

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – March 2005

March 30, 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 March 16, 2005 meeting, the following cases were adjudicated:

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

1. **Barrick-GSR, LLC** – NOV #HW04-037/A8- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 400 East Ogden Avenue, Las Vegas, Clark County; on or about September 1, 2004.

The hearing officer found Barrick-GSR, LLC in violation, ordering the company to pay an administrative penalty of \$750. In addition, the company was encouraged to formalize a training program that communicates proper remediation steps to all staff.

2. **Albert Page** – NOV #SW05-009/27- 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 7813 Holly Knoll Avenue and into to the storm drain in front of the residence, Clark County; on or about January 4, 2005.

The hearing officer found Albert Page in violation of 2), ordering an administrative penalty of \$500.

3. **Mark Allen Story** – NOV #SW04-1232/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 at 1250 South Nellis Boulevard, Las Vegas, Clark County; on or about December 14, 2004.

The hearing officer found Mark Allen Story in violation of 2), ordering an administrative penalty of \$500. In addition, the party is required to properly

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remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

4. **Carlie Moore and Moore Excavation, LLC** – NOV #SW05-055/23- 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 southeast corner of Nevso Drive and Riley Street, Clark County; on or about January 18, 2005.

The hearing officer found Carlie Moore and Moore Excavation, LLC in violation of 2), ordering an administrative penalty of \$750. In addition, the parties are required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

5. **Sze Kuk Sui and Tang Wai Chun** – NOV #SW04-790/B6- For 1) operating a disposal site without a permit issued by the solid waste management authority on the vacant lot located at the southeast corner of Cactus Avenue and Amigo Street, Clark County; on or about July 27, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2004.

The hearing officer found Sze Kuk Sui and Tang Wai Chun in violation of 2), ordering an administrative penalty of \$750.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Charles Bruce Fey and Diane Lorraine Frost** – NOV #SW05-019/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on January 7, 2005.

The hearing officer found Charles Bruce Fey and Diane Lorraine Frost in violation, ordering an administrative penalty of \$500.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Vikas Chaddah** – NOV #SW04-1192/A8- 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 110 East Bonanza Road, Las Vegas, Clark County; on or about December 2, 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 December 3, 2004.

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The hearing officer found Vikas Chaddah in violation of 2) and 4), ordering an administrative penalty of \$875 for 2) and \$1000 for 4), for a total penalty of \$1,875. In addition, the party must properly remove and dispose of the waste, and provide proof of current trash disposal service.

2. **Hazelwood Investments LLC** – NOV #SW04-1183/A8- For failure to comply with the order issued by the Solid Waste Management Authority on December 8, 2004.

The hearing officer found Hazelwood Investments LLC in violation, ordering an administrative penalty of \$500. Failure to comply with the existing order will result in an increase in the penalty to \$750.

3. **Hazelwood Investments LLC** – NOV #SW04-1213/A8- 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 3850 Hazelwood Street, Paradise Township, Clark County; on or about December 9, 2004 and December 28, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 14, 2004.

The hearing officer found Hazelwood Investments LLC in violation of 2) and 3), ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the business must plumb the laundry facility into the existing city sewage system.

4. **Wilmar Contracting, Inc. & Mitchell Construction Services, Inc. d/b/a Western Diamond** – NOV #HW04-045/A0- 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 corner of Canyon Bluff Court and Park Run Drive, Clark County; on or about October 18, 2004.

The hearing officer found Wilmar Contracting, Inc. & Mitchell Construction Services, Inc. d/b/a Western Diamond in violation of 1) and 2), ordering an administrative penalty of \$750 per violation for a total penalty of \$1,500. In addition, the companies are required to properly remove and dispose of the waste.

5. **David Guy Richardson** – NOV #SW04-1138/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 at the southeast corner of Tee Pee Lane and El Campo Grande Avenue, Clark County; on or about November 10, 2004.

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The hearing officer found David Guy Richardson in violation of 1) and 3) 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.

6. **Steven Eugene Bliese** – NOV #SW04-1169B/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 Rainbow Boulevard and Russell Road, Clark County; on or about November 19, 2004.

The hearing officer found Steven Eugene Bliese 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.

7. **Walter Merkel** – NOV #SW04-857/A8- 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 3705 San Joaquin Avenue, Clark County; on or about August 10, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 31, 2004.

The hearing officer found Walter Merkel in violation of all complaints, ordering an administrative penalty of \$750 per violation, for a total penalty of \$2,250. In addition, the party is required to properly remove and dispose of the waste.

8. **Jason E. Lee and Debra Alyn Green** – NOV #HW04-058/24- 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 in the form of waste water on property located west of Topaz Street and Seasons Avenue intersection, Clark County; on or about December 7, 2004.

The hearing officer found Jason E. Lee and Debra Alyn Green in violation of 1) and 2), ordering an administrative penalty of \$500 per violation, for a total penalty of \$1,000.

9. **Lisa/Carrison Ltd.** – NOV #SW04-1026/A5- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3330 East Tropicana Avenue, Clark County; on or about October 4, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 12, 2004.

The hearing officer found Lisa/Carrison Ltd. in violation of 1), ordering an administrative penalty of \$500.

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10. **Norman Moe** – NOV #SW04-604/45- 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 2595 McLaurine Avenue, Clark County; on or about June 30, 2004, or alternatively for causing or allowing sewage or accumulation of human excreta to overflow on property located at 2595 McLaurine Avenue, Clark County; on or about June 30, 2004.

The hearing officer found Norman Moe in violation, ordering an administrative penalty of \$1,500 per violation, for a total penalty of \$3,000. In addition, the party is required to remediate the area affected by the sewage overflow.

11. **Rochelle Sanchez** – NOV #SW04-1042/A5- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Hamilton Avenue, Clark County; on or about August 11, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 12, 2004.

The hearing officer found Rochelle Sanchez in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party must properly remove and dispose of the waste.

12. **Jesus Morales/Triple E Auto Repair** – NOV #SW04-976/45- 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 3184 Fremont Street, Building B, Clark County; on or about September 16, 2004 and November 29, 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 November 16, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on October 5, 2004.

The hearing officer found Jesus Morales/Triple E Auto Repair in violation of all complaints, ordering an administrative penalty of \$750 for each of 1) and 3), \$1,250 for each of 2) and 4), and \$2,500 for 6), for total penalty of \$6,500. In addition, the party is required to properly remove and dispose of the waste under the supervision of a certified environmental manager.

13. **Jack Ramsey Lizotte and James Raymond Martinez** – NOV #SW04-207/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 the vacant lot located at the northeast corner of Oakey Boulevard and Valdez Street, Clark County; on or about March 5, 2004 and April 23, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 15, 2004.

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The hearing officer found Jack Ramsey Lizotte and James Raymond Martinez in violation, ordering an administrative penalty of \$750 for each of two violations of 1), \$750 for each of two violations of 2), for a total penalty of \$3,000. 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 \$3,750.

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