

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – July 2005

August 2, 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 July 20, 2005 meeting, the following cases were adjudicated:

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

1. **Bobby Stephens Masonry, Inc. and Bobby Stephens** – NOV #SW05-126/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southwest corner of Town Center Drive and Tropicana Avenue, Clark County; on or about January 25, 2005.

The hearing officer found Bobby Stephens Masonry, Inc. and Bobby Stephens in violation, ordering an administrative penalty of \$900 for each of 1) and 2), for a total penalty of \$1,800. In addition, the party is required to properly remove and dispose of the waste.

2. **George E. Beach** – NOV #SW04-1217/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 to be placed, deposited or dumped solid waste on property located at 7100 Pirates Cove Road, Clark County; on or about December 8, 2004.

The hearing officer found George E. Beach in violation, ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty of \$1800, as originally sought in the notice of violation.

3. **Accessible Space, Inc.** – NOV #SW04-676/19/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 15, 2004.

The hearing officer found Accessible Space, Inc. in violation, ordering an administrative penalty of \$500.

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B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Walter Grogitsky** – NOV #SW05-240/A0- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at City of Las Vegas Public Right-of-Way, Clark County; on or about March 3, 2005; and 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 March 3, 2005.

The hearing officer found Walter Grogitsky in violation of 3), ordering an administrative penalty of \$750. In addition, the party must properly remove and dispose of the waste. Plus, future vehicle maintenance, fluid removal or part removal must be properly contained. Failure to comply will result in an increase in the penalty to \$2,800, as originally sought in the notice of violation.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Sixta Llere** – NOV #SW05-552/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located on a vacant parcel north of Volunteer Boulevard, Henderson, Clark County; on or about May 1, 2005.

The hearing officer found Sixta Llere in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$1,800. In addition, the party is required to properly remove and dispose of the waste.

2. **Ford Contracting, Incorporated** – NOV #SW05-454A/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) allowing solid waste generated on property located south of West Diablo Drive between South Valley View Boulevard and Wynn Road, Clark County Nevada to blow onto neighboring property causing a public nuisance since approximately January 2005.

The hearing officer found Ford Contracting, Incorporated in violation of 2), ordering an administrative penalty in the amount of \$1,800. In addition, the company is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,600, as originally sought in the notice of violation.

3. **Morton Excavating, Inc.** – NOV #SW05-341/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or

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dumped solid waste on property located at the southwest corner of Torrey Pines Drive and Dorrell Street, Clark County; on or about March 24, 2005.

The hearing officer found Morton Excavating in violation, ordering an administrative penalty of \$2000. Failure to comply will result in an increase in the penalty to \$9,000, as originally sought in the notice of violation.

4. **Desert Palm Landscape Maintenance, Inc. and Desert Palm Landscape, Inc.** – NOV #SW05-138/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the northwest corner of Dorrell Lane and Campbell Road, Las Vegas, Clark County; on or about February 3, 2005.

The hearing officer found Desert Palm Landscape Maintenance, Inc. and Desert Palm Landscape, Inc. in violation of 2), ordering an administrative penalty of \$1,000. In addition, the companies must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,000, as originally sought in the notice of violation.

5. **Steven Wynn** – NOV #SW05-515/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast corner of West Russell Road and Pioneer Way, Clark County; on or about April 20, 2005.

The hearing officer found Steven Wynn in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500.

6. **A-1 Stucco, Inc.** – NOV #SW05-540/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the intersection of Sun Cove circle and Leaning Pine Way, proceeding west on Suncove Circle to the residence at 7217 Sun Cove Circle, Clark County; on or about April 26, 2005.

The hearing officer found A-1 Stucco, Inc. in violation of 2), ordering an administrative penalty of \$500. In addition, the company must properly remove and dispose for the waste. Failure to comply will result in an increase in the penalty to \$2,000, as originally sought in the notice of violation.

7. **Russell M. Lorenzen** – NOV #SW05-276/A0- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 7613 Aplin Avenue, Clark County; on or about March 9, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 14, 2005.

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The hearing officer found Russell M. Lorenzen in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$2,700.

8. **Mammoth Underground, LLC** - NOV #HW04-052/74- 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 the southwest corner of Schirlls Street and Pioneer Avenue, Clark County; on or about November 16, 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 November 19, 2004.

The hearing officer found Mammoth Underground, LLC in violation of 2), 3) and 4) ordering an administrative penalty of \$1,500 for each of 2) and 3), and a \$3,000 penalty for 4). This represents a total penalty of \$6,000. Failure to comply will result in an increase in the penalty to \$7,500, as originally sought in the notice of violation.

9. **MER Properties, LLC** - NOV #SW04-1153/A0/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 4650 Judson Avenue, Clark County; on or about November 18, 2004 and March 29, 2005; 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 18, 2004 and March 29, 2005; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on January 28, 2005.

The hearing officer found MER Properties, LLC in violation, ordering an administrative penalty of \$900 for two instances each of 1, 2) and 3), and \$900 for 4). The total penalty is \$6,300. In addition, the company is required to properly remove and dispose of the waste, provide site characterization and remediate the area under the supervision of a certified environmental manager.

10. **Pro Star Drop Box Service, Inc.** - NOV #SW04-304/19/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 18, 2004.

The hearing officer found Pro Star Drop Box Service, Inc. in violation, ordering an administrative penalty of \$2,500. In addition, the company is required to properly remove and dispose of the waste.

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