriton.com)  
*Attorneys for BlueTriton Brands*

Rita P. Maguire  
P.O. Box 60702  
Phoenix, Arizona 85082  
[rmaguire@azwaterlaw.com](mailto:rmaguire@azwaterlaw.com)  
*Attorney for BlueTriton Brands*

Kathleen Miller  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[kathleen.miller@wildlife.ca.gov](mailto:kathleen.miller@wildlife.ca.gov)  
*Attorneys for California Department of  
Fish and Wildlife*

Steve Loe  
33832 Nebraska St.  
Yucaipa, CA 92399  
[stevelo01@gmail.com](mailto:stevelo01@gmail.com)

Meredith E. Nikkel  
Samuel E. Bivins  
Holly E. Tokar  
Downey Brand LLP  
621 Capitol Mall, 18<sup>th</sup> Fl.  
Sacramento, CA 95814  
[mnikkel@downeybrand.com](mailto:mnikkel@downeybrand.com)  
[sbivins@downeybrand.com](mailto:sbivins@downeybrand.com)  
[htokar@downeybrand.com](mailto:htokar@downeybrand.com)  
*Attorneys for San Bernardino Valley  
Municipal Water District*

Rachel Doughty  
Christian Bucey  
Michael O'Heaney  
Paul Kibel  
Story of Stuff Project  
Greenfire Law, PC  
P.O. Box 8055  
Berkeley, CA 94704  
[rdoughty@greenfirelaw.com](mailto:rdoughty@greenfirelaw.com)  
[cbucey@greenfirelaw.com](mailto:cbucey@greenfirelaw.com)  
[michael@storyofstuff.org](mailto:michael@storyofstuff.org)  
[service@greenfirelaw.com](mailto:service@greenfirelaw.com)

Laurens H. Silver, Esq.  
PO Box 667  
Mill Valley, CA 94942  
[larrysilver@earthlink.net](mailto:larrysilver@earthlink.net)  
*Attorney for Sierra Club*

Lisa Belenky  
1212 Broadway, Suite 800  
Oakland, CA 94612  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
*Attorneys for Center for Biological  
Diversity*

Hugh A. Bialecki, DMD  
Save Our Forest Association, Inc.  
PO Box 2907  
Blue Jay, CA 92317  
[habialeckidmd@gmail.com](mailto:habialeckidmd@gmail.com)

**People submitting only policy statements:**

Kristopher Anderson, Esq.  
Association of California Water  
Agencies  
980 9<sup>th</sup> St. Suite 1000  
Sacramento, CA 95814  
[krisa@acwa.com](mailto:krisa@acwa.com)

Jennifer Capitolo  
California Water Association  
601 Van Ness, Suite 2047  
San Francisco, CA 94102  
[jcapitolo@calwaterassn.com](mailto:jcapitolo@calwaterassn.com)

David J. Guy  
Northern California Water Association  
(NCWA)  
455 Capitol Mall, Suite 703  
Sacramento, CA 95814  
[dguy@norcalwater.org](mailto:dguy@norcalwater.org)

Henry A. Frye  
387 Flanders Road  
Coventry, CT 06238  
[henryfrye6@gmail.com](mailto:henryfrye6@gmail.com)

Amanda Frye  
12714 Hilltop Drive  
Redlands, CA 92373  
[amandafrye6@gmail.com](mailto:amandafrye6@gmail.com)

Administrative Hearings Office  
[adminhrгоffice@waterboards.ca.gov](mailto:adminhrгоffice@waterboards.ca.gov)

Jody Isenberg  
League of Women Voters of the San  
Bernardino Area  
P.O. Box 3925  
San Bernardino, CA 92413  
[betsy.starbuck@gmail.com](mailto:betsy.starbuck@gmail.com)  
[jodyleei@aol.com](mailto:jodyleei@aol.com)  
[watermarx55@hotmail.com](mailto:watermarx55@hotmail.com)

Mary Ann Dickinson  
P.O. Box 5404  
Blue Jay, CA 92317  
[maryann@dickinsonassociates.com](mailto:maryann@dickinsonassociates.com)

Steve Loe  
Southern California Native Freshwater  
Fauna Working Group  
33832 Nebraska St.  
Yucaipa, CA 92399  
[steveloe01@gmail.com](mailto:steveloe01@gmail.com)

Anthony Serrano  
7517 Mt. McDuffs Way  
Highland, CA 92346  
[anthonyaserrano@gmail.com](mailto:anthonyaserrano@gmail.com)

**People who have asked to be on service list:**

Joshua S. Rider  
Staff Attorney  
Office of the General Counsel, USDA  
[joshua.rider@usda.gov](mailto:joshua.rider@usda.gov)

Joe Rechsteiner  
District Ranger-Front Country Ranger District  
San Bernardino National Forest  
[joseph.rechsteiner@usda.gov](mailto:joseph.rechsteiner@usda.gov)

Robert Taylor  
Forest Hydrologist  
San Bernardino National Forest  
[robert.taylor2@usda.gov](mailto:robert.taylor2@usda.gov)