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Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – July 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 July 26, 2006 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NON-CONTESTED NOTICES OF VIOLATION:

1. **Rodrigo Lizaola** – NOV #SW06-187/23- 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 the northwest corner of Greyhound Lane and Cherry Street, Clark County; on or about February 14, 2006.

The hearing officer found Rodrigo Lizaola in violation of 2) and imposed a \$1,400 penalty. Corrective action is ordered. Failure will result in original penalty of \$1,800 as initially sought in November.

2. **Jerome Seligman** – NOV #SW06-628/23- 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 on the east side of Eastgate Road between Cape Horn Drive and Sunset Road, Henderson, Clark County; on or about May 20, 2006.

The hearing officer found Jerome Seligman in violation of 2) and imposed a \$500 penalty. Failure will result in original penalty of \$3,000 as initially sought in November.

3. **Kenneth N. Woeller, Jr.** – NOV #SW06-565/21- 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 6750 Fallona Avenue, Clark County, on or about May 9, 2006.

The hearing officer found Kenneth N. Woeller, Jr. in violation and imposed a \$900 penalty for each of 1) and 2); a \$4,600 plumber cost reimbursement ordered.

4. **Ngoc Nguyen** – NOV #SW06-613/23- 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 on the street in front of 4865 Illustrious Street, Clark County; on or about May 16, 2006.

The hearing officer found Ngoc Nguyen in violation and imposed a \$500 penalty. Corrective action is ordered. Submit an action plan for proper disposal. Failure to comply will result in the \$1,800 penalty originally sought in November.

5. **Rockworks Vegas, Inc.** – NOV #SW06-609/60- 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 the north side of Log Cabin Way, in between Fort Apache Road and El Capitan Way, Clark County; on or about May 17, 2006.

The hearing officer found Rockworks Vegas, Inc. in violation of 2) and imposed a \$900 penalty. Corrective action is ordered. Failure to comply will result in the original penalty of \$1,800 which was initially sought in November.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Arnold Loel** – NOV #SW06-135/A8- 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 February 1, 2006.

The hearing officer found Arnold Loel in violation of 2) and imposed a \$900 penalty. Failure to comply will result in a penalty of \$1,800, as originally sought in November.

2. **Las Vegas Cultured Marble, Inc.** – NOV #SW06-236/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 6875 Speedway Boulevard, Clark County; on or about March 2, 2006.

The hearing officer found Las Vegas Cultured Marble, Inc. in violation of 2) and imposed a \$900 penalty. Corrective action is ordered. Submit a written action plan for proper disposal of sludge waste. Failure to comply will result in a penalty of \$1,800 as originally sought in November.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Michael E. Rowe** – NOV #SW06-603/60- 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 10970 South Bermuda Road, Clark County; on or about May 16, 2006.

The hearing officer found Michael E. Rowe in violation of 2) and imposed a penalty of \$500. Failure to comply will result in a penalty of \$1,800 as initially sought in November.

2. **Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC** – NOV #SW04-161/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 northeast corner of Garehime Street and Jo Marcy Drive, Clark County; on or about January 5, 2004.

The hearing officer found Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC in violation and imposed a penalty of \$5,500 for each of 1) and 2).

3. **Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC** – NOV #SW04-494/24- 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 on Cactus Avenue, between Decatur Boulevard and Arville Street, Clark County; on or about May 29, 2004.

The hearing officer found Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC in violation and imposed a penalty of \$6,500 for each of 1) and 2).

4. **Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC** – NOV #SW04-509/74- 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 4747 South Durango Drive, Clark County; on or about June 8, 2004.

The hearing officer found Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC in violation and imposed a \$7,000 penalty for each of 1) and 2).

5. **Envisage, Inc.** – NOV #SW06-269/24- 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 7600 Gilespie Street, Clark County; on or about March 3, 2006.

The hearing officer found Envisage, Inc. in violation and imposed a \$500 penalty for each of 1) and 2). Corrective action ordered. Failure to comply will result in a penalty of \$1,800 as originally sought in November.

6. **MSI Landscaping, Inc.** – NOV #SW06-386/24- 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 on the vacant parcel located on the northwest corner of Quail Avenue and Conquistador Street, Clark County; on or about March 27, 2006.

The issue is continued to August 16, 2006 agenda.

7. **Mist Systems International, Inc.** – NOV #SW06-082/21- 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 north of Centennial Parkway and east of Walnut Road, North Las Vegas, Clark County; on or about January 19, 2006.

The hearing officer found Mist Systems International, Inc. in violation and imposed a penalty of \$1,200 for each of 1) and 2). Corrective action is ordered. Failure to comply will result in penalty of \$3,000 as initially sought in November.

8. **Francisco Ignacio Merlos** – NOV #SW05-779B/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 southeast corner of East Owens Avenue and Morning Sun Way, Clark County; on or about June 25, 2005.

The hearing officer found Francisco Ignacio Merlos in violation and imposed a penalty of \$500 for 1) and a penalty of \$1,750 imposed for 2).

9. **Jimmy and May Lee Family Trust** – NOV #SW06-199/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 March 6, 2006.

The hearing officer found Jimmy and May Lee Family Trust in violation of 2) and imposed a \$900 penalty.

10. **Yousef A. Salameh and Samira Salameh** – NOV #SW06-577/60- 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 6354 Eldorado Pines Avenue, Clark County, on or about May 11, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 15, 2006.

The hearing officer found Yousef A. Salameh and Samira Salameh in violation and imposed a \$500 penalty for each of 1) and 2).

11. **Corrigan Investments Inc., Corrigan 2000 Trust ETAL and Michael Corrigan F. CO-TRS ETAL, Sean P. Corrigan and F.M. Corrigan** – NOV #SW06-116/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 1430 East Desert Inn Road, 1304 East Desert Inn Road, 1374 East Desert Inn Road, 1388 East Desert Inn Road, 1486 East Desert Inn Road, 1339 Sombrero Drive, 1367 Sombrero Drive, 1388 Sombrero Drive, 1427 Silver Mesa Circle, 1428 Silver Mesa Circle, 1414 Silver Mesa Circle, 3245 Vaquero Way, 1332 Serape Circle, and 1372 Serape Circle, Clark County, on or about January 26, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 26, 2006.

The issue is continued to the August 16, 2006 agenda.

12. **Las Vegas Auto Village, Inc.** – NOV #HW04-018/45/74/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 19, 2006.

The hearing officer found Las Vegas Auto Village, Inc. in violation and imposed a penalty of \$3,000.

13. **Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC** – NOV #SW04-942/45- 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 the intersection of East Owens Avenue and Radwick Drive, Clark County; on or about September 9, 2004.

The hearing officer found Mark R. Franks, Eco Industries, Inc., Under the Son Excavating, Inc. and Under the Son Excavating, LLC in violation and imposed a \$7,000 penalty for each of 1) and 2). Corrective action is ordered.

14. **Brigido Duque and Carolyn Arafles Solis** – NOV #SW06-084/24/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 19, 2006.

The hearing officer found Brigido Duque and Carolyn Arafles Solis in violation and imposed a \$500 penalty.