



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - October 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 October 18, 2006 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Fastrack Unlimited, Inc.** – NOV #SW06-812/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 the east side of Decatur Boulevard, approximately 0.25 miles south of Grand Teton Drive, North Las Vegas, Clark County; on or about June 30, 2006.

Hearing officer found Fastrack Unlimited, Inc. in violation and imposed a penalty of \$500 for 1) and a penalty of \$4,000 for 2). Corrective action of removal and proper disposal of waste is ordered.

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Las Vegas Concrete Pumping, Inc. DBA Pools by Grube** – NOV #SW06-586/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 northeast of the intersection of Schirlls Street and Rush Avenue, Clark County; on or about April 26, 2006 and May 4, 2006.

Hearing officer found Las Vegas Concrete Pumping, Inc. DBA Pools by Grube in violation and imposed a \$1,500 penalty for 1) and a \$2,500 penalty for 2). Corrective action of removal and proper disposal of waste is ordered.

2. **Melanie M. Manuel and Christopher B. Acosta** – NOV #SW06-280/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 approximately 700 feet south of the intersection of Serene Drive and Arville Street also known as GPS coordinates N 36 01' 10.4" by W 115 11' 57.6", Clark County; on or about March 5, 2006.

Hearing officer found Melanie M. Manuel and Christopher B. Acosta in violation and imposed a penalty of \$750 for 1) and a penalty of \$500 for 2). Corrective action of removal and proper disposal of waste is ordered.

3. **Jeff S. Salerno and Duane C. Cook** – NOV #SW06-694/23- 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 properties located at the northwest corner of the intersection of Quail Avenue and McLeod Drive, and the vacant area of 2969 East Quail Avenue, Clark County; on or about June 5, 2006.

Hearing officer found no violation.

4. **Alexis Geovany Sevilla** – NOV #SW06-419/23- 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 area of the dumpsters on the north side of 4530 East Tropicana Avenue, Clark County; on or about April 5, 2006.

Item continued to November 15, 2006 agenda.

5. **Cody W. Tucker** – NOV #SW06-1005/23- 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 southeast corner of the intersection of Cape Horn Drive and Courier Street, Henderson, Clark County; on or about August 1, 2006.

Item withdrawn by the Southern Nevada Health District.

6. **Griffin Spendthrift Trust** – NOV #SW06-832/60- 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 the vacant property located at the northeast corner of Schirlls Street and Rush Avenue, Clark County; on or about July 5, 2006 through July 7, 2006.

Hearing officer found Griffin Spendthrift Trust in violation and imposed a penalty of \$1,800 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

7. **Christopher Hoskins** – NOV #SW06-996/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 in the Red Rock Conservation area, Clark County; on or about July 30, 2006.

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

8. **Brian M. Holley** - NOV #SW06-959/74- 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 the terminal north end of Jones Boulevard, Las Vegas, Clark County; on or about July 26, 2006.

Hearing officer found no violation.

9. **Wright Brothers Tile, Inc.** – NOV #SW06-644/21- 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 land located south of the interpretive site turn, off of Lake Mead Boulevard, Clark County; on or about May 24, 2006.

Item continued to November 15, 2006 agenda.

10. **David Covarrubias** – NOV #SW06-515/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 2617 North Lamb Boulevard, Clark County; on or about April 28, 2006.

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

11. **Louis Lynn Longo** – NOV #SW06-397/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 Gillespie Street about 300 feet north of Neal Avenue, Clark County; on or about March 30, 2006.

Hearing officer found Louis Lynn Longo in violation of 2) and imposed a penalty of \$500.

12. **Lucia Jimenez** – NOV #SW06-123/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 6949 Manistee Court, Las Vegas, Clark County; on or about February 1, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 13, 2006.

Item withdrawn by the Southern Nevada Health District.

13. **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.

Hearing officer found H & L Realty & Management Company in violation and imposed a penalty of \$825 for each of 1) and 2).

14. **Moulin Rouge Development Corporation** – NOV #SW06-1244/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.

Hearing officer found Moulin Rouge Development Corporation in violation and imposed a penalty of \$1,500 for 1), and a penalty of \$1,800 for 2). Remediation of the area affected by sewage overflow is ordered.

