

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – November 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 November 16, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Francisco Javier Bocanegra** – NOV #SW05-041/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located behind RC Farms on the northeast corner of Ann Road and Donna Street, Clark County; on or about January 17, 2005.

The hearing officer found Francisco Javier Bocanegra in violation of 2), ordering a \$500 administrative penalty.

2. **Eugene Buckley, Patricia Buckley and Blue Housing Concepts Corporation** – NOV #SW05-557/21- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 3920 North Las Vegas Boulevard, Clark County, on or about May 3, 2005.

The hearing officer found Eugene Buckley, Patricia Buckley and Blue Housing Concepts Corporation in violation, ordering a \$4,000 administrative penalty. Failure to comply will result in a reinstatement of the original penalty of \$9,000 sought in the notice of violation.

3. **Thomas M. Arlt, McDonalds #5240** – NOV #SW05-645/23- 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 3451 West Tropicana Avenue, Las Vegas, Clark County; on or about May 28, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 6, 2005.

The hearing officer found Thomas M. Arlt, McDonalds #5240 in violation of 2) and 3), ordering an administrative penalty of \$500 per violation, for a total

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penalty of \$1,000. In addition, the party must develop written procedures for maintaining drains for garbage areas. Failure to comply will result in an increase in the penalty to \$2,700, as originally sought in the notice of violation.

4. **J & J Restaurant, Inc.** - NOV #SW05-995/23- 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 the southwest corner of Spring Mountain Road and Wynn Road, Clark County; on or about August 15, 2005 and September 1, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 1, 2005.

The hearing officer found J & J Restaurant, Inc. in violation of 2) and 3), ordering a \$900 administrative penalty for each violation, for a total penalty of \$1,800. In addition, the company must submit an action plan for installing a grease trap. Failure to comply will result in an increase in the penalty to \$5,400, as originally sought in the notice of violation.

5. **Dario Pini - Days Inn Las Vegas Downtown** - NOV #SW05-1000/A8- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at 707 Fremont Street, Las Vegas, Clark County, Nevada on or about September 6, 2005 and September 22, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 8, 2005.

The hearing officer found Dario Pini - Days Inn Las Vegas Downtown in violation, ordering an \$800 administrative penalty for 1) and a \$500 administrative penalty for 2), for a total penalty of \$1,300. In addition, the company must remove and properly dispose of the waste, and implement a plan to deny public access to the dumpsters. Failure to comply will result in an increase in the penalty to \$2,700, as originally sought in the notice of violation.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Mark Lee Blackwell and Blackwell Environmental, LLC** - NOV #SW05-1083/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 the northwest corner of Town Center Drive and Mesa Park Drive, Clark County; on or about September 21, 2005 and September 22, 2005.

The hearing officer found Mark Lee Blackwell and Blackwell Environmental, LLC in violation, ordering an administrative penalty of \$950 per violation, for a total penalty of \$1900. In addition, the party is required to properly remove and dispose of the waste.

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2. **D'Amelio Contractors, Inc. & Carlo D'Amelio** - NOV #SW05-1082/A8- 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 a vacant parcel located at the northeast corner of Industrial Road and Irvin Avenue, Clark County; on or about September 21, 2005.

The hearing officer found D'Amelio Contractors, Inc. & Carlo D'Amelio 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.

3. **Las Vegas Sun Gardens Apartments, LLC** - NOV #SW05-697/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 2949 Sandy Lane and 3649 Cecile Avenue, Clark County, on or about June 14, 2005.

The hearing officer found the Las Vegas Sun Gardens Apartments, LLC in violation, ordering an administrative penalty of \$1,500 per violation, for a total penalty of \$3,000. In addition, the company must hire a certified, licensed plumbing company to survey all plumbing lines at the Sun Gardens Apartment Complex, and must implement a preventive maintenance schedule with a licensed plumbing company for monthly service at the complex.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Rayner Perez** - NOV #SW05-857/24- 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 at Placid Street and Pebble Road, Clark County; on or about July 29, 2005.

The hearing officer found Rayner Perez in violation of 2), ordering an administrative penalty of \$750. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

2. **Tommy Lee Townsend, Jr.** - NOV #SW05-985/89- 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 4265 Butler Street, Clark County; on or about August 20, 2005.

The hearing officer found no violation.

3. **Mark Behnen** - NOV #SW05-1069A/A0- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2)

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placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the northeast corner of Buffalo Drive and Diablo Drive, Clark County; on or about September 19, 2005.

The hearing officer found Mark Behnen in violation of 2), ordering an administrative penalty of \$900. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,000, as initially sought in the notice of violation.

4. **Maria Dominguez** - NOV #SW05-407/B6- 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 near American Beauty Avenue and Hollywood Boulevard, Clark County; on or about April 9, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 6, 2005.

The hearing officer found Maria Dominguez in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$2,700. In addition, the party is required to properly remove and dispose of the waste.

5. **Wolfgang MacKay** - NOV #SW05-836/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 approximately 140 feet north of Palmyra Avenue and 31 feet east of the Clark County Public Right-of-Way, Clark County; on or about July 22, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 15, 2005.

The hearing officer found Wolfgang MacKay in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$2,700. In addition, the party is required to properly remove and dispose of the waste.

6. **Marilyn A. Beers** - NOV #SW05-1007/89- 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 3900 block of Centennial Parkway on the north side of the road approximately 50 yards east of Tangerine Storm Street, Clark County; on or about September 6, 2005.

The hearing officer found Marilyn A. Beers in violation of 2), ordering an administrative penalty of \$750. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

7. **So. Nev. T.B.A. Supply Co.** - NOV #SW05-1062/A8- 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 2323 East Warm

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Springs Road, Clark County; on or about September 14, 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 September 14, 2005.

The hearing officer found So. Nev. T.B.A. Supply Co. in violation of 1) and 2), ordering an administrative penalty of \$675 per violation, for a total penalty of \$1,350. In addition, the company is required to properly remove and dispose of the waste.

8. **Juan Manuel Guerrero** - NOV #SW05-551/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 the southeast corner of Charleston Boulevard and Lindell Road approximately 600 feet south of Charleston Boulevard and 50 feet east of Lindell Road, Clark County; on or about May 2, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 1, 2005.

The hearing officer found Juan Manuel Guerrero in violation of 2) and 3), ordering an administrative penalty of \$500 per violation, for a total penalty of \$1,000. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,700, as originally sought in the notice of violation.

9. **Joe Gober/Pooper Scooper/Bob's Pooper Scooper** - NOV #SW05-878/24- 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 1025 Whispering Birch Avenue, Las Vegas, Clark County; on or about August 3, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 26, 2005.

The hearing officer found Joe Gober/Pooper Scooper/Bob's Pooper Scooper in violation, ordering an administrative penalty of \$2,000 per violation, for a total penalty of \$6,000. In addition, the party is required to properly remove and dispose of the waste.

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