

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

ORDER NO. R9-2014-0001

**AN ORDER RESCINDING ORDER NO. R9-2009-0147, WASTE DISCHARGE
REQUIREMENTS FOR RITE TIME PHARMACEUTICALS INC., ANZA
COMMERCIAL CENTER ONSITE WASTEWATER TREATMENT
SYSTEM, RIVERSIDE COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. Order No. R9-2009-0147, adopted by the San Diego Water Board on November 19, 2009, prescribes waste discharge requirements for an onsite wastewater treatment system (OWTS) at the Anza Commercial Center to be built by Rite Time Pharmaceuticals Inc. in Riverside County. Order No. R9-2009-0147 prescribes requirements for the discharge of domestic wastewater from the OWTS to land at a proposed commercial center development that will be located on the southwest corner of Highway 371 (Cahuilla Road) and Maze Stone Road in Anza, Riverside County.
2. The proposed commercial center development is owned by Mr. Soji Akanwo of Rite Time Pharmaceuticals Inc. (hereinafter Discharger).
3. Neither the commercial center development nor the OWTS have been built, because the Discharger has not yet received approvals from the appropriate County of Riverside agencies.
4. According to the records compiled by the State Water Resources Control Board (State Water Board), the Discharger has unpaid annual fee balances for the following years:

Fiscal Year	Invoice Date	Base Fee	Surcharge	Total Invoice Amount
2013	10/30/2013	\$3,988	\$379	\$4,367
2012	10/23/2012	\$3,125	\$297	\$3,422
2011	11/8/2011	\$3,125	\$297	\$3,422

5. Annual fees are charged to Dischargers for facilities regulated under Waste Discharge Requirements (WDRs) issued by Regional Water Boards. Failure to pay required fees is a violation under California law (Water Code section 13261) and could result in criminal prosecution as well as a civil liability assessment of up

to \$1,000 per day for each day that fees go unpaid, and/or rescission of WDRs. Failure to pay the annual fees may make the Discharger potentially liable for the full amount of a civil liability assessment from the date of the first invoice in addition to the original invoice amount.

6. The State Water Board notified the Discharger by letter dated October 24, 2013 that the annual fees listed above had not been paid. Likewise, the San Diego Water Board notified the Discharger by letter dated November 12, 2013 that the annual fees had not been paid since 2010. The San Diego Water Board letter also notified the Discharger of the San Diego Water Board's intent to rescind Order No. R9-2009-0147 if the fees were not paid.
7. The San Diego Water Board released a previous version of Order No. R9-2014-0001 rescinding Order No. R9-2009-0147 (Rescission Order) for public comment on December 5, 2013 and put the Rescission Order on the agenda for consideration at its public meeting on February 12, 2014.
8. In response to the pending rescission, the Discharger made one payment in the amount of \$2,759.00. Furthermore, the Discharger indicated it would continue to make monthly payments until the delinquent annual fees were paid in full. In response, the San Diego Water Board did not take action on the Rescission Order at the February 2014 meeting.
9. The State Water Board reported on August 21, 2014 that the Discharger had made only one payment on the delinquent annual fees (listed in Finding 4 above) for Order No. R9-2009-0147. Consequently, the San Diego Water Board notified Rite Time Pharmaceuticals Inc. on September 10, 2014 via email and letter that the Board intended to rescind Order No. R9-2009-0147 for non-payment of fees associated with the Order.
10. The San Diego Water Board, in a public hearing, heard and considered all comments pertaining to the proposed rescission.
11. This action to rescind Order No. R9-2009-0147 is exempt from the provisions of the California Environmental Quality Act in accordance with section 15061(b)(3) of chapter 3, title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

IT IS HEREBY ORDERED, that Order No. R9-2009-0147 is rescinded.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on November 12, 2014.

TENTATIVE

DAVID W. GIBSON
Executive Officer