



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – July 30, 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 July 30, 2008 meeting, the following cases were adjudicated:

#### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Randy Gubler and Nancy Gubler** – NOV #SW08-849/47- 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 the northwest corner of Iron Mountain Road and Jones Boulevard, Las Vegas, Clark County; on or about April 26, 2008.

Hearing officer found Randy Gubler and Nancy Gubler 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.

2. **Divex, Inc. and Diversified Excavation** – NOV #SW08-938/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 Ramp 215 Tropicana Frontage and north of Hacienda Avenue, Clark County; on or about May 13, 2008.

Hearing officer found Divex, Inc. and Diversified Excavation in violation of 2) and imposed a penalty of \$900.

3. **Salvatore Bonfessuto** – NOV #SW08-412/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 property located at southeast corner of Durango Drive and Log Cabin Way, Clark County; on or about March 30, 2007, March 31, 2007 and April 1, 2007.

Hearing officer found Salvatore Bonfessuto in violation and imposed a penalty of \$2,700 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

#### MEDIA CONTACTS

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4. **Christopher Wayne Jensen** – NOV #SW07-1468/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 4831 West Craig Road, Las Vegas, Clark County; on or about November 22, 2007.

Hearing officer found Christopher Wayne Jensen in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

5. **Las Vegas ARC International** – NOV #SW07-1175/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 April 21, 2008.

Hearing officer found Las Vegas ARC International in violation of 1), imposed a \$5,000 penalty, and issued a Cease and Desist order. Failure to comply will result in the original penalty of \$14,400 as initially sought in November.

6. **Manuel L. Madrigal, Lunas Construction Clean-Up, and NVDD Holding RP1 LLC** – NOV #SW08-343/D8- For 1) operating a disposal site without a permit issued by the solid waste management authority; and **Manuel L. Madrigal, and Lunas Construction Clean-Up**– NOV #SW08-343/D8- For 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the northern portion of the property located at 4830 East Cartier Avenue and the adjacent one (1) acre parcel to the west, Clark County; on or about March 7, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 26, 2008.

Hearing officer found Manuel L. Madrigal, Lunas Construction Clean-Up, and NVDD Holding RP1 LLC in violation of 1) and 3) and imposed a penalty of \$5,000 for each. Failure to comply will result in the original penalty of \$24,200 as initially sought in November.

7. **Christopher A. Tortu, Jr. and Grimey, LLC** – NOV #SW08-096/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 January 23, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 28, 2008.

Hearing officer found Christopher A. Tortu, Jr. and Grimey, LLC in violation and imposed a penalty of \$5,000 for each of 1) and 3), and a penalty of \$900 for 2). Corrective action of removal and proper disposal of waste is ordered.

8. **Joe Barron and New Star, Inc., doing business as New Star Drop Box and New Star Drop Box Services** – NOV #SW07-1590/45- 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 March 28, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 14, 2008.

Hearing officer found Joe Barron and New Star, Inc., doing business as New Star Drop Box and New Star Drop Box Services in violation and imposed a penalty of \$15,000 for 1), a penalty of \$1,800 for 2) and a \$3,500 penalty for 3). Corrective action to retain a Certified Environmental Manager (CEM) is ordered.

9. **Ramirez Construction Clean Up LLC** – NOV #SW07-531/45- For 1) operating a disposal site (a Construction and Demolition Wastes Short-Term Storage Facility) 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 July 20, 2007.

Hearing officer found Ramirez Construction Clean Up LLC in violation and imposed a penalty of \$2,700 for 1), a \$900 penalty imposed for 2), and imposed a Cease and Desist order. Corrective action to immediately cease and desist placing, depositing, storing or dumping or causing to be placed, deposited, stored or dumped any solid waste on the vacant lot at 3020 North Nellis Boulevard in Clark County. Immediately cease and desist operating this or any other property in Clark County as a disposal site such as a construction and demolition waste short-term storage facility without a permit issued by the Solid Waste Management Authority. Removal and proper disposal of waste is also ordered. Failure to comply will result in the original penalty of \$8,100 as initially sought in November.

