



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – May 16 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 May 16, 2007 meeting, the following cases were adjudicated:

#### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Arturo Hernandez** – NOV #SW07-150/74- 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 northwest corner of Haleh Avenue and Torrey Pines Drive, Clark County; on or about February 20, 2007.

Hearing officer found Arturo Hernandez in violation of 2) and imposed a \$500 penalty.

2. **Allen M. Dean** – NOV #SW06-1808/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 northwest intersection of Jensen Street and Hammer Lane, Clark County; on or about December 21, 2006.

Hearing officer found Allen M. Dean in violation of 2) and imposed a penalty of \$500.

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

1. **Anthony M. Muratore, Sr.** – NOV #SW06-1445/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 southwest of the intersection of south Buffalo Drive and west Diablo Drive, Clark County; on or about October 23, 2006.

Item continued to June 20, 2007 agenda.

#### CONTACTS

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2. **Laguna Pool & Spa, Inc.** – NOV #SW07-224/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 March 5, 2007.

Hearing officer found Laguna Pool & Spa, Inc. in violation and imposed a penalty of \$700 for 1), and a penalty of \$2,750 for 2). Corrective action of removal and proper disposal of waste is ordered.

3. **Faviola's Trucks Incorporated, Alfredo Becerra, A. Martin Becerra, and Maria I. Becerra** – NOV #SW07-231/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 March 6, 2007.

Hearing officer found Faviola's Trucks Incorporated, Alfredo Becerra, A. Martin Becerra, and Maria I. Becerra in violation and imposed a penalty of \$1,000 for 1). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$2,000 as initially sought in November.

4. **Charlie Moore and Moore Excavation, LLC** – NOV #SW07-232/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 March 6, 2007.

Hearing officer found Charlie Moore and Moore Excavation, LLC in violation of 2) and imposed a penalty of \$1,250. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$2,150 as initially sought in November.

5. **Fernando Ponce** – NOV #SW07-282/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 at 3910 Pecos McLeod, Clark County; on or about December 26, 2006.

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

6. **Deborah A. LaFave, Glenn M 2 Pilarowski and Ken Boykin** – NOV #SW07-172/62- 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 approximately 200 feet from Wigwam Avenue and 100 feet from Giles Street, Clark County; on or about February 18, 2007.

Hearing officer found Deborah A. LaFave, Glenn M 2 Pilarowski and Ken Boykin in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective of removal and proper disposal of waste is ordered.

7. **Enrique Aguilar Sanchez** – NOV #SW06-748/A8/08- 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 a wedge shaped empty lot, east side of Honolulu Street, north of Sunrise Avenue, Clark County; on or about July 11, 2006.

Hearing officer found Enrique Aguilar Sanchez in violation and imposed a penalty of \$900 for each of 1) and 2).

8. **Under the Son Excavating, Inc. and Mark R. Franks** – NOV #SW06-1539/60- 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 Patrick Lane and Lindell Road, Clark County; on or about October 13, 2006.

Hearing officer found Under the Son Excavating, Inc. and Mark R. Franks in violation and imposed a penalty of \$7,500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

9. **Caroline Malbrough** – NOV #SW06-1344/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 2326 Pariva Street, Las Vegas, Clark County; on or about September 26, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 27, 2006.

Item withdrawn by the Southern Nevada Health District.

10. **Top You, LLC** – NOV #SWSW06-1298/B6- 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 29, 2006.

Hearing officer found Top You, LLC 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.

11. **American Stone Sales, Inc.** – NOV #SW06-1740/45- 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 west of Civic Center Drive and north of Gowan Road, North Las Vegas, Clark County; on or about August 18, 2006 and August 19, 2006 and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 5, 2007.

Hearing officer found American Stone Sales, Inc. in violation and imposed a penalty of \$1,000 for each of 1) and 2), and a penalty of \$1,200 for 3). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$5,400 as initially sought in November.

12. **Stone Mountain Management LLC** – NOV #SW06-1801/45- 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 January 5, 2007.

