January 12, 2011

Catherine Hagan, Esq.
Senior Staff Counsel
Office of the Chief Counsel
State Water Resources Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Dear Mrs. Hagan:

EVIDENCE AND POLICY STATEMENTS, COMPLAINT NO. R9-2010-0126 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST HEALTHY TIMES, INC. FOR VIOLATIONS OF STATE BOARD ORDER NO. 97-03-DWQ, NPDES NO. CAS000001

In accordance with the amended Hearing Procedure for Administrative Civil Liability (ACL) Complaint No. R9-2010-0126 dated January 5, 2011, issued to Healthy Times, Inc., the Prosecution Team of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) submits the following information:

Evidence
All materials previously distributed to the Designated Parties, including, but not limited to, ACL Complaint No. R9-2010-0126, its technical report, and all attachments thereto.

Legal and Technical Arguments or Analysis
This information has been provided to the Designated Parties with ACL Complaint No. R9-2010-0126, and related documents on December 17, 2010.

Witnesses
The Prosecution Team may call upon the following witnesses if necessary:

<table>
<thead>
<tr>
<th>Name</th>
<th>Subject</th>
<th>Estimated Testimony Time</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeremy Haas</td>
<td>Technical and administrative analysis</td>
<td>Five (5) minutes</td>
<td>Senior Environmental Scientist</td>
</tr>
<tr>
<td>Frank Melbourn</td>
<td>Technical and administrative analysis</td>
<td>Five (5) minutes</td>
<td>Water Resource Control Engineer</td>
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</tbody>
</table>
I also intend on presenting and discussing the evidence set forth above as the Prosecution Team's case-in-chief. I estimate this will take no longer than 15 minutes.

Please contact me at (858) 467-2973 or by e-mail at fmelbourn@waterboards.ca.gov if you have any questions concerning this matter. The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Respectfully,

FRANK T. MELBOURN
Water Resource Control Engineer

FTM:ftm

cc: Healthy Times, Inc.
Rondi K. Prescott, Agent for Service of Process
14984 Huntington Gate Drive
Poway, California 92064-6709
USPS Cert. Return Receipt No. 7010 1060 0000 4952 7327
Via Facsimile (858) 513-1533
Via E-mail to htbaby@healthytimes.com and htbaby80@aol.com

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