

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – February 2005

February 28, 2005

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 44.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the February 15, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION (NOV):

1. **Thomas M. Brown** - NOV #SW04-1145/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at southeast corner of Marion Drive and Colton Avenue, Clark County; on or about November 15, 2004.

The hearing officer found Thomas M. Brown in violation, ordering an administrative penalty of \$500. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Independent Landscape Services, LLC** - NOV #SW04-600/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the northeast corner of Starr Avenue and Placid Street, Clark County; on or about June 28, 2004.

The hearing officer found Independent Landscape Services, LLC in violation of 2), ordering an administrative penalty of \$1,000. In addition, the company must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,000.

2. **Independent Landscape Services, LLC** - NOV #SW04-990/24 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or

allowing to be placed, deposited or dumped solid waste on property located at the northwest area of Decatur Boulevard and Windmill Parkway, Clark County; on or about September 23, 2004.

The hearing officer found Independent Landscape Services, LLC in violation of 2), ordering an administrative penalty of 1,750. In addition, the company must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,500.

3. **RCG Apartments LLC** - NOV #SW04-1024/A8 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on south end of the property located at 98 South Martin Luther King Boulevard, Las Vegas, Clark County, on or about October 3, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 31, 2004.

The hearing officer found RCG Apartments LLC in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company is required to have the sewer lines for buildings six and seven repaired by a licensed certified plumber, and remediate the area affected by the sewage overflow.

4. **Edmund G. Reiger** - NOV #SW04-1175/21- For operating a disposal site without a permit issued by the solid waste management authority on the vacant parcels located to the south of 4200 North Decatur Boulevard, Clark County; on or about November 24, 2004.

The hearing officer found Edmund G. Reiger in violation, ordering an administrative penalty of \$5,000. In addition, the party is required to verify proper sewage flow and disposal under the supervision of a certified environmental manager.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Venturi Technologies, Inc.** - NOV #HW04-034/74 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3563 Procyon Street, Clark County; on or about August 16, 2004 to October 21, 2004.

The hearing officer found Venturi Technologies, Inc. in violation of 2), ordering an administrative penalty of \$850. In addition, the company is required to draft written procedures and implement employee training for the proper disposal of industrial waste water.

2. **Robert L. Kovan and Keystone Carpet Care** - NOV #SW04-878/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or

allowing to be placed, deposited or dumped solid waste on property located at the northeast public right of way on Pine Street and Post Road, Clark County; on or about August 18, 2004, August 19, 2004, August 20, 2004, September 2, 2004 and September 8, 2004.

The hearing officer found Robert L. Kovan and Keystone Carpet Care in violation of 2) in five separate instances, ordering an administrative penalty of \$1,000 per instance, for a total penalty of \$5,000. In addition, the party is required to draft written procedures and implement employee training for the proper disposal of industrial waste water.

3. **Donald M. Millhouse** - NOV #SW04-669/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 4728 East Monroe Avenue, Las Vegas, Clark County; on or about July 13, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 23, 2004.

The hearing officer found Donald M. Millhouse in violation, ordering an administrative penalty of \$750 for both 1) and 2), for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

4. **RCG Apartments LLC** - NOV #SW04-900/A8 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on south end of the property located at 98 South Martin Luther King Boulevard, Las Vegas, Clark County, on or about August 31, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 1, 2004.

The hearing officer found RCG Apartments LLC in violation of 1), ordering an administrative penalty of \$1,000. In addition, the company is required to remediate the area affected by the sewage overflow.

5. **Perry J. Genovese** - NOV #SW04-1227/23 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at approximately 300 feet south of the edge of Desert Inn Road and approximately six (6) feet east of the edge of Tenaya Way, Clark County; on or about December 11, 2004.

The hearing officer found Perry J. Genovese in violation, ordering an administrative penalty of \$750 for 1) and \$1,250 for 2), for a total penalty of \$2,000. In addition, the party is required to properly remove and dispose of the waste.

6. **Phebe Huntsman** - NOV #SW04-1078/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or

dumped solid waste on property located at 1524 Raul Court, Clark County; on or about October 25, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 28, 2004.

The hearing officer found Phebe Huntsman in violation, ordering an administrative penalty of \$750 for each of 1), 2) and 3), for a total penalty of \$2,250. In addition, the party is required to properly remove and dispose of the waste.

7. **Rainbow International Carpet Care & Flood Restoration** - NOV #SW04-882/74- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on the public street adjacent to the property of the residence of 5558 Crestlock Drive, Las Vegas, Clark County; on or about August 23, 2004.

The hearing officer found Rainbow International Carpet Care & Flood Restoration in violation of 2), ordering an administrative penalty of \$1,000. In addition, the company is required to draft written procedures and implement employee training for the proper disposal of industrial waste water.

8. **Pete Kursa** - NOV #SW04-888/24 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at southwest corner of Denning Street and Tunis Avenue, Clark County; on or about August 23, 2004.

The hearing officer found Pete Kursa in violation of 2), ordering an administrative penalty of \$500. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

9. **Eddie Walkup** - NOV #SW04-1158/23 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the northeast corner of Torrey Pines Drive and Diablo Drive, Clark County; on or about November 18, 2004.

The hearing officer found Eddie Walkup in violation, ordering an administrative penalty of \$750 for each of 1) and 2), for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

10. **Juan E. Rodriguez** - NOV #SW04-938/21 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid

waste on property located at 3603 North Las Vegas Boulevard, Clark County; on or about September 9, 2004.

The hearing officer found Juan E. Rodriguez in violation, ordering an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste.

11. **Builder's Concrete Supply, LLC** - NOV #SW04-1143A/B6 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located across from 4640 Valley View Boulevard, Clark County; on or about November 12, 2004.

The hearing officer found Builder's Concrete Supply, LLC in violation of 2), ordering the company to properly remove and dispose of the waste.

12. **Excavators Corp.** - NOV #SW04-1118/27 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the North Las Vegas Detention Basin, Clark County; on or about November 2, 2004.

The hearing officer found Excavators Corp. in violation, ordering an administrative penalty of \$4,000 for each of 1) and 2), for a total penalty of \$8,000. In addition, the party is required to properly remove and dispose of the waste.

13. **Pinewood Apartments LP** - NOV #SW04-345/A5/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 16, 2004.

The hearing officer found Pinewood Apartments LP in violation, ordering an administrative penalty of \$3,000. In addition, the company is required to communicate sewage remediation steps to staff and submit a training program that incorporates the sewage spill remediation steps.

14. **Isidro Balandran** - NOV #SW04-987/21 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on the vacant lot at the intersection of Betty Lane and Owens Avenue, Clark County; on or about September 23, 2004.

The hearing officer found Isidro Balandran in violation, ordering an administrative penalty of \$750 for each of 1) and 2), for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

15. **Performance Contracting, Inc.** - NOV #SW04-1081/45- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or

dumped solid waste on property located at 101 North Mojave Road, Las Vegas, Clark County; on or about October 19, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 22, 2004.

The hearing officer found Performance Contracting, Inc. in violation, ordering an administrative penalty of \$1,250 for both 1) and 2), for a total penalty of \$2,500. In addition, the company is required to properly remove and dispose of the waste, and provide a plan to control the dispersal of insulation particles.

16. **Rae Ann Leuthy** - NOV #SW04-564/74- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 6357 Spring Meadow Drive, Clark County; on or about June 23, 2004 and July 16, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2004.

The hearing officer found Rae Ann Leuthy in violation, ordering an administrative penalty of \$1,000 for each of 1), 2) and 3), for a total penalty of \$3,000. In addition, the party is required to properly remove and dispose of the waste.

17. **Rhetta Sylvester Moody Trust and Rhetta Sylvester Moody-Trustee** - NOV #SW04-618/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 2507 and 2545 McLaurine Avenue, Clark County; on or about July 1, 2004; 3) disposing of, abandoning or dumping a motor vehicle battery, motor vehicle tire or motor oil at a site which has not been issued a permit for the purpose on or about December 3, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 9, 2004.

The hearing officer found Rhetta Sylvester Moody Trust and Rhetta Sylvester Moody-Trustee in violation of 2) and 4), ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste, and remediate the soil under the supervision of a certified environmental manager.

18. **Aremando Zurita** - NOV #SW04-1080/A0- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located approximately 400 feet north of Charleston Boulevard on the Public Right-of-Way between Rockaway Street and Sproul Court, Clark County; on or about October 21, 2004; and 3) failure

to comply with the Order issued by the Solid Waste Management Authority on November 5, 2004.

The hearing officer found Aremando Zurita in violation, ordering an administrative penalty of \$750 for each of 1), 2) and 3), for a total penalty of \$2,250. In addition, the party is required to provide proof of disposal at an approved disposal site.