

## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – April 2004

May 4, 2004

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 44.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the April 21 meeting, the following cases were adjudicated by the hearing officer:

A. NON-CONTESTED NOTICES OF VIOLATION (NOV):

1. **Golden Pond Decatur LLC** - NOV #SW03-763/19- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1760 N. Decatur Blvd., Apts. 14, 15, 16, 17, 22 and 23, Las Vegas, Clark County; and 2) operating a disposal site without a permit issued by the solid waste management authority; on or about November 23 and 24, 2003.

The hearing officer ordered that Golden Pond Decatur LLC pay an administrative penalty of \$750, and reimburse the Clark County Health District \$350 for plumbing work costs. Additionally, the hearing officer directed Golden Pond Decatur LLC to develop a procedure to properly handle sewage incidents in the future.

2. **William E. Olson** - NOV #SW04-139/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Windmill Lane and Warbonnet Way, Clark County; on or about February 13, 2004.

The hearing officer agreed to a compromise resolution in which William E. Olson was found in violation of 2) and ordered to pay an administrative penalty of \$750. Should William E. Olson fail to take corrective action, the penalty will increase to \$1500.

3. **Jared Jensen** - NOV #SW03-752B/19 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at a site about 1,377 feet north of Horse Lane and about 152 feet east of Garehime Street, Las Vegas, Clark County; on or about November 19, 2003.

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The hearing officer found Jared Jensen in violation, ordering an administrative penalty of \$750. Failure to take appropriate corrective action will result in the penalty increasing to \$1500.

4. **Wesley Lingenfelder** – NOV #SW04-008/24- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located west of Battista Lane and south of Eldorado Lane, Las Vegas, Clark County; on or about January 1, 2004.

The hearing officer agreed to a compromise resolution, finding Wesley Lingenfelder in violation of 2), ordering corrective action and assessing an administrative penalty of \$600.

5. **Eladio Aldaba a/k/a Eladio Aldaba-Carrillo** – NOV #SW03-838/24 – For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 105 W. Charleston, Las Vegas, Clark County; on or about December 30, 2003.

The hearing officer agreed to a compromise resolution, finding Eladio Aldaba a/k/a Eladio Aldaba-Carrillo in violation of 2), and assessing an administrative penalty of \$500.

6. **Greystone Park Inc.** – NOV #SW04-098/45- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 2635 Karen Ct., Clark County on or about February 6, 2004.

The hearing officer found Greystone Park Inc. in violation, ordering it pay an administrative penalty of \$1250, reimburse the health district \$764 for contract plumber costs, remediate the affected area and develop a staff training program.

7. **Marc P. Afoa** – NOV #SW04-121/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 or allowing to be placed, deposited or dumped solid waste on property located on the southeast corner of O'Bannon Avenue and Durango Drive, Las Vegas, Clark County; on or about February 10, 2004.

The hearing officer agreed to a compromise resolution in which Mark P. Afoa was found in violation of 2) and ordered to pay an administrative penalty of \$500. Should Mark P. Afoa fail to take corrective action, the penalty will increase to \$1500.

8. **Beazer Homes Holdings Corporation** – NOV #SW04-002/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located on the south side of Starr

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Hills between the Bella Sera subdivision and the Brasado II subdivision, Clark County; on or about September 2002 through June 2003.

The hearing officer agreed to a compromise resolution in which Beazer Homes Holdings Corporation was found in violation of 2), and was ordered to pay an administrative penalty of \$1000 and properly remove and dispose of the waste.

9. **Beazer Homes Holdings Corporation** – NOV #SW04-004/23- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located on the south side of Starr Hills and east of the Brasado II subdivision, Clark County; on or about June 2003 through the completion of the Brasado II subdivision.

The hearing officer agreed to a compromise resolution in which Beazer Homes Holdings Corporation was found in violation of 2), and was ordered to pay an administrative penalty of \$1000 and properly remove and dispose of the waste.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Eligio Davila, Emzie Carden, and Davila and Sons Inc.** – NOV #SW04-104/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located about 20 yards north of the manhole located at Alexander Road and Gold Chip Street, and about 70 yards east of Juliano Road and 10 yards north of Alexander Road, Clark County; on or about January 28, 2004.

The hearing officer found Eligio Davila, Emzie Carden, and Davila and Sons Inc. in violation, and ordered the group to pay a \$1,500 administrative penalty for each complaint, for a total penalty of \$3,000. Additionally, the hearing officer ordered remediation and proper disposal of the waste.

2. **Sunstate Companies Inc.** – NOV #SW04-074/27 – For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the southwest corner of Hualapai Way and Alexander Road, Las Vegas, Clark County; on or about January 28, 2004 and February 3, 2004.

The hearing officer found Sunstate Companies Inc. in violation of both complaints. The company was ordered to pay an administrative penalty of \$3,000 per violation, for a total penalty of \$6,000. Additionally, the hearing officer ordered the company to properly remove and dispose of the waste.

3. **Jeffory J. Spriggs** – NOV #SW03-765/19- 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 2, 2003.

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The hearing officer found Jeffery J. Spriggs in violation, ordering him to pay an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000. The hearing officer also ordered Mr. Spriggs to take corrective action to remediate the situation.

