



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - April 16, 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 April 16, 2008 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Maynard D. Garcia and Priscilla L. Garcia** – NOV #SW07-1180/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 5, 2007.

Item continued to May 21, 2008 agenda.

2. **Galtar, LLC** – NOV #SW07-847/47- 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 August 21, 2007.

Hearing officer found Galtar, LLC in violation of 2) and imposed a penalty of \$2,000. Failure to comply will result in the original penalty of \$3,200 as initially sought in November.

3. **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.

Hearing officer found Fernando Silva and Miguel Angel Hernandez-Maya 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.

4. **Jason Erickson and Wilmuth Erickson Family Trust-Jason M. Erickson and Wilmuth R. Erickson Trustees** – NOV #SW07-1109/08- 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 cut tree branches and tree trimmings upon the northeast corner of the property located at 8960 West Cheyenne Avenue, Las Vegas, Clark County; on or about September 15, 2007.

Hearing officer found Jason Erickson and Wilmuth Erickson Family Trust-Jason M. Erickson and Wilmuth R. Erickson Trustees in violation and imposed a penalty of \$500 for each of 1) and 2).

5. **Fastrack Unlimited, Inc.** – NOV #SW07-443/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 on the east side of the flood channel between Florine Avenue and Hickam Avenue west of Durango Drive, Clark County; on or about April 3, 2007.

Item continued to May 21, 2008 agenda.

6. **Harouni-Hafco and Davis Harouni** – NOV #SW08-335/23- 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; throughout 2006 and into 2007.

Hearing officer found Harouni-Hafco and Davis Harouni 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.

7. **Armando Guajardo-Olguin** – NOV #SW07-670/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 property located on the north side of 800 North Bruce Street, Las Vegas, Clark County; on or about June 7, 2007.

Item continued to May 21, 2008 agenda.

8. **Frank Martinez** – NOV #SW07-1208/E0- For 1) 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 15, 2007; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 4, 2007.

Hearing officer found Frank Martinez in violation and imposed a penalty of \$900 for 1), and a penalty of \$1,200 for 2). Corrective action of removal and proper disposal of waste is ordered as well as the development of a plan to eliminate the disposal of petroleum products upon the Public Right-of-Way during automobile repairs.

9. **Rachel Love Bellinsky** – NOV #SW07-1580/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 property located at 4860 South Eastern Avenue, Clark County; on or about November 19, 2007.

Item withdrawn by the Southern Nevada Health District.

10. **Carlos Melendez, Carlos Kitchenware and Juana Melendez** – NOV #SW07-1209/A0- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4380 Vornsand Drive, Clark County; on or about October 11, 2007; 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 October 11, 2007.

Hearing officer found Carlos Melendez, Carlos Kitchenware and Juana Melendez in violation and imposed a penalty of \$900 for each of 1) and 2).

11. **Mariano Villa Solorio** – NOV #SW07-620/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 two properties, north of Tropicana Avenue and east of Hualapai Way, Clark County; on or about June 4, 2007.

Hearing officer found Mariano Villa Solorio 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.

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

13. **Omni Family Limited Partnership** – NOV #SW07-1547/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 December 14, 2007.

Hearing officer found Omni Family Limited Partnership in violation of 2) and imposed a penalty of \$500.

14. **C & W Enterprises, Inc.** – NOV #SW07-937/C0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 14, 2007.

Hearing officer found C & W Enterprises, Inc. in violation and imposed a penalty of \$3,500. Corrective action of removal and proper disposal of waste is ordered.

15. **Golden River Investments, LLC and Cung F. Tam** – NOV #SW08-036/C0- For failure to comply with the Order issued by the Solid Waste Management Authority on January 9, 2008.

Hearing officer found Golden River Investments, LLC and Cung F. Tam in violation and imposed a penalty of \$900. Corrective action of remediation of area affected by sewage overflow is ordered.

16. **May C. Hays Trust and Keller n' Jädd Property Management** – NOV #SW08-492/C6- For failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2008.

Hearing officer found May C. Hays Trust and Keller n' Jädd Property Management in violation and imposed a penalty of \$750.

17. **Harshman Excavating Corp.** – NOV #SW07-667/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 19, 2007.

Hearing officer found Harshman Excavating Corp. in violation and imposed a penalty of \$4,100. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$12,500 as initially sought in November.

18. **G. Clell Jacobs** – NOV #SW07-1550/08- 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 upon the five acre parcel located west of Park Street, Clark County; on or about December 19, 2007.

Hearing officer found G. Clell Jacobs in violation and imposed a penalty of \$900 each for 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

19. **ZWR Investments LLC** – NOV #SW07-606/A0- 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 June 6, 2007.

Hearing officer found ZWR Investments LLC in violation and 2) and imposed a penalty of \$1,000. Failure to comply will result in the original penalty of \$3,600 as initially sought in November.

20. **John Stuart and Celebrate/Legends LLC** – NOV #SW07-1394/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 John Stuart and Celebrate/Legends 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.

21. **Pipelogistix, LLC** – NOV #SW08-440/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 upon the property located at the southwest corner of Boulder Highway and Galleria Drive, Henderson, Clark County; on or about February 20, 2008.

Hearing officer found Pipelogistix, LLC in violation of 2) and imposed a penalty of \$500.

22. **Bill Horne and Crystal Horne** – NOV #SW07-1257/E0- 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 24, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 25, 2007.

Hearing officer found Bill Horne and Crystal Horne in violation and imposed a penalty of \$700 for 2) and a penalty of \$900 for 3). Corrective action of removal and proper disposal of waste is ordered as well as the development of a plan of action describing the future storage and disposal of items placed upon the property of 1436 Palm Street to eliminate clutter and the harborage of vermin. Failure to comply will result in the original penalty of \$2,700 as initially sought in November.

23. **Platinum Real Estate Services, Lisa Kim and Dennis Green** – NOV #SW08-094/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on January 22, 2008.

Hearing officer found Platinum Real Estate Services, Lisa Kim and Dennis Green in violation and imposed a penalty of \$1,800. An action plan is ordered to detail the procedural plan actions Platinum One Real Estate Services will enact to handle all future sewage problems that arise upon all properties owned, operated and managed by Platinum Real Estate Services.

24. **The Floyd Group Corporation** – NOV #SW08-372/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4441 Rich Drive, Clark

County, on or about February 11, 2008; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 11, 2008.

Hearing officer found The Floyd Group Corporation in violation and imposed a penalty of \$1,800 for 1) and a penalty of \$2,700 for 2). Remediation of the area affected by sewage overflow is ordered.

25. **Pro Star Drop Boxes, LLC** – NOV #SW08-059/D8- 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 6131 North Hollywood Boulevard, Clark County; on or about February 6, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 23, 2008.

Item continued to May 2, 2008 agenda.

26. **Par-3 Landscape and Maintenance, Inc.** – NOV #SW08-060/D8- 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 properties located at 4606 and 4610 Wynn Road, Clark County; on or about January 30, 2008 and February 6, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 23, 2008.

Item continued to May 21, 2008 agenda.

- B. 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. **Ready Mix, Inc.** – NOV #SW08-313/D2- 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 south of Grand Teton Drive, North Las Vegas, Clark County; on or about February 2, 2008.

Hearing officer found Ready Mix, Inc. in violation and imposed a penalty of \$1,000 for each of 1) and 2). Corrective action to provide a written protocol/standard operating procedure for the maintenance of waste from cement chutes while on a job site is ordered. Failure to comply will result in the original penalty of \$3,000 as initially ordered in November.

- D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None