

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – February 2006

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 February 22, 2006 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION: The Hearing Officer may approve or disapprove the agreed resolution. Upon disapproval of the agreed resolution, the Hearing Officer will set a date for the hearing of any such Notice of Violations.

1. **Brandon Collins, Kimberlee Collins and Sunset Oasis Landscaping** – NOV #SW05-894/27- 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 on a parallel with 7368 Savannah Falls Street, Las Vegas, Clark County; on or about August 9, 2005.

The hearing officer found Brandon Collins, Kimberlee Collins and Sunset Oasis Landscaping in violation, ordering an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000. In addition, the party is required to properly remove and dispose of the waste.

2. **Frederick H. Malueg and Sharon J. Malueg** – NOV #SW05-1284/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 around the storm inlet channel at the west end of Far Hills Road west of Carriage Hill Road, Clark County; on or about November 10, 2005.

The hearing officer found Frederick H. Malueg and Sharon J. Malueg in violation of 2), ordering an administrative penalty of \$900. In addition, the party must remove and properly 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. **Severo Robles-Morales** – NOV #SW05-1105/A5- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the

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vacant lot on the southeast corner of Lincoln Road and Judson Street, Clark County; on or about September 27, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 12, 2005.

The hearing officer found Severo Robles-Morales in violation of 2), ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

4. **Nathan J. Lim and Vanessa Ly** - NOV #SW05-1366/23- 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 4610 Elk Springs Avenue, Clark County, on or about December 10, 2005.

The hearing officer found Nathan J. Lim and Vanessa Ly in violation of 2), ordering an administrative penalty of \$900. In addition, the party must reimburse plumbing costs of \$133, and remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$1,933, as originally sought in the notice of violation.

5. **Chip N Dale's Custom Landscaping, Inc.** - NOV #SW05-782/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 Serena Veneda Lane, Las Vegas, Clark County; on or about July 1, 2005.

The hearing officer found Chip N Dale's Custom Landscaping, Inc. in violation, ordering an administrative penalty of \$750.

6. **Independent Landscape Services LLC** - NOV #SW05-775/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 vacant lot south of 6275 South Sandhill Road, Clark County; on or about June 18, 2005.

The hearing officer found Independent Landscape Services LLC 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.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Clyde Bassett** - NOV #SW05-1367/23- 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 on the southeast corner of Lone Mesa Drive and Naples Drive, Clark County; on or about December 10, 2005.

The hearing officer found Clyde Bassett in violation of 2), ordering an administrative penalty of \$600.

2. **Hampton Apts., Inc.** - NOV #SW05-1274/ A5- 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 3070 South Nellis Boulevard, Clark County, on or about November 10, 2005.

The hearing officer found Hampton Apts., Inc. in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company must formalize a training program that incorporates sewage spill remediation steps, and must install an alarm on the lift station. Failure to comply will result in an increase in the penalty to \$3,000, as originally sought in the notice of violation.

3. **Nazreen Razzak** - NOV #SW05-946/24- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 5252 South Maryland Parkway, Las Vegas, Clark County, on or about August 22, 2005 and August 23, 2005.

The hearing officer found Nazreen Razzak in violation, ordering an administrative penalty of \$1,000. In addition, the party must pay plumbing reimbursement costs of \$975. Failure to comply will result in an increase in the penalty to \$2,975, as originally sought in the notice of violation.

4. **Nazreen Razzak** - NOV #SW05-1196/ A5- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 5252 South Maryland Parkway, Clark County, on or about October 21, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 21, 2005.

The hearing officer found Nazreen Razzak in violation of 2), ordering an administrative penalty of \$1,500. Failure to comply will result in an increase in the penalty to \$3,000, as originally sought in the notice of violation.

5. **Nazreen Razzak** - NOV #SW05-1205/24- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 5252 South Maryland Parkway, Las Vegas, Clark County, on or about October 24, 2005.

The hearing officer found Nazreen Razzak in violation, ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty to \$2,000, as originally sought in the notice of violation.

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C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Thurman Avanti, L.L.C.** - NOV #SW05-1183/24- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 5083 South Maryland Parkway, Las Vegas, Clark County, on or about October 13, 2005, October 14, 2005 and October 31, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 13, 2005.

The hearing officer found Thurman Avanti, L.L.C. in violation, ordering a \$3,000 penalty for 1), an \$8,500 penalty for 2), for a total penalty of \$11,500. In addition, the party must reimburse \$1,266 in plumbing costs. Failure to comply will result in an increase in the penalty to \$31,266, as originally sought in the notice of violation.

2. **Hem C. Gupta** - NOV #SW04-1216/A8- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on December 10, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 10, 2004.

The hearing officer found Hem C. Gupta in violation, ordering an administrative penalty of \$1,500 for 1) and \$900 for 2), for a total penalty of \$2,400. In addition, the party must reimburse \$4,768.88 in plumbing costs.

3. **Angeletta M. Russell-Williams and Gregory Williams** - NOV #SW05-1302/27- 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 approximately three blocks north of Ohare Road on the west side of Fort Apache Road, Las Vegas, Clark County; on or about November 20, 2005.

The hearing officer found Angeletta M. Russell-Williams and Gregory Williams in violation of 2), ordering an administrative penalty of \$600. Failure to comply will result in an increase in the penalty to \$1,800, as originally sought in the notice of violation.

4. **MER Properties, LLC** - NOV #SW04-1153/A0/21/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 20, 2005.

The hearing officer found MER Properties, LLC in violation, ordering an administrative penalty of \$1,500. In addition, the company must properly remove and dispose of the waste, acquire the service of a Certified Environmental Manager (C.E.M.) to remediate the contaminated soils, and provide notice to the current property owner that a C.E.M. is required remediate the soil and all costs for said remediation will be paid by MER Properties, LLC.

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5. **American Investment Properties, LLC** - NOV #SW05-105/A8/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 21, 2005.

The hearing officer found American Investment Properties, LLC in violation, ordering an administrative penalty of \$5,000. In addition, the company must provide proof of current trash disposal service and proof of a second dumpster for the property.

6. **Renaissance West, LLC and Alisam Properties, LLC** - NOV #SW05-1089/23- 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 October 18, 2005.

The hearing officer found American Investment Properties, LLC in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$1,800. In addition, the company must properly remove and dispose of the waste.

7. **Garden Lane, LLC** - NOV #SW05-1299/21- 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 4320 North Las Vegas Boulevard, Clark County; on or about November 22, 2005; and 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4320 North Las Vegas Boulevard, Clark County, on or about November 22, 2005.

The hearing officer found Garden Lane, LLC in violation, ordering a \$1,500 penalty for each of 1) and 2), and a \$5,000 penalty for 3), for a total penalty of \$8,000. In addition, the company must properly remove and dispose of the waste and remediate the area affected by the sewage overflow.

8. **Mary Bartsas 15, LLC** - NOV #SW05-896/A5- 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 August 25, 2005.

The hearing officer found Mary Bartsas 15, LLC in violation, ordering an administrative penalty of \$900 for 1) and \$1,000 for 2), for a total penalty of \$1,900. In addition, the party must properly remove and dispose of the waste.

9. **Luis Sarmiento** - NOV #SW05-1163/A5- 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 2331 Jeanne Drive, Las Vegas, Clark County, on or about October 11, 2005.

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The hearing officer found Luis Sarmiento in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$1,800.

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