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## 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 June 28, 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, 19-21 and 24-25, and September 11-15, 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=R2lwclZjS2xwdWVRaXg3ZlhtWXg4  
UT09](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 June 28, 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

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

notice, all provisions of all prior AHO notices and orders in this proceeding remain in effect.

### **STATUS CONFERENCE ORDER**

Following the June 28, 2023 status conference and my review of the papers the parties' attorneys filed on June 29, my staff and I have concluded that Phase 2 of the hearings in this proceeding should proceed as scheduled on July 17 and 19-21, 2023, with the additional hearing days of July 24-25, 2023, if necessary. Phase 2 of the hearings will address the hearing issues stated in my prior hearing notices, with the exception of issues regarding: (a) solute transport model analyses; and (b) dual-density model analyses.

All parties shall designate the exhibits and parts of exhibits uploaded on June 16, 2023 that concern these two issues and submit these designations to the AHO by the deadline specified below. I will not allow testimony or questions regarding those designated exhibits and parts of exhibits during Phase 2 of the hearings, and I will deem those exhibits and parts of exhibits to be withdrawn, without prejudice to the parties' rights to re-file them for Phase 3 of the hearings. Phase 3 of the hearings will address those issues.

The following deadlines and hearing dates shall apply. After the deadline for each submittal to the AHO, AHO staff will transfer the uploaded files to the AHO-FTP folder for this proceeding and advise everyone on the service list that AHO staff have done this.

- (a) deadline for submittal to AHO of any written proposed rebuttal testimony and related exhibits in response to the direct testimony of Timothy Durbin: July 6, 2023, 1:00 pm;
- (b) deadline for submittal to AHO of designations of the exhibits and parts of exhibits that the parties uploaded on June 16, 2023 that concern solute transport model analyses or dual-density model analyses (which exhibits and parts of exhibits then will be deemed to be withdrawn): July 7, 2023, 1:00 pm;
- (c) deadline for submittal to AHO of Mr. Durbin's summary slides: July 10, 2023, 1:00 pm;
- (d) deadline for submittal to AHO of the remaining (besides rebuttal to Mr. Durbin's direct testimony) written proposed rebuttal testimony and related exhibits for Phase 2 of the hearings: July 10, 2023, 1:00 pm;
- (e) Deadline for submittal to AHO and exchange among the parties of summary slides for the Phase 2 hearings (not including Mr. Durbin's summary slides); July 12, 2023, 1:00 pm;
- (f) hearing dates: July 17, 19-21 and 24-25, 2023, starting each day at 9:00 am and ending each day at 5:00 pm; the July 17 hearing will be for Mr. Durbin's testimony; the July 19 hearing will be for Mr. Leffler's and Dr. Yeh's testimony; the July 20 hearing will be for Ms. Nelson's and Dr. Kincaid's testimony; the July 21 hearing will be for Dr. Trudell's testimony. If necessary because we have not

completed the prior witnesses' testimony on the specified date, the start dates of Ms. Nelson's, Dr. Kincaid's and Dr. Trudell's testimony may be delayed, but I plan to complete all Phase 2 hearing testimony by the end of the day on July 25;

- (g) deadline for submittal to AHO and service on other side's attorneys for all model files for solute transport modeling and dual-density modeling: August 7, 2023, 1:00 pm.
- (h) deadline for submittal to AHO of written proposed direct testimony and related exhibits for Phase 3 of the hearings: August 14, 2023, 1:00 pm;
- (i) deadline for submittal to AHO of proposed text for section 3.1 and answers to the court's questions 2 and 5 in the February 6, 2023 draft outline of draft referee's report: August 28, 2023, 5:00 pm.
- (j) deadline for submittal to AHO of written proposed rebuttal testimony and related exhibits for Phase 3 of the hearings: August 30, 2023, 1:00 pm;
- (k) deadline for submittal to AHO of summary slides for Phase 3 of the hearings: September 5, 2023, 1:00 pm;
- (l) Phase 3 hearings, September 11-15, 2023, starting each day at 9:00 am and finishing each day at 5:00 pm; and
- (m) deadline for submittal to AHO of closing briefs and proposed text for all sections and questions in February 6, 2023 draft outline of draft referee's report for which proposed text has not already been submitted: October 16, 2023, 1:00 pm.

Except as expressly stated in this order and notice, Cal-Am's July 23, 2023 motion to strike is denied.

June 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)

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