



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – May 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 May 21, 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.

Hearing officer found Maynard D. Garcia and Priscilla L. Garcia in violation of 1) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$2,700 as initially sought in November.

2. **Alberto Delapaz-Gtz** – NOV #SW07-1546/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 upon property located at the end of Schriber Lane, Clark County; on or about December 13, 2007.

Hearing officer found Alberto Delapaz-Gtz in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

3. **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Item withdrawn by the Southern Nevada Health District.

4. **Ron Brown and Ron Brown Excavating** – NOV #SW08-635/47- 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 property located at northeast corner intersection of Horse Avenue and Torrey Pines Drive, Clark County; on or about March 28, 2008.

Item withdrawn by the Southern Nevada Health District.

5. **Elemental Compliance Services, Inc** – NOV #SW08-480/23- 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 upon the property located at 301 West Mesquite Avenue, Las Vegas, Clark County; on or about March 3, 2008.

Hearing officer found Elemental Compliance Services, Inc 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.

6. **H.A.T. Development L.L.C.** – NOV #SW08-523/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 west of Fort Apache between Le Baron Avenue and Mountain Edge Avenue, Clark County; on or about March 7, 2008.

Item continued to June 18, 2008 agenda.

7. **David Allen Brown** – NOV #SW08-568/08- 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 vacant parcel, specifically 1.25 miles east of North Landsford Road and West Tropical Parkway, which is located 300 yards west of the terminus of Tropical Parkway, Clark County; on or about March 17, 2008.

Hearing officer found David Allen Brown in violation and imposed a penalty of \$2,000 for each of 1) and 2). Corrective action of removal and disposal of waste is ordered.

8. **Henry W. Sanchez and Shirley A. Sanchez and Frederick M. Sanchez Trust** – NOV #SW06-909/19- 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 April 6, 2006 and July 3, 2007; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2006.

Hearing officer found Henry W. Sanchez and Shirley A. Sanchez and Frederick M. Sanchez Trust in violation and imposed a penalty of \$5,400 for each of 1) and 2). Corrective actions to contract with an Environmental Manager (CEM) certified by the State of Nevada to oversee cleanup activities and conduct a site characterization of the property as well as removal and proper disposal of waste are ordered.

9. **Henry Sanchez and Shirley A. Sanchez** – NOV #SW07-909/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.

Item withdrawn by the Southern Nevada Health District.

10. **BBANDJ, LLC** – NOV #SW07-1229/47/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 21, 2008.

Hearing officer found BBANDJ, LLC in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

11. **Shane Demirjian** – NOV #SW08-296/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 29, 2008.

Hearing officer found Shane Demirjian in violation and imposed a penalty of \$2,300 for 1) and a penalty of \$1,400 for 2). Corrective action of removal and proper disposal of waste is ordered.

12. **Bluebird Garden Co. Limited Partnership** – NOV #SW08-017/23- 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 3920 North Las Vegas Boulevard, Clark County, on or about November 7, 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 7, 2007; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on November 7, 2007.

Hearing officer found Bluebird Garden Co. Limited Partnership in violation and imposed a penalty of \$900 for 1) and a penalty of \$5,000 for each of 2) and 4). Remediation of area affected by sewage overflow is ordered.

13. **Esteban Torres Jr. Vasquez** – NOV #SW07-1152/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 21, 2008.

Hearing officer found Esteban Torres Jr. Vasquez in violation and imposed a penalty of \$3,200. Corrective action of removal and proper disposal of waste is ordered.

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

- 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. **Mohammad Rafique** – NOV #SW08-469/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 upon the property located at 7000 Lindell Road, Clark County; on or about February 28, 2008.

Hearing officer found Mohammad Rafique in violation of 2) and imposed a penalty of \$500.

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

None

CALL TO ORDER – 2:00 P.M. Session

V. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

15. **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.

Pending hearing officer decision.