



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - January 21, 2009

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 January 21, 2009, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **A M S Equity Ventures Trust** – NOV #SW08-578/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 20, 2008.

Hearing officer found A M S Equity Ventures Trust in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

2. **Melissa K. Williamson** – NOV #SW08-1642/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 property located at 2102 Abels Lane, Clark County; on or about October 13, 2008.

Hearing officer found Melissa K. Williamson 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.

3. **Felipe Fonseca** – NOV #SW08-1731/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 property located at 4662 East Lake Mead Boulevard, Clark County; on or about November 2, 2008.

Hearing officer found Felipe Fonseca in violation and imposed a penalty of \$500 for each of 1) and 2).

4. **Shaloon Carpet Cleaning and James Poma** – NOV #SW08-1755/21- 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 4046 Sparrow Rock Street, Las Vegas, Clark County; on or about November 8, 2008.

Hearing officer found Shaloon Carpet Cleaning and James Poma in violation of 2) and imposed a penalty of \$500. An employee training program is to be implemented that specifically addresses how to dispose of all wastewater from carpet cleaning operations. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

5. **Regency Design and Landscaping, Inc.** – NOV #SW08-1286/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 August 18, 2008.

Hearing officer found Regency Design and Landscaping, Inc. in violation and imposed a penalty of \$500 for each of 1) and 2). A Cease and Desist Order issued to stop the operation of an unpermitted solid waste disposal site at this location or any other location within Clark County, Nev. Removal and proper disposal of waste is also ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

6. **Meadow Mesa Apartments LP and Oly-Ida Meadow Mesa Manager LLC** – NOV #SW08-1585/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 2881 North Rancho Drive, Las Vegas, Clark County; on or about September 29, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 2, 2008.

Hearing officer found Meadow Mesa Apartments LP and Oly-Ida Meadow Mesa Manager LLC in violation and imposed a penalty of \$750 for each of 2) and 3). Corrective action of removal and proper disposal of waste is ordered. Corrective action is ordered to steam clean or pressure wash and sanitize all dumpster dock containment areas and surrounding areas within 30 days and contain the pressure wash wastewater for disposal into a sanitary sewer system. In addition, the development and implementation of a plan of action to assure that dumpster dock containment areas and surrounding areas are kept free of garbage, trash and other debris at all times and no garbage, trash, or other debris enters the flood channel bordering the said property. Plan of action to include measures to routinely steam clean or pressure wash the dumpster dock containment areas to assure that all wastewater is contained and disposed of properly. A copy of the plan of action is to be submitted to the Southern Nevada Health District. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

7. **John Stuart and Celebrate/Legends LLC** – NOV #SW07-1394/C6/23- 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.

8. **Yamin Family 1999 L P** – NOV #SW08-294/23/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 30, 2008.

Item continued to February 18, 2009 agenda.

9. **Vantage Lofts, LLC** – NOV #SW08-951/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Item continued to March 18, 2009 agenda.

10. **Cambridge Group, LTD.** – NOV #SW08-1458/E0/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Hearing officer found Cambridge Group, LTD. in violation and imposed a penalty of \$1,400. Corrective action of removal and proper disposal of waste is ordered.

11. **Ford Contracting, Inc.** – NOV #SW08-1122/C0- 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 on West Oquendo, east of Wynn Road, Clark County; on or about June 26, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 26, 2008.

Hearing officer found Ford Contracting, Inc. in violation of 3) and imposed a penalty of \$2,250. An affidavit confirming that Ford Contracting, Inc. is no longer using Styrofoam is ordered.

12. **Old West Realty, Inc.** – NOV #SW08-1704/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on October 27, 2008.

Hearing officer found Old West Realty, Inc. in violation and imposed a \$5,000 penalty. Corrective action to remediate the area affected by sewage overflow is ordered.

13. **Williams Development, LLC** – NOV #SW08-1477/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 28, 2008.

Hearing officer found Williams Development, LLC in violation of 1) and imposed a penalty of \$750. Corrective action of removal and proper disposal of waste is ordered.

14. **The Floyd Group Corporation**– NOV #SW08-372/E0/23/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 20, 2008.

Hearing officer found The Floyd Group Corporation in violation and imposed a penalty of \$10,000. Corrective action to remediate the area affected by sewage overflow is ordered.

15. **Willie B. Jaquess and Shirley J. Ayo** – NOV #SW08-029/A0- 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 1400 Pyramid Drive, Las Vegas, Clark County; on or about January 9, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 25, 2008.

Item withdrawn by the Southern Nevada Health District.

16. **Willie B. Jaquess and Shirley J. Ayo** – NOV #SW08-030/A0- 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 1368 Pyramid Drive, Las Vegas, Clark County; on or about January 9, 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 January 9, 2008; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on January 25, 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. **D R Horton, Inc.** – NOV #SW08-1132/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 27, 2008.

Hearing officer found D R Horton, Inc. in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. Implementation of a barrier around the property is also ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

2. **Cream Concrete, Inc.** – NOV #SW08-667/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 195 Ozuna Court, Clark County; on or about April 4, 2008.

Hearing officer found Cream Concrete, Inc. 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 the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **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 order of September 17, 2008 is amended.

2. **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 order of September 17, 2008 is vacated.