



State Water Resources Control Board

November 4, 2022

Public Hearing on Prosecution Team's Draft Cease-and-Desist Order to BlueTriton Brands, Inc.: Notices to Parties

On September 19, 2022, the parties filed their responses to other parties' objections to evidence cited in parties' closing briefs. Now that the parties have made these filings, this matter is deemed submitted to the hearing officer for preparation of a proposed order under Water Code section 1114, subdivision (c)(1).

Pursuant to Water Code section 1114, subdivision (d)(1), I determine this to be a complex proceeding because of the novel and difficult legal or factual issues, the large number of parties, the numerous witnesses, and the large amount of documentary evidence. Because the hearings in this proceeding have concluded and the matter has been submitted, I do not need to establish a hearing management plan under Water Code section 1114, subdivision (d)(3). I will proceed to prepare a proposed order.

As I stated during the October 19 pre-hearing conference in the Administrative Hearing Office ("AHO") proceeding on the court's reference to the State Water Board in *City of Marina v. RMC Lonestar*, Monterey County Superior Court No. 20CV001387, Natalie Stork and Regina Graziano, engineering geologists in the State Water Board's Office of Research, Planning and Performance ("ORPP") will be members of the AHO hearing team for that proceeding. Ms. Stork previously testified as a witness for the Enforcement Team in this AHO proceeding on the draft cease and desist order issued to BlueTriton Brands, Inc.

Consistent with the rules and guidelines stated in *Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal.4th 731 and other applicable legal authorities, Ms. Stork may work with AHO personnel in the AHO's *City of Marina* proceeding. Neither she nor any of her colleagues within ORPP will have any communications or interactions with any AHO personnel about anything regarding the AHO's *BlueTriton Brands* proceeding, and Ms. Stork and her colleagues will not have access to any AHO internal files or deliberative materials regarding the AHO's *BlueTriton Brands* proceeding.

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

As I also stated during the October 19 pre-hearing conference in the *City of Marina* proceeding, I plan to retire as the AHO's presiding hearing officer in late 2022 or early 2023. I will continue to work part-time for the State Water Board in the AHO as necessary to complete proposed orders and reports in the proceedings in which I have been the AHO hearing officer, including this proceeding.

Nov. 4, 2022 _____

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

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

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