

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – July 2004

July 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 July 21, 2004 meeting, the following cases were adjudicated:

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

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 violation.

1. **Nevada Homes Group, Inc.** – NOV #SW03-489/23- 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 northeast corner of Peace Way and Riley Street, Clark County; on or about June of 2001 through October of 2002.

The hearing officer agreed to a compromise resolution in which Nevada Homes Group, Inc. was found in violation of 2), and ordered to pay an administrative penalty in the amount of \$750.

2. **Angelo Falconi** – NOV #SW04-077A/74- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at 4645 W. Tropicana Ave., Clark County; on or about January 30, 2004 and March 13, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 2, 2004.

The hearing officer found Angelo Falconi in violation of both complaints, imposing an administrative penalty of \$500 for each violation, for a total penalty of \$1,000. In addition, Mr. Falconi was ordered to properly remove and dispose of the waste.

3. **Clark County Water Reclamation District** – NOV #SW04-162/74- For 1) operating a disposal site without a permit issued by the solid waste management

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authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at the intersection of Vegas Plaza Drive and Industrial Road, Clark County; on or about February 25, 2004.

The hearing officer found the Clark County Water Reclamation District in violation of both complaints. The district was ordered to pay an administrative penalty of \$1,500 per violation, for a total penalty of \$3,000.

4. **Rube McAllister Jr. and Sharron McAllister** - NOV #SW04-201/45- 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 120 Palisade 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 March 4, 2004.

The hearing officer agreed to a compromise resolution in which Rube McAllister Jr. and Sharron McAllister were found in violation of 2), and ordered to pay an administrative penalty of \$500. Additionally, the party must take corrective action to properly remove and dispose of the waste.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Las Vegas Auto Village, Inc.** - NOV #HW04-018/45- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3210 Fremont St., Clark County; and 2) 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 28, 2004.

The hearing officer found Las Vegas Auto Village, Inc. in violation, ordering the company to pay an administrative penalty in the amount of \$600 per violation, for a total penalty of \$1,200. In addition, the company must properly remediate the area affected by the waste, under the supervision of a certified environmental manager (CEM). Failure to comply will result in an increase in the penalty to \$1,500 total.

2. **Jose Magana** - NOV #SW04-370/45- 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 2586 E. Meadows Ave., #4, 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 21, 2004.

The hearing officer found Jose Magana in violation of 1) and 2), ordering an administrative penalty of \$750 for each violation, for a total penalty of \$1,500.

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In addition, Mr. Magana was ordered to properly remove and dispose of the waste.

3. **B N S Landscaping L.P. and Bob Posa** - NOV #SW04-391/A5 - 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 Ancient Mayan Dr. and Newport Dr., Henderson, Clark County; on or about May 4, 2004.

The hearing officer found B N S Landscaping L.P. and Bob Posa in violation of 2), ordering the party to pay an administrative penalty in the amount of \$750 and to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Eric Lawrence Bowman** - NOV #SW04-360/A5 - 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 Ancient Mayan Dr. and Newport Dr., Henderson, Clark County; on or about April 25, 2004.

The hearing officer found Eric Lawrence Bowman in violation of 2), imposing a \$750 administrative penalty, and ordering Mr. Bowman to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

2. **Renaissance Pools and Spas Inc.** - NOV #SW04-271/27- 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 W. Hunter Mountain Ave., Las Vegas, Clark County; on or about March 25, 2004.

The hearing officer found Renaissance Pools and Spas Inc. in violation of 2), imposing an administrative penalty of \$2,250, and ordering the company to properly remove and dispose of the waste.

3. **Renaissance Pools and Spas, Inc.** - NOV #SW03-751/23/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 18, 2004.

The hearing officer found Renaissance Pools and Spas Inc. in violation, imposing a \$1,250 administrative penalty, and ordering the company to properly remove and dispose of the waste.

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4. **Morton Excavating Inc.** – NOV #SW04-046/A5- 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 northeast corner of Jo Marcy Dr. and Garehime St., Clark County; on or about January 12, 2004.

The hearing officer found Morton Excavating, Inc. in violation of both complaints, imposing an administrative penalty of \$3,500 per violation, for a total penalty of \$7,000. In addition, the company was ordered to properly remove and dispose of the waste, and to craft a prevention plan to avoid future occurrences.

5. **Fastrack Unlimited, Inc.** – NOV #SW04-199/24- 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 3373 Vicki Avenue, Clark County; on or about February 1, 2004 to March 3, 2004.

The hearing officer found Fastrack Unlimited, Inc. in violation of 2), imposing a \$3,000 administrative penalty. In addition, the company was ordered to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$8,000.

6. **Stephen P. McCormick** – NOV #SW04-430/24- 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 Duneville Street and Patrick Lane, Clark County; on or about May 13, 2004.

