

## Public Health Update

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

June 28, 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 16 meeting, the following cases were adjudicated by the hearing officer:

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

1. **Salvador G. Juarez and Guadalupe G. Juarez** – NOV #SW04-309/24 - 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 northwest corner of Cactus Avenue and Escondido Street, Las Vegas, Clark County; on or about March 10, 2004.

The hearing officer agreed to a compromise resolution in which Salvador G. Juarez and Guadalupe G. Juarez were found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

2. **Alfredo Gonzalez-Castillo and Francisca Gonzalez** – NOV #SW04-089/54 - 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 the north side of Newport Drive just west of the intersection with Ancient Mayan Drive, Henderson, Clark County; on or about February 3, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2004.

The hearing officer agreed to a compromise resolution in which Alfredo Gonzalez-Castillo and Francisca Gonzalez were found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,250.

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3. **Sara Macias** – NOV #SW03-665/19- 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 Wooden Shoe Ave. & Flower Seeds Street, Clark County; on or about September 2, 2003.

The hearing officer agreed to a compromise resolution in which Sara Macias was found in violation of 2) and ordered to pay an administrative penalty of \$500. In addition, the party was ordered to properly dispose of the waste, and create an employee instruction program to prevent future violations. Failure to comply will result in an increase in the penalty to \$1,500.

4. **Eyal Gamliel, Lior Gamliel and Isreal Gamliel** – NOV #SW04-260/27- 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 Harris Canyon Road approximately 1 mile south of Hwy. 157, Clark County; on or about March 24, 2004.

The hearing officer agreed to a compromise resolution in which Eyal Gamliel, Lior Gamliel and Isreal Gamliel were found in violation of 2) and ordered to pay an administrative penalty of \$1,000. In addition, the party was ordered to reimburse the health district \$1,290 for the cost of laboratory tests, and to properly remove and dispose of the waste under the supervision of a certified environmental manager. Failure to comply will result in an increase in the penalty to \$2,000.

5. **Corinna Eberflus and Jeffery J. Eberflus** – NOV #SW04-274/27 - 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 Hualapai Way between Gowan Road and the end of Hualapai Way, Las Vegas, Clark County; on or about March 27, 2004.

The hearing officer agreed to a compromise resolution in which Corinna Eberflus and Jeffery J. Eberflus were found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, the party was ordered to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

6. **Ryan Dolan** – NOV #SW04-300/27 - 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 end of Buckskin Avenue approximately 200 yards east of Cliff Shadows Parkway, Las Vegas, Clark County; on or about April 4, 2004.

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The hearing officer agreed to a compromise resolution in which Ryan Dolan was found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, Mr. Dolan was ordered to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

7. **Rinker Materials Nevada, Inc.** – NOV #SW03-802/19- 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 east of Buffalo Drive and north of Mesa Vista Avenue, Spring Valley Township, Unincorporated Clark County; on or about December 10, 2003.

The hearing officer agreed to a compromise resolution in which Rinker Materials Nevada, Inc. was found in violation of 2) and ordered to pay an administrative penalty of \$2,000. In addition, the business was ordered to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$4,000.

8. **Food of Love, LLC DBA Rosemary's Restaurant** – NOV #SW04-096/ 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 at 8125 West Sahara Avenue, Suite #110, Clark County; on or about February 5, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 10, 2004.

The hearing officer agreed to a compromise resolution in which Food of Love, LLC DBA Rosemary's Restaurant was found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, the business a corrective action plan was ordered for several areas: to provide proper grease trap maintenance, to prevent grease trap overflows; to provide for proper rubber mat washing; and to provide accounting records that show proper disposal of grease deposits. Failure to comply will result in an increase in the penalty to \$2,250.

9. **Lee J. Cemensky** – NOV #HW04-008/45- 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 911 N. Lamb Blvd., Las Vegas, Clark County; on or about March 23, 2004.

The hearing officer agreed to a compromise resolution in which Lee J. Cemensky was found in violation of 2) and ordered to pay an administrative penalty of \$750. In addition, Mr. Cemensky was ordered to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

10. **Carole Owen** – NOV #HW04-011/45- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing,

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depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located in the alley behind 1114 S. Main St., Las Vegas, Clark County; on or about April 7, 2004.

