

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 2005

August 25, 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 August 17, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Pedro Gomez** - NOV #SW04-548B/A5- 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 5450 Morris Street, Clark County; on or about June 16, 2004.

The hearing officer found Pedro Gomez in violation of 2), imposing a \$500 administrative penalty.

2. **Jack Gibson and J. Bud Gibson Door Service** - NOV #SW05-379B/27- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the northeast corner of Cheyenne Avenue and Maverick Street, Clark County; on or about April 10, 2005.

The hearing officer found Jack Gibson and J. Bud Gibson Door Service in violation, imposing a \$900 administrative penalty.

3. **Jovito P. Montano and Juanita Montano** - NOV #SW05-504/A8- For 1) operating a disposal site without a permit issued by the solid waste management authority on April 13, 2005 and May 23, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2005.

The hearing officer found Jovito P. Montano and Juanita Montano in violation of 1) and 2), ordering an administrative penalty of \$1,800 for 1) and \$900 for 2), for a total penalty of \$2,700. In addition, the party is required to properly remove and dispose of the waste.

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4. **Pair-A-Dice Trailer Park LLC** - NOV #SW05-530/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at Pair-A-Dice Trailer Park, 2067 North Las Vegas Boulevard, Clark County, on or about April 26, 2005, April 27, 2005 and April 29, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 26, 2005.

The hearing officer found Pair-A-Dice Trailer Park LLC in violation of 1), ordering an administrative penalty of \$2,700. In addition, the party is required to properly remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$3,600, as originally sought in the notice of violation.

5. **Eagle Las Vegas 1259 LLC** - NOV #SW05-594/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3880 Wynn Road, Clark County, on or about May 16, 2005 and May 17, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 16, 2005.

The hearing officer found Eagle Las Vegas 1259 LLC in violation of 1) and 2), ordering an administrative penalty of \$1,500 for 1) and \$750 for 2), for a total penalty of \$2,250. Failure to comply will result in an increase in the penalty to \$4,500, as originally sought in the notice of violation.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

None

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Warren Wood Trust and Howe Family Trust** - NOV #SW05-140/A5- For operating a disposal site without a permit issued by the solid waste management authority on or about November 8, 2004, February 15, 2005, and April 14, 2005.

The hearing officer found Warren Wood Trust and Howe Family Trust in violation, imposing an administrative penalty of \$3,750. In addition, the affected area must be remediated under the supervision of a certified environmental manager. Failure to comply will result in an increase in the penalty to \$7,000, as originally sought in the notice of violation.

2. **Sierra-Nevada Multifamily Investments** - NOV #SW05-567/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4815 Sphinx within the compound of Oasis Heritage Apartment Homes, 3495 North Nellis Boulevard, Clark County, on or about May 5, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 5, 2005.

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The hearing officer found Sierra-Nevada Multifamily Investments in violation of 2), ordering an administrative penalty of \$2,700. In addition, the company must remediate the area affected by the sewage overflow and develop a preventative maintenance plan. Failure to comply will result in an increase in the penalty to \$4,500, as originally sought in the notice of violation.

3. **Joel A. and Kimberly L. Laub Family Trust, Joel A. Laub Trustee** - NOV #SW05-270/23- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located on the east side of Las Vegas Boulevard South approximately 2,256 feet south of the intersection of Sloan and Las Vegas Boulevard South, Clark County, on or about March 8, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 14, 2005.

The hearing officer found Joel A. and Kimberly L. Laub Family Trust, Joel A. Laub Trustee in violation of 2), ordering an administrative penalty of \$900. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

4. **Elvin Martinez** - NOV #SW04-548A/A5/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 17, 2004.

The hearing officer found Elvin Martinez in violation, ordering an administrative penalty of \$2,500. In addition, the party must provide proof of removal and proper disposal of waste.

5. **Stephanie Gilbert and Ryan J. Gilbert** - NOV #SW05-572/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 approximately 1,210 feet west from the intersection of the rough cut roads of Alta Drive and Desert Sunrise Road then approximately 1,040 feet north of the rough cut road, Clark County; on or about May 9, 2005.

The hearing officer Stephanie Gilbert and Ryan J. Gilbert in violation of 1) and 2), 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.

6. **Darlyn Elliott, Gwenyth Elliott, Malcolm Elliott and Desert Paradise Properties etal** - NOV #SW05-411/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4070 North Las Vegas Boulevard, Clark County, on or about April 12, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 12, 2005.

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The hearing officer found Darlyn Elliott, Gwentyth Elliott, Malcolm Elliott and Desert Paradise Properties et. al. in violation, ordering an administrative penalty of \$900 for 1) and \$1,800 for 2), for a total penalty of \$2,700. Failure to comply will result in an increase in the penalty to \$4,500, as originally sought in the notice of violation.

7. **Brigido B. Pingad and D. Fortunata** – NOV #SW05-464/A8- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about April 13, 2005 and May 23, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2005.

The hearing officer found Brigido B. Pingad and D. Fortunata in violation, ordering an administrative penalty of \$1,800 for 1) and \$900 for 2), for a total penalty of \$2,700. In addition, the party must provide proof of resident notification letters regarding trash collection, and provide proof of current trash disposal service.

8. **Park Forest Apartments LLC** – NOV #SW05-630/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on May 26, 2005.

The hearing officer found Park Forest Apartments LLC in violation, ordering an administrative penalty of \$900. In addition, the company must remediate the area affected by the sewage overflow.

9. **Monterey Villas LLC** – NOV #SW05-655/A8- For operating a disposal site without a permit issued by the solid waste management authority on or about June 2, 2005.

The hearing officer found Monterey Villas LLC in violation, ordering an administrative penalty of \$7,200. In addition, the company must pick up trash on the property with sufficient frequency to keep the area free of waste, and remove and properly dispose of the existing waste.

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