



## Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 19, 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 September 19, 2007 meeting, the following cases were adjudicated:

### II. MATTERS REQUIRING HEARING OFFICER ACTION – 9 a.m. Session

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

None

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

1. **Steven Paul Simokaitis** – NOV #SW07-314/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 southeast intersection of Hickam Avenue and Juliano Road, Las Vegas, Clark County; on or about March 20, 2007.

Hearing officer found Steven Paul Simokaitis in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$1,800 as originally sought in November.

2. **Martin Perez-Alvarado** – NOV #SW07-198/08- 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 property located approximately 20 feet west of Sloan Lane and approximately 200 feet south of Judson Avenue, Clark County; on or about February 26, 2007.

Hearing officer found Martin Perez-Alvarado 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.

### CONTACTS

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3. **Woodside Homes of Nevada, Inc.** – NOV #SW07-481/23- 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 upon the property located north of the block wall of the Boulder Creek subdivision west of Weeks Bay River Road, Henderson, Clark County; on or about July, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 15, 2007.

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4. **Chad Mattos** – NOV #SW07-473/23- 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 along unimproved Placid Street between Erie Avenue and Chartan Avenue, Clark County; on or about April 27, 2007.

Item withdrawn by the Southern Nevada Health District.

5. **Reshma Zaidi** – NOV #SW07-598/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 consisting of parts of a Jacuzzi, PVC pipe debris, wood debris, vinyl Jacuzzi cover, ice chest, carpet remnant and speaker boxes upon the undeveloped property located approximately 400 feet south of Owens Avenue and 35 feet east of Radwick Avenue, Clark County; on or about May 27, 2007; 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 May 27, 2007.

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6. **Eduardo Palermo** – NOV #SW07-305/74- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 7564 Village Mist Lane, Clark County, on or about March 21, 2007.

Hearing officer found Eduardo Palermo in violation and imposed a penalty of \$900 for each of 1) and 2). In addition, a plumber cost reimbursement of \$345 is ordered.

7. **J-M Ferrera Family Trust, Joseph Ferrera and Marly Ferrera Trust** – NOV #SW06-813/89- For failure to comply with the Order issued by the Solid Waste Management Authority on July 19, 2006.

Hearing officer found J-M Ferrera Family Trust, Joseph Ferrera and Marly Ferrera Trust in violation and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered.

8. **Efren Solorzano and Jose Solorzano dba Amigos Demolition** – NOV #SW06-1207/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; 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 October 3, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 6, 2006.

Hearing officer found Efren Solorzano and Jose Solorzano dba Amigos Demolition in violation and imposed a penalty of \$1,800 for 1), a penalty of \$500 for 2) and corrective action to provide receipts for proof of proper disposal of the construction debris and 5 yd<sup>3</sup> of petroleum

contaminated soil. Failure to comply will result in the original penalty of \$4,500 as originally 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. **Silver State Materials Corp. a.k.a. Silver State Materials, LLC** – NOV #SW07-756/23- 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 consisting of cement washout at the northeast corner of the property located southwest of the intersection of Equestrian Drive and Weeks Bay River Road, Henderson, Clark County; on or about June 19, 2007.

Hearing officer found Silver State Materials Corp. a.k.a. Silver State Materials, LLC in violation and imposed a penalty of \$900.

#### IV. MATTERS REQUIRING HEARING OFFICER ACTION – 11:30 Session

A. *NOTICES OF VIOLATION WITH CONTESTED PENALTIES:*

1. **Under the Son Excavating Inc, Eco Industries Inc., and Mark R. Franks** – NOV #SW07-550/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 northwest of the intersection of Racel Street and Maverick Street, Las Vegas, Clark County; on or about May 11, 2007.

Hearing officer found Under the Son Excavating Inc, Eco Industries Inc., and Mark R. Franks in violation and imposed a penalty of \$8,000 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

B. *NOTICES OF VIOLATION WITH CONTESTED FACTS:*

9. **Terry Voyles** – NOV #SW07-758/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 560 Cape Horn Drive, Henderson, Clark County; on or about July 11, 2007.

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

10. **Harshman Excavating Corp.** – NOV #SW07-667/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 upon the vacant parcel located on the south side of West Pebble Road between South Decatur Boulevard and Arville Street, Clark County; on or about May 15, 2007.

Item continued to October 17, 2007 agenda.

11. **Emerald Bay Apartments Nevada, LLC** – NOV #SW07-596/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on May 29, 2007.

Item continued to October 17, 2007 agenda.

12. **LV Warm Springs 10-B, LLC dba Crystal Creek Apartments** – NOV #SW07-557/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on May 15, 2007.

Hearing officer found LV Warm Springs 10-B, LLC dba Crystal Creek Apartments in violation and imposed a penalty of \$2,500. Remediation of the area affected by sewage overflow and training program are ordered.

13. **Efrain Piedra and Yolanda Piedra** – NOV #SW07-470/C0- 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 including used tires, cement blocks, construction waste, household trash, old bathroom sink, 5 gallon buckets, metal debris, plastic debris, plywood, piping, automobile seats, carpet remnants, cardboard debris, foam debris, hose, old electrical devices, bathroom fixture, and window blinds upon the property located at 1102 Palm Street, Clark County; on or about April 27, 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 April 27, 2007; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2007.

Hearing officer found Efrain Piedra and Yolanda Piedra in violation and imposed a penalty of \$900 for each of 1), 2), 3) and 4). Corrective action of removal and proper disposal of waste is ordered.