10. **Atilano Medina dba S.A.M. Cleanup** – NOV #SW07-175/45- For 1) operating a disposal site without a permit issued by the solid waste management authority and Solid Waste Management Authority Regulations Governing Construction and Demolition Waste Short-Term Storage Facilities; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 24, 2007.

Hearing officer found Atilano Medina dba S.A.M. Cleanup in violation and imposed a penalty of \$3,600 for 1), a penalty of \$2,000 for 2), and imposed a Cease and Desist order. Corrective action to immediately cease and desist placing, depositing, storing or dumping, or causing to be placed, deposited, stored or dumped any solid waste on the property located at 2480 Pariva Street in Clark County. Immediately cease and desist operating this or any other property in Clark County as a disposal site without a permit issued by the Solid Waste Management Authority. Removal and proper disposal of waste is also ordered.

11. **Golden Legacy Las Vegas LLC** – NOV #SW07-1563/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 19, 2008.

Hearing officer found Golden Legacy Las Vegas LLC in violation and imposed a penalty of \$2,400. Corrective action of removal and proper disposal of waste is ordered.

12. **Tabor A. Davidson** – NOV #SW07-322/A0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 14, 2007.

Hearing officer found Tabor A. Davidson in violation and imposed a penalty of \$500.

13. **Lily Wu and Zi Fei Huang** – NOV #SW08-672/C6- 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 petroleum upon the ground around the air conditioning unit of the property located at 9660 Rolling Thunder Avenue, Clark County; on or about April 10, 2008; 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 April 10, 2008.

Item withdrawn by the Southern Nevada Health District.

14. **Massi Family Spendthrift Trust, Albert D. Massi and Eileen F. Massi Trustees** – NOV #SW08-422/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 20, 2008.

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. **Elite HOA Management, Inc.** – NOV #SW08-756/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on April 25, 2008.

Hearing officer found Elite HOA Management, Inc. in violation and imposed a penalty of \$750.

2. **Maria E. Zavalza-Jaime** – NOV #SW08-655/60- 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 4714 East Bonanza Road, Las Vegas, Clark County; on or about April 2, 2008.

Hearing officer found Maria E. Zavalza-Jaime 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.

3. **CSABA Properties, LLC** – NOV #SW08-629/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 March 31, 2008.

Hearing officer found CSABA Properties, LLC in violation of 2) and imposed a penalty of \$900. 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.

4. **Floor Designs of Nevada, LLC** – NOV #SW08-952/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 into the storm drain located on the southeast corner of the cul-de-sac in front of 2602 Evening Sky Drive, Henderson, Clark County; on or about May 14, 2008.

Hearing officer found Floor Designs of Nevada, LLC in violation and imposed a penalty of \$900 for each of 1) and 2).

5. **Yamin Family 1999 L P** – NOV #SW08-294/23- 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 4, 2008.

Hearing officer found Yamin Family 1999 L P 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.

6. **Universal Carpet Care, Inc.** – NOV #SW08-858/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 2120 Ramrod Avenue, specifically the northeast corner of the parking lot, Henderson, Clark County; on or about April 24, 2008.

Hearing officer found Universal Carpet Care, Inc. in violation of 2) and imposed a penalty of \$900. Corrective action to implement and submit an employee training program that specifically addresses how to dispose of all wastewater from carpet cleaning operations is ordered. This program should include locations to dispose wastewater and how the disposal must be completed to protect the environment and prevent illegal discharge. Failure to comply will result in the original penalty of \$1,800 as initially sought in November.

7. **Jacob Daniel Morgan** – NOV #SW08-619/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 upon the property located at Fort Apache Road between West Warm Springs Road and West Wigwam Avenue, Clark County; on or about March 18, 2008.

Hearing officer found Jacob Daniel Morgan 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **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 order of April 16, 2008 is amended.