4. **Nevada Ready Mix Corporation** - NOV #SW04-117/24 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Russell Road and Mountain Vista Street, Clark County; on or about January 29, 2004.

The hearing officer agreed to a compromise resolution, finding Nevada Ready Mix Corporation in violation of 2) and ordering the company to pay an administrative penalty of \$3,000. Additionally, the hearing officer ordered Nevada Ready Mix Corporation to take corrective action and develop an employee training program to avoid future occurrences.

5. **Tropical Creations Corp.** - NOV #SW03-424/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 17, 2003.

The hearing officer found Tropical Creations Corp. in violation. The company was ordered to pay an administrative penalty of \$2,500 and take corrective action.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Jeremy Van Evans** - NOV #SW04-123/27- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located between Craig Road and Lone Mountain Road, on the east side of El Capitan Way and just south of Red Coach Avenue, Clark County; on or about February 9, 2004.

The hearing officer found Jeremy Van Evans in violation, and ordered he pay an administrative penalty of \$4,000 per complaint, for a total penalty of \$8,000. Additionally, the hearing officer ordered corrective action and the development of a training program to prevent future occurrences.

2. **Dennis Phillips Parker** - NOV #SW04-081/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 or allowing to be placed, deposited or dumped solid waste on property located on a vacant lot on the northeast corner of West Oakey Boulevard and South Valadez Street, Las Vegas, Clark County; on or about January 29, 2004.

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The hearing officer found Dennis Phillips Parker in violation and ordered he pay an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. Additionally, the hearing officer ordered Mr. Parker to properly remove and dispose of the waste.

3. **Triangle Landscape & Maintenance Inc.** – NOV #SW03-760/19 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the southwest corner of Saddle Avenue and El Capitan Way, Clark County; on or about November 21, 2003.

The hearing officer agreed to a compromise resolution, finding Triangle Landscape & Maintenance Inc. in violation of complaint 2. The hearing officer ordered the company to pay an administrative penalty of \$750 and take corrective action to remove and dispose of the waste.

4. **Corey Jenkins** – NOV #SW03-823/45- 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 December 24, 2003.

The hearing officer found Corey Jenkins in violation, ordering him to pay an administrative penalty of \$1,000 per complaint, for a total penalty of \$2,000. Additionally, the hearing officer ordered Mr. Jenkins to properly remove and dispose of the waste.

5. **Capital City Enterprises** – NOV #SW04-122/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located adjacent to and east of 499 E. Sierra Vista Drive, Las Vegas, Clark County; on or about August 12, 2003; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 15, 2003.

The hearing officer found Capital City Enterprises in violation, ordering the company to pay an administrative penalty of \$1,750 per complaint, for a total penalty of \$3,500. Additionally, the hearing officer ordered the company to take corrective action to properly remove and dispose of the waste.

**Service Rock Products Corporation** – NOV #SW04-146/19 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at a site about 157 feet west of N. El Capitan Way and about 393 feet north of W. Flamingo Road, Clark County; on or about February 18, 2004.

The hearing officer found Service Rock Products Corporation in violation, ordering the company to pay an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. Additionally, the hearing officer ordered the company to take corrective action to properly remove and dispose of the waste.

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6. **David Dimarco** - NOV #SW03-808/19- 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 human excreta to overflow on property located at 4615 E. Lake Mead Blvd, Clark County; on or about December 15, 16 and 17, 2003.

The hearing officer found David Demarco in violation, ordering him to pay an administrative penalty of \$5,000 per complaint, for a total penalty of \$10,000. Additionally, the hearing officer ordered Mr. Demarco to remediate the area affected by the sewage overflow.

7. **William B. Applegate** - NOV #SW03-416/55/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2003.

The hearing officer found William B. Applegate in violation. Mr. Applegate was ordered to pay a \$2,500 administrative penalty and take corrective action.

8. **Antonio J. Rodriguez** - NOV #SW03-551/27/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 12, 2003.

The hearing officer found Antonio J. Rodriguez in violation. Mr. Rodriguez was ordered to pay an administrative penalty of \$2,500 and take corrective action.

9. **Rudolph Powell** - NOV #HW03-034/19- For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 1501 W. Carey Ave., Las Vegas, Clark County; and 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 that purpose; on or about December 15, 2003.

The hearing officer found Rudolph Powell in violation of 2). He was ordered to pay an administrative penalty of \$750, properly dispose of waste and remediate affected soil, under the guidance of a certified environmental manager. Failure to comply will result in an increase in the penalty to \$2,250.

10. **Jose Gilberto Rubio** - NOV #SW03-761/19 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located on the south side of W. Lake Mead Blvd. from Arpa Way to N. Jones Blvd., and the west side of N. Jones Blvd. from W. Lake Mead Blvd. to Carl Ave., Las Vegas, Clark County; on or about November 20, 2003.

The hearing officer found Jose Gilberto Rubio in violation. Mr. Rubio was ordered to pay an administrative penalty of \$500 and provide tarps in all business vehicles.

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11. **HK BBQ Inc.** – NOV #SW03-787/19- 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 human excreta to overflow on property located at 4711 W. Spring Mountain Rd., Clark County; on or about December 3 and 4, 2003.

The hearing officer found HK BBQ Inc. in violation, ordering the company to pay an administrative penalty of \$2,000 per complaint, for a total penalty of \$4,000.

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