The hearing officer agreed to a compromise resolution in which Carole Owen was found in violation of 2) and ordered to pay an administrative penalty of \$2,000. In addition, Ms. Owen was ordered to reimburse the health district \$170 for the costs of laboratory testing, and to properly remove and dispose of the waste under the supervision of a certified environmental manager.

11. **Charles Machalicky and Marilyn Machalicky** – NOV #SW04-261/A0 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3660 Ala Drive, Clark County; on or about March 22, 2004 and May 4, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 13, 2004.

The hearing officer found Charles Machalicky and Marilyn Machalicky in violation, ordering the party to pay an administrative penalty of \$750, and to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,000.

12. **Manaso Investments LLC** – NOV #SW03-833/19 - For operating a disposal site without a permit issued by the solid waste management authority on property located at 3250 N. Las Vegas Boulevard, Clark County; on or about January 5, 2004.

The hearing officer found Manaso Investments LLC in violation, ordering the company to pay an administrative penalty of \$500, and to properly remove and dispose of the waste. In addition, the company was ordered to obtain and use dumpsters with closing lids, and either supply as many dumpsters as needed to hold all refuse or increase the frequency of garbage pickups.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Estate of Esther A. Quirin**– NOV #SW04-090/89 - 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 224 W. Baltimore Ave, Las Vegas, Clark County; on or about February 4, 2004.

The hearing officer found the estate of Esther A. Quirin in violation of 2), ordering an administrative penalty of \$1,000.

2. **Richard L McMahan and Arnella K McMahan** – NOV #SW04-229/45- 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 4307 Faberge Ave., Las Vegas, Clark County; on or about March 15, 2004.

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The hearing officer found Richard L McMahan and Arnella K McMahan in violation. The party was ordered to pay an administrative penalty of \$1,000 for each violation, for a total penalty of \$2,000. In addition, the hearing officer ordered the party to properly remediate the area affected by the sewage overflow.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Fantasy Construction, Inc.** – NOV #SW04-093/24- For operating a disposal site without a permit issued by the solid waste management authority on property located at Russell Road and Mountain Vista Street, Clark County; on or about January 29, 2004.

The hearing officer found Fantasy Construction, Inc. in violation. The company was ordered to pay an administrative penalty of \$1,000 and properly remove and dispose of the waste.

2. **Celia Ranson** – NOV #SW04-233/24 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 101 East Lone Mountain Road, North Las Vegas, Clark County; on or about March 16, 2004.

The hearing officer found Celia Ranson in violation. Ms. Ranson was ordered to pay an administrative penalty of \$1,000. Failure to comply will result in an increase in the penalty to \$2,000.

3. **Republic Silver State Disposal, Inc.** – NOV #SW04-272/23- For failure to maintain vehicles to prevent garbage and similar putrescible waste or refuse and oil from leaking onto public right of way located east of Sun City Anthem Drive and south of Thunder Bay Avenue on Meadow Park Ave., Henderson, Clark County; ongoing since approximately March, 2003.

The hearing officer found Republic Silver State Disposal, Inc. in violation, ordering the company to pay an administrative penalty of \$1,000. In addition, Republic Silver State Disposal, Inc. must implement a staff-training program to avoid future occurrences, and provide a copy of its preventive maintenance plan.

4. **Cynthia Cortez and Aristeo Garcia** – NOV #SW03-717/27- 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 vacant lot at the northwest corner of Decatur Boulevard and Reiter Avenue, Las Vegas, Clark County; on or about November 1, 2003.

The hearing officer found Cynthia Cortez and Aristeo Garcia in violation, ordering the party to pay an administrative penalty of \$750 for each violation, for a total penalty of \$1,500. In addition, the party must properly remove and dispose of the waste.

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5. **Desert Springs Pools and Spas, Inc.** – NOV #SW04-328/74 – 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, deposited or dumped solid waste on property located at 10040 Diving Duck Ave., Clark County; on or about April 13, 2004.

The hearing officer found Desert Springs Pools and Spas, Inc. in violation, ordering the company to pay an administrative penalty of \$1,000 for each violation, for a total penalty of \$2,000. In addition, the company must properly remove and dispose of waste.

6. **Jacky Lynn** – NOV #SW03-468/89/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2003.

The hearing officer found Jackie Lynn in violation, ordering an administrative penalty of \$2,500.

7. **Vidal Fuentes** – NOV #HW04-013/A5- 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 4580 E. Lake Mead Blvd. #104, 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 April 22, 2004.