14. **Elkhorn/Buffalo Properties, LLC** – NOV #SW07-351/C0- 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 16, 2007.

Hearing officer found Elkhorn/Buffalo Properties, 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.

15. **Mario Antonio Rodriguez and Rodriguez Car Wash Mobile Co, LLC** – NOV #SW06-1223/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 including landscape debris, motor vehicle tires, rock piles, dirt spoils and paper trash upon property located at 3000 Ringe Lane, Clark County; on or about August 22, 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 August 22, 2006.

Hearing officer found Mario Antonio Rodriguez and Rodriguez Car Wash Mobile Co, LLC in violation and imposed a penalty of \$900 for each of 1) and 3), and a penalty of \$2,500 imposed for 2). Corrective action of removal and proper disposal of waste is ordered under the supervision of a C.E.M.

16. **Feliciano Rossal and Onelia Rossal** – NOV #SW06-1224/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 including dirt spoils, wooden planter boxes, cardboard debris, paper debris, automotive vehicle tires and plastic debris upon the property located at 3000 Ringe Lane, Clark County; on or about August 25, 2006 and May 15, 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 August 25, 2006; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on May 21, 2007.

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- 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.

2. **Enrique Benitez-Calderon** – NOV #SW07-492/21- For placing, depositing or dumping or causing to be placed, deposited or dumped boxes and miscellaneous solid waste into the dumpster located upon the property at 1905 Goodwill Street, Las Vegas, Clark County; on or about April 27, 2007.

Hearing officer found Enrique Benitez-Calderon in violation and imposed a penalty of \$900.

## VI. MATTERS REQUIRING HEARING OFFICER ACTION – 2 p.m. Session

- A. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

2. **Eligio T. Davila and Emzie Carden** – NOV #SW07-183/45- For 1) operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Eligio T. Davila and Emzie Carden in violation and imposed a penalty of \$6,000. Corrective action of removal and proper disposal of waste under the supervision of a C.E.M. is ordered.

3. **Par-3 Investments, LTD.** – NOV #SW07-697/45- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 4610 Wynn Road, Clark County; on or about June 14, 2006.

Hearing officer found Par-3 Investments, LTD. in violation and imposed a penalty of \$2,000.

- B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

17. **Par-3 Landscaping & Maintenance, Inc.** – NOV #SW06-952/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; 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 June 14, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 4, 2006.

Hearing officer found Par-3 Landscaping & Maintenance, Inc. in violation and imposed a penalty of \$4,000 for each of 1) and 3). Corrective action of removal and proper disposal of waste under the supervision of a C.E.M. is ordered. Failure to comply will result in the original penalty of \$33,900 as initially sought in November.

18. **Las Vegas Golf and Country Club** – NOV #SW06-1716/45- 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 February 28, 2007.

Item continued to October 17, 2007 agenda.

19. **Berry Ruffin dba J & B Hauling** – NOV #SW07-003/C6- For failure to comply with the Order issued by the Solid Waste Management Authority on January 3, 2007.

Hearing officer found Berry Ruffin dba J & B Hauling in violation and imposed a penalty of \$500.

20. **Nevada Debris Box Services LLC** – NOV #SW07-417/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 May 18, 2007.

Hearing officer found Nevada Debris Box Services LLC and imposed a penalty of \$9,000 for 1) and a penalty of \$5,400 imposed for 2). Corrective action of removal and proper disposal of waste is ordered.

21. **Isabell Yssassi and Renu Oil of America, Inc.** – NOV #SW05-1091/45- For 1) violating solid waste management authority regulations governing recycling centers; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 17, 2007.

Hearing officer found Isabell Yssassi and Renu Oil of America, Inc. in violation and imposed a penalty of \$14,000 for 1). Failure to comply will result in the initial penalty of \$20,000 as initially sought in November.

22. **Isabell Yssassi, Todd House, and Renu Oil of America, Inc.** – NOV #SW07-355/45- 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 April 19, 2007.

Hearing officer found Isabell Yssassi, Todd House, and Renu Oil of America, Inc. in violation and imposed a penalty of \$14,000 for 1), a penalty of \$19,900 for 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$47,000 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.

3. **Cesar Valencia and Conceptos Concrete, Inc.** – NOV #SW07-180/45- 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 April 24, 2007.

Hearing officer found Cesar Valencia and Conceptos Concrete, Inc. in violation and imposed a penalty of \$2,880 for 1), and a penalty of \$750 for 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$4,500 as initially sought in November.

4. **Jose Manuel Martinez, Joaquin Martinez and Martinez Masonry, Inc.** – NOV #SW07-257/C6- 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 Leon Avenue, Las Vegas, Clark County; on or about March 9, 2007.

Hearing officer found Jose Manuel Martinez, Joaquin Martinez, and Martinez Masonry, Inc. in violation and imposed a penalty of \$1,250 for each of 1) and 2).

5. **Neil Dutson dba N D Excavating Company** – NOV #SW07-109/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 February 16, 2007.

Hearing officer found Neil Dutson dba N D Excavating Company in violation and imposed a penalty of \$1,800 for 2). Failure to comply will result in the original penalty of \$5,400 as initially sought in November.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **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 order of August 15, 2007 is amended.

2. **Ozell Rashaan Austin** – NOV #SW06-279/21- 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 321 North 16<sup>th</sup> Street, Las Vegas, Clark County, on or about March 6, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 6, 2006.

Hearing officer order of September 20, 2006 is amended.