



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – April 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 April 19, 2006 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Prime Nellis, LLC** - NOV #SW05-1416/21- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) causing or allowing sewage with fecal matter and toilet paper to overflow onto the ground contaminating public parking spaces and sidewalks on property located at 4855 Sphinx Way, Clark County, on or about December 25, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 25, 2005.

The hearing officer found Prime Nellis, LLC in violation of 2) and 3), ordering an administrative penalty of \$1,800 for 2) and \$5,000 for 3), for a total penalty of \$6,800.

2. **Sage Construction, Ed G. Neal, Ken L. Neal and Neal Trust, Edward Neal and Sandra Neal, Trustees** - NOV #HW05-029/21- 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 3112 North Nellis Boulevard, Clark County; on or about July 22, 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 July 22, 2005.

The hearing officer found Sage Construction, Ed G. Neal, Ken L. Neal and Neal Trust, Edward Neal and Sandra Neal, Trustees in violation, ordering an administrative penalty of \$1,000 for each of 1), 2) and 3), for a total penalty of \$3,000. In addition, the company must contract with a certified environmental manager to evaluate, sample and remediate the soil, submit

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an action plan for the health district's approval, and properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$6,000, as originally sought in the notice of violation.

3. **Sage Construction and Neal Trust, Edward Grant Neal and Sandra M. Neal, Trustees** - NOV #SW05-1235/45/21- 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 which consists of petroleum hydrocarbon contaminated soil on the northeast side of the property approximately 5,000 ft² located at 3112 North Nellis Boulevard, Clark County; on or about November 1, 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 November 1, 2005.

The hearing officer found Sage Construction and Neal Trust, Edward Grant Neal and Sandra M. Neal, Trustees in violation, ordering an administrative penalty of \$1,500 for each of 1), 2) and 3), for a total penalty of \$4,500. In addition, the company must contact with a certified environmental manager to evaluate, sample and remediate the affected soil, and submit an action plan for the health district's approval.

4. **Tyre Apartments, LLC** - NOV #SW05-1184/B6- 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 Arby's #875 at Del Rancho Market Plaza, 2570 East Tropicana Avenue, Clark County, on or about October 11, 2005.

The hearing officer found Tyre Apartments, LLC in violation of 2), ordering an administrative penalty of \$900. In addition, the company must reimburse \$1,635 in plumbing costs.

5. **Willy's American Saloon and James Bruce Bayne** - NOV #SW05-1376/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 2202 Paradise Road, Las Vegas, Clark County; on or about December 14, 2005.

The hearing officer found Willy's American Saloon and James Bruce Bayne in violation of 2), ordering an administrative penalty of \$750.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Gerald A. Schnyder** - NOV #SW06-177/21- 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 several dirt spoil piles on property located at the intersection of East Alto Avenue and Los Feliz Street, Clark County; on or about February 11, 2006.

The hearing officer found Gerald A. Schnyder in violation of 2), ordering an administrative penalty of \$900. In addition, the party must properly remove and dispose of the waste.

2. **Fastrack Unlimited, Inc.** – NOV #SW05-1346/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 Desert Moon Road and Fox Hill Drive, Las Vegas, Clark County; on or about December 6, 2005.

The hearing officer found Fastrack Unlimited, Inc. in violation of 2), ordering a \$3,000 administrative penalty.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **M J Ditto Pool Contractor, Inc.** – NOV #SW05-1392/B6- 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 1050 North Los Feliz Street, Clark County; on or about December 16, 2005.

The hearing officer found M J Ditto Pool Contractor, Inc. in violation of 2), ordering an administrative penalty of \$1,750.

2. **Oscar M. Rios** – NOV #SW05-700/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 the vacant lot located on the east side of Hollywood Boulevard south of Sahara Avenue, Clark County; on or about June 12, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 11, 2005.

The hearing officer found Oscar M. Rios in violation of 2), ordering a \$900 administrative penalty. Failure to comply will result in an increase in the penalty to \$2,700, as originally sought in the notice of violation.

3. **Brigido Duque and Carolyn Arafles Solis** – NOV #SW06-084/24- 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

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vacant parcel northeast of Englewood Avenue and Cameron Street, Clark County; on or about January 20, 2006.

The hearing officer found Brigido Duque and Carolyn Arafles Solis 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. **Brena Z. Tucker** - NOV #SW05-1189/B6- 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 flood control channel to the south of 4701 East Sahara Avenue, Clark County; on or about October 10, 2005.

The hearing officer found Brena Z. Tucker in violation of 2), ordering a \$750 administrative penalty.

5. **Kline Contracting and Gordon Kline** - NOV #HW05-047/21- 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 paint thinner and lacquer on property located at the intersection of East Tropical Parkway and North Hollywood Boulevard, Clark County; on or about December 2, 2005.

The hearing officer found Kline Contracting and Gordon Kline in violation, ordering an administrative penalty of \$5,000 per violation, for a total penalty of \$10,000. In addition, the parties are required to reimburse \$520 in laboratory costs, remediate the affected area under the supervision of a certified environmental manager, and implement a training program for employees to avoid future occurrences.

6. **Carol Jean Robbins** - NOV #SW05-959/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3610 North Las Vegas Boulevard, Clark County, on or about July 27, 2005, August 1, 2005 and August 23, 2005; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 1, 2005 and August 23, 2005.

The hearing officer found Carol Jean Robbins in violation of 2), ordering a \$3,000 administrative penalty.

7. **Carol Jean Robbins** - NOV #SW05-1210/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 3610 North Las Vegas Boulevard, Clark County; on or about October 26, 2005 and October 27, 2005; 3) causing or allowing

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sewage or accumulation of human excreta to overflow on property located at 3610 North Las Vegas Boulevard, Clark County, on or about October 26, 2005 and October 27, 2005; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on October 26, 2005.

The hearing officer found Carol Jean Robbins in violation of 4), ordering a \$1,500 administrative penalty.

8. **Chinatown Las Vegas, LLC** - NOV #SW05-1200/23- 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 4205 Spring Mountain Road, Clark County; on or about February 3, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 2, 2005.

The hearing officer found Chinatown Las Vegas, LLC in violation of 2) and 3), imposing a \$675 administrative penalty per violation, for a total penalty of \$1,350.

9. **Eloise Gruwell** - NOV #SW05-1406/B6- 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 3920 Jewel Avenue, Clark County; on or about December 18, 2005 and December 23, 2005; 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 December 23, 2005; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on May 31, 2005.

The hearing officer found Eloise Gruwell in violation of 2), 3) and 4), ordering an \$1,500 penalty for each of 2) and 4), and a \$450 penalty for 3). This represents a total penalty of \$3,450. In addition, the party must reimburse \$3,876 in plumbing costs, properly remove and dispose of the waste, and remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$10,776, as originally sought in the notice of violation.

10. **Las Vegas Auto Village, Inc.** - NOV #HW04-018/45/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 18, 2005.

The hearing officer found Las Vegas Auto Village, Inc. in violation, ordering an administrative penalty of \$2,500. In addition, the company must provide written verification of proper disposal of the waste, and remediate the affected area under the supervision of a certified environmental manager.

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11. **Larry Holmes** - NOV #SW05-523/B6/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 19, 2005.

The hearing officer found Larry Holmes in violation, ordering an administrative penalty of \$2,500. In addition, the party must install a fence or berm on the property, and provide proof of proper disposal of the waste.

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