



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – April 2007

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 18, 2007 meeting, the following cases were adjudicated:

#### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Morton Excavating, Inc.** – NOV #SW07-134/C0- 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 Mustang Street and Meisenheimer Avenue, Las Vegas, Clark County; on or about February 6, 2007.

Hearing officer found Morton Excavating, Inc. in violation and imposed a penalty of \$4,000 for 1), and a penalty of \$2,500 for 2). Failure to comply will result in the original penalty of \$7,500 as initially sought in November.

2. **Moulin Rouge Development Corporation, Rod Bickerstaff, and Dale L. Scott** – NOV #SW06-1813/C0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1001 West McWilliams Avenue, Las Vegas, Clark County, on or about December 27, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 26, 2006.

Hearing officer found Moulin Rouge Development Corporation, Rod Bickerstaff, and Dale L. Scott in violation and imposed a penalty of \$5,500 for each of 1) and 2). Remediation of area affected by sewage overflow is ordered.

3. **Moulin Rouge Development Corporation, Rod Bickerstaff, and Dale L. Scott** – NOV #SW07-002/62- For failure to comply with the Order issued by the Solid Waste Management Authority on January 2, 2007.

Hearing officer found Moulin Rouge Development Corporation, Rod Bickerstaff, and Dale L. Scott in violation and imposed a penalty of \$1,000. Failure to comply will result in the original penalty of \$3,800 as initially sought in November.

#### CONTACTS

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4. **Moulin Rouge Development Corporation, Rod Bickerstaff and Dale L. Scott** – NOV #SW06-1795/C0- For failure to comply with the Order issued by the Solid Waste Management Authority on December 19, 2006.

Hearing officer found Moulin Rouge Development Corporation, Rod Bickerstaff, and Dale L. Scott in violation and imposed a penalty of \$2,100. Failure to comply will result in the original penalty of \$4,200 as initially sought in November.

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Teresa Nigro** – NOV #SW07-160/74- 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 7970 Kinsella Way, Clark County; on or about February 18, 2007 and February 20, 2007.

Item continued to May 16, 2007 agenda.

2. **Bravo Underground, Inc.** – NOV #SW07-128/62- 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 consisting of cement debris, dirt spoils and rock upon property located at 901 Empire Mesa Way, Henderson, Clark County; on or about February 6, 2007.

Hearing officer found Bravo Underground, Inc. in violation of 2) and imposed a penalty of \$2,250.

3. **Cheep Cheep Movers, Inc.** – NOV #SW07-197/62- 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 6672 Spencer Street, Suite 700, Clark County; on or about February 26, 2007.

Hearing officer found Cheep Cheep Movers, Inc. in violation of 2) and imposed a penalty of \$750.

4. **Lamb Asphalt Maintenance, Inc.** – NOV #SW06-1026/89- 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 consisting of two dump truck loads of cement upon property located west of Ringe Lane and south of Stanley Avenue, Clark County; on or about August 4, 2006.

Item continued to May 16, 2007 agenda.

5. **Juan Montes** – NOV #SW06-1431/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 300 feet east of the intersection of Escondido Street and Ford Avenue, Clark County; on or about September 14, 2006.

Hearing officer found Juan Montes 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.

6. **Thomas C. Chapter** – NOV #SW07-227/E0- 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 Sur Este Avenue, between Spencer Street and Bruce Street, Clark County; on or about March 5, 2007.

Item continued to May 16, 2007 agenda.

7. **RMI Management, LLC** – NOV #SW06-1559/A8- For operating a disposal site without a permit issued by the solid waste management authority.

Item withdrawn by the Southern Nevada Health District.

8. **Las Vegas Walnut, LLC and PFF Trust** – NOV #SW06-1772/60- 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 December 19, 2006.

Hearing officer found Las Vegas Walnut, LLC and PFF Trust in violation of 2) and imposed a penalty of \$600.

9. **Michael Vancleef** – NOV #SW06-1525/62- 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 property located at 2744 Quebec Court, Clark County; on or about October 30, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 30, 2006.

Item continued to May 16, 2007 agenda.

10. **Edith Bellefleur** – NOV #SW05-1052/A5/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 15, 2006.

Item continued to May 16, 2007 agenda.

11. **The Floyd Group Corporation and Barry Floyd** – NOV #SW07-015/62- For failure to comply with the Order issued by the Solid Waste Management Authority on January 4, 2007 and January 5, 2007.

Hearing officer found The Floyd Group Corporation and Barry Floyd in violation and imposed a penalty of \$1,800. Remediation of the area affected by sewage overflow is ordered. The Floyd Group Corporation and Barry Floyd are ordered to develop and submit to the Southern Nevada Health District a formal training program which incorporates the proper precautions and remediation procedures for a sewage spill.

12. **New Star, Inc. and New Star Drop Box** – NOV #SW06-1311/45- 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 155 West Water Avenue, North Las Vegas, Clark County; on or about September 13, 2006 and January 30, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 28, 2006.

Item continued to May 16, 2007 agenda.

13. **Brandon Collins, Kimberlee Collins and Sunset Oasis Landscaping** – NOV #SW05-894/27/74/74/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 20, 2006.

Hearing officer found Brandon Collins, Kimberlee Collins and Sunset Oasis Landscaping in violation and imposed a penalty of \$3,500. Corrective action of removal and proper disposal of waste is ordered.

14. **Michael S. Agron** – NOV #SW06-1691/C0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1340 Hassell Avenue, Las Vegas, Clark County, on or about November 17, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 17, 2006.

Item continued to May 16, 2007 agenda.

15. **Audio Integrations, Inc.** – NOV #SW06-1699/74- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 3140 Polaris Avenue, Las Vegas, Clark County; on or about November 20, 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. **Rodrigo Valdez and Ruth Valdez** – NOV #SW06-1742/C0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 900 South Martin Luther King Boulevard, Las Vegas, Clark County, on or about December 4, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 5, 2006.

Hearing officer found Rodrigo Valdez and Ruth Valdez in violation and imposed a penalty of \$750 for 2). Remediation of area affected by sewage overflow and reimbursement of plumber costs are ordered.

2. **Desert Buffalo CVS, L.L.C.** – NOV #SW06-1761/23- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3270 South Buffalo Drive, Clark County, on or about December 9, 2006; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 9, 2006.

Hearing officer ordered Desert Buffalo CVS, L.L.C. to pay reimbursement costs for a plumber.

3. **Pipe Maintenance Service, Inc.** – NOV #SW07-136/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the public right-of-way located on the west side of Broadbent Boulevard approximately 115 feet northwest of the intersection of Broadbent Boulevard and Broadlake Lane, Clark County, on or about February 20, 2007; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 8, 2007.

Hearing officer found Pipe Maintenance Service, Inc. in violation of 1) and imposed a penalty of \$1,750.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Philip C. Smith and Fort Apache and Cherokee, LLC** – NOV #SW05-976/23/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 18, 2006.

Hearing officer vacated order of May 17, 2006.

2. **Philip C. Smith and Fort Apache and Cherokee, LLC** – 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 vacated order of November 15, 2006.