



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - July 15, 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 July 15, 2009 the following cases were adjudicated:

#### II. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Kyle Acquisition Group, LLC** – NOV #SW08-1057/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 four properties located south of the intersection of Oso Blanca Road and Kyle Canyon Road, Las Vegas, Clark County; on or about June 13, 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 November 16, 2008; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 16, 2008.

Item continued to September 16, 2009 agenda.

2. **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.

Hearing officer found Augusto Verastegui in violation and imposed a penalty of \$500 for each of 1) and 2). Retention of a Certified Environmental Manager (CEM) is ordered.

3. **Cary Lee Rider** – NOV #SW09-402/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 southwest corner of Lucerne Street and Nevada Avenue, Clark County; on or about December 18, 2008.

Hearing officer found Cary Lee Rider in violation and imposed a penalty of \$900 for each of 1) and 2).

4. **LaShannon Spencer** – NOV #SW09-417/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 consisting of paint waste upon the property located at 1587 Dusty Canyon Street, Henderson, Clark County; on or about December 21, 2008.

Hearing officer found LaShannon Spencer 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. **Adalberto Quiroz Mejia** – NOV #SW09-582/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 east of 320 Foxhall Road, Henderson, Clark County; on or about April 15, 2009.

Hearing officer found Adalberto Quiroz Mejia in violation and imposed a penalty of \$900 for each of 1) and 2).

6. **Envision Concrete LLC** – NOV #SW09-433/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 consisting of dirt spoils upon the vacant parcel located on the northwest corner of Gibson Road and Paseo Verde Parkway, Henderson, Clark County; on or about March 10, 2009.

Hearing officer found Envision Concrete LLC in violation and imposed a penalty of \$5,000 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

7. **Aquileo Ortega-Gonzalez** – NOV #SW09-563/08- 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 property located at 2900 Olive Street, Clark County; on or about April 8, 2009.

Hearing officer found Aquileo Ortega-Gonzalez in violation and imposed a penalty of \$900 for each of 1) and 2).

8. **Wesley Johnson** – NOV #SW09-229/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 upon the public right of way approximately nine hundred (900) feet west of Range Road on the north side of El Campo Grande Avenue, North Las Vegas, Clark County; on or about February 9, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 17, 2009.

Hearing officer found Wesley Johnson in violation and imposed a penalty of \$750 for each of 2) and 3).

9. **Wayne Jacks** – NOV #SW08-1592/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 September 29, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 17, 2008.

Hearing officer found Wayne Jacks in violation and imposed a penalty of \$900 for each of 1), 2), and 3). If proof of corrective action for item 3) is provided, the \$900 penalty will be withdrawn.

10. **Jeffrey K. Leung** – NOV #SW09-121/32- 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 February 12, 2009.

Item withdrawn by the Southern Nevada Health District.

11. **TLP Trust – Thomas J. Paonessa and Lisa Paonessa Trustees** – NOV #SW08-1967/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 December 30, 2008.

Hearing officer found TLP Trust – Thomas J. Paonessa and Lisa Paonessa Trustees 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 the Notice of Violation.

12. **Steven E. Grant and Cindy E. Grant** – NOV #SW08-1894/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 December 17, 2008.

Item continued to August 19, 2009 agenda.

13. **Michael D. Wilson and Kristin Wilson** – NOV #SW09-054/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 14, 2009.

Item continued to August 19, 2009 agenda.

14. **Astoria Pearl Creek, LLC** – NOV #SW09-048/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 13, 2009.

Hearing officer found Astoria Pearl Creek, 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.

15. **Jose Galvez** – NOV #SW09-343/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 March 2, 2009.

Hearing officer found Jose Galvez in violation and imposed a penalty of \$5,000 for each of 1) and 2). A plumbing reimbursement cost of \$2,425 is ordered. In addition, the development of a plan to prevent future raw sewage overflows on the property located at 384 N. 14<sup>th</sup> St. in Las Vegas is also ordered. The prevention plan must be submitted to the Southern Nevada Health District.

16. **Ann Coleman LLC** – NOV #SW09-365/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 13, 2009.

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

17. **Jose Diaz dba JGD Construction Clean Up** – NOV #SW09-330/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 March 24, 2009.

Hearing officer found Jose Diaz dba JGD Construction Clean Up in violation and imposed a penalty of \$6,400 for 1) and a penalty of \$1,400 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 proper permit from the solid waste management authority.

18. **S.A.M. Clean-Up Co., Inc.** – NOV #SW09-125/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 February 19, 2009.

Hearing officer found S.A.M. Clean-Up Co., Inc. in violation and imposed a penalty of \$3,000 for 1) and a penalty of \$1,500 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 proper permit from the solid waste management authority.

19. **Basic Environmental Company LLC** – NOV #SW09-047/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 13, 2009.

Hearing officer found Basic Environmental Company LLC in violation and imposed a penalty of \$2,300 for 2). Corrective action of removal and proper disposal of waste is ordered.

20. **WAZOO, LLC** – NOV #SW08-340/45- 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 February 6, 2008, September 5, 2008, September 23, 2008, November 3, 2008 and November 7, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 17, 2008.

Hearing officer found WAZOO, LLC in violation and imposed a penalty of \$1,000 for each of 1) and 2), and a penalty of \$900 for 3). Failure to comply will result in the original penalty of \$9,900 as initially sought in the Notice of Violation.

- 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. **New Nellis River, LLC** – NOV #SW09-160/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 March 4, 2009.

Hearing officer found New Nellis River, 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.

- C. *NOTICES OF VIOLATION – FURTHER PROCEEDINGS:*

None