



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 20, 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 August 20, 2008 meeting, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Draketail Holdings I, LLC** – NOV #SW08-450/E0- 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 24, 2008.

Hearing officer found Draketail Holdings I, 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 Notice of Violation.

2. **Jose Sanchez** – NOV #SW08-838/08- 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 located 1.7 miles east of North Los Feliz Street and East Lake Mead Boulevard, specifically 350 feet south of East Lake Mead Boulevard, Clark County; on or about April 27, 2008.

Item continued to September 17, 2008 agenda.

3. **Tonya Johnston** – NOV #SW08-1029/G9- 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 northeast corner of Duneville Street and West Dewey Drive, Clark County; on or about May 9, 2008.

Hearing officer found Tonya Johnston 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 Notice of Violation.

4. **Kobra Nasseri and Valentina Anwar** – NOV #SW08-552/23/G9- 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 south of the intersection of West Cherokee Avenue and White Mountain Street, Clark County; on or about February 23, 2008, February 24, 2008 and March 13, 2008.

Hearing officer found Kobra Nasseri and Valentina Anwar in violation of 2) and imposed a penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$5,400 as initially sought in Notice of Violation.

5. **Nicholas Daniel Withers** – NOV #SW08-963/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 approximately 1,455 feet east of the northeast intersection of Town Center Drive and Flamingo Road then north approximately 592 feet, Clark County; on or about May 20, 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 May 20, 2008.

Hearing officer found Nicholas Daniel Withers in violation and imposed a penalty of \$500 for each of 2) and 3). Corrective action of removal and proper disposal of waste is ordered and submit written notification to indicate the locations of a minimum of four local businesses that will accept used motor oil from the public. Failure to comply will result in the original penalty of \$2,700 as initially sought in Notice of Violation.

6. **Anytime Plumbing, Inc.** – NOV #SW08-420/C0- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 7175 West Spring Mountain Road, Clark County, on or about February 16, 2008.

Hearing officer found Anytime Plumbing, Inc. in violation of 2) and imposed a penalty of \$700. Corrective action to implement an employee-training program to address how to dispose of all wastewater from service operations. The program should include the location of operators to dispose of wastewater as well as how disposal must be done to protect the environment and prevent illegal discharge. A copy of the program is to be provided to the Southern Nevada Health District. Failure to comply will result in the original penalty of \$2,150 as initially sought in Notice of Violation.

7. **Ricardo Cortez** – NOV #SW08-908/C0- For 1) operating a disposal site without a permit issued by the solid waste management authority; 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 April 25, 2008.

Item withdrawn by the Southern Nevada Health District.

8. **C & W Enterprises, Inc.** – NOV #SW07-937/C0/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 16, 2008.

Item withdrawn by the Southern Nevada Health District.

9. **The Martinez Family Limited Partnership** – NOV #SW08-375/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 February 14, 2008.

Item continued to October 15, 2008 agenda.

10. **Universal Enterprise Group, Ray Koroghli and Koroghli Family Trust** – NOV #SW08-015/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on March 7, 2008.

Item continued to September 17, 2008 agenda.

11. **Ted Olivas, Melissa Olivas and Michael Olivas Trust** – NOV #SW08-002/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 2, 2008.

Hearing officer found Ted Olivas, Melissa Olivas and Michael Olivas Trust 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.

12. **A M S Equity Ventures Trust** – NOV #SW08-578/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 19, 2008.

Hearing officer found A M S Equity Ventures Trust 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.

13. **Diana Soria-Lozano** – NOV #SW08-032/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 10, 2008.

The Southern Nevada will not proceed at this time.

14. **Charley Ray Marble, Jr. a.k.a. Charley Marble** – NOV #SW08-476/47- 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 upon the property located at 5073 San Rafael Avenue, Clark County; on or about March 24, 2008; 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 March 24, 2008; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on March 24, 2008.

Hearing officer found Charley Ray Marble, Jr. a.k.a. Charley Marble in violation and imposed a penalty of \$900 for 1), 2) and 3), and a penalty of \$1,800 for 4). Corrective action of removal and proper disposal of waste is ordered.

15. **DI Hollywood, LLC** – NOV #SW08-458/D8- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found DI Hollywood, LLC in violation and imposed a penalty of \$2,000.

16. **The Floyd Group** – NOV #SW08-372/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 16, 2008.

Hearing officer found The Floyd Group in violation and imposed a penalty of \$5,000. Corrective action to properly remediate the grey water sewage-contaminated area. Remove and lawfully deposit all solid waste at an approved disposal site.

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. **Silver State Materials, LLC** – NOV #SW08-439/45- 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 the northeast quadrant of the 3.46 acre vacant lot south of Washburn Road and west of Donna Street, North Las Vegas, Clark County; on or about February 17, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 17, 2008.

Hearing officer found Silver State Materials, LLC in violation and imposed a penalty of \$1,900 for 2) and a penalty of \$900 for 3). Corrective action to submit a training program for all drivers is ordered.

2. **Worldscape and Fiandach & Husson, Inc.** – NOV #SW08-866/G9- 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 4030 South El Capitan Way, Clark County; on or about May 2, 2008.

Hearing officer found Worldscape and Fiandach & Husson, Inc. in violation and imposed a penalty of \$1,000 for 1) and 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$5,000 as initially sought in NOV.

3. **Emerald Bay Apartments Nevada, LLC** – NOV #SW08-881/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on May 5, 2008.

Hearing officer found Emerald Bay Apartments Nevada, LLC in violation and imposed a penalty of \$1,800. Corrective action is ordered to develop and submit procedures for the proper treatment of grounds in the event of a future sewage overflow.

4. **Jason Stiles** – NOV #SW08-890/23- 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 upon the property located at 8570 West Lake Mead Boulevard, Las Vegas, Clark County, Nevada on May 6, 2008.

Hearing officer found Jason Stiles 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 NOV.

5. **AutoZone, Inc.** – NOV #SW08-957/C6- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 5055 East Tropicana Avenue, Clark County, on or about May 27, 2008; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 16, 2008.

Hearing officer found AutoZone, Inc. in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action to provide a written action plan to include employee training programs to specifically address how to prevent the accumulation of human feces and oil spillage on the property and within the dumpster containment area.

6. **Hector Isidro Rodriguez** – NOV #SW08-888/60- For failure to comply with the Order issued by the Solid Waste Management Authority on May 5, 2008.

Hearing officer found Hector Isidro Rodriguez in violation. Reimbursement of \$250 for plumber's costs and \$2,304.80 for bio-remediation costs are ordered. Failure to comply will result in the original penalty of \$3,450.80 as initially sought in Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None