



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - October 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 October 21, 2009 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **George Uftring** - NOV #SW09-954/E0- For 1) operating a disposal site in Clark County, Nevada, 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 on the east side of Buffalo Drive approximately 340 feet north of the center of Lone Mountain Road, Clark County, Nevada on or about June 18, 2009.

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

2. **Emilio J. Olazabal-Cancela** - NOV #SW09-1032/C6- For 1) operating a disposal site in Clark County, Nevada, 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 dumpsters located at 3655 East Sahara Avenue, Clark County, Nevada on or about July 6, 2009.

Hearing officer found Emilio J. Olazabal-Cancela in violation and imposed a penalty of \$900 for each of 1) and 2).

3. **Bryan Reagan** - NOV #SW09-828/C6- For 1) operating a disposal site in Clark County, Nevada, 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, Nevada on or about May 26, 2009.

Hearing officer found Bryan Reagan in violation of 2) 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.

4. **Rafael Angel-Santos** - NOV #SW09-922/32- For 1) operating a disposal site in Clark County, Nevada, 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 4.34 acre vacant parcel located at 8016 Shelbourne Avenue, Clark

County, Nevada on or about June 4, 2009; and 3) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose.

Hearing officer found Rafael Angel-Santos in violation and imposed a penalty of \$900 for each of 1), 2) and 3). Corrective action of removal and proper disposal of waste and the retention of a Certified Environmental Manager (CEM) are both 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.

5. **Francis J. Keane** - NOV #SW09-1079/C6- For 1) operating a disposal site in Clark County, Nevada, 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 household trash, plastic sheeting, trash bags, paper trash containing person letters addressed to Frank J. Keane, 800 South Casino Center Boulevard, Las Vegas, Nevada, 89101, envelopes, photos and official business letters, cardboard and miscellaneous solid waste upon the public right-of-way located at the 3000 block of Oquendo Road continuing west of Little Cove Court, Clark County, Nevada on or about July 21, 2009.

Item withdrawn by the Southern Nevada Health District.

6. **J & J Enterprises, Inc.** - NOV #SW09-728/32- For 1) operating a disposal site in Clark County, Nevada, 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 18, 2009.

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7. **Hafez Development LLC** - NOV #SW09-763/32- For 1) operating a disposal site in Clark County, Nevada, 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 22, 2009.

Hearing officer found Hafez Development 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.

8. **Intellitrust Group, LLC** - NOV #SW09-649/32- For 1) operating a disposal site in Clark County, Nevada, 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 22, 2009.

Hearing officer found Intellitrust Group, LLC in violation of 2) and imposed a penalty of \$900. 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.

9. **Chui Kwan** - NOV #SW08-1176/60- For 1) operating a disposal site in Clark County, Nevada, 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 July 18, 2008.

Hearing officer found Chui Kwan in violation and imposed a penalty of \$900 for 1) and a penalty of \$2,000 for 2). Corrective action of proper removal and disposal of waste is ordered. A written, bi-weekly property maintenance program is ordered to prevent solid waste accumulation upon the grounds and in the dumpster area is to be submitted to the solid waste management authority.

10. **Jeffery Earl Cohee** - NOV #SW09-822/G9- For 1) operating a disposal site in Clark County, Nevada, 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 southeast corner of Owens Avenue and Morning Sun Way, Clark County, Nevada on or about May 26, 2009.

Hearing officer found Jeffery Earl Cohee in violation of 2) and imposed a penalty of \$500.

11. **Richard Gaona** - NOV #SW08-1536/G9- For 1) operating a disposal site in Clark County, Nevada, 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 5264 Hagemann Lane, Clark County, Nevada on or about September 19, 2008; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 22, 2008.

Hearing officer found Richard Gaona in violation and imposed a penalty of \$900 for each of 1), 2), and 3). In addition, provide tenants with a solid waste receptacle in which they can dispose of their household waste.

12. **Steven Allen** – NOV #SW09-896/G9- For 1) operating a disposal site in Clark County, Nevada, 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 2327 South Eastern Avenue, Las Vegas, Clark County, Nevada on or about June 5, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 5, 2009.

Hearing officer found Steven Allen in violation and imposed a penalty of \$900 for 2), and a penalty of \$1,000 for 3). Remediation of area affected by sewage overflow is ordered. Contract with a certified, licensed plumber or plumbing company for repairs. Failure to comply will result in the original penalty initially sought in the Notice of Violation.

13. **Doloresa Renkiewicz** – NOV #SW08-1973/G9- For 1) operating a disposal site in Clark County, Nevada, 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 2, 2009.

Hearing officer found Doloresa Renkiewicz in violation and imposed a penalty of \$2,400 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Doloresa Renkiewicz** – NOV #SW08-1350/C6- For 1) operating a disposal site in Clark County, Nevada, 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 October 27, 2008.

Hearing officer found Doloresa Renkiewicz in violation and imposed a penalty of \$2,400 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

15. **Doloresa-Marie R. Renkiewicz** – NOV #SW08-997/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 17, 2008.

Hearing officer found Doloresa-Marie R. Renkiewicz in violation and imposed a penalty of \$4,300. Corrective action of removal and proper disposal of waste is ordered.

