



## Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – December 19, 2007

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 444.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the December 19, 2007 meeting, the following cases were adjudicated:

### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Beauty With Pavers, LLC** – NOV #SW07-739/45- 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 3121 North Nellis Boulevard, Clark County; on or about July 3, 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 September 11, 2007; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 20, 2007.

Hearing officer found Beauty With Pavers, LLC in violation and imposed a penalty of \$1,800 for 1), a penalty of \$700 for 2), and a penalty of \$1,000 for 3). Failure to comply will result in original penalty of \$8,100 as initially sought in November.

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

1. **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.

Hearing officer found Las Vegas Golf and Country Club in violation of 2) and imposed a penalty of \$500.

2. **FBN Construction, Inc.** – NOV #SW07-567/23- 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 at the northwest corner of unimproved Ponderosa Way and Santa Margarita Street, Clark County; on or about May 17, 2007.

Item continued to January 16, 2008 agenda.

#### MEDIA CONTACTS

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3. **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.

Hearing officer found Harshman Excavating Corp. in violation and imposed a penalty of \$6,000 for each of 1) and 2). Corrective action of removal and proper disposal of waste as well as a proper training program are ordered.

4. **Harshman Excavating Corp.** – NOV #SW07-583/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 southeast of the intersection of Mustang Street and Meisenheimer Avenue, Las Vegas, Clark County; on or about May 17, 2007.

Hearing officer found Harshman Excavating Corp. in violation and imposed a penalty of \$6,500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. In addition, a formalized training program that must be communicated to all staff to ensure prevention of future occurrences is ordered.

5. **Alice Cinat and David Cinat** – NOV #SW07-792/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 3695 South Fort Apache Road, Clark County; on or about July 19, 2007.

Item withdrawn by the Southern Nevada Health District.

6. **Under the Son Excavating Inc and Mark R. Franks** – NOV #SW06-1539/60/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 16, 2007.

Item withdrawn by the Southern Nevada Health District.

7. **Sun Land Clean Up, Inc.** – NOV #SW07-530/45- 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 May 18, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 15, 2007.

Hearing officer found Sun Land Clean Up, Inc. in violation and imposed a penalty of \$4,500 for 1) and a penalty of \$1,300 for 3). Corrective action to retain a Certified Environmental Manager (C.E.M.) to oversee clean up activities and conduct a site characterization of the property is ordered as well as removal and proper disposal of waste. Failure to comply will result in the original penalty of \$13,500 as initially sought in November.

8. **Goldstrom Rentals, Inc.** – NOV #SW07-189/C6/D8- 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 August 24, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 28, 2007.

Hearing officer found Goldstrom Rentals, Inc. in violation and imposed a penalty of \$9,000 for 1) and a penalty of \$3,000 for 3). In addition, Goldstrom Rentals, Inc. is ordered to cease and

desist operating without a permit. Failure to comply will result in the original penalty of \$28,800 as initially sought in November.

9. **SE Rachmani Living Trust, Eli Rachmani and Sharona Rachmani Trust** – NOV #SW07-923/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 August 16, 2007.

Item continued to January 16, 2008 agenda.

10. **Schneider-Harvey Limited Partnership** – NOV #SW07-1059/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 September 10, 2007.

Item withdrawn by the Southern Nevada Health District.

11. **Platinum One Properties, LLC** – NOV #SW07-1071/08- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 210 North 11<sup>th</sup> Street, Las Vegas, Clark County, on or about September 10, 2007; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 10, 2007.

Hearing officer found Platinum One Properties, LLC in violation and imposed a penalty of \$13,000 for 1) and a penalty of \$5,000 for 2). A training program is ordered.

12. **Tracy Hoherz** – NOV #SW07-1135/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 September 21, 2007.

Hearing officer found Tracy Hoherz 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.

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. **ABC Recycling** – NOV #SW07-1110/D8- 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 26, 2007.

Hearing officer found ABC Recycling in violation and imposed a penalty of \$5,400 for 1) and a penalty of \$2,700 for 2). An application for a recycling permit is ordered and corrective action of removal and proper disposal of waste under the supervision of a Certified Environmental Manager (C.E.M.) is also ordered. Failure to comply will result in the original penalty of \$10,800 as initially sought in November.

2. **Southwestern Pavers, Inc.** – NOV #SW07-1123/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 along the north property line of 6375 South Arville Street, Clark County; on or about September 17, 2007.

Hearing officer found Southwestern Pavers, Inc. in violation and imposed a penalty of \$500 for each of 1) and 2). Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

3. **Mehran Haghani** – NOV #SW07-967/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 August 23, 2007.

Hearing officer found Mehran Haghani in violation and imposed a penalty of \$2,025 for 1) and a \$500 penalty for 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in original penalty of \$3,600 as initially sought in November.

4. **Stardust Towers LLC** – NOV #SW07-1031/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 September 5, 2007.

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

5. **Haven Street LV, LLC** – NOV #SW07-1010/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 August 31, 2007.

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

6. **Crown Financial Holdings LLC 40 and Jonathan Group LLC 60** – NOV #SW07-1029/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 September 5, 2007.

Hearing officer found Crown Financial Holdings LLC 40 and Jonathan Group LLC 60 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in November.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None

III. 1:30 P.M. Session

IV. **MATTERS REQUIRING HEARING OFFICER ACTION**

A. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

None

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

13. **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.

Item is pending hearing officer decision.

14. **Harris Drop Box LLC** – NOV #SW06-1230/45- 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 2929 Ringe Lane, Clark County; on or about August 22, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 6, 2006.

Hearing officer found Harris Drop Box LLC in violation and imposed a penalty of \$900 for each of 1) and 2). Failure to comply will result in the original penalty of \$3,600 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.

None

- D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

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

2. **Harris Drop Box LLC** – NOV #SW06-1230/45- 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 2929 Ringe Lane, Clark County; on or about August 22, 2006; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 6, 2006.

Hearing officer order of July 25,, 2007 is vacated.