



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – May 20, 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 May 20, 2009, the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Ford Contracting, Inc.** – NOV #SW08-1122/C0/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 21, 2009.

Hearing officer found Ford Contracting, Inc. in violation and imposed a penalty of \$1,000.

2. **Bradford Place Community Association, Inc.** – NOV #SW09-310/C6A- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 4002 Edgeford Place, Las Vegas, Clark County, on or about February 24, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 24, 2009.

Hearing officer found Bradford Place Community Association, Inc. in violation of 1) and imposed a penalty of \$3,500. Corrective action of removal and proper disposal of waste is ordered. A written action plan is ordered. The plan must include steps that are to be communicated to all staff to ensure that the response to any future incident occurs in a responsible manner. A formalized training program that incorporates precaution and remediation is encouraged.

Premier Management Services, Inc. – NOV #SW09-310/C6B- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 4002 Edgeford Place, Las Vegas, Clark County, on or about February 24, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 24, 2009.

Hearing officer also found Premier Management Services, Inc. in violation of 2) and imposed a penalty of \$500. A written action plan is ordered. The plan must include steps that are to be communicated to all staff to ensure that the response to any future incident occurs in a responsible manner. A formalized training program that incorporates precaution and remediation is encouraged.

3. **Yvonne Skrzeczyna** – NOV #SW09-278/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 313 Sea Rim Avenue, Clark County; on or about December 22, 2008.

Item continued to June 17, 2009 agenda.

4. **Dora Verastegui and Augusto Verastegui** – NOV #SW09-215/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 on the west side of the vacant lot located adjacent to 1404 East Fremont Street, Las Vegas, Clark County; on or about February 8, 2009.

Item continued to July 15, 2009 agenda.

5. **Ramiro Ramirez** – NOV #SW09-280/08- 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 north of East Alto Street, Clark County; on or about February 18, 2009.

Item continued to June 17, 2009 agenda.

6. **Jimmy Joe Wolfe** – NOV #SW09-297/08- 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 at 2450 North Hollywood Boulevard, Clark County; on or about February 22, 2009.

Hearing officer found Jimmy Joe Wolfe 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.

7. **Dana Najera** – NOV #SW09-358/60- 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 public right-of-way located at the southeast intersection of La Cienega Street and East Ford Avenue, Clark County; on or about March 3, 2009.

Hearing officer found no violation.

8. **Antonio Vasquez, Maria G. Vasquez, Arturo Vasquez and Ana B. Vasquez** – NOV #SW08-1934/47- 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 December 26, 2008.

Hearing officer found Antonio Vasquez, Maria G. Vasquez, Arturo Vasquez and Ana B. Vasquez 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.

9. **IED Rainbow Corporate IV, LLC** – NOV #SW09-030/47- 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 12, 2009.

Hearing officer found IED Rainbow Corporate IV, LLC in violation and imposed a penalty of \$5,000 each for 1) and 2). Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist ordered is issued to stop operating a solid waste disposal site without a proper permit from the solid waste management authority.

10. **Nellis Boulevard LLC** – NOV #SW09-112/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 26, 2009.

Hearing officer found Nellis Boulevard 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.

11. **A M S Equity Ventures Trust** – NOV #SW08-578/C6/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 21, 2009.

Hearing officer found A M S Equity Ventures Trust in violation and imposed a penalty of \$3,000. Corrective action of removal and proper disposal of waste is ordered.

12. **Pinnacle Community Association Management** – NOV #SW09-277/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3151 North Soaring Gulls Drive, specifically building 2, Las Vegas, Clark County, on or about February 18, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 18, 2009.

Hearing officer found Pinnacle Community Association Management in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,800 for 2). Remediation of the area affected by raw sewage overflow is ordered. Failure to comply will result in the original penalty of \$4,300 as initially sought in the Notice of Violation.

13. **Scope Development LLC** – NOV #SW09-221/G9- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 1450 North Nellis Boulevard, Clark County, on or about February 6, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 6, 2009.

Hearing officer found Scope Development LLC in violation and imposed a penalty of \$5,000 for each of 1), 2) and 3). Corrective action is ordered to contract with a licensed plumber or plumbing company to have all damaged sewer lines repaired and replaced. Provide receipts, contract agreement and/or invoices of any and all work completed to repair and replace all damaged sewer lines on the property.

14. **Rodney Riepenhoff** – NOV #SW09-212/60- 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 vacant parcel located west of 148 North Parawan Street, Henderson, Clark County; on or about January 27, 2009.