16. **Pecos-Sunset Partners, LLC and Winstar, LLC** – NOV #SW09-389/C6- For 1) operating a disposal site in Clark County, Nevada, 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 23, 2009.

Hearing officer found Pecos-Sunset Partners, LLC and Winstar, 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.

17. **Michael I. Salman** – NOV #SW09-511/C6- For 1) operating a disposal site in Clark County, Nevada, 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 6, 2009.

Hearing officer found Michael I. Salman 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.

18. **Lancam Properties, LLC and 10705 Rose Avenue, LLC** – NOV #SW09-846/C6- For 1) operating a disposal site in Clark County, Nevada, 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 1, 2009.

Hearing officer found Lancam Properties, LLC and 10705 Rose Avenue, 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.

19. **Airport Inn of Las Vegas** – NOV #SW09-554/C0- For 1) operating a disposal site in Clark County, Nevada, 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.

Hearing officer found Airport Inn of Las Vegas in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

20. **Martha Lagunas and Alberto Velazquez** – NOV #SW07-1558/C0- For 1) operating a disposal site in Clark County, Nevada, 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, 2007.

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21. **GMAC Mortgage, LLC** – NOV #SW09-646/C0- For 1) operating a disposal site in Clark County, Nevada, 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 30, 2009.

Hearing officer found GMAC Mortgage, 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 as well as the retention of a Certified Environmental Manager (CEM).

22. **Southwest Desert Equities LLC and Focus Investment Manager, LLC** – NOV #SW09-909/E0- For 1) operating a disposal site in Clark County, Nevada, 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 10, 2009.

Hearing officer found Southwest Desert Equities LLC and Focus Investment Manager, LLC in violation and imposed a penalty of \$900 for 1), and a penalty of \$500 for 2). Failure to comply will result in the original penalty of \$2,650 as initially sought in the Notice of Violation.

23. **Hillarie Kennedy** – NOV #SW09-747/E0- For 1) operating a disposal site in Clark County, Nevada, 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 20, 2009.

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24. **Celebrate Homes 43 LLC** – NOV #SW09-011/E0- For 1) operating a disposal site in Clark County, Nevada, 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 7, 2009.

Hearing officer found Celebrate Homes 43 LLC in violation of 2) and imposed a penalty of \$500. Proof of proper removal and disposal of waste is ordered.

25. **Los Compadres Meat Market #6, LLC** – NOV #SW09-836/E0- For 1) operating a disposal site in Clark County, Nevada, 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 1110 East Charleston Boulevard, Las Vegas, Clark County, Nevada on or about May 19, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 4, 2009.

Hearing officer found Los Compadres Meat Market #6, LLC 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. 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. The development and implementation of a plan of action is ordered to assure all food waste is disposed of in appropriate closed bags and stored in a closed dumpster to eliminate the attraction of insects and vermin, and to stop liquid food waste from leaking into the open environment.

26. **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.

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- 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. **Raul Herrera-Delarosa** – NOV #SW08-903/45/45- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 17, 2008.

Hearing officer found Raul Herrera-Delarosa in violation and imposed a penalty of \$1,600. Failure to comply will result in the original penalty of \$2,500 as initially sought in the Notice of Violation.

2. **Melecio Bautista** – NOV #SW09-581/C0- For 1) operating a disposal site in Clark County, Nevada, 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 on the southeast corner intersection of Bob Fisk Avenue and Durango Drive, Clark County, Nevada on or about April 15, 2009.

Hearing officer found Melecio Bautista 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 initially sought in the Notice of Violation.

3. **Lorenzo Morales-Vera** – NOV #SW09-716/08- For 1) operating a disposal site in Clark County, Nevada, 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 east of North Lamb Boulevard, Clark County, Nevada on or about May 1, 2009.

Hearing officer found Lorenzo Morales-Vera 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **Francisco Avalos-Mota** – NOV #SW09-717/08- For 1) operating a disposal site in Clark County, Nevada, 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 east of North Lamb Boulevard, Clark County, Nevada on or about May 1, 2009.

Hearing officer found Francisco Avalos-Mota 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

5. **Kings Sweepers LLC** – NOV #SW09-819/32- For 1) operating a disposal site in Clark County, Nevada, 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 east of Bowes Avenue, Henderson, Clark County, Nevada on or about May 23, 2009.

Hearing officer found Kings Sweepers LLC in violation and imposed a penalty of \$500 for each of 1) and 2).

6. **William G. Coulthard Test Trust A & B** – NOV #SW09-906/C6- For 1) operating a disposal site in Clark County, Nevada, 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 10, 2009.

Hearing officer found William G. Coulthard Test Trust A&B in violation and imposed a penalty of \$750. Proof of proper removal and disposal of waste is ordered.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Adrian Ramos-Monjaras and Laura Ramos-Monjaras** – NOV #SW09-324/G9- For 1) operating a disposal site in Clark County, Nevada, 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 2148 Bledsoe Lane, Clark County, Nevada on March 2, 2009.

Hearing officer order dated June 17, 2009 is vacated.