



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – March 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 March 15, 2006 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

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. **Daniel Guerrero** - NOV #SW05-1372/21- 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 east of San Francisco Avenue and south of Alto Avenue, Clark County; on or about December 13, 2005.

The hearing officer found Daniel Guerrero in violation of 2), ordering an administrative penalty of \$500. Failure to comply will result in an increase in the penalty to \$3,400, as originally sought in the notice of violation.

2. **Fussell & Associates, LLC** - NOV #SW05-1427/24- 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 the northwest parcel on Arville Street and Pyle Avenue, Clark County; on or about December 28, 2005.

The hearing officer found Fussell & Associates, LLC in violation of 2), ordering an administrative penalty of \$500.

3. **Oswaldo Hidrogo** - NOV #SW06-086/24- 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 15260 South Las Vegas Boulevard, Clark County; on or about January 19, 2006.

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The hearing officer found Osvaldo Hidrogo 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 must properly remove and dispose of the waste.

4. **Edward Macek and Janina Macek** – NOV #SW05-797/23- 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 in the public-right-of-way on the east side of Tioga Way approximately 105 feet north of Diablo Drive, Clark County; on or about July 7, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 12, 2005.

The hearing officer found Edward Macek and Janina Macek in violation of 2) and 3), ordering an administrative penalty of \$675 per violation, for a total penalty of \$1,350. 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. **Curt Raymond Nestor** – NOV #SW06-007/23- 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 4150 South Durango Drive, Clark County; on or about January 3, 2006.

The hearing officer found Curt Raymond Nestor 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.

2. **Silverado Realty** – NOV #SW05-932/24- For failure to comply with the Order issued by the Solid Waste Management Authority on August 17, 2005.

The hearing officer found Silverado Realty in violation, ordering an administrative penalty of \$1,000.

3. **Gaudencio Jimenez** – NOV #SW06-048/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 Assessor's Parcel #139-13-313-001, North Las Vegas, Clark County; on or about January 11, 2006.

The hearing officer found Gaudencio Jimenez in violation of 2), ordering an administrative penalty of \$900. Failure to comply will result in an increase in the penalty to \$2,400, as originally sought in the notice of violation.

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C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Bigelow Nevada Limited Liability Company** - NOV #SW05-942/A5- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4855 Boulder Highway, Clark County, on or about August 22, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 22, 2005.

The hearing officer found Bigelow Nevada Limited Liability Company in violation of 2), ordering an administrative penalty of \$2,250. In addition, the company must enlist the services of an engineer to review the utility plan for possible flaws in design or implementation at the Sun Harbor Budget Suites, and devise and implement a plan to address future sewage overflows.

2. **Jasmine A. Owensby** - NOV #SW05-1295/23- 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 in the flood channel south of Budget Suites, 3655 West Tropicana Avenue, Las Vegas, Building K, Clark County; on or about November 21, 2005.

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

3. **Judith Cara Long** - NOV #SW06-114/23- 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 6271 Explorer Drive, and on the property located in the flood control channel south of 6271 Explorer Drive, Clark County; on or about January 27, 2006.

The hearing officer found Judith Cara Long in violation, ordering an administrative penalty of \$900 for 1) and \$500 for 2), for a total penalty of \$1,400.

4. **Paul Rotterdam** - NOV #SW05-1023/89- 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 southwest corner of Leonard Lane and Leonard Circle, Clark County; on or about September 9, 2005.

The hearing officer found Paul Rotterdam in violation, ordering an administrative penalty of \$900 per violation, for a total penalty of \$1,800. In addition, the party must properly remove and dispose of the waste.

5. **Yu Ting Wu and Yu-Huan Wu** - NOV #SW05-796/A0- For 1) operating a disposal site without a permit issued by the solid waste management...

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... authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located on the east side of Calico Basin Road approximately 100 feet north of West Charleston Boulevard (State Route 159), Clark County; on or about July 5, 2005.

The hearing officer found Yu Ting Wu and Yu-Huan Wu in violation of 2), ordering an administrative penalty of \$900.

6. **Stacy Benson and Christopher Gorman** - NOV #SW06-125/24- 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 the southwest vacant parcel on Warm Springs Road and Fort Apache Road, Clark County; on or about January 30, 2006.

The hearing officer found Stacy Benson and Christopher Gorman in violation of 2), ordering an administrative penalty of \$600.

7. **Tracy Snider and El Dorado Equestrian Center** - NOV #SW05-723/24- 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 2081 East Eldorado Lane, Las Vegas, Clark County; on or about June 22, 2005.

The hearing officer found Tracy Snider and El Dorado Equestrian Center in violation, ordering an administrative penalty of \$900 for each of 1) and 2), for a total penalty of \$1,800. In addition, the parties must properly remove and dispose of the waste.

8. **Jorge Gonzalez** - NOV #SW05-1076G/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 4375 South Buffalo Drive, Clark County; on or about September 23, 2005.

The hearing officer found Jorge Gonzalez 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.

9. **George C. Thomas** - NOV #SW05-667/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 approximately 20 yards north of the asphalt at the north end of Carriage Hill Drive from Far Hills Road, extending 100 yards north and extending from east to west approximately 20 yards, Clark County; on or about June 8, 2005.

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The hearing officer found George C. Thomas 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 must properly remove and dispose of the waste.

10. **Donald W. Carter Sr. and Shell A. Carter** - NOV #SW06-019/A8- For failure to comply with the Order issued by the Solid Waste Management Authority on January 6, 2006.

The hearing officer found Donald W. Carter Sr. and Shell A. Carter in violation, ordering an administrative penalty of \$1,200. In addition, the party must properly remediate the area affected by the sewage overflow.

11. **Southwest Paving and Grading, Inc.** - NOV #HW05-045/21- 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 diesel fuel and used motor oil on property located at 2755 North Lamont Street, Clark County; on or about November 2002 to October 2005; and 3) disposing of, abandoning or dumping motor oil at a site which has not been issued a permit for the purpose on or about November 2002 to October 2005.

The hearing officer found Southwest Paving and Grading, Inc. in violation, ordering an administrative penalty of \$6,500 for each of 1) and 2), and a \$900 penalty for 3). This represents a total penalty of \$13,900. In addition, the company must reimburse \$600 in laboratory costs, and contract a certified environmental manager to analyze soil in the affected area and remove all contaminated soil from the property.

12. **Joe Gober/Pooper Scooper/ Bob's Pooper Scooper** - NOV #SW05-878/24/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 16, 2005.

The hearing officer found Joe Gober/Pooper Scooper/ Bob's Pooper Scooper in violation, ordering an administrative penalty of \$1,000. In addition, the parties must properly remove and dispose of the waste.

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