15. **The Villas at El Norte, LLC** – NOV #SW06-942/60- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4747 Pennwood Avenue, Las Vegas, Clark County, on or about July 25, 2006; 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 24, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 25, 2006.

Hearing officer found The Villas at El Norte, LLC in violation and imposed a penalty of \$900 for each of 2) and 3).

16. **Basic Environmental Company LLC** – NOV #SW06-634/23- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about May 25, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 30, 2006.

Hearing officer found Basic Environmental Company LLC in violation of 2) and imposed a penalty of \$900.

17. **Cruz B. Vargas and Developers Maintenance** – NOV #SW05-1092/45- 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 6425 West Richmar Avenue, Clark County; on or about September 23, 2005 and October 11, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on November 28, 2005.

Item continued to November 15, 2006 agenda.

18. **Cruz B. Vargas and Developers Maintenance** – NOV #SW06-303/19- 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 4960 Alto Avenue, Clark County; on or about February 9, 2006, February 27, 2006, March 27, 2006, June 21, 2006 and July 21, 2006.

Item continued to November 15, 2006 agenda.

19. **Esther Gomez and Gomez Construction Clean-Up, Inc.** – NOV #SW05-1368/45- 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 5464 Accurate Drive, Clark County; on or about October 6, 2005, October 19, 2005, November 1, 2005, November 16, 2005, November 28, 2005, December 6, 2005, February 1, 2006, March 1, 2006, April 12, 2006, April 17, 2006, April 18, 2006, May 2, 2006, May 9, 2006, May 15, 2006, May 19, 2006, May 26, 2006, May 31, 2006, June 1, 2006, and June 21, 2006; 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 October 6, 2005; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on April 17, 2006.

Hearing officer found Esther Gomez and Gomez Construction Clean-Up, Inc. in violation and imposed a penalty of \$57,000 for each 1) and 2), and imposed a penalty of \$3,000 for each of 3) and 4). Corrective action is ordered to hire a Certified Environmental Manager (CEM) to oversee clean-up activities and conduct a site characterization of property, submit a report prepared by the CEM to include pictures of clean-up and remediation activities, and proof of proper disposal for all solid waste described.

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. **Michael Hail** – NOV #SW06-180/24/60- 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 7600 block of West Oquendo Road, west of Bellerive Street, Clark County; on or about February 12, 2006.

Hearing officer found Michael Hail in violation of 2) and imposed a penalty of \$500. In addition, \$16.75 in document retrieval fees ordered.

2. **Morton Excavating, Inc.** – NOV #SW06-1245/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 northeast of the intersection of Schirlls Street and Rush Avenue, Clark County; on or about April 27, 2006.

Hearing officer found Morton Excavating, Inc. in violation and imposed a penalty of \$4,000 for 1) and \$2,500 penalty for 2). Corrective action of removal and proper disposal of waste is ordered.

3. **Tamas M. Csaba** – NOV #SW06-885/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 near the southwest intersection of Iron Mountain Road and Fort Apache Road, Las Vegas, Clark County; on or about June 3, 2006.

Hearing officer found Tamas M. Csaba in violation and imposed a penalty of \$500 for each of 1) and 2).

4. **Black Mountain-Boulder, LLC** – NOV #SW06-496/21- For 1) operating a disposal site without a permit issued by the solid waste management authority on or about April 26, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 1, 2006.

Hearing officer found Black Mountain-Boulder, LLC in violation of 2) and imposed a \$2,500 penalty.

5. **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.

Hearing officer found Evergreen LLC in violation and imposed a penalty of \$13,500 for 1), a penalty of \$3,000 for 2), and a \$900 penalty for 3). Corrective action for removal and proper disposal of waste under the supervision of a Certified Environmental Manager (CEM) is ordered. Failure to comply will result in the original penalty of \$34,800 initially sought in November.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Laguna Pools & Spa, Inc.** – NOV #SW04-936/27- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at directly south of the intersection of Grand Teton Drive and Garehime Street, Clark County; on or about August 26, 2004.

Hearing officer's order of April 20, 2005 is vacated.