Hearing officer found Rodney Riepenhoff 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. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority.

15. **Robert E. Van Ordstrand and Fred Doumani, Jr.** – NOV #SW09-003/32- 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 8, 2009.

Hearing officer found Robert E. Van Ordstrand and Fred Doumani, Jr. 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. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority.

16. **Christopher A. Tortu, Jr. and Grimey LLC** – NOV #SW08-631/45- For 1) operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Christopher A. Tortu, Jr. and Grimey LLC in violation and imposed a penalty of \$11,000. Corrective action is ordered to implement a policy and training programs for all representatives of Grimey LLC. The policy and training programs must include procedures to follow the placement of drop boxes, the loading of solid waste into the drop boxes to ensure that no waste is dumped on the ground, and the removal of solid waste and solid waste drop boxes that adhere to all current laws.

17. **Elvira Cozzens** – NOV #SW08-034/45/G7- 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 8, 2008 and February 3, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 4, 2008.

Hearing officer found Elvira Cozzens in violation and imposed a penalty of \$500 for each of 1) and 2), and a \$900 penalty for 3). A Certified Environmental Manager (CEM) is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

18. **Maria Tamayo** – NOV #SW08-035/45/G7- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Maria Tamayo in violation and imposed a penalty of \$500. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority.

19. **Mold Doctor, LLC** – NOV #SW08-1842/G7- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Mold Doctor, LLC in violation and imposed a penalty of \$500.

20. **Goldstrom Rentals, Inc.** – NOV #SW09-014/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 January 12, 2009.

Hearing officer found Goldstrom Rentals, Inc. in violation and imposed a penalty of \$24,000 for 1) and a penalty of \$5,000 for 2). Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority.

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. **Maria L. Tamayo** – NOV #SW08-021/45/G7- 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 8, 2008 and February 3, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 11, 2008.

Hearing officer found Maria L. Tamayo in violation and imposed a penalty of \$500 for each of 1) and 2), and a penalty of \$900 for 3). A Certified Environmental Manager (CEM) is ordered. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority.

2. **JP Dinapoli Companies Inc. and Lamb II Sagebrush LLC** – NOV #SW08-1909/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 December 23, 2008.

Hearing officer found JP Dinapoli Companies Inc. and Lamb II Sagebrush LLC 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.

3. **Imperial Capital Bank** – NOV #SW08-1915/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 December 23, 2008.

Hearing officer found Imperial Capital Bank in violation of 2) and imposed a penalty of \$900.

4. **Frederick A Erickson Trust and Frederick A Erickson Trustee** – NOV #SW08-1917/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 December 23, 2008.

Hearing officer found Frederick A Erickson Trust and Frederick A Erickson Trustee in violation and imposed a penalty of \$500.

5. **Restaurant Liquid Services, LLC dba Restaurant Technologies, Inc.** – NOV #SW09-016/G7- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Restaurant Liquid Services, LLC dba Restaurant Technologies, Inc. in violation and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit issued from the solid waste management authority.

6. **Hampton Apts., Inc.** – NOV #SW09-111/60- For causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3070 South Nellis Boulevard, Clark County, on or about January 22, 2009.

Hearing officer found Hampton Apts., Inc. in violation and imposed a penalty of \$2,000. A preventative maintenance program is ordered for the lift station to be conducted by a licensed contractor and includes monthly inspections on the system.

7. **Divine Wind, Inc.** – NOV #SW09-298/G9- 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 into the Las Vegas wash located south of Sunrise Oaks Trailer Park, Clark County; on or about February 23, 2009; 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 February 23, 2009.

Hearing officer found Divine Wind, Inc. in violation and imposed a penalty of \$500 for each of 2) and 3).

8. **John N. Schaller** – NOV #SW09-347/60- 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 on property located on the west side of South Hollywood Boulevard just north of Duck Creek Flood Channel, Clark County; on or about March 3, 2009.

Hearing officer found John N. Schaller in violation 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.

C. *NOTICES OF VIOLATION – FURTHER PROCEEDINGS:*

1. **Hector Camacho** – NOV #HW05-007/B6- 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 1335 Ringe Lane, Clark County; on or about March 11, 2005; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 14, 2005.

Hearing officer order of June 15, 2005 is amended.

2. **Done Right Plumbing Incorporated** – NOV #SW08-1882/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 the northwest corner of Le Baron Avenue and El Capitan Way, Clark County; on or about December 11, 2008.

Hearing officer order of March 28, 2009 is amended.