

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – May 2004

May 27, 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 May 19 meeting, the following cases were adjudicated by the hearing officer:

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

1. **Mark and Melissa Camper** – NOV #SW04-085/23- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located south of Foothills Drive at the southeast end of Gloria Mountain Road, Henderson, Clark County; on or about January 28, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 12, 2004.

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

2. **Laura Mar** – NOV #SW04-041/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 at 4550 Spring Mountain Road, Clark County; on or about January 19, 2004 and February 13, 2004.

The hearing officer found Laura Mar in violation, ordering an administrative penalty of \$750 per infraction, for a total penalty of \$1500. Additionally, the hearing officer ordered proper removal and disposal of the waste.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Nevada Ready Mix Corporation** – NOV #SW03-762/19 - For 1) operating a disposal site without a permit issued by the solid waste management authority;

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and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the northeast corner of Buffalo Dr. & Mesa Vista Ave., Clark County; on or about November 21, 2003.

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 \$2500. Additionally, Nevada Ready Mix Corporation was ordered to create an employee training program to prevent future occurrences, and take action to properly remove and dispose of the waste.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Redi-Spuds of Nevada, Inc.** - NOV #SW04-084/89- 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 2770 S. Highland, Las Vegas, Clark County; on or about January 31 through February 2, 2004.

The hearing officer agreed to a compromise resolution, finding Redi-Spuds of Nevada, Inc. in violation of complaint 2. The hearing officer ordered the company to pay an administrative penalty of \$1,000 and take corrective action to properly dispose of the waste.

2. **William Terry, Jr.** - NOV #SW04-213/24 - 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 on the vacant parcel west of Maggie Belle Court and south of Robindale Road, Clark County; on or about March 4, 2004.

The hearing officer agreed to a compromise resolution, finding William Terry, Jr. in violation of complaint 2. He was ordered to pay an administrative penalty \$750, and properly dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

3. **Leon Chen** - NOV #SW02-741/45/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 19, 2003.

The hearing officer found Leon Chen in violation, ordering an administrative penalty of \$1,500. Additionally, the hearing officer ordered the Mr. Chen to properly remove and dispose of the waste.

4. **Richard A. Moreno** - NOV #SW04-256/74- 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,

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deposited or dumped solid waste on property located at 8749 Heavenly Joy Way, Clark County; on or about March 16 and 17, 2004.

The hearing officer found Richard A. Moreno in violation, ordering him to pay an administrative penalty of \$750 for each complaint, for a total penalty of \$1,500. Additionally, the hearing officer ordered corrective action to properly remove and dispose of the waste.

5. **Jeremy Van Evans** - NOV #SW04-023/27- 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 Cliff Shadows Parkway and Alexander Road, Las Vegas, Clark County; on or about January 10, 2004.

The hearing officer agreed to a compromise resolution in which Jeremy Van Evans was found in violation of 2) and ordered to pay an administrative penalty of \$3,000. Additionally, the hearing officer directed Jeremy Van Evans to create a training action plan to avoid future occurrences. Failure to comply will result in an increase in the penalty to \$7,000.

6. **Francisco Ignacio Merlos** - NOV #SW04-230/A0- 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 on Alta Drive approximately 1,520 feet west of Desert Foothills Drive and property located on the Contractors' Yard approximately 810 feet northwest from the corner of Far Hills Avenue and Desert Foothills Retention Berm, 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 March 16, 2004.

The hearing officer agreed to a compromise resolution in which Francisco Ignacio Merlos was found in violation of complaint 2. Mr. Merlos was ordered to pay an administrative penalty of \$1,250 and reimburse the health district \$225 for cost associated with laboratory tests. Additionally, the hearing officer ordered Mr. Merlos to properly remove and dispose of waste, and properly remove and dispose of all petroleum hydrocarbon contaminated soil, under the direction of a certified environmental manager.

7. **Richard Phipps** - NOV #SW04-186/27 - 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 on the east side of 531 Desert Lane, Las Vegas, Clark County; on or about February 10, 2004.

The hearing officer found Richard Phelps in violation, ordering a \$750 administrative penalty for each complaint, for a total penalty of \$1,500.

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Additionally, the hearing officer ordered corrective action to properly remove and dispose of the waste.

8. **David Brock** – NOV #SW04-206/27 – 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 due south of 10749 Hunter Mountain Ave., Las Vegas, Clark County; on or about March 5, 2004.

The hearing officer found David Brock in violation, ordering him to pay a administrative penalty of \$6,500 for 1) and \$6,000 for 2), for a total penalty of \$12,500. Additionally, the hearing officer ordered corrective action to properly remove and dispose of the waste.

9. **Bradford Place Community Association** – NOV #SW04-209/A0 - For causing or allowing sewage or accumulation of human excreta to overflow on property located next to 3140 Hartford Place on or about February 25, 2004 and March 8, 2004, and next to 3128 Hartford Place and on common area located next to 4017 Wing Street, Las Vegas, Clark County; on or about March 8, 2004.

The hearing officer found Bradford Place Community Association in violation, ordering it to pay an administrative penalty of \$2,000. Additionally the hearing officer ordered the association to remediate the areas affected by the sewage overflow and develop a sewage plan.

10. **George and Ibtessam Boghos** – NOV #SW04-114/74- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located near the northeast corner of S. Rainbow Blvd. & W. Sunset Rd., Clark County; on or about February 11, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 12, 2003.

The hearing officer agreed to a compromise resolution, finding George and Ibtessam Boghos in violation of complaint 2. The pair was ordered to pay an administrative penalty of \$2,500 and properly dispose of the waste.

11. **Renu Oil of America Inc.** – NOV #SW03-660/19- For 1) operating a recycling center without a permit issued by the solid waste management authority at 248 Elliott Road, Unit A, Henderson, Clark County, on or about November 4-13, 2003; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 26, 2003.

The hearing officer found Renu Oil of America in violation, ordering an administrative penalty of \$7,500 for 1) and \$750 for 2), for a total penalty of \$8,250. Additionally, Renu Oil of America was ordered to cease and desist operations of the recycling center noted above.

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12. **Renu Oil of America Inc.** – NOV #SW03-743/54- For failure to comply with the Order issued by the Solid Waste Management Authority on January 20, 2004.

The hearing officer found Renu Oil of America in violation, ordering the company to pay an administrative penalty of \$1,250 and take corrective action to properly remove and dispose of waste.

13. **RH Construction, Inc.** – NOV #SW03-707/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located south of E. Viking Rd. and west of U.S. 95, Las Vegas, Clark County; on or about September 12, 2003 and March 11, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 13, 2004.

The hearing officer found RH Construction, Inc. in violation, ordering the company to pay an administrative penalty of \$1,500 for 1) and \$750 for 2), for a total penalty of \$2,250. Additionally, the company was ordered to properly remove and dispose of the waste, and take action to prevent future illegal dumping.

14. **Spirit of Nevada, Inc. and Dwight Alan Teegardin** – NOV #SW03-708/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located south of E. Viking Rd. and west of U.S. 95, Las Vegas, Clark County; on or about September 12, 2003 and March 10, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 23, 2004.

The hearing officer found Spirit of Nevada, Inc. and Dwight Alan Teegardin in violation, ordering the parties to pay an administrative penalty of \$1,500 for 1) and \$750 for 2), for a total penalty of \$2,250. Additionally, Spirit of Nevada, Inc. and Dwight Alan Teegardin were ordered to properly remove and dispose of the waste, and take action to prevent future illegal dumping.

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