The hearing officer found Vidal Fuentes in violation, ordering an administrative penalty of \$1,000 for each violation, for a total penalty of \$3,000. In addition, the party was ordered to reimburse the health district \$75 for the cost of laboratory testing, and properly remove and dispose of the waste under the supervision of a certified environmental manager.

8. **Pinewood Apartments LP** – NOV #SW04-345/A5 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 764 E Twain Ave., Clark County; on or about April 19, 2004.

The hearing officer found Pinewood Apartments LC in violation, ordering the company to pay an administrative penalty of \$2,500. In addition, the company was ordered to properly remediate the area affected by the sewage overflow.

9. **Chui Kwan** – NOV #SW04-157/74- 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 4880 W. Twain Ave., Las Vegas, Clark County; on or about February 24, 2004; and 3) failure to comply with the Order(s) issued by the Solid Waste Management Authority on March 1, 2004 and March 24, 2004.

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The hearing officer found Chui Kwan in violation of 3), ordering an administrative penalty of \$1,500.

10. **Chui Kwan** - NOV #SW04-168/24- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at 3623 Kolendo Court, Las Vegas, Clark County; on or about February 24, 2004 and April 19, 2004; and 2) failure to comply with the Orders issued by the Solid Waste Management Authority on February 26, 2004 and/or March 23, 2004.

The hearing officer found Chui Kwan in violation of 2), ordering an administrative penalty of \$1,500.

11. **Gilbert Family Trust 3rd Reinstatement** - NOV #SW04-251/45 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 821 N. Lamb Blvd., Las Vegas, Clark County; on or about March 21, 2004.

The hearing officer found Gilbert Family Trust 3rd Reinstatement in violation, ordering an administrative penalty of \$500. In addition, Gilbert Family Trust 3rd Reinstatement must provide documentation of adequate dumpster service.

12. **David Dent, Elia Lata and Michael Moore, individually and doing business as DML Enterprise** - NOV #SW04-323A/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 the back south lot of 6905 West Charleston Boulevard, Las Vegas, Clark County; on or about April 11, 2004.

The hearing officer found David Dent, Elia Lata and Michael Moore, individually and doing business as DML Enterprise in violation, ordering an administrative penalty of \$750 for each violation, for a total penalty of \$1,500. In addition, the party was ordered to properly remove and dispose of waste.

13. **Ida Black's 1992 Family Trust - Leroy G. Black, Trustee** - NOV #SW04-236/45- 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 2909 Fremont St., Las Vegas, Clark County; on or about February 13, 2004, March 9, 2004 and March 16, 2004.

The hearing officer found Ida Black's 1992 Family Trust - Leroy G. Black, Trustee in violation, ordering an administrative penalty as follows: \$1,250 for the first and second violations, \$1,750 for the third and fourth violations and \$2,250 for fifth and sixth violations. This represents a total penalty of \$10,500. In addition, Ida Black's 1992 Family Trust - Leroy G. Black, Trustee was ordered to properly remediate the area affected by the sewage overflow.

14. **Morton Excavating, Inc.** - NOV #SW04-211/19- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2)

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placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located south of Hacienda Avenue and east of Riley Street, Clark County; on or about March 8, 2004.

The hearing officer found Morton Excavating, Inc. in violation, ordering an administrative penalty of \$3,500 for each violation, for a total penalty of \$7,000. In addition, the company was ordered to properly remove and dispose of the waste.

15. **M J Ditto Pool Contractor, Inc.** – NOV #SW03-645/23/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 18, 2004.

The hearing officer found M J Ditto Pool Contractor, Inc. in violation, ordering the company to pay an administrative penalty of \$1,250. In addition, the company was ordered to properly remove and dispose of the waste.

16. **Daniel K. Seid** – NOV #SW03-662/23/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 17, 2003.

The hearing officer found Daniel K. Seid in violation, ordering an administrative penalty of \$2,500. In addition, Mr. Seid was ordered to submit a disposal ticket showing the proper disposal of the waste.

17. **KS Nevada, Inc.** – NOV #SW03-709/45/19- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 18, 2004.

The hearing officer found KS Nevada, Inc. in violation, ordering the company to pay an administrative penalty of \$2,500. In addition, the company was ordered to properly remove and dispose of the waste.

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