



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – November 18, 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 November 18, 2009 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **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 dismissed by hearing officer.

2. **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, Nevada 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.

Hearing officer found The Masters Association Management, LLC in violation and imposed a penalty of \$1,000 for 1), and a penalty of \$1,800 for 2). Sewage remediation steps and staff training are 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. Failure to comply will result in the original penalty of \$5,400 as sought in the Notice of Violation.

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

Hearing officer found H.A.T. Development L.L.C. in violation and imposed a penalty of \$900 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 permit from the solid waste management authority at this location or any other in Clark County, Nev.

4. **Tracy C. Ross** – NOV #SW09-984/32- 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 property located at 2950 South Decatur Boulevard, Las Vegas, Clark County, Nevada on or about June 24, 2009.

Hearing officer found Tracy C. Ross in violation and imposed a penalty of \$900 for 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.

5. **Candy Kim Sedgwick** – NOV #SW09-801/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 June 20, 2009.

Hearing officer found Candy Kim Sedgwick in violation and imposed a penalty of \$900 for each of 1) and 2).

6. **Pearson Trenching and Trucking and Roger Pearson** – NOV #SW09-891/C0 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 public right-of-way located approximately one block east of Torrey Pines Drive and south of Blue Diamond Road, Clark County, Nevada 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 on or about June 3, 2009.

Item continued to December 16, 2009 agenda.

7. **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.

Hearing officer found Felipe Garcia-Munoz in violation and imposed a penalty of \$1,500 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 \$41,000 as initially sought in the Notice of Violation.

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

Item continued to December 16, 2009 agenda.

9. **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.

Hearing officer found Martha Lagunas and Alberto Velazquez in violation of 2) and imposed a penalty of \$750. 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

10. **Pinnacle Community Association Management** – NOV #SW09-445/47- 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 3151 Soaring Gulls Drive, Las Vegas, Clark County, Nevada on or about March 19, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 24, 2009.

Hearing officer found Pinnacle Community Association Management in violation and imposed a penalty of \$1,000 for 2) and a \$2,000 penalty for 3). Corrective action of removal and proper disposal of waste is ordered. Steps for remediation of area affected by sewage overflow are ordered. Staff straining for sewage spill remediation is ordered. Submit the training program that incorporates sewage spill remediation to the Southern Nevada Health District. 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 \$4,600 as initially sought in the Notice of Violation.

11. **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.

Hearing officer found J&J Enterprises, Inc. in violation and imposed a penalty of \$750 for 2). Corrective action of removal and proper disposal of waste is ordered as well as the retention of a Certified Environmental Manager (CEM). Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

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

Item withdrawn by the Southern Nevada Health District.

13. **Martin Knight dba Heritage Pool Plastering, Inc.** – NOV #SW09-1052/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 4230 Production Court, North Las Vegas, Clark County, Nevada on or about July 9, 2009.

Item continued to December 16, 2009 agenda.

14. **ALM Corporation** – NOV #SW09-001/47- 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 ALM Corporation in violation and imposed a penalty of \$900 for 1) and a penalty of \$2,700 for 2). Corrective action of removal and proper disposal of waste is ordered. ALM Corporation is ordered to appear before the hearing officer for further proceedings.

15. **South Wind Financial and S. Menard** – NOV #SW09-312/47- 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 February 25, 2009.

Item continued to December 16, 2009 agenda.

16. **Smith's Food and Drug Center #385** – NOV #SW09-982/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 25, 2009.

Hearing officer found Smith's Food and Drug Center #385 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. The development and implementation of a plan of action to assure food waste and grease does not occur around grease bin and trash compactor. Plan is to be submitted to the Southern Nevada Health District. 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.

17. **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.

Item withdrawn by the Southern Nevada Health District.

18. **Deblanco Holdings, LLC and Joey Deblanco** – NOV #SW09-969/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 25, 2009.

Hearing officer found Deblanco Holdings, LLC and Joey Deblanco 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.

19. **Cypress Point Investments Inc.** – NOV #SW09-769/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 May 26, 2009.

Hearing officer found Cypress Point Investments Inc. 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.

20. **New Star, Inc.** – NOV #SW09-776/G7- 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.

Item continued to January 20, 2010 agenda.

21. **Quarter 10, LLC and Carlos V. Escapa** – NOV #SW08-1903/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 December 18, 2008.

Item withdrawn by the Southern Nevada Health District.

22. **Hampton Apts., Inc.** – NOV #SW09-495/60- 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 3070 South Nellis Boulevard, Clark County, Nevada on or about April 1, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 1, 2009.

Hearing officer found Hampton Apts., Inc. in violation and imposed a penalty of \$2,500 for 2) and a penalty of \$500 for 3). The implementation of a preventative maintenance program for the left station, conducted by a licensed contractor and includes a monthly inspection of the system is ordered. Proof of monthly inspections and maintenance, contracts and work orders in written form are to be submitted to the Southern Nevada Health District. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

23. **Low Ridge L.L.C.** – NOV #SW08-855/C6/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Item continued to December 16, 2009 agenda.

24. **Bradford Place Community Association, Inc.** – NOV #SW09-310/C6/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Bradford Place Community Association, Inc. in violation and imposed a penalty of \$6,000 for 1). Corrective action to provide receipt as proof of proper removal and proper disposal of waste is ordered. Written action plan and staff training programs are ordered to communicate sewage spill remediation steps to all staff.

25. **IED Rainbow Corporate IV, LLC** – NOV #SW09-030/47/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found IED Rainbow Corporate IV, LLC in violation and imposed a penalty of \$15,000 for 1). Corrective action of removal and proper disposal of waste is ordered.

26. **James Marin** – NOV #SW08-656/47/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 18, 2009.

Hearing officer found James Marin in violation and imposed a penalty of \$2,300 for 1). Corrective action of removal and proper disposal of waste is ordered.

27. **Fred Doumani, Jr. and Robert E. Van Ordstrand** – NOV #SW09-003/32/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Item continued to January 20, 2010 agenda.

28. **A M S Equity Ventures Trust** – NOV #SW08-578/C6/C6/C6/23- For 1) For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found A M S Equity Ventures Trust in violation and imposed a penalty of \$3,500 for 1). 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. **Newgibson 7.54, LLC** – NOV #SW09-974/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 23, 2009.

Hearing officer found Newgibson 7.54, LLC in violation and imposed a penalty of \$900 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 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.

2. **Newport Cove East Property Owner, LLC** – NOV #SW09-1019/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 5248 Tamarus Street, Clark County, Nevada on or about July 1, 2009.

Hearing officer found Newport Cove East Property Owner, LLC in violation and imposed a penalty of \$900 for each of 1) and 2). Plumbing cost reimbursement of \$230.50 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.

3. **Botanica Maya and Adam Padilla** – NOV #SW09-983/47- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5343 East Lake Mead Boulevard, Clark County, Nevada on or about June 19, 2009; and 2) mishandling and improper disposal of medical waste by depositing and transporting in an unmarked, unapproved

container and comingled with other solid wastes on or about June 19, 2009 and June 24, 2009.

Hearing officer found Botanica Maya and Adam Padilla in violation and imposed a penalty of \$900 for 1) and a penalty of \$3,000 for 2). Medical waste containers and a contract with a permitted disposal company are ordered and appropriate medical center licensure are ordered and documentation to be provided to the Southern Nevada Health District. 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Roi Shlomo** – NOV #SW08-1565/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 just west of Las Vegas Boulevard South exit off of I-15, Las Vegas, Clark County; on or about September 21, 2008.

Hearing officer order dated March 18, 2009 is vacated.