



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - October 15, 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 October 15, 2008, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **R. C. Farms, Inc.** – NOV #SW08-865/45- For 1) operating a disposal site without a permit issued by the solid waste management authority and Solid Waste Management Authority Regulations Governing Recycling Centers; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 2, 2008.

Item continued to November 19, 2008 agenda.

2. **Gregory Mathis** – NOV #SW08-1275/47- 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 9303 Gilcrease Avenue, Las Vegas, Clark County; on or about July 22, 2008.

Hearing officer found Gregory Mathis in violation and imposed a penalty of \$1,400 for 1) and a \$2,650 penalty for 2).

3. **Rick Sands** – NOV #SW08-959/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 2300 East Desert Inn Road, Clark County; on or about May 16, 2008.

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

4. **Brian Horner and Richard Mandarino dba Discount Lawn Services** – NOV #SW08-657/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 west of the end of Mountain Shadow Road, Las Vegas, Clark County; on or about March 28, 2008.

Hearing officer found Brian Horner and Richard Mandarino dba Discount Lawn Services 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.

5. **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.

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

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 withdrawn by the Southern Nevada Health District.

7. **Cambridge Group, LTD.** - NOV #SW08-1458/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on July 16, 2008.

Hearing officer found Cambridge Group, LTD. in violation and imposed a penalty of \$900. Correction action is ordered to develop and implement of plan of action to assure timely removal of all solid waste, proper containment of solid waste inside dumpsters, the elimination of liquid waste that is being placed inside the dumpsters, a clean and odor-free dumpster dock containment area, and the control of flies around the property located at 4545 E. Tropicana Ave.

8. **U.S. Cleaning Services, Inc.** – NOV #SW08-1255/E0- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4860 Topaz Lane, Clark County; on or about July 16, 2008; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2008.

Item withdrawn by the Southern Nevada Health District.

9. **FC Income Properties, LLC** – NOV #SW08-956/G9- 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 9, 2008.

Item continued to November 19, 2008 agenda.

10. **Jose O. Siguenza** – NOV #SW08-389/08- 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 22, 2008.

Hearing officer found Jose O. Siguenza in violation and imposed a penalty of \$900 for each of 1) and 2). Correction action of removal and proper disposal of waste is ordered.

11. **Bobby V. Luker and Patricia Luker Trust** – NOV #SW08-1048/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.

Item withdrawn by the Southern Nevada Health District.

12. **Vantage Lofts, LLC** – NOV #SW08-951/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 15, 2008.

Hearing officer found Vantage Lofts, 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.

13. **Low Ridge L.L.C.** – NOV #SW08-855/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 April 30, 2008.

Hearing officer found Low Ridge L.L.C. in violation and imposed a penalty of \$750 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.

14. **Jancee Corp.** – NOV #SW08-755/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 April 25, 2008.

Hearing officer found Jancee Corp. 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.

15. **Randy Carlson and Deborah Carlson** – NOV #SW08-630/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 Randy Carlson and Deborah Carlson in violation and imposed a penalty of \$900 for each of 1) and 2).

16. **Casino Charity Services (CCS)** – NOV #SW08-898/45- 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 12, 2008.

Hearing officer found Casino Charity Services (CCS) in violation of 1) and issued a Cease and Desist order. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

17. **Joseph Mackool dba Palmetto Tree Service** – NOV #SW08-055/45/G7- 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 24, 2008.

Hearing officer found Joseph Mackool dba Palmetto Tree Service in violation and imposed a penalty of \$5,000 for 1) and a penalty of \$12,000 for 2). Corrective action of removal and proper disposal of waste is ordered.

18. **Nevada Forest Products, Inc.** – NOV #SW08-1124/45- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Nevada Forest Products, Inc. in violation and imposed a penalty of \$1,000.

- 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. **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.

Hearing officer found The Martinez Family Limited Partnership in violation and imposed a penalty of \$500 for each of 1) and 2). Corrective action to retain a Certified Environmental Manager (CEM) is ordered. Failure to comply will result in the original penalty of \$5,400 as initially sought in the Notice of Violation.

2. **Nova Waste Paper, Inc.** – NOV #SW08-628/45- 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 1, 2008.

Hearing officer found Nova Waste Paper, Inc. in violation and imposed a penalty of \$1,500 for 1), a penalty of \$900 for 2), and issued a Cease and Desist order to discontinue the operation of a disposal site without a permit. Removal and proper disposal of waste is ordered and submission of proof of proper disposal is required. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

3. **Stanley L. Gonnella** – NOV #SW08-1346/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 517 feet north of Summerlin Centre Drive and approximately 416 feet east of Sagemont Drive, Clark County; on or about August 6, 2008.

Hearing officer found Stanley L. Gonnella 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 initial penalty of \$1,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Shane Demirjian** – NOV #SW08-296/C6/23- 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 January 29, 2008.

Hearing officer order dated May 21, 2008 is amended.

2. **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 order dated August 20, 2008 is vacated.

III. REPORTS TO HEARING OFFICER

- A. **Golden Legacy Las Vegas LLC** – NOV SW07-1563/E0/23