



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – February 21, 2008

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 February 21, 2008 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. **Fernando Silva and Miguel Angel Hernandez-Maya** – NOV #SW07-523/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 the property located beneath the power lines north of Shadow Rock Park, near the corner of Los Feliz Street and Alto Avenue, Clark County; on or about May 5, 2007.

Item continued to April 16, 2008 agenda.

2. **Victor D. Tullis** – NOV #SW07-1431/D6- 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 at the southwest corner of Jones Boulevard and Shinnecock Hills Avenue, Clark County; on or about November 26, 2007.

Hearing officer found Victor D. Tullis in violation of 2) and imposed a penalty of \$500. 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.

3. **Donovan Brothers Trucking, Inc.** – NOV #SW07-1149/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 including approximately 22 piles of dirt spoils upon the property located on East Charleston Boulevard, between May Avenue and June Avenue, Clark County; on or about September 15, 2007.

MEDIA CONTACTS

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Item continued to March 19, 2008 agenda.

4. **Santiago Garcia and Santiago Garcia, LLC** – NOV #SW07-491/08- 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 consisting of multiple dirt spoils upon vacant properties located at the northeast corner of Charleston Boulevard and Beesley Drive, Clark County; on or about April 27, 2007 and April 28, 2007.

Item withdrawn by the Southern Nevada Health District.

5. **Andrew Gomez Rodriguez** – NOV #SW07-1445/47- 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 public right-of-way located east of 1717 South Las Vegas Boulevard, Las Vegas, Clark County; on or about November 28, 2007.

Hearing officer found Andrew Gomez Rodriguez in violation and imposed a penalty of \$900 for each of 1) and 2).

6. **Environmental Creations, LLC and Shannon Marie Desjardins** – NOV #SW07-899/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 9, 2007.

Hearing officer found Environmental Creations, LLC and Shannon Marie Desjardins in violation and imposed a penalty of \$1,000 for 1) and imposed a penalty of \$900 for 2). Failure to comply will result in the original penalty of \$3,600 as initially sought in November.

7. **Terry Jesse Anderson and Gerri D. Anderson** – NOV #SW07-1077/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 on property located at 1565 North Andersen Street, Clark County; on or about September 12, 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 12, 2007; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on September 14, 2007.

Hearing officer found Terry Jesse Anderson and Gerri D. Anderson in violation of 4) and imposed a penalty of \$1,000.

8. **Haulapai 002, LLC** – NOV #SW07-1102/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 17, 2007.

Hearing officer found Haulapai 002, LLC in violation and imposed a penalty of \$750 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.

9. **Raymond D. Ansotegui** – NOV #SW07-688/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 upon the properties located approximately 443 feet west of Okemo Street and 40 feet south of Peaceful Dawn Avenue; and approximately 225 feet west of Okemo Street and 80 feet south of Peaceful Dawn Avenue, Clark County; on or about June 27, 2007.

Item continued to April 16, 2008 agenda.

10. **BBANDJ, LLC** – NOV #SW07-1229/47- 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 November 9, 2007.

Hearing officer found BBANDJ, 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. **Charles Holly** – NOV #SW07-1231/47- 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 24, 2007.

Hearing officer found Charles Holly in violation of 2) and imposed a penalty of \$750. 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.

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. **Marco Antonio Alvarez** – NOV #SW07-553/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 upon the undeveloped parcel located approximately 90 feet south of Alto Avenue and approximately 480 feet east of the intersection of Alto Avenue and Los Feliz Street, Clark County; on or about May 12, 2007.

Hearing officer found Marco Antonio Alvarez in violation and imposed a penalty of \$750 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.

2. **Judy A. Dean Trust** – NOV #SW07-971/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 27, 2007.

Hearing officer found Judy A. Dean Trust in violation and imposed a penalty of \$1,800 for 1) and a penalty of \$900 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.

3. **Hector Omar Guzman-Alvarez** – NOV #SW07-1121/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 in the service alley on the west side of 2338 East Bonanza Road, Las Vegas, Clark County; on or about September 18, 2007.

Hearing officer found Hector Omar Guzman-Alvarez 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.

4. **Borchers Family Trust, Mike Borchers and Gretchen Borchers Trustees** – NOV #SW07-1236/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 17, 2007.

Hearing officer found Borchers Family Trust, Mike Borchers and Gretchen Borchers Trustees in violation and imposed a penalty of \$900 for 2).

5. **Lupe, LLC and Mario Pena** – NOV #SW07-935/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 20, 2007.

Hearing officer found Lupe, LLC and Mario Pena in violation of 1) and imposed a penalty of \$1,500. Corrective action to contract with a Certified Environmental Manager (C.E.M.) who is certified by the State of Nevada to oversee the cleanup activities of petroleum contaminated soil on the ground and conduct a site characterization of the property.

6. **College Park Realty Co. and Weingarten Nostat, Inc.** – NOV #SW07-1389/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 November 16, 2007.

Hearing officer found College Park Realty Co. and Weingarten Nostat, Inc. in violation of 1) and imposed a penalty of \$750.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Esteban Torres Jr. Vasquez** – NOV #SW07-1152/C6- 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 November 5, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 2, 2007.

Hearing officer order of January 16, 2008 is amended.

2. **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 January 16, 2008 is amended.