



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - August 15, 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 August 15, 2007 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. **Quality Mobile Food Services, Inc. and Jorge Morales** – NOV #SW07-348/62- 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 on the east side of Las Vegas Boulevard and on the south side of Le Baron Avenue, Clark County; on or about March 26, 2007.

Hearing officer found Quality Mobile Food Services, Inc. and Jorge Morales in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

2. **Antonio Villegas Chavez** – NOV #SW07-577/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 3351 Athens Street, Clark County; on or about May 20, 2007.

Hearing officer found Antonio Villegas Chavez in violation and imposed a penalty of \$900 for each of 1) and 2).

3. **John P. Kreml** – NOV #SW07-320/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 upon the property located west of Fort Apache at the intersection of Fort Apache and Mountains Edge, Clark County; on or about March 20, 2007.

Item withdrawn by the Southern Nevada Health District.

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4. **Mario Hernandez dba Marjen Construction Clean Up**– NOV #SW07-050/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 January 18, 2007.

Hearing officer found Mario Hernandez dba Marjen Construction Clean Up in violation and imposed a penalty of \$900 for each of 1) and 2).

5. **Golden Street Properties, LLC and Quantum Properties, LLC** – NOV #SW07-499/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 2619 Sherwood Street, Clark County, on or about May 3, 2007; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 1, 2007.

Hearing officer found Golden Street Properties, LLC and Quantum Properties, LLC in violation and imposed a penalty of \$900 for 1), and a penalty of \$2,700 for 2). Remediation of the area affected by sewage overflow is ordered.

6. **Justino Padilla** – NOV #SW07-489/E0- 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 5335 Mancos Court, Clark County; on or about April 20, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 3, 2007.

Hearing officer found Justino Padilla in violation and imposed a penalty of \$900 for each of 1), 2) and 3). Corrective action of removal and proper disposal of waste is ordered. The development of a procedure for proper disposal of all solid waste generated by residents, pets and guests of 5335 Mancos Court is ordered. A copy of procedures must be provided to all tenants and the Southern Nevada Health District.

7. **Prime Spencer, LLC** – NOV #SW07-471/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on April 25, 2007.

Hearing officer found Prime Spencer, LLC in violation and imposed a penalty of \$500.

8. **Harris Drop Box, LLC** – NOV #SW06-907/45- 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 east of Ringe Lane and north of Alto Avenue, Clark County; on or about September 26, 2006 and February 22, 2007; 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 November 8, 2006; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 19, 2006.

Hearing officer found Harris Drop Box, LLC in violation and imposed a penalty of \$15,300 for 1), a penalty of \$1,800 for 2), a \$900 penalty for 3), and \$80,900 penalty for 4). Corrective action of removal and proper disposal of waste is ordered.

9. **Harsch Investment Properties, LLC** – NOV #SW07-403/C6- For 1) operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Harsch Investment Properties, LLC in violation and imposed a penalty of \$2,000.

10. **Rose Garden Housing Limited Partnership** – NOV #SW07-186/C0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 28 East Webb Avenue, North Las Vegas, Clark County, on or about February 23, 2007; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 22, 2007.

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. **Wells Cargo, Inc.** – NOV #SW07-363/45- For operating restrictions on disposal of liquids in a landfill on or about March 16, 2007 and March 30, 2007.

Hearing officer found Wells Cargo, Inc. in violation and imposed a penalty of \$1,800 as well as a \$240 lab reimbursement cost.

2. **Maria Delosangeles-Cervantes** – NOV #SW07-585/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 east side of South Gibson Road approximately 820 feet north of West Horizon Ridge Parkway, Henderson, Clark County; on or about May 21, 2007.

Hearing officer found Maria Delosangeles-Cervantes in violation and imposed a penalty of \$750 for 1) and 2). Corrective action of removal and proper disposal of waste is ordered as well as the development of an employer/employee contract for methods of proper waste water and solid waste disposal which includes how the waste will be handled and the facility where all solid waste will be taken for disposal. A copy must be provided to the Southern Nevada Health District. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

3. **Scott Harrison Harvey** – NOV #SW07-579/E0- For 1) operating a disposal site without a permit issued by the solid waste management authority; 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 May 17, 2007 and/or May 22, 2007.

Hearing officer found Scott Harrison Harvey 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. In addition the development of written procedures for proper disposal of all solid waste, including used oil and coolant, as well as employee training on the proper handling of solid waste is ordered. A copy of the procedures must be provided to the Southern Nevada Health District.

4. **Sunstate Companies, Inc.** – NOV #SW07-582/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 northeast corner of Decatur Boulevard and Iron Mountain Road, North Las Vegas, Clark County; on or about May 16, 2007.

Hearing officer found Sunstate Companies, Inc. in violation of 2) and imposed a penalty of \$3,500. Failure to comply will result in the original penalty of \$7,000 as sought in November.

- D. *NOTICES OF VIOLATION – FURTHER PROCEEDINGS:*

1. **Mario Caruso and A 1999 Family Trust** – NOV #SW05-887/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 1501 Nevada Highway, Boulder City, Clark County; on or about August 8, 2005.

Hearing officer order of May 17, 2006 is vacated.