



## Public Health Update

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

#### II. MATTERS REQUIRING HEARING OFFICER ACTION

##### A. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

NONE

##### B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Edith Bellefleur** – NOV #SW05-1052/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 vacant lot north of 428 Hull Street in between Geneva Avenue and Harve Avenue, Henderson, Clark County; on or about September 14, 2005.

Hearing officer found Edith Bellefleur in violation and imposed a penalty of \$1,500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

2. **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 December 20, 2006 agenda.

3. **Ashton Place Maintenance Corporation** – NOV #SW06-729/60- 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 June 19, 2006.

Item continued to January 17, 2007 agenda.

4. **Kaccel Communication Services, Inc.** – NOV #SW06-1045/60- 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 the northwest corner of Russell Road and Torrey Pines Drive, Clark County; on or about August 8, 2006.

Hearing officer found Kacel Communication Services, Inc. in violation and imposed a penalty of \$750 for each 1) and 2).

5. **Preferred Plastering, Inc. and Carl D. Sparks** – NOV #SW06-1091/23- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 4401 South Nellis Boulevard, Clark County; on or about August 10, 2006; and 2) 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 August 10, 2006.

Hearing officer found Preferred Plastering, Inc. and Carl D. Sparks in violation and imposed a penalty of \$900 for of each 1) and 2). Corrective action of removal and proper disposal of waste is ordered. Remediation is ordered.

6. **A to Z Painting and Manuel Garcia** – NOV #SW06-432/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 1721 April Shower Place, Las Vegas, Clark County; on or about April 8, 2006.

Hearing officer found A to Z Painting and Manuel Garcia in violation and imposed a penalty of \$900 for 2) and \$320 for lab test reimbursement is ordered. Corrective action to contract with a Certified Environmental Manager (C.E.M.) to propose a plan of soil analysis and removal of all contaminated soil is ordered.

7. **Fastrack Unlimited, Inc.** – NOV #SW06-716/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 the Silverado Court construction site near St. Rose Parkway and Maryland Parkway, Clark County; on or about June 6, 2006.

Hearing officer found Fastrack Unlimited, Inc. in violation and imposed a penalty of \$1,375 for 1) and a penalty of \$4,500 for 2).

8. **Fastrack Unlimited, Inc.** – NOV #SW06-1327/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 6980 North Jones Boulevard, Las Vegas, Clark County; on or about September 25, 2006.

Item continued to December 20, 2006 agenda.

9. **1711 Stewart, LLC** – NOV #SW06-1047/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 1711 Stewart Avenue, Las Vegas, Clark County, on or about August 10, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 9, 2006.

Hearing officer found 1711 Stewart, LLC in violation and imposed a penalty of \$1,800 for 2), a \$900 penalty imposed for 3), and reimbursement of \$2,005 for plumber costs. Failure to comply will result in original penalty of \$7,405 as initially sought.

10. **Porfirio Pulido, Neti I. Pulido and Pulido Construction Company, Inc.** – NOV #SW06-157/A8- 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 Assessor's Parcel #126-03-601-006, Clark County; on or about February 8, 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 February 8, 2006; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on February 8, 2006.

Hearing officer found Porfirio Pulido, Neti I. Pulido and Pulido Construction Company, Inc. in violation and imposed a penalty of \$3,600 for each of 1), 2) and 3), a penalty of \$1,800 is imposed for 4), and a \$300 reimbursement for lab test is ordered. Corrective action of removal and proper disposal of waste is ordered. Contract with a Certified Environmental Manager (C.E.M.) to properly identify and remediate the soil contamination on the property and provide proof of remediation is to be provided to the Southern Nevada Health District is ordered.

11. **AOE, LLC and Ali Moradshahi** – NOV #SW06-426/A0- 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 April 20, 2006.

Hearing officer found AOE, LLC and Ali Moradshahi in violation and imposed a penalty of \$500 for 2).

12. **Albertsons Store 6045 and Lucky Stores, Inc.** – NOV #SW06-1220/A8- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 1760 East Charleston Boulevard, Las Vegas, Clark County; on or about August 25, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 25, 2006.

Hearing officer found Albertsons Store 6045 and Lucky Stores, Inc. in violation and imposed a penalty of \$720 for 1) and a penalty of \$900 imposed for 2).

13. **Westland Group, LLC** – NOV #SW06-520/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 property located on the northeast corner of Russell Road and Fort Apache Road, Clark County; on or about May 12, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 11, 2006.

Hearing officer found Westland Group, LLC in violation and imposed a penalty of \$500 for 1) and imposed a penalty of \$900 for 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Ft. Apache and Cherokee, LLC and Phillip C. Smith** – NOV #SW05-976/23/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 17, 2006.

Hearing officer found Ft. Apache and Cherokee, LLC and Phillip C. Smith in violation and imposed a penalty of \$1,500. Corrective action to provide proof of removal and proper disposal of waste is ordered.

- 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. **Jose Gilberto Arevalo** – NOV #SW06-1338/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 #140-20-202-008, Clark County; on or about September 17, 2006 and September 20, 2006.

Hearing officer found Jose Gilberto Arevalo in violation and imposed a penalty of \$700 for each of 1) and 2). Failure to comply will result in the original penalty of \$3,600 as initially sought.

2. **Raymundo Sanchez Juarez** – NOV #SW06-427/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 intersection of Flamingo Road and Town Center Drive, Clark County; on or about April 5, 2006.

Hearing officer found Raymundo Sanchez Juarez in violation and imposed a penalty of \$500 for 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in a penalty of \$1,800 as initially sought.

3. **Teds Revocable Trust and Bills Revocable Trust** – NOV #SW06-470/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 the undeveloped 4.48 acre parcel located at the southwest corner of Racel Street and Cimarron Road, Clark County; on or about April 20, 2006; 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 April 20, 2006.

Hearing officer found Teds Revocable Trust and Bills Revocable Trust in violation and imposed a penalty of \$900 for each of 1), 2) and 3).

4. **Jaime Antonio** – NOV #SW06-854/89- 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 628 East Marion Drive, Las Vegas, Clark County; on or about July 10, 2006.

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

5. **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.

Hearing officer found Alexis Geovany Sevilla in violation and imposed a penalty of \$720 for each of 1) and 2). Failure to comply will result in original penalty of \$1,800 as initially sought.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **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 vacated October 18, 2006 order.

III. AFTERNOON SESSION - CALL TO ORDER

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

15. **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.

Hearing officer found Cruz B. Vargas and Developers Maintenance in violation and imposed a penalty of \$6,000 for 1), a penalty of \$4,000 for 2) and a \$2,000 penalty for 3). Failure to comply will result in the original penalty of \$18,000 as initially sought in November 2005.

16. **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.

Hearing officer found Cruz B. Vargas and Developers Maintenance in violation and imposed a penalty of \$7,500 for each of 1) and 2). Failure to comply will result in the original penalty of \$30,000 as initially sought.