

## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – December 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 December 21, 2005 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Sunrise Paving, Inc.** - NOV #SW05-970/27- 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 Thom Boulevard and Iron Mountain Road, Clark County; on or about August 24, 2005.

The hearing officer found Sunrise Paving, Inc. in violation of 2), ordering an administrative penalty of \$1,400. In addition, the company must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$4,000, as originally sought in the notice of violation.

2. **Brent J. Holmes** - NOV #SW05-622/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 Van Allen Street and Edna Avenue, Clark County; on or about May 21, 2005.

The hearing officer found Brent J. Holmes 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 \$1,800, as originally sought in the notice of violation.

3. **D'Amelio Contractors, Inc., Carlo D'Amelio and C.D. Enterprises, LLC** - NOV #SW05-1071/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 property located at the northeast corner of Mesa Verde Lane and Arville Street, Clark County; on or about September 20, 2005 and September 21, 2005.

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The hearing officer found D'Amelio Contractors, Inc., Carlo D'Amelio and C.D. Enterprises, LLC in violation, ordering an administrative penalty of \$2,000 per violation, for a total penalty of \$4,000. In addition, the parties must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$11,200, as originally sought in the notice of violation.

4. **VTS Group, Inc.** – NOV #SW05-987/19- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the west side of Beesley Drive about 375 feet north of Azure Avenue, City of North Las Vegas, Clark County; on or about August 23, 2005.

The hearing officer found VTS Group, Inc. in violation, ordering an administrative penalty of \$900.

5. **Dumpsters, Inc.** – NOV #SW05-988/19- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about August 22, 2005 and August 23, 2005; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the west side of Beesley Drive about 375 feet north of Azure Avenue, City of North Las Vegas, Clark County; on or about August 23, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 31, 2005.

The hearing officer found Dumpsters, Inc. in violation, ordering an administrative penalty of \$1,800 for 1) and \$900 for each of 2) and 3), for a total penalty of \$3,600. In addition, the company was issued an order to cease and desist using this or any other property in Clark County, Nevada, as a solid waste disposal site until all applicable permits and licenses have been issued for the site by the authorities having jurisdiction.

6. **Guillermo Marrero and Joyce Maggiore** – NOV #SW05-730/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 1, 2005.

The hearing officer found Guillermo Marrero and Joyce Maggiore in violation of 2), ordering an administrative penalty of \$500.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Nevada Ready Mix Corporation** – NOV #SW05-1073/23- 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 east of the Las Vegas Wash, just north of Stewart Avenue, Clark County; on or about September 21, 2005.

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The hearing officer found Nevada Ready Mix Corporation in violation of 2), ordering an administrative penalty of \$3,500. In addition, the company must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$4,900, as originally sought in the notice of violation.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Michael Pashaie and Pacific Ocean Management, LLC** - NOV #SW05-699/24- 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 9934 South Las Vegas Boulevard, Las Vegas, Clark County; on or about June 14, 2005 and July 29, 2005; and 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 9934 South Las Vegas Boulevard, Las Vegas, Clark County, on or about June 14, 2005.

The hearing officer found Michael Pashaie and Pacific Ocean Management, LLC in violation, ordering an administrative penalty of \$3,000 for 1), \$2,000 for 2) and \$1,000 for 3), for a total penalty of \$6,000. In addition, the parties must properly remove and dispose of the waste, remediate the area affected by the sewage overflow, and remediate the area affected by the paint thinner and unknown substances, under the supervision of a certified environmental manager.

2. **James H. Vincent** - NOV #SW05-762/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 60 feet north and 20 feet west from the north end of Van Allen Street north of Edna Avenue, Clark County; on or about June 27, 2005.

The hearing officer found James H. Vincent 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 \$1,800, as originally sought in the notice of violation.

3. **Desert Gardens Homeowners Association** - NOV #SW05-974/27- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at Desert Gardens Townhomes, 1720 West Bonanza Road, Las Vegas, Clark County, on or about August 29, 2005 through September 1, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 26, 2005.

The hearing officer found Desert Gardens Homeowners Association in violation, ordering an administrative penalty of \$1,000 for each of 1) and 2), for a total penalty of \$2,000.

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4. **ARC Materials Corporation** – NOV #SW05-1033/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 the east end of Emerald Avenue, Clark County; on or about September 12, 2005.