The hearing officer found Stephen P. McCormick in violation of both complaints, imposing an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000. Additionally, Mr. McCormick was ordered to properly remove and dispose of the waste.

7. **Adriana Alejandra Ojeda-Pastran** – NOV #SW04-406/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 northwest corner of Coley Avenue and South Tioga Way, Clark County; on or about May 7, 2004.

The hearing officer found Adriana Alejandra Ojeda-Pastran in violation of both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party was ordered to properly remove and dispose of the waste.

8. **Richard Gold and Pedro G. Bravo** – NOV #SW04-352/A5- For 1) operating a disposal site without a permit issued by the solid waste management

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authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the corner of N. Naples St. and Madrid Ave., Henderson, Clark County; on or about April 21, 2004.

The hearing officer found Richard Gold and Pedro G. Bravo in violation of both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party was ordered to properly remove and dispose of the waste.

9. **Richard Bryant, Dorothy Bryant, and Harry Gunn** - NOV #SW04-343/A5 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste; 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 5989, 6017 and 6021 Boulder Highway, and 6041 Dodd St., Clark County, on or about March 23, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 19, 2004.

The hearing officer found Richard Bryant, Dorothy Bryant, and Harry Gunn in violation of both complaints, imposing an administrative penalty of \$500 per violation, for a total penalty of \$1,000. In addition, the party was ordered to properly remove and dispose of the waste, and to remediate the area affected by sewage overflow.

10. **Harshman Excavating Corp.** - NOV #SW04-367/19- 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 north of Diablo Avenue and east of Riley Street, Spring Valley Township, Unincorporated Clark County; on or about March 22, 2004.

The hearing officer found Harshman Excavating Corp. in violation of both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the company was ordered to properly remove and dispose of the waste, and craft a preventative plan to avoid future occurrences.

11. **Juan Diego Lopez** - NOV #SW04-308/45- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 210 N. Nellis Blvd., Las Vegas, Clark County; and 2) 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 26, 2004.

The hearing officer found Juan Diego Lopez in violation of both complaints, imposing an administrative penalty of \$750 for each violation, for a total penalty of \$1,500.

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12. **Blue Diamond Enterprise Group, LP** - NOV #SW04-227/74- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at the southwest corner of Diablo Drive and Edmond Street, Clark County; on or about March 10, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 30, 2004.

The hearing officer found Blue Diamond Enterprise Group, LP in violation of both complaints, imposing an administrative penalty of \$1,000 per violation, for a total penalty of \$2,000. Additionally, the party was ordered to properly remove and dispose of the waste.

13. **Disabled Mobility Systems L.L.C.** - NOV #SW04-077B/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 4645 W. Tropicana Ave., Clark County; on or about January 30, 2004 and March 13, 2004.

The hearing officer found Disabled Mobility Systems L.L.C. in violation of both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste.

14. **Geneva Construction Inc.** - NOV #SW04-467/19- 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 2943 Betty Lane, Sunrise Manor Township, Unincorporated Clark County; on or about May 20, 2004.

The hearing officer found Geneva Construction Inc. in violation, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the company was ordered to properly remove and dispose of the waste.

15. **Infinity Radio Inc.** - NOV #SW03-666/19- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at the northeast corner of El Campo Grande Avenue and Linn Lane, City of North Las Vegas, Clark County; on or about February 29, 2004 through March 19, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 17, 2003.

The hearing officer found Infinity Radio in violation of 2), imposing an administrative penalty of \$2,500. In addition, the company was ordered to properly remove and dispose of the waste, and to provide fencing for the area.

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16. **Armando Gomez and Gomez Construction Clean-Up, Inc.** - NOV #SW04-380/19- 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 5464 Accurate Drive, Sunrise Manor Township, Unincorporated Clark County; on or about April 28, 2004.

The hearing officer found Armando Gomez and Gomez Construction Clean-Up, Inc. in violation of both complaints, imposing an administrative penalty of \$2,000 per violation, for a total penalty of \$4,000. In addition, the company was ordered to properly remove and dispose of the waste.

17. **Service Rock Products Corporation** - NOV #SW04-146/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 21, 2004.

The hearing officer found Service Rock Products Corporation in violation, imposing an administrative penalty of \$2,500. In addition, the company was ordered to properly remove and dispose of the waste.

18. **Antoinette Pratt** - NOV #SW03-754B/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 3660 E. Owens Ave., Clark County; on or about February 6, 2004.

The hearing officer found Antoinette Pratt in violation of both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party was ordered to properly remove and dispose of the waste.

19. **Patti A. Gainous** - NOV #SW03-754C/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 3660 E. Owens Ave., Clark County; on or about February 6, 2004.

The hearing officer found Patti A. Gainous in violation or both complaints, imposing an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party was ordered to properly remove and dispose of the waste.

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