Hearing officer found Stone Mountain Management, LLC in violation of 2) and imposed a penalty of \$900.

13. **Tropicana Custom Pools and Landscaping** – NOV #SW06-100/A0/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 21, 2006.

Hearing officer found Tropicana Custom Pools and Landscaping in violation and imposed a penalty of \$2,500. Corrective action of removal and proper disposal of waste is ordered.

14. **Javier Jesus Castellon and Chuy's Landscape** – NOV #SW06-047/B6/74/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 21, 2007.

Hearing officer found Javier Jesus Castellon and Chuy's Landscape in violation and imposed a penalty of \$2,500. Corrective action of removal and proper disposal of waste is ordered.

15. **Paul Rotterdam** – NOV #SW05-1023/89/74/74- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 16, 2006.

Hearing officer found Paul Rotterdam in violation and imposed a penalty of \$1,500. Corrective action to provide proof of removal and proper disposal of waste is ordered.

16. **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.

Hearing officer found Teresa Nigro in violation and imposed a penalty of \$500 for each of 1) and 2). A cease and desist order is imposed on depositing or causing and allowing any solid waste to be deposited on the property at 7970 Kinsella Way in Clark County. Failure to comply will result in the original penalty of \$2,000 as initially sought in November.

17. **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.

Hearing officer found Lamb Asphalt Maintenance, Inc. in violation of 2) and imposed a penalty of \$750.

18. **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.

Hearing officer found Thomas C. Chapter in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

19. **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 place, 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 withdrawn by the Southern Nevada Health District.

20. **JLS Industries, Inc. and Rope, LLC** – NOV #SW06-1428/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on October 19, 2006.

Hearing officer found JLS Industries, Inc. and Rope, LLC in violation and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

21. **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 withdrawn by the Southern Nevada Health District.

22. **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.

Hearing officer found New Star, Inc. and New Star Drop Box in violation and imposed a penalty of \$3,000 for each of 1), 2) and 3). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$12,000 as initially sought in November.

- 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 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.

Hearing officer found Michael S. Agron in violation of 2) and imposed a penalty of \$900.

2. **First Raritan Corp. and Safari Apartments, LLC** – NOV #SW07-341/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on March 23, 2007.

Hearing officer found First Raritan Corp. and Safari Apartments, LLC in violation and imposed a penalty of \$900. Corrective action of remediation of area affected by sewage overflow is ordered.

3. **Mintchevi, Incorporated dba Rebond and Foam Recycling** – NOV #SW06-1387/C6- 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 October 16, 2006.

Hearing officer found Mintchevi, Incorporated dba Rebond and Foam Recycling in violation and imposed a penalty of \$500 for 1), and a penalty of \$750 for 2). Corrective action to submit a recycling center application is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

4. **Anthony L. Martinez** – NOV #SW07-306/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 approximately 695 feet east of Cimarron Road and approximately 29 feet north of Racel Street and 700 feet east of Cimarron Road and approximately 29 feet north of Racel Street, Clark County; on or about March 18, 2007.

Hearing officer found Anthony L. Martinez in violation of 2) and imposed a penalty of \$900. Corrective action is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in November.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Rae Ann Leuthy** – NOV #SW04-564/74- 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 6357 Spring Meadow Drive, Clark County; on or about July 16, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2004.

Hearing officer order of February 16, 2005 is vacated.

2. **Arvis C. Forrest Charitable Fund, LLC** – NOV #SW06-1560/B6- 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 September 14, 2006.

Hearing officer order of January 17, 2007 is amended. Found in violation of 2) and a penalty of \$900 is imposed. Vacated 1) and \$900 penalty imposed in original hearing officer order.

3. **Beachcomber Trailers and Big-Tex Nevada, Inc.** – NOV #SW06-708/A5/21- 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 consisting of four manufactured homes upon the property located at 2909 Fremont Street, Clark County; on or about May 29, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 17, 2006.

Hearing officer order of March 21, 2007 is amended. Found in violation of 3) and a penalty of \$3,300 is imposed. Vacated violations of 1) and 2).