



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 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 September 20, 2006 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Rene Herrera** – NOV #SW06-648/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 southwest corner of the intersection of East Owens Avenue and Ringe Lane, Clark County; on or about May 25, 2006.

Hearing officer found Rene Herrera in violation and imposed a \$900 penalty for each of 1) and 2).

2. **American Asphalt & Grading Company** – NOV #SW06-804/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 on the north side of Centennial Parkway, approximately across the street from Tangerine Storm Street, North Las Vegas, Clark County; on or about June 28, 2006.

Hearing officer found American Asphalt & Grading Company in violation of 2) and imposed a penalty of \$1,000. Failure to comply will result in original penalty of \$1,900 as initially sought in November.

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Joseph E. DiPrima and Russell Barlow** – NOV #SW06-737/89- 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 parcel located east of Annie Oakley and south of 4090 East Patrick Lane, Clark County; on or about May 15, 2006 and ongoing for five months.

Hearing officer found no violation.

2. **Russell H. Barlow** – NOV #SW06-747/89- 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 east of Annie Oakley and directly south of 4090 East Patrick Lane, Las Vegas, Clark County; on or December 2005 through June 16, 2006.

Hearing officer found Russell H. Barlow in violation and imposed \$2,000 penalty for each of 1) and 2).

3. **Evergreen LLC** – NOV #SW05-1234/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about September 1, 2005, September 8, 2005, September 13, 2005, September 23, 2005, October 19, 2005, November 1, 2005, November 28, 2005, December 22, 2005, January 11, 2006, February 1, 2006, March 15, 2006, April 12, 2006, May 31, 2006, June 1, 2006 and June 21, 2006; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 5485 Accurate Drive, Clark County; on or about September 1, 2005 and September 13, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on November 15, 2005.

Item continued to October 18, 2006 agenda.

4. **James Weigl** – NOV #SW06-722/19- 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 7151 Linden Avenue, Clark County; on or about June 7, 2006.

Hearing officer found James Weigl in violation of 2) and imposed a penalty of \$900.

5. **Joseph Sacco, Jr.** – NOV #SW06-691/A8- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about June 9, 2006, and June 27, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 12, 2006.

Hearing officer found Joseph Sacco, Jr. in violation of 2) and imposed a penalty of \$900. Failure to comply will result in original penalty of \$2,700 as initially sought in November.

6. **Desert Realty, Inc.** – NOV #SW06-645/A5- 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 311 North 16th Street, Las Vegas, Clark County, on or about May 30, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 25, 2006.

Hearing officer found Desert Realty, Inc. in violation of 2) and imposed a \$900 penalty. In addition, remediation of area affected by sewage overflow is ordered.

7. **Ozell Rashaan Austin** – NOV #SW06-279/21- 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 321 North 16th Street, Las Vegas, Clark County, on or about March 6, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 6, 2006.

Hearing officer found Ozell Rashaan Austin in violation of 3) and imposed a penalty of \$900. In addition, \$2,125 plumber reimbursement is ordered. Corrective action to hire a certified environmental manager to advise on the current location and structure of the existing sewer line for 321 N. 16th Street. Construct plans to repair the sewer line by hiring a licensed, certified plumbing company in that it is a separate line that feeds directly to the City's sanitary sewer line.

8. **Lara Denean Bradburd** – NOV #SW05-1335/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 2412 Sunrise Avenue, Las Vegas, Clark County; on or about December 2, 2005.

Hearing officer found Lara Denean Bradburd in violation and imposed a penalty of \$900 for each of 1) and 2).

9. **Nicholas Anthony Tortu** – NOV #SW05-1135/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 278 South Decatur Boulevard, Las Vegas, Clark County; on or about October 1, 2005.

Hearing officer found Nicholas Anthony Tortu in violation and imposed a penalty of \$1,750 for each of 1) and 2).

10. **Blanca Velia Burrows** – NOV #SW06-170/21- 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 the vacant parcel located to the east of the flood channel at the intersection of Owens Avenue and Sandy Lane, Clark County; on or about February 9, 2006.

Item withdrawn by the Southern Nevada Health District.

11. **H & L Realty & Management Company**– NOV #SW06-733/A8- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 920 West Bonanza Road, Las Vegas, Clark County, on or about June 13, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 13, 2006.

Item continued to October 18, 2006 agenda.

12. **Atrium Gardens Home Owners Association and First Columbia Community Management, Inc.** – NOV #SW06-079/A0- 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 on the east side of 881 Mantis Way in the common area between units two and four, Las Vegas, Clark County, on or about January 19, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 19, 2006 through January 23, 2006.

