

State Water Resources Control Board

POST-HEARING ORDER AND NOTICE OF ADDITIONAL HEARING DATES

The State Water Resources Control Board
Administrative Hearings Office
held hearing days on October 26-29 and 31,
November 1 and 3, and December 7-9, 12 and 14-15, 2022
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 is scheduling additional hearing days
for **January 31, February 1-2, March 13-17,**
and May 9-12 and 15-19, 2023.

If necessary, the Administrative Hearings Office will schedule additional hearing days.

The additional hearing days will be held by Zoom teleconference.

Any interested party may participate in the Zoom teleconference 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 this hearing without
participating may access the Administrative Hearings Office YouTube channel at:
<https://www.youtube.com/@swrcbadministrativehearing728/streams>

BACKGROUND

The purpose of this proceeding, background, hearing issues and pre-hearing and hearing processes are described in the May 6, 2022 Notice of Public Hearing and Pre-Hearing Conference issued by the State Water Resources Control Board (“State Water Board”) Administrative Hearings Office (“AHO”).

This order follows the AHO hearing days listed above. Except as expressly stated in this order and notice, all provisions of the May 6, 2022 hearing notice and subsequent AHO orders and notices remain in effect.

ADDITIONAL MODELING WORK AND MEETINGS

The December 16, 2022 e-mail from Peter Leffler to David Osias and Kyle Brochard, which Mr. Osias transmitted to the AHO and all parties on the service list, describes the agreements regarding modeling issues the parties' technical experts reached during their December 16 teleconference meeting. Following up on that e-mail, I direct the parties to this proceeding to direct their technical experts to work together to prepare the following changes to the 2022 North Marina Groundwater Model ("NMGWM²⁰²²"), and to meet and confer on the following dates to discuss and attempt to resolve the following issues.

Because these changes will be made primarily in 2023, I request that the parties refer to the revised model they will be preparing together as the "2023 North Marina Groundwater Model" or "NMGWM²⁰²³."

Model Layers

-Accommodate 11 layers in NMGWM²⁰²³. The added layers will split NMGWM²⁰²² Layer 5 into three new layers.

-After those changes have been made, work collaboratively with Hydrologic Working Group team members to try to agree on the extent and characteristics of the NMGWM²⁰²³ layers.

(The parties' technical experts have stated that they may disagree on the existence, nature or extent of the aquitards that will be represented by NMGWM²⁰²³ Layers 3, 6 and 8. I strongly encourage the parties' technical experts to try to reach agreement on these issues. Otherwise, the separate new models they will be prepare will be fundamentally different from each other, and I may need to select one of these new models and the modeling work conducted using that model to prepare the answers in my draft report to the court's questions that require modeling work to answer.)

Southern Boundary of Model Domain

The NMGWM²⁰²³ model domain will have a new southern boundary that will be approximately one mile south of the NMGWM²⁰²² model domain's southern boundary. Generally, the NMGWM²⁰²³ southern boundary will follow the northern boundary of the Seaside Subbasin and then east to the current eastern extent of the NMGWM²⁰²² model domain. The NMGWM²⁰²³ southern boundary will be approximately three miles south of MCWD Wells 29, 30, and 31. The NMGWM²⁰²³ model domain boundary assignments will be extracted from the

Salinas Valley regional groundwater model in the same manner as was done for NMGWM²⁰²².

Additional Work and Additional Meetings

As soon as possible after January 3, 2023, the parties' technical experts shall work collaboratively to define the following components of NMGWM²⁰²³, such that, to the extent possible, they will have a common framework for future modeling work using NMGWM²⁰²³. They shall participate in three meetings on or near the dates listed below to address the following issues regarding the development of NMGWM²⁰²³:

Meeting 1 (tentatively scheduled for January 5)

1. Extent and thickness of hydrogeologic units and assignment of those units to model layers
2. Definition of zones within those model layers needed to represent heterogeneity

Meeting 2 (tentatively scheduled for January 13)

3. Reasonable range of hydraulic conductivities within the hydrogeologic units

Meeting 3 (tentatively scheduled for January 19)

4. Recharge, specifically areal distribution and a reasonable range of magnitudes

Before Meeting 1, the parties' technical experts will proceed independently with their model revision work. They then will adapt their work, to the extent they agree, such that they will share a common model structure. They may include other team members in these meetings so that the best available data and interpretations can be accommodated.

The parties' technical experts shall file a joint status report on or before **January 24, 2023, at 1:00 pm** that describes: (a) the changes to NMGWM²⁰²² they have made; (b) the additional changes that they agree they will make to complete NMGWM²⁰²³, (c) any remaining areas of disagreement they have regarding NMGWM²⁰²³, and (d) how they plan to proceed with additional modeling work. The parties' technical experts shall prepare one report that describes both the areas of agreement and the areas of disagreement, and file it by this deadline with the AHO by e-mail to adminhrgoffice@waterboards.ca.gov, with cc's to everyone on the service list for this proceeding.

