

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – October 2004

November 2, 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 October 20, 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. **M.I.T. Construction, Inc.** – NOV #SW04-823/27- 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 southeast corner of Quadrel Street and Craig Road, Las Vegas, Clark County; on or about August 13, 2004.

The hearing officer agreed to a compromise resolution, finding M.I.T. Construction, Inc in violation of 2), and ordering an administrative penalty of \$750. Additionally, the company 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. **Daniel Ramirez-Cardoza** – NOV #SW04-640/45- 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 north of East Colorado Avenue and west of South Lamb Boulevard, Clark County; on or about July 12, 2004.

The hearing officer agreed to a compromise resolution, finding Daniel Ramirez-Cardoza in violation of 2), and ordering an administrative penalty of \$500. Additionally, 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.

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3. **Antonio Sustaita d/b/a Shady Acres Mobile Home Park** – NOV #SW04-635/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at Shady Acres Mobile Home Park, 1001 North Main Street, Las Vegas, Clark County, on or about July 6, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 6, 2004.

The hearing officer found Antonio Sustaita d/b/a Shady Acres Mobile Home Park in violation, ordering an administrative penalty of \$4000. Additionally, the party is required to remediate the area affected by the sewage overflow and obtain all applicable permits and licenses by February 20, 2005. Failure to comply will result in an increase in the penalty to \$6,000.

4. **Pedro Alvarez and Neddy M. Alvarez** – NOV #SW04-583/24- 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 Bermuda Road and Liberty Heights Avenue, Clark County; on or about June 24, 2004.

The hearing officer agreed to a compromise resolution, finding Pedro Alvarez and Neddy M. Alvarez in violation of 2), and ordering an administrative penalty of \$500. 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.

5. **Cruz Anaya** – NOV #SW03-327A/19- For operating a disposal site without a permit issued by the solid waste management authority; on property located at the north side of Ano Drive opposite 5501 Ano Drive, Las Vegas, Clark County; on or about May 26, 2003.

The hearing officer found Cruz Anaya in violation, ordering an administrative penalty in the amount of \$500. 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.

6. **Ishtiaq A. Khera** – NOV #SW04-530/24- 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 northeast parcel of Eldorado Lane and Spencer Street, Clark County; on or about June 9, 2004.

The hearing officer agreed to a compromise resolution, finding Ishtiaq A. Khera in violation of 2), and ordering an administrative penalty in the amount of \$500. 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.

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B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Fernando Vega and Carmen Vega d/b/a Limpio Janitorial and Carpet Cleaning** – NOV #HW04-028/45- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 2800 South Eastern Avenue, Clark County; on or about July 21, 2004.

The hearing officer found Fernando Vega and Carmen Vega d/b/a Limpio Janitorial and Carpet Cleaning in violation, ordering an administrative penalty of \$500. In addition, the business is required to develop a standard operating procedure for employees to follow when dumping grey carpet water in an approved location. Failure to comply will result in an increase in the penalty to \$1,500.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **T.M.C. Realty and Management, Inc.** – NOV #SW04-778/45- 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 1552 North Sandhill Road, Las Vegas, Clark County; on or about May 6, 2004, May 28, 2004 and August 4, 2004.

The hearing officer found T.M.C. Realty and Management, Inc. in violation of 2), ordering an administrative penalty in the amount of \$1,000. In addition, the company is required to properly remove and dispose of the waste, and develop an action plan to prevent future occurrence.

2. **Rancho 68 Express, Clinton Flor, and Aldana Flor** – NOV #SW04-582/24- 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 Pyle Avenue and Rancho Destino Road, Clark County; on or about June 24, 2004.

The hearing officer found Rancho 68 Express, Clinton Flor, and Aldana Flor in violation of 2), ordering an administrative penalty in the amount 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.

3. **Edward Whitesell** – NOV #SW04-353/24- 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 Torrey Pines Drive and south of Cactus Avenue, Clark County; on or about April 11, 2004.

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The hearing officer found Edward Whitesell in violation of both complaints, 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.

4. **Jose N. Nobles** – NOV #SW04-565/24- 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 Bermuda Road, south of Liberty Heights Avenue, Clark County; on or about June 14, 2004.

The hearing officer found Jose N. Nobles in violation of 2), ordering an administrative penalty in the amount of \$500. 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.

5. **Nevada Ready Mix Corporation** – NOV #SW04-881/27- 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 Valley Drive and Deer Springs Way, North Las Vegas, Clark County; on or about August 21, 2004.

The hearing officer found Nevada Ready Mix Corporation in violation of both complaints, ordering an administrative penalty of \$5,000 per complaint, for a total penalty of \$10,000. In addition, the company is required to properly remove and dispose of the waste.

6. **Ryan Bindrip** – NOV #SW04-777/A5- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3585 East Patrick Lane, Clark County; on or about August 1, 2004.

The hearing officer found Ryan Bindrip in violation, ordering an administrative penalty in the amount of \$750.