Hearing officer found Atrium Gardens Home Owners Association and First Columbia Community Management, Inc. in violation and imposed a \$900 penalty for each of 1) and 2). A \$2,700 penalty is imposed for 3). Correction action of remediation of area affected by sewage overflow is ordered and a training plan is ordered.

13. **Justin Glen Neckels and Sarah Neckels** – NOV #SW06-160/24- 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 corner of Sunset Road and Grand Canyon Drive, Clark County; on or about February 6, 2006.

Hearing officer found Justin Glen Neckels and Sarah Neckels in violation and imposed a \$900 penalty for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Blanca Rosa Orellana and Manuel Orellana** – NOV #SW06-521/A8- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 1524 South Main Street, Las Vegas, Clark County; on or about May 2, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 3, 2006.

Item withdrawn by the Southern Nevada Health District.

15. **Terrible Herbst, Inc.** – NOV #SW06-624/A5- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 11 North Nellis Boulevard, Las Vegas, Clark County, on or about May 19, 2006 and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 19, 2006.

Hearing officer found Terrible Herbst, Inc. in violation and imposed \$1,200 fine imposed for each of 1) and 2). Failure to comply will result in original penalty of \$3,000 as initially sought in November.

16. **Terrible Herbst, Inc.** – NOV #SW06-789/A8- 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 11 North Nellis Boulevard, Las Vegas, Clark County, on or about June 26, 2006 and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 26, 2006.

Hearing officer found Terrible Herbst, Inc. in violation. A \$1,600 penalty is imposed for each of 2) and 3). Failure to comply will result in original penalty of \$4,900 as initially sought in November.

17. **1711 Stewart, LLC** – NOV #SW06-805/89- 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 1711 East Stewart Avenue, Las Vegas, Clark County; on or about June 29, 2006.

Hearing officer found 1711 Stewart, LLC in violation and imposed \$1,200 for each of 1) and 2). Plumber cost reimbursement of \$600 is ordered. Corrective action of removal and proper disposal of waste and remediation of area affected by sewage overflow are ordered.

18. **Ann Marie Romano** – NOV #SW06-285/A0/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 17, 2006.

Hearing officer found Ann Marie Romano in violation and imposed a \$1,000 penalty. Corrective action to provide proof of removal and proper disposal of waste is ordered.

19. **Kenneth Williams, Jr.** – NOV #SW06-073/B6/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 17, 2006.

Hearing officer found Kenneth Williams, Jr. in violation and imposed \$2,500 penalty. Corrective action of removal and proper disposal of waste is ordered.

20. **Greeley Wright** – NOV #SW05-804/24/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 17, 2006.

Hearing officer found Greeley Wright in violation and imposed a penalty of \$3,000. Corrective action of removal and proper disposal of waste is ordered.

21. **Lisa L. Hoops and Harry G. Hoops** – NOV #SW06-636/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 on the unpaved portion of Bradley Road approximately 1,250 feet north of Iron Mountain Road, Las Vegas, Clark County; on or about May 24, 2006.

Item withdrawn by the Southern Nevada Health District.

C. 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. **Cesar Avila** – NOV #SW06-346/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 on vacant land, approximately 1.5 miles east of North Hollywood Boulevard and north of East Lake Mead Boulevard, Clark County; on or about March 20, 2006.

Hearing officer found Cesar Avila in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in original penalty of \$1,800 as originally sought in November.

2. **Evergreen Apartment Homes, LLC** – NOV #SW06-785/60- 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 2950 South Decatur Boulevard, Las Vegas, Clark County, on or about June 23, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 23, 2006.

Hearing officer found Evergreen Apartment Homes, LLC in violation and imposed a \$675 penalty for each of 2) and 3).

3. **Evergreen Apartment Homes, LLC** – NOV #SW06-863/60- 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 3060 South Decatur Boulevard, Clark County, on or about July 12, 2006.

Hearing officer found Evergreen Apartment Homes, LLC in violation of 2) and imposed a penalty of \$1,400.

4. **Jeffrey L. Reeve and Helen L. Reeve** – NOV #SW06-834/A0- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 715 West Bonanza Road, Las Vegas, Clark County; on or about July 6, 2006.

Hearing officer found Jeffrey L. Reeve and Helen L. Reeve in violation and imposed a penalty of \$500.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Cesar Lemus** – NOV #SW06-030/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 1013 June Avenue, Clark County, on or about January 10, 2006, January 26, 2006 and March 1, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 10, 2006.

Hearing officer Order of June 21, 2006 is vacated.