



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 19, 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 August 19, 2009 the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Petco Animal Supplies Stores, Inc.** – NOV #SW09-681/C0- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of animal waste (i.e., animal hair, animal urine or feces, anal gland secretions, animal wash waste) to overflow upon the public right-of-way at the intersection of Town Center Drive and Desert Primrose Lane, Clark County, on or about May 1, 2009.

Item continued to December 16, 2009 agenda.

2. **Omar Vargas-Solis** – NOV #SW09-464/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 into the dumpster located at 3655 East Sahara Avenue, Clark County; on or about March 25, 2009.

Hearing officer found Omar Vargas-Solis in violation and imposed a penalty of \$500 for each of 1) and 2). Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

3. **Sean Michael Wilson, Michael Wilson and Cassandra Lynn Dickinson** – NOV #SW09-399/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 public right-of-way located west of 3475 West Rush Avenue, Clark County; on or about March 10, 2009.

Item withdrawn by the Southern Nevada Health District.

4. **Hector Javier Romo-Hernandez** – NOV #SW09-183/57- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) for engaging in the unauthorized collection of recyclable materials in Clark County, Nevada on or about February 11, 2009 and February 19, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 27, 2009.

Hearing officer found Hector Javier Romo-Hernandez in violation and imposed a penalty of \$1,050 for each of 1) and 2), and a penalty of \$900 for 3). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

5. **Royal Festivals, Inc.** – NOV #SW09-738/C0- 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 10, 2009.

Hearing officer found Royal Festivals, Inc. in violation and imposed a penalty of \$1,000 for 3). Written procedures for the proper disposal of all waste, gray water, wastewater, or grease in a manner to protect the environment is ordered.

6. **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.

Hearing officer found Steven E. Grant and Cindy E. Grant in violation and imposed a penalty of \$900 for each of 1) and 2). Proof of proper disposal of waste is ordered.

7. **Renu Oil of America, Inc.** – NOV #SW09-386/45- 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 March 13, 2009.

Hearing officer found Renu Oil of America, Inc. in violation and imposed a penalty of \$2,500 for 1), and a penalty of \$19,900 for 2). In addition, Renu Oil of America, Inc. must apply for and receive a recycling center permit, allow for inspections, and provide proof disposal of waste. Failure to comply will result in the original penalty of \$23,400 as initially sought in the Notice of Violation.

8. **Emzie Carden and Eligio T. Davila** – NOV #SW07-183/45/45/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 17, 2008.

Hearing officer found Emzie Carden and Eligio T. Davila in violation and imposed a penalty of \$4,900. Corrective action to provide a report prepared by a Certified Environmental Manager (CEM) to document any remediation and proof of proper disposal of waste as described herein is ordered.

9. **Roy L. Thomas** – NOV #SW08-1871/C6- 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 December 9, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 22, 2008.

Hearing officer found Roy L. Thomas in violation and imposed a penalty of \$900 for each of 1), 2) and 3). Corrective action of removal and proper disposal of waste is ordered.

10. **Aldo R. Skewes and Irma T. Olvera Jimenez** – NOV #SW09-126/A0- 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 2, 2009.

Hearing office found Aldo R. Skewes and Irma T. Olvera Jimenez 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 at this location or any other in Clark County is ordered as well as the implementation of weekly visual inspections of the property.

11. **Mary Bartsas 10 LLC** – NOV #SW09-385/32- 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 March 9, 2009.

Hearing officer found Mary Bartsas 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.

12. **Broadacres LTD and Madison J. Bowman** – NOV #SW09-355/08- 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 March 9, 2009.

Hearing officer found Broadacres LTD and Madison J. Bowman 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.

- 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. **Renu Oil of America, Inc.** – NOV #SW08-1810/45- For operating a disposal site without a permit issued by the solid waste management authority.

Hearing officer found Renu Oil of America, Inc. in violation and imposed a penalty of \$3,000. Failure to comply will result in the original penalty of \$3,400 as initially sought in the Notice of Violation.

2. **Jaime Teran and Blanca Muniz** – NOV #SW08-1908/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 properties located at 325 North Decatur Boulevard, Las Vegas, Clark County; on or about December 18, 2008.

Hearing officer found Jaime Teran and Blanca Muniz in violation and imposed a penalty of \$500 for each of 1) and 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

3. **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.

Hearing officer found Michael D. Wilson and Kristen Wilson 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.

4. **HTEM Enterprise LLC** – NOV #SW09-139/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 April 2, 2009.

Hearing officer found HTEM Enterprise LLC in violation of 2) and imposed a penalty of \$500.

5. **Badger Construction** – NOV #SW09-560/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 near the intersection of Edmond Street and Cougar Avenue, Clark County; on or about April 13, 2009.

Hearing officer found Badger Construction in violation of 2) and imposed a penalty of \$900. Correction action of proof of removal and proper disposal of waste is ordered. A formalized training program that incorporates the proper disposal of solid waste from job sites is also ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **T.M.C. Realty & Management, Inc.** – NOV #SW09-654/E0- 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 1720 West Bonanza Road, Las Vegas, Clark County, on or about April 28, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 28, 2009.

Hearing officer found T.M.C. Realty & Management, Inc. in violation and imposed a penalty of \$900 for each of 1), 2) and 3). Remediation of area affected by sewage overflow is ordered.

7. **Richmond American Homes of Nevada, Inc.** – NOV #SW09-663/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 at the north end of the property located at 8016 West Shelbourne Avenue, Clark County; on or about April 25, 2009.

Hearing officer found Richmond American Homes of Nevada, Inc. in violation and imposed a penalty of \$3,000 for 1), and a \$500 penalty for 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$3,900 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None