



## Santa Ana Regional Water Quality Control Board

April 26, 2019

Mr. M. Shane Smith  
COO Epic Capital, Inc/ Black Oak Development, LLC  
5295 South Commerce Drive, Suite 205  
Salt Lake City, UT 84107

### **TRANSMITTAL OF ACCEPTANCE OF CONDITIONAL RESOLUTION NO. R8-2019-0045 FOR WDID NO. 8 33C381801**

Dear Mr. Smith:

Please find enclosed the signed copy of the Acceptance of Conditional Resolution Order No. R8-2019-0045 for your records.

The **\$1,964.00** liability includes staff costs and must be paid by a cashiers or certified check made out to the "State Water Resources Control Board." The check must reference Order number **R8-2019-0045** for deposit into the Waste Discharge Permit Fund no later than May 27, 2019.

Please mail the check to either address below:

**Overnight Delivery Service:**

State Water Resources Control Board,  
Re: Settlement Offer No. R8-2019-0045; WDID No. 8 33C381801  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18th Floor  
Sacramento, California 95814

**Regular Mail:**

State Water Resources Control Board,  
Re: Settlement Offer No. R8-2019-0045; WDID No. 8 33C381801  
Division of Administrative Services, Accounting Branch  
P.O. Box 1888  
Sacramento, California 95812-1888

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Mr Thomas Wang  
Exeter Property Group  
R8-2019-0045; WDID No. 8 33C381801

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April 26, 2019

If you have any questions regarding this correspondence, please contact me at [kelliott@waterboards.ca.gov](mailto:kelliott@waterboards.ca.gov) or by calling (951) 782-4925.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Elliott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Keith L. Elliott, PE  
WRCE  
Inland Stormwater Unit

Enclosures: Signed Acceptance of Conditional Resolution Order No. R8-2019-0045

cc: Ms. Catherine Hawe, Office of Enforcement, State Water Resources Control Board



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

### ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING; (Proposed) ORDER

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Regional Board), Epic Capital, Inc\Black Oak Development LLC (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the violations described in the Notices of Noncompliance (NNCs) which are enclosed and incorporated herein by reference.

The Permittee agrees that the Expedited Payment Program Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.30, in the sum of **\$1964** (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.30 that otherwise might be assessed for the violations described in the NNCs.

The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and the amount of civil liability for such violations. The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the enclosed NNCs.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Santa Ana Regional Water Quality Control Board  
Attn: Keith Elliott, Inland Stormwater Unit  
3737 Main Street, Suite 500  
Riverside, California 92501

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. This Acceptance and Waiver will be published for public comment prior to execution by the Regional Board Executive

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Epic Capital, Inc.\Black Oak Development LLC

By: Mayo Shane Smith  
(Signed Name)

3/21/19  
(Date)

Mayo Shane Smith  
(Printed or Typed name)

COO  
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date: 4/25/19

By: Hope Smythe  
Hope Smythe  
Executive Officer