The hearing officer found ARC Materials Corporation in violation, ordering an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000.

5. **Pedro Jimenez-Bernardo** – NOV #SW05-1058/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 property located at approximately 340 feet south of Le Baron Avenue and approximately 15 feet east of Jones Boulevard, Clark County; on or about September 18, 2005.

The hearing officer found Pedro Jimenez-Bernardo in violation, ordering an administrative penalty of \$900 for 1) and \$750 for 2), for a total penalty of \$1,650. In addition, the party must properly remove and dispose of the waste.

6. **Billy Paddack and Joyce Paddack** – NOV #HW05-042/21- 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 the intersection of Geist Avenue and Nellis Boulevard, Clark County; on or about March 2004; 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 2004.

The hearing officer found Billy Paddack and Joyce Paddack in violation of 3), ordering an administrative penalty of \$2,000. In addition, the party must properly remove and dispose of the waste.

7. **Jesus Manuel Vega** – NOV #SW05-865/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 at the east end of Charleston Boulevard, Clark County; on or about August 2, 2005 and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2005.

The hearing officer found Jesus Manuel Vega in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$2,700. In addition, the party must properly remove and dispose of the waste.

8. **Gregory Mathis** – NOV #SW05-367/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

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dumped solid waste on property located at Hollywood Boulevard between Vegas Valley Drive and Clark County Sanitation District, Clark County; on or about April 1, 2005.

The hearing officer found Gregory Mathis in violation, ordering an administrative penalty of \$900 for 1) and \$1,250 for 2), for a total penalty of \$2,150. In addition, the party must properly remove and dispose of the waste.

9. **William McKenzie and Mike McKenzie** - NOV #SW05-1076A/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 4375 South Buffalo Drive, Clark County; on or about September 23, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 28, 2005.

The hearing officer found William McKenzie and Mike McKenzie in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$2,700. In addition, the party must properly remove and dispose of the waste.

10. **Pentagon Plumbing and Air Conditioning, Inc.** - NOV #SW05-997/27- 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 Clark County Assessor's Parcel #139-28-302-033, Clark County, on or about August 31, 2005.

The hearing officer found Pentagon Plumbing and Air Conditioning, Inc. in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500.

11. **Chief Roofing, Inc.** - NOV #SW05-191/27/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 18, 2005.

The hearing officer found Chief Roofing, Inc. in violation, ordering an administrative penalty of \$2,500. In addition, the company must properly remove and dispose of the waste.

12. **Michael D. Wolf, Patricia Wolf and James Ridout** - NOV #SW05-824/21- 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 6931 Piccadilly Drive, Clark County; on or about July 21, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 2, 2005.

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The hearing officer found the Wolfs in violation of 3), and Ridout in violation of 1) and 2). The Wolfs received an administrative penalty of \$500. Ridout received an administrative penalty of \$900 per violation, for a total penalty of \$1,800. All parties are required to properly remove and dispose of the waste.

13. **Melissa L. Richardson Irrevocable Trust - William Richardson, Trustee - NOV #SW05-103/24-** For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at the southeast parcel of Richmar Avenue and Redwood Street, Las Vegas, Clark County on or about April 25, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 8, 2005.

The hearing officer found Melissa L. Richardson Irrevocable Trust - William Richardson, Trustee in violation, ordering an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000. In addition, the party must properly remove and dispose of the waste.

14. **Eagle Las Vegas 1259 LLC - NOV #SW05-644/21-** 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 3756 Wynn Road, Clark County, on or about May 28, 2005-May 31, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 31, 2005.

The hearing officer found Eagle Las Vegas 1259 LLC in violation, ordering an administrative penalty of \$900 for 1), \$2,000 for 2) and \$1,250 for 3), for a total penalty of \$4,150. In addition, the party must plan and implement a preventative maintenance schedule, hire a certified licensed plumber to survey plumbing lines and submit proof of the survey.

15. **Manuel and Rosa Madrigal - NOV #SW05-912/45-** For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) 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 October 26, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 19, 2005.

The results of this case are pending, following an order from the hearing officer. This document will be amended when the results are available.

16. **Jeremy Farnan - NOV #SW04-837/27/74-** For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 17, 2004.

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