



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 9, 2010

**CERTIFIED MAIL NO. 7009 1410 0002 2000 0071**  
(Return receipt requested)

In reply refer to:  
**SMARTS-2 App. ID: 218852**  
**NWPU: tfelix**

Richard Prescott  
Healthy Times  
13200 Kirkham Way, Bldg 104  
Poway, CA 92064

**Subject: 2nd Notice of Violation No. R9-2010-0046: Order No. 97-03-DWQ,  
NPDES No. CAS000001 to Healthy Times, WDID No. 9 371017603:  
Failure to Submit 2008-2009 Industrial Storm Water Annual Report**

**Facility: Healthy Times  
13200 Kirkham Way, Bldg. 104  
Poway, CA 92064**

## YOU ARE HEREBY NOTIFIED THAT:

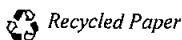
On December 1, 2009, you were notified that you are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2008-2009 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by July 1, 2009 as required by Section B.14 of the Order.

Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, your continued noncompliance for failure to submit the Annual Report may subject you to escalated enforcement actions by the San Diego Water Board. Civil liability could range from a minimum of \$1,000 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2009, up to the date the 2008-2009 Annual Report is received. To date, we have not received a report or response to this notification and the report is 251 days late.

To minimize the potential liability assessed, please submit the Annual Report immediately. Mail the Annual Report to the address at the top of this page.

If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Mr. Tony Felix at (858) 636-3134, or by email at [tony.felix@waterboards.ca.gov](mailto:tony.felix@waterboards.ca.gov)

*California Environmental Protection Agency*



[TFelix@waterboards.ca.gov](mailto:TFelix@waterboards.ca.gov). If you feel you have received this NOV in error, please contact our office immediately.

Respectfully,



*DTB* David T. Barker, P.E.  
Supervising Water Resources Control Engineer  
Surface Water Basins Branch

DTB:esb:aaf

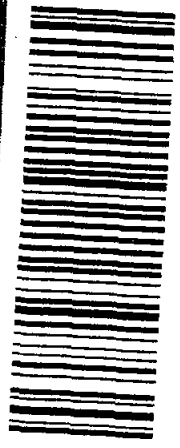
SMARTS-2:

Violation ID	841030
Enforcement ID	401204

S:\Surface Waters Basins Branch\Northern Watershed Unit\Tony\Storm Water Program\Industrial SW\2nd NOV\Healthy\_Times.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:  <b>RICHARD PRESCOTT</b>  <b>13200 KIRKHAM WAY, BLDG 104</b>  <b>POWAY, CA 92064</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>7009 1410 0002 2000 0071</p>

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Sent To: **RICHARD PRESCOTT**  
 Street, Apt. No., or PO Box No.: **13200 KIRKHAM WAY, BLDG 104**  
 City, State, ZIP+4: **POWAY, CA 92064**

PS Form 3800 August 2006 See Reverse for Instructions