



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 16, 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 September 16, 2009 the following cases were adjudicated:

II. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Copper Sage Commerce Ctr. LLC, Deborah Russell and Robert Russell** – NOV #SW08-1888/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 April 20, 2009.

Item continued to November 18, 2009 agenda.

2. **MedicWest Ambulance, Inc.** – NOV #SW09-865/E0- 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 1450 West Cheyenne Avenue, North Las Vegas, Clark County; on or about June 2, 2009.

Item continued to November 18, 2009 agenda.

3. **Felipe Garcia-Munoz** – NOV #SW09-034/57- 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 11, 2009.

Item continued to October 21, 2009 agenda.

4. **H.A.T. Development L.L.C.** – NOV #SW09-673/32- 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 Torino Avenue and Market Heights Street, Clark County; on or about April 26, 2009.

Item continued to November 18, 2009 agenda.

5. **KNL Construction LLC** – NOV #SW09-580/32- 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 lot located north of the intersection of Majestic Bluff Place and Cascade Ridge Court, Clark County; on or about the week of April 13, 2009.

Hearing officer found KNL Construction 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. 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.

6. **Ryan P. Teeter** – NOV #SW09-383/E0- 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 up the vacant parcel located on the northeast corner intersection of Dorrell Lane and Thom Boulevard, Las Vegas, Clark County; on or about March 7, 2009.

Hearing officer found Ryan P. Teeter 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. **Artur Terabelian** – NOV #SW09-574/E0- 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 on the northeast corner intersection of Donald Nelson Avenue and Sisk Road, Clark County; on or about April 14, 2009.

Hearing officer found Artur Terabelian 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.

8. **Gerald A. Foley** – NOV #SW09-868/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 347 West Sunset Road, Henderson, Clark County; on or about May 28, 2009.

Hearing officer found Gerald A. Foley in violation and imposed a penalty of \$900 for each of 1) and 2).

9. **Las Vegas Metals Recycling, LLC** – NOV #SW08-1278/45- For 1) Solid Waste Management Authority Regulations Governing Recycling Centers adopted by the Southern Nevada Health District Board of Health (formerly Clark County Health District Board of Health) on December 13, 2001 as amended January 24, 2002, Section 4.1(d), for operating a recycling center in Clark County, Nevada, in violation of the Recycling Center permit, RC023-XXX-001, issued to Las Vegas Metals Recycling, LLC, by the Solid Waste Management Authority on or about July 23, 2008 and May 18, 2009; and 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 July 23, 2008 and May 18, 2009.

Hearing officer found Las Vegas Metals Recycling, LLC in violation of 1) and imposed a penalty of \$1,000. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

10. **Mary Bartsas 4, LLC** – NOV #SW09-603/08- 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 April 21, 2009.

Item continued to November 18, 2009 agenda.

11. **The Masters Association Management, LLC** – NOV #SW09-860/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 1824 Rexford Drive, Las Vegas, Clark County, on or about June 1, 2009 and June 5, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 1, 2009.

Item continued to November 18, 2009 agenda.

12. **HH INV, LLC and Omega Vista, LLC** – NOV #SW09-167/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 March 31, 2009.

Hearing officer found HH INV, LLC and Omega Vista, 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. 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. In addition, HH INV, LLC and Omega Vista, LLC is ordered to install, create and secure berms.

13. **Fernando Dominguez and Rubicelia Santos Diaz** – NOV #SW09-630/57- 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 28, 2009.

Hearing officer found Fernando Dominguez and Rubicelia Santos Diaz in violation and imposed a penalty of \$1,800 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, Nev.

14. **Alliance PP2 FX3 Limited Partnership** – NOV #SW09-845/C6- 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 4775 Topaz Street, Clark County, on or about May 28, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 28, 2009.

Hearing officer found Alliance PP2 RX3 Limited Partnership in violation and imposed a penalty of \$1,000 for 2) and a penalty of \$1,800 for 3). Corrective action of removal and proper disposal of waste is ordered. Remediation of area affected by sewage overflow is ordered. Failure to comply will result in the original penalty of \$5,400 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. **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.

Hearing officer found Kyle Acquisition Group, LLC in violation and imposed a penalty of \$900 for each of 1) and 4).

2. **Liberty Transportation LLC** – NOV #SW09-471/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) Solid Waste Management Authority Regulations Governing Recycling Centers adopted by the Southern Nevada District Board of Health on December 13, 2001 as amended January 24, 2002 for operating a recycling center without the approval of the Solid Waste Management Authority on March 24, 2009 and May 4, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 3, 2009.

Hearing officer found Liberty Transportation LLC in violation and imposed a penalty of \$1,350 for 1), and a penalty of \$900 for each of 2) and 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.

3. **Eduardo Barragan-Ochoa** – NOV #SW09-474/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 intersection of East Marion Drive and the Cedar Avenue Drainage Channel, Clark County; on or about March 25, 2009.

Hearing officer found Eduardo Barragan-Ochoa in violation of 2) and imposed a penalty of \$750. Correction 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. **Steven C. Belanger and Juliet Ann Belanger** – NOV #SW09-559/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 at 805 Rock Springs Drive, Las Vegas, Clark County; on or about April 10, 2009.

Hearing officer found Steven C. Belanger and Juliet Ann Belanger 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.

5. **Marlon A. Fuentes** – NOV #SW09-740/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 intersection of Tee Pee Lane and Florine Avenue, Las Vegas, Clark County; on or about May 11, 2009.

Hearing officer found Marlon A. Fuentes 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.

6. **John Brian Summey** – NOV #SW09-919/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 vacant property located on the north end of Vegas Vista Trail, Las Vegas, Clark County; on or about June 10, 2009.

Hearing officer found John Brian Summey 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.

C. *NOTICES OF VIOLATION – FURTHER PROCEEDINGS:*

1. **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 order dated July 15, 2009 is amended.