



## Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 17, 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 September 17, 2008 meeting, the following cases were adjudicated:

### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **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 November 19, 2008 agenda.

2. **Maria Soto** – NOV #SW08-1128/60- 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 on the north side of East Lake Mead Boulevard, approximately ¼ mile east of the summit, Clark County; on or about June 26, 2008.

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

3. **Jose and Family Carpet Cleaning** – NOV #SW08-1081/E0- 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 4555 East Sahara Avenue, Clark County; on or about June 17, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 24, 2008.

Hearing officer found Jose and Family Carpet Cleaning in violation and imposed a penalty of \$900 for each of 2) and 3). Corrective action of removal and proper disposal of waste is ordered.

4. **Ultimate Choice Restoration, LLC** – NOV #SW08-884/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 northeast corner of the parking lot for the property located at 2120 Ramrod Avenue, Henderson, Clark County; on or about April 24, 2008.

Item withdrawn by the Southern Nevada Health District.

5. **Margarita Estrada** – NOV #SW08-1166/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 520 feet west of Leon Avenue and approximately 32 feet north of Alexander Road, Las Vegas, Clark County; on or about July 8, 2008.

Hearing officer found Margarita Estrada 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. **Enrique Saavedra** – NOV #SW08-917/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 1,890 feet due north on the graded portion of Desert Foothills Road from the west end of Far Hills Road, Las Vegas, Clark County; on or about May 8, 2008.

Hearing officer found Enrique Saavedra in violation and imposed a penalty of \$900 for each of 1) and 2).

7. **Albert Karani dba Yams Recycling** – NOV #SW08-063/45- 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 January 15, 2008 and May 9, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 10, 2008.

Hearing officer found Albert Karani dba Yams Recycling in violation and imposed a penalty of \$1,500 for each of 1) and 3).

8. **RI Heritage Inn Flint Inc** – NOV #SW08-485/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 5, 2008.

Hearing officer found RI Heritage Inn Flint Inc. in violation of 2) and imposed a penalty of \$500.

9. **Pebble Properties, LLC** – NOV #SW08-999/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 May 28, 2008.

Hearing officer found Pebble Properties, LLC 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 the Notice of Violation.

10. **Karen Andrade, Robson Andrade, and Andrade's Cleaning Company** – NOV #SW08-725/45/G7- 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 798 A Street, Las Vegas, Clark County; on or about March 26, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 29, 2006.

Hearing officer found Karen Andrade, Robson Andrade, and Andrade's Cleaning Company in violation and imposed a penalty of \$5,000 for 1), a penalty of \$900 for 2), and a penalty of \$2,500 for 3). A Cease and Desist order is issued to cease operating or authorizing the operation of a disposal site, i.e. a recycling center, without a proper permit. Corrective actions of removal and proper disposal of waste and to submit an application for a permit to operate a recycling center are ordered. Failure to comply will result in the original penalty of \$12,900 as initially sought in the Notice of Violation.

11. **Abraham J. Elliot dba A&L Recycling** – NOV #SW07-580/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 May 31, 2007.

Hearing officer found Abraham J. Elliot dba A&L Recycling in violation and imposed a penalty of \$1,500 for 1) and a penalty of \$900 for 2). A Cease and Desist order is issued to cease operating or authorizing the operation of a disposal site without a permit. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$6,300 as initially sought in the Notice of Violation.

12. **Eligio T. Davila and Emzie Carden** – NOV #SW07-183/45/45- For 1) failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 19, 2007; and 2) operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Eligio T. Davila and Emzie Carden in violation and imposed a penalty of \$6,500 for 1) and a penalty of \$8,500 for 2). Corrective action to retain a Certified Environmental Manager (CEM) is ordered.

13. **Harouni-Hafco and Davis Harouni** – NOV #SW08-335/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 16, 2008.

Hearing officer found Harouni-Hafco and Davis Harouni in violation and imposed a penalty of \$1,800. Corrective action of removal and proper disposal of waste is ordered.

14. **Elemental Compliance Services, Inc.** – NOV #SW08-480/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 21, 2008.

Item continued to October 15, 2008 agenda.

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

Hearing officer found BBANDJ, LLC in violation and imposed a penalty of \$2,800. Corrective action of removal and proper disposal of waste is ordered.

16. **Lupe, LLC and Mario Pena** – NOV #SW07-935/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 Lupe, LLC, and Mario Pena in violation and imposed a penalty of \$3,200. Corrective action to provide proof of proper disposal of waste is ordered.

17. **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 October 15, 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. **James Rogari** – NOV #SW08-1158/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 in the southwest portion of the vacant 300 acre parcel at Mountains Edge Parkway and Durango Drive, Clark County; on or about July 6, 2008.

Hearing officer found James Rogari in violation and imposed 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 \$1,800 as initially sought in the Notice of Violation.

2. **JDF Development, Inc.** – NOV #SW08-1067/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 June 11, 2008.

Hearing officer found JDF Development, Inc. in violation and imposed 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 \$1,800 as initially sought in the Notice of Violation.

3. **Ron Pacheco** – NOV #SW08-927/60- For failure to comply with the Order issued by the Solid Waste Management Authority on May 12, 2008.

Hearing officer found Ron Pacheco in violation and imposed a penalty of \$900. Corrective action to provide proof of removal and proper disposal of waste is ordered.

4. **Martin Cervantes-Ducoin** – NOV #SW08-989/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 8879 South Eastern Avenue and upon the property located on the northeast corner of Pebble Road and Jeffreys Street, Clark County; on or about May 25, 2008.

Hearing officer found Martin Cervantes-Ducoin in violation of 2) and imposed a penalty of \$500. Corrective action to submit an employee action plan to prevent future violations is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

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

2. **Christian Andrew Pitre and John L. Counseller** – NOV #SW08-533/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 on property located at 3949 Monthill Avenue, Clark County; on or about March 10, 2008.

Hearing officer order of June 18, 2008 is amended.

3. **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 May 21, 2008.

Hearing officer order of May 21, 2008 is vacated.