



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - December 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 December 16, 2009 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Copper Sage Commerce Ctr., LLC** - 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.

Hearing officer found Copper Sage Commerce Ctr., 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. Retention of Certified Environmental Manager (CEM) is ordered.

2. **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 on or about June 3, 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 Pearson Trenching and Trucking and Roger Pearson in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,250 for 2). Corrective action of removal and proper disposal of waste is ordered.

3. **Arturo G. Banuelos** - NOV #SW09-1064/57- 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 20, 2009.

Item continued to January 20, 2010 docket.

4. **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.

Hearing officer found Petco Animal Supplies Stores, Inc. in violation and imposed a penalty of \$500 for each of 1) and 2).

5. **Martin Mejia and Magdalena Mejia** – NOV #SW09-1149/32- 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 south of Dewey Drive and east of Duneville Street, Clark County, Nevada on or about August 4, 2009.

Hearing officer found Martin Mejia and Magdalena Mejia in violation and imposed a penalty of \$500 for 2).

6. **Advanced Cleaning Services, LLC** – NOV #SW09-1122/60- 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 in front of 1331 Barberry Court, Henderson, Clark County, Nevada on or about July 24, 2009.

Hearing officer found Advanced Cleaning Services, LLC in violation of 2) and imposed a penalty of \$500. 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.

7. **George T. Flatman and Lois G. Flatman Revocable Trust** – NOV #SW09-870/60- 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 in the shared utility easement between 3583 Haverford Avenue and 3564 Edison Avenue, Clark County, Nevada on or about May 31, 2009 and June 1, 2009.

Hearing officer found George T. Flatman and Lois G. Flatman Revocable Trust in violation of 2) and imposed a penalty of \$500. 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. **Low Ridge L.L.C.** – NOV #SW08-855/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Item continued to February 17, 2010 docket.

9. **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.

Hearing officer found Martin Knight dba Heritage Pool Plastering, Inc. in violation of 2) and imposed a penalty of \$750. Correction action of the removal and cause to be lawfully deposited at a permitted disposal site all plaster waste from the property located at 4320 Production Court. 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.

10. **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.

Hearing officer found South Wind Financial and S. Menard in violation of 1) and imposed a penalty of \$500.

11. **Golden Pond Villas, LLC dba Tara Hills Apartments** – NOV #SW09-1235/C6- 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 3233 East Desert Inn Road, Clark County, Nevada on or about August 24, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 24, 2009.

Hearing officer found Golden Pond Villas, LLC dba Tara Hills Apartments in violation and imposed a penalty of \$900 for each of 1) and 3). Remediation of the area affected by sewage overflow 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 \$6,300 as initially sought in the Notice of Violation.

12. **Sandy Valley Farm, Inc. and Sophia Penberthy** – NOV #SW09-972/D8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) storing and disposing of solid waste that created a public nuisance and impairment of the environment on or about June 23, 2009 and August 18, 2009; 3) failure to store garbage and putrescible solid waste in watertight containers which prevent the entry of vermin on or about June 23, 2009 and August 18, 2009; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 16, 2009.

Hearing officer found Sandy Valley Farm, Inc., and Sophia Penberthy in violation and imposed a penalty of \$500 for each of 2) and 3). An operation plan is ordered.

13. **Park Forest Apartments LLC, Timothy Hopkins and Timoteo Torres** – NOV #SW09-1112/23- 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 in front of Apartment 180 located at 50 North 21<sup>st</sup> Street, Las Vegas, Clark County, Nevada on or about July 27, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 27, 2009.

Hearing officer found Park Forest Apartments LLC, Timothy Hopkins and Timoteo Torres in violation of 3) and imposed a penalty of \$1,400. 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 \$3,200 as initially sought in the Notice of Violation.

14. **Terrible's Resort & Casino and Primm South Real Estate Company** – NOV #SW09-1017/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 July 1, 2009.

Hearing office found Terrible's Resort & Casino and Primm South Real Estate Company 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. **La Madre 48, LLC and 192 L.L.C.** – NOV #SW09-012/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 La Madre 48, LLC and 192 LLC in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,800 for 2). Corrective action of removal and proper disposal of waste is ordered as well as the development and implementation of a plan of action to ensure future dumping of solid waste does not occur on said properties. 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.

16. **William Stiffler** – NOV #SW09-328/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 17, 2009.

Hearing officer found William Stiffler in violation and imposed a penalty of \$2,300. 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. **Ned Cruely** – NOV #SW09-831/57- 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 20, 2009.

Hearing officer found Ned Cruely 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 and proof to be provided. 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.

2. **Sharon M. Carey and Shirley Levine** – NOV #SW09-1056/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 6613 Elton Avenue, Las Vegas, Clark County, Nevada on or about July 10, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 10, 2009.

Hearing officer found Sharon M. Carey and Shirley Levine in violation and imposed a penalty of \$500 for each of 1) and 2). Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

3. **Spinnaker Commons, LLC** - NOV #SW09-101/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 17, 2009.

Hearing officer found Spinnaker Commons, LLC in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

4. **Solarium Enterprises, LP and Nevada Horizon Holdings, LLC** - NOV #SW09-1083/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) 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; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 22, 2009.

Hearing officer found Solarium Enterprises, LP and Nevada Horizon Holdings, LLC 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 \$2,700 as initially sought in the Notice of Violation.

5. **Brenda Elise Sheridan** - NOV #SW09-1137/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 1855 Linn Lane, Clark County, Nevada on or about July 29, 2009.

Hearing officer found Brenda Elise Sheridan in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **The Davis Companies, Inc. and Neil B. Davis** - NOV #SW09-1210/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 public right-of-way located on the southwest corner of Gibson Road and Horizon Ridge Parkway, Henderson, Clark County, Nevada on or about August 17, 2009.

Hearing officer found The Davis Companies, Inc. and Neil B. Davis in violation of 2) and imposed a penalty of \$500.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

None