NEXT HEARING DAYS

The AHO will hold hearing days on **January 31, 2022, from 9:00 am to 5:00 pm**. If necessary, the AHO will hold additional hearing days on **February 1, 2022, from 9:00**

am to 12:00 noon, and February 2, 2022, from 1:00 to 5:00 pm. The purpose of these hearing days will be to discuss the technical experts' joint status report, pending issues, and their plan or plans for additional modeling work. (The January 23-27, 2023 hearing days listed in the October 21, 2022 Pre-Hearing Conference Order are vacated.)

ADDITIONAL MODELING WORK AND TECHNICAL REPORTS

Following the January 31 and February 1-2, 2023 hearing days, the parties' technical experts shall make any further changes to NMGWM²⁰²³ that they agree are necessary or appropriate. To the extent possible, the parties' technical experts shall work collaboratively to make these changes and conduct additional modeling work. To the extent this is not possible, they shall make separate changes or conduct separate modeling work. If the technical experts develop separate models, then they shall name the new model created by Cal-Am's experts "NMGWM²⁰²³Cal-Am" and the new model created by Marina Coast Water District's and the City of Marina's technical experts "NMGWM²⁰²³MCWD."

The parties' technical experts shall prepare supplemental technical memoranda, written proposed testimony and related exhibits describing their new modeling work and results. These documents also shall address the following issues:

Model calibration and sensitivities

1. Is NMGWM²⁰²³ adequately calibrated?
2. If the technical experts develop additional new models, are NMGWM²⁰²³Cal-Am and "NMGWM²⁰²³MCWD adequately calibrated?
3. Are there any technical publications or other evidence regarding appropriate standards for calibration of groundwater models like NMGWM²⁰²³?
4. Should NMGWM²⁰²³, and NMGWM²⁰²³Cal-Am and "NMGWM²⁰²³MCWD (if developed), be run with different scenarios to determine the sensitivities of model assumptions to variations in recharge, hydraulic conductivities, aquifer layer thicknesses, and any other model parameter assumptions on which the technical experts do not agree?

Model scenarios and results

5. What are appropriate model scenarios to address the effects of a reasonable range of potential actions to implement the Sustainable Groundwater Management Act in the Salinas Valley?
6. What are the estimated drawdowns and head changes that will occur, by aquifer, particularly at and in the vicinity of the Marina Coast Water District

wells, as a result of implementation of Cal-Am's proposed slant well pumping?

7. What are the estimated amounts of water, by aquifer and source, that will be pumped by Cal-Am's proposed slant wells each year? How will these estimated amounts change with changes in the rates of Cal-Am's proposed slant well pumping?
8. What are the estimated annual amounts of additional seawater intrusion that will occur, by model layer, within the Reaches 1 through 5 described in exhibit MCWD exhibit 118, slide 20, a result of implementation of Cal-Am's proposed slant well pumping?
9. What are the estimated changes in groundwater storage, by aquifer, that will occur as a result of implementation of Cal-Am's proposed slant well pumping?

Other questions

10. Using analytical calculations or other technical methods based on the modeling results, what are the estimated changes in migration of saline water, particularly in the vicinity of MCWD's wells, by aquifer, that will occur as a result of implementation of Cal-Am's proposed slant well pumping?

The parties shall file their technical experts' new technical memoranda, new written proposed supplemental testimony and related exhibits with the AHO on or before **April 10, 2023, at 1:00 pm.**

The parties' technical experts may prepare and file written proposed rebuttal testimony and related exhibits, rebutting the new technical memoranda and related testimony filed by other parties' technical experts and described in the preceding paragraph. All such written proposed rebuttal testimony shall specifically describe, with citations to exhibit and page and paragraph numbers, the memorandum provision, proposed written testimony or exhibit that it is rebutting. The parties shall file all such written proposed rebuttal testimony and related exhibits on or before **April 24, 2023, at 1:00 pm.**

Each party shall label the party's new technical memoranda, written proposed testimony and exhibits with sequential exhibit numbers, starting with the exhibit number immediately after the number of each party's last exhibit already filed in this proceeding. Each party shall upload files of these documents to the party's AHO-FTP upload folder on or before the applicable filing deadline. After completing each upload, the party making the upload shall send an e-mail to adminhrgoffice@waterboards.ca.gov, with cc's to everyone on the service list for this proceeding, advising the AHO and the other parties of the upload. After each filing deadline, AHO staff will move the exhibits to the parties' AHO-FTP exhibit folders and advise the parties that these exhibits are available for downloading.

ADDITIONAL HEARING DAYS

The AHO will hold additional hearing days on **May 9-12 and 15-19, 2023**, beginning each day at 9:00 am, to consider this additional written proposed testimony and related exhibits.

Dec. 21, 2022
Date

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

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

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