7. **Whitaker Enterprises, Inc.** – NOV #SW04-452/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 20, 2004.

The hearing officer found Whitaker Enterprises, Inc. in violation of both complaints, ordering an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste.

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8. **AF Construction Co., Inc.** – NOV #SW04-460B/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 West Bonneville Avenue and South Main Street, Las Vegas, Clark County; on or about June 8, 2004 and July 6, 2004.

The hearing officer found AF Construction Co., Inc. in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$3,000.

9. **Union Pacific Railroad Company** – NOV #SW04-460A/45- For 1) operating a disposal site without a permit issued by the solid waste management authority on Assessor's Parcel #139-34-302-006 in Clark County; on or about June 8, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 14, 2004.

The hearing officer found Union Pacific Railroad Company in violation of 2), ordering an administrative penalty of \$1,500. In addition, the company is required to properly remove and dispose of the waste. Failure to comply will result in an increase in the penalty to \$2,250.

10. **HKBBQ, Inc.** – NOV #SW04-379/74- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 4711 Spring Mountain Road, Clark County; on or about April 29, 2004.

The hearing officer found HKBBQ, Inc. in violation, ordering and administrative penalty of \$2,250. In addition, the company is required to repair all plumbing that is associated with the grease trap.

11. **Dave H. Meehan, Jr.** – NOV #SW04-606/45- 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; and 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 2384 Sandy Lane, Clark County, on or about June 29, 2004 and June 30, 2004.

The hearing officer found Dave H. Meehan, Jr. in violation of 2), ordering an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste, and remediate the area affected by the sewage overflow. Failure to comply will result in an increase in the penalty to \$3,000.

12. **Fishtail Investments, Inc.** – NOV #HW04-019/21- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3024 Fremont Street, Clark County; on or about July 1, 2004.

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The hearing officer found Fishtail Investments, Inc. in violation, ordering an administrative penalty of \$750. In addition, the company is required to construct a car wash area with a sand/oil interceptor.

13. **Warren S. Wood Trust – Warren Wood, Trustee & Howe Family Trust – Dick Howe, Trustee** – NOV #SW04-468/19 - 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 lot 1-1A on the southwest corner of the property on the southeast corner of Betty Lane and Cecile Avenue, Sunrise Manor Township, Unincorporated Clark County; on or about May 20, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 26, 2004.

The hearing officer found Warren S. Wood Trust – Warren Wood, Trustee & Howe Family Trust – Dick Howe, Trustee in violation of all complaints, ordering an administrative penalty of \$500 per complaint, for a total penalty of \$1,500. In addition, the trusts must properly remove and dispose of the waste.

14. **Jack Lane and Adrienne Sue Lane** – NOV #SW04-374C/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority on Assessor's Parcel #162-13-221-013 in Clark County; on or about May 4, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 10, 2004.

The hearing officer found Jack Lane and Adrienne Sue Lane in violation of both complaints, ordering an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

15. **NASDAQ 5, LLC and C. Leon Chen** – NOV #SW04-598/A0 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located in the dumpster containment dock at 4480 Spring Mountain Road, Clark County; on or about June 29, 2004; 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 2, 2004 by July 9, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 2, 2004 by July 30, 2004.

The hearing officer found NASDAQ 5, LLC and C. Leon Chen in violation of 1) and 3), ordering an administrative penalty of \$562.50 per complaint for a total penalty of \$1125. 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.

16. **Melinda Eash** – NOV #SW04-386/24- 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,

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deposited or dumped solid waste on property located at 8845 South Procyon Street, Las Vegas, Clark County; on or about May 3, 2004.

The hearing officer found Melinda Eash in violation of 2), ordering an administrative penalty of \$500. In addition, the party is required to properly remove and dispose of the waste.

17. **Manuel Madrigal and Lunas Construction Cleanup** – NOV #SW04-660/19 - For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Las Vegas Boulevard North, south of US Highway 93, Clark County; on or about July 7, 2004.

The hearing officer found Manuel Madrigal and Lunas Construction Cleanup in violation, ordering an administrative penalty of \$2,250. In addition, the party is required to properly remove and dispose of the waste, and develop a training procedure to prevent future occurrence.

18. **Juan Hernandez** – NOV #SW04-433/45 - 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 5766 Kristen Lee Court, 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 13, 2004.

The hearing officer found Juan Hernandez in violation of all complaints, ordering an administrative penalty of \$750 per complaint, for a total penalty of \$2,250. In addition, the party is required to properly remove and dispose of the waste.

19. **Neil B. Gjovik** – NOV #SW04-142/A0 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 5998 Lindell Road, 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 February 18, 2004.

The hearing officer found Neil B. Gjovik in violation of both complaints, ordering an administrative penalty of \$1,000 per complaint, for a total penalty of \$2,000. In addition, the party is required to properly remove and dispose of the waste.

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