

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 2004

August 31, 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 August 18, 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. **Anthony G. Bock** – NOV #SW04-319/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 the vacant lot on the south side of O'Bannon Avenue at the end of Diamond Peak Court and half way to Diamond Brook Court, Las Vegas, Clark County; on or about April 7, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 12, 2004.

The hearing officer found Anthony G. Bock in violation of 1), ordering an administrative penalty in the amount of \$750. In addition, the party must properly remove and dispose of the waste, and erect fencing to deny access to the affected area. Failure to comply will result in an increase in the penalty to \$2,250.

2. **Performance Contracting, Inc.** – NOV #SW04-377/74 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 4040 W. Russell Rd., Clark County, on or about April 29, 2004 and May 10, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 29, 2004.

The hearing officer found Performance Contracting, Inc. in violation ordering the company to pay an administrative penalty in the amount of \$750 for each date in 1) and 2), for a total penalty of \$2,250.

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3. **Ramon Bedolla** - NOV #SW03-478/23/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2003.

The hearing officer found Ramon Bedolla in violation, ordering an administrative penalty in the amount of \$750. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to 2,500.

4. **C & W Enterprises Inc.** - NOV #SW04-480/24- 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 southwest parcel at Valley View Rd. and Mesa Verde Ln., Clark County; on or about May 26, 2004.

The hearing officer found C & W Enterprises Inc. in violation of 2), ordering the company to pay an administrative penalty in the amount of \$1,000. In addition, C & W Enterprises Inc. must properly remove and dispose of waste, and provide training to employees to prevent future incidences of illegal dumping. Failure to comply will result in an increase in the penalty to \$2,000.

5. **Kanji H. & Sarswati Patel Revocable Trust** - NOV #SW04-075/A5 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) operating a recycling center without a permit issued by the solid waste management authority; 3) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste; 4) causing or allowing sewage or accumulation of human excreta to overflow; 5) 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 property located at 2100 S. Boulder Highway, Henderson, Clark County; on or about January 30, 2004; and 6) failure to comply with the Order issued by the Solid Waste Management Authority on February 6, 2004.

The hearing officer found Kanji H. & Sarswati Patel Revocable Trust in violation of 2), 3) and 6), ordering an administrative penalty of \$750 per violation for a total penalty of \$2,250. In addition, the parties must properly remove and dispose of the waste, and comply with all applicable regulations governing public accommodations and sanitation. Failure to comply will result in an increase in the penalty to \$3,750.

6. **Wild Bills Inc.-** NOV #SW04-250/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at 2522 Sunrise Street, Clark County; on or about March 26, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 1, 2004.

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The hearing officer found Wild Bills Inc. in violation of 2), ordering the company to pay an administrative penalty in the amount of \$750. In addition, Wild Bills Inc. must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,500.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

None this month.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Chancellor LLC** – NOV #SW04-259/89 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 525 East St. Louis Ave, Las Vegas, Clark County; on or about March 20-25, 2004.

The hearing officer found Chancellor LLC in violation, ordering an administrative penalty in the amount of \$1,500. In addition, the company was ordered to properly remove and dispose of the waste, and remediate the area affected by the sewage overflow.

2. **Landscape Services Inc.** – NOV #SW03-413/19- 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 northeast corner of Durango Drive and Grand Teton Drive, City of Las Vegas, Clark County; on or about July 3, 2003.

The hearing officer found Landscape Services Inc. in violation of 1), ordering the company to pay an administrative penalty in the amount of \$1,500. In addition, the company was ordered to properly remove and dispose of the waste, and remediate the area affected by the sewage overflow.

3. **David Brock** – NOV #SW04-043/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 the vacant lot at the northeast intersection of Jo Marcy Dr. and Garehime St., Clark County; on or about January 5, 2004.

The hearing officer found David Brock in violation of 1), ordering an administrative penalty in the amount of \$7,000. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$14,000.

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4. **David Brock** - NOV #SW04-349/45- 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 the vacant property located south of Tunis Avenue and west of Denning Street, Clark County; six times on or about April 21, 2004.

The hearing officer found David Brock in violation of 2), ordering an administrative penalty in the amount of \$23,000. In addition, the party must properly remove and dispose of the waste, and develop an action plan for proper disposal of waste. Failure to comply will result in an increase in the penalty to \$46,000.

5. **Terry V. Leavitt** - NOV #SW04-438/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at the intersection of E. Charleston Blvd. and N. Los Feliz St., Clark County; on or about May 11, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 18, 2004.

The hearing officer found Terry V. Leavitt in violation of 2), ordering an administrative penalty in the amount of \$500. In addition, the party was ordered to properly remove and dispose of the waste.

6. **Pedro Vasquez** - NOV #SW04-482/27 - 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 1113 Marion Dr., 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 June 8, 2004.

The hearing officer found Pedro Vasquez in violation of 2), ordering an administrative penalty in the amount of \$500. In addition, the party was ordered to properly remove and dispose of the waste.

7. **Tropicana Palms MHP Association LLC** - NOV #SW04-311/A5 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 6420 E. Tropicana Ave., Clark County; on or about April 7, 2004.

The hearing officer found Tropicana Palms MHP Association LLC in violation, ordering an administrative penalty in the amount of \$500. In addition, the party must properly remediate the area affected by the sewage overflow.

