

Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – December 2004

December 23, 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 December 15, 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. **Robert Kovan d/b/a Keystone Carpet Care** - NOV #HW04-026/45- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 5075 Spyglass Hill Drive, Clark County; on or about July 16, 2004.

The hearing officer found Robert Kovan d/b/a Keystone Carpet Care in violation, ordering an administrative penalty of \$750. In addition, the party must develop a standard operating procedure for employees to follow when dumping grey carpet water in an approved location.

2. **Hugh N. Canady and Mabel J. Canady** - NOV #HW04-022/A5- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 1553 North Boulder Highway, Clark County; on or about September 27, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 27, 2004.

The hearing officer agreed to a compromise resolution, finding Hugh N. Canady and Mabel J. Canady in violation of 1) and 2, and ordering an administrative penalty of \$500 per violation, for a total penalty of \$1,000. In addition, the party must contact and inform the property owner and take any appropriate action to owner satisfaction for proper removal and disposal of waste. Failure to comply will result in an increase in the penalty to \$1,500.

3. **Saul Perez-Alcala** - NOV SW04-727/45- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste

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management authority on property located at 6947 Dunsbach Way, Las Vegas, Clark County; on or about July 15, 2004; and 2) failure to comply with

the Order issued by the Solid Waste Management Authority on September 15, 2004.

The hearing officer agreed to a compromise resolution, finding Saul Perez-Alcala in violation of 2), and ordering an administrative penalty of \$1,500. 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 \$2,500.

4. **Precision Concrete, Inc.** - NOV #SW04-935/74- 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 on a Clark County Railroad Right-of-Way which is situated off the south shoulder of Russell Road between Wynn Road and Arville Street, just east of the railroad tracks, Clark County; on or about July 31, 2004.

The hearing officer agreed to a compromise resolution, finding Precision Concrete, Inc. in violation of 2), and ordering an administrative penalty of \$1,250. 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 \$2,500.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Laconic Limited Partnership** - NOV #SW04-784/12- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Bermuda Road and Cactus Avenue, Enterprise, Clark County; on or about July 27, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 11, 2004.

The hearing officer agreed to a compromise resolution, finding Laconic Limited Partnership in violation of 2), and ordering 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.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Casino Ready Mix, Inc.** - NOV #SW04-894/24- 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 the northwest vacant parcel on Cactus Avenue and Bermuda Road, Clark County; on or about August 26, 2004.

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The hearing officer found Casino Ready Mix, 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.

2. **Curtis Excavating, LLC** - NOV #SW04-868/24- 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 Silverado Rancho and Placid, Clark County; on or about August 17, 2004.

The hearing officer found Curtis Excavating, LLC in violation, ordering an administrative penalty of \$1,250 per violation, for a total penalty of \$2,500. In addition, the company is required to properly remove and dispose of the waste.

3. **Toros Yerosian** - NOV #SW04-649/21- 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; 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at Elms Mobile Home Park, 3919 East Cheyenne Avenue, Clark County, on or about July 14, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on July 14, 2004.

The hearing officer found Toros Yerosian in violation of 1) and 3), ordering an administrative penalty of \$2,500 per violation, for total penalty of \$5,000. In addition, the party is required to properly remove and dispose of the waste, and remediate the area affected by the sewage overflow.

4. **Valente Development, LLC** - NOV #SW04-937/27- 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 corner of Grand Teton and Garehime, Clark County; on or about August 26, 2004

The hearing officer found Valente Development, LLC in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the company is required to obtain permission from the property owner to dump only type II soil if all applicable permits are in place, or properly remove and dispose of the waste.

5. **Republic Silver State Disposal, Inc.** - NOV #SW04-012/19- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on the on-ramp to northbound US Highway 95 and on the right lane of northbound US Highway 95 north of the Sunset Road on-ramp in the City of Henderson, Clark County; on or about December 31, 2003.

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The hearing officer found Republic Silver State Disposal, Inc. in violation, ordering an administrative penalty of \$1,000. In addition, the company is required to properly remove and dispose of the waste, and develop an operating procedure to avoid future occurrences.

6. **Cactus & Bermuda, LLC and Mergaloni, LLC** – NOV #SW04-780/12- For 1) operating a disposal site