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8. **Evalee Family Trust** - NOV #SW04-129/27 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 482 Alpine Way, Mt. Charleston, Clark County; ongoing from July 6, 2003 through February 18, 2004.

The hearing officer found Evalee Family Trust in violation, ordering an administrative penalty in the amount of \$1,000. In addition, the trust must remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$2,000.

9. **Pinewood Apartments LP** - NOV #SW04-390/A5 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3601 Cambridge St., Clark County; on or about May 3, 2004.

The hearing officer found Pinewood Apartments LP in violation, ordering the company to pay an administrative penalty in the amount of \$3,000, and remediate the area affected by the sewage overflow.

10. **West Owens Management Group LLC, Sandra DiMarco and David DiMarco** - NOV #SW04-276/21 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 15 West Owens Avenue, Las Vegas., Clark County, on or about April 1, 2004 through April 23, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 2, 2004.

The hearing officer found West Owens Management Group LLC, Sandra DiMarco and David DiMarco in violation of seven incidents of 1) and two incidents of 2), ordering an administrative penalty of \$1,000 per incident, for a total penalty of \$9,000. In addition, the party must remediate the area affected by the sewage overflow.

11. **Diversified Capital Investment Corp. and College Inn MHP, Inc.** - NOV #SW04-294/21 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 4615 East Lake Mead Boulevard, Clark County, on or about April 15, 2004; and 2) failure to comply with the Orders issued by the Solid Waste Management Authority on April 15, 2004 and April 16, 2004.

The hearing officer found Diversified Capital Investment Corp. and College Inn MHP, Inc. in violation of eight incidents of 1) and five incidents of 2). The party was ordered to pay an administrative penalty of \$1,500 for each of eight incidents of 1), \$1,500 for each of four incidents of 2) and \$2,000 for one incident of 2), for a total penalty of \$20,000. In addition, the party is required to remediate the area affected by the sewage overflow.

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12. **Todd Perry Schook** - NOV #SW04-242/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 Emerald Ave., Clark County; on or about March 18, 2004.

The hearing officer found Todd Perry Schook in violation, ordering an administrative penalty of \$750 for both 1) and 2), for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

13. **Jack Ruggles** - NOV #SW03-667/19 - 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 north side of W. Eldorado Lane west of Warbonnet Way, Spring Valley Township, Unincorporated Clark County; on or about October 11, 2003.

The hearing officer found Jack Ruggles in violation, ordering an administrative penalty of \$1,000 for both 1) and 2), for a total penalty of \$2,000. In addition, the party is required to properly remove and dispose of the waste.

14. **Harshman Excavating Corp.** - NOV #SW04-212/19- 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 south of Hacienda Avenue and east of Riley Street, Clark County; on or about March 8, 2004.

The hearing officer found Harshman Excavating Corp. in violation, ordering an administrative penalty of \$1,500 for both 1) and 2), for a total penalty of \$3,000. In addition, the company is required to properly remove and dispose of the waste.

15. **Mark M. Casey** - NOV #SW04-003/23/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 17, 2004.

The hearing officer found Mark M. Casey in violation, ordering an administrative penalty of \$500. In addition, the party must provide a disposal ticket showing proper disposal of the waste.

16. **Perpetual Funding Inc.**- NOV #SW04-374A/45- For operating a disposal site without a permit issued by the solid waste management authority on property located at 2610, 2614, 2618 and 2622 Regency Cove Ct., Clark County; on or about May 4, 2004.

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The hearing officer found Perpetual Funding Inc. in violation, ordering an administrative penalty in the amount of \$500. In addition, the party must properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$1,250.

17. **Raven Management, Inc.** - NOV #SW04-374B/45 - For causing or allowing sewage or accumulation of human excreta to overflow from the Emerson Estates property at Regency Cove onto vacant land, Clark County; from April 30, 2004 through May 3, 2004.

The hearing officer found Raven Management Inc. in violation, ordering an administrative penalty of \$1,500. In addition, the company must remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$3,000.

18. **Jody Ingram, Estate of Luther Jackson, and Estate of Fay Jackson** - NOV #SW03-703/21 - 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 1813 Evelyn Ave, Henderson, Clark County; 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 November 18, 2003; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on January 6, 2004.

The hearing officer found Jody Ingram, Estate of Luther Jackson, and Estate of Fay Jackson in violation, ordering an administrative penalty of \$750 for each violation, for a total penalty of \$3,000. In addition, the party must properly remove and dispose of the waste.

19. **Aaron Bradshaw** - NOV #SW04-384/24 - 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 the northwest corner of Shinnecock Hills and Jones Boulevard, 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 May 3, 2004.

The hearing officer found Aaron Bradshaw in violation, ordering an administrative penalty in the amount of \$750 for each of 1), 2) and 3), for a total penalty of \$2,250. In addition, the party is required to properly remove and dispose of the waste.

20. **Frederick Smith** - NOV #SW04-471/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 Whispering Sands Dr. and Garehime St., Clark County; on or about May 25, 2004.

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The hearing officer found Frederick Smith in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

21. **Pro Star Drop Box Service, Inc.** - NOV #SW04-304/19 - 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 on the east third of the lot at 3850 Losee Road, North Las Vegas, Clark County; 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 7, 2004.

The hearing officer found Pro Star Drop Box Service, Inc. in violation, ordering an administrative penalty of \$2,500 per violation, for a total penalty of \$7,500. In addition, the party is required to properly remove and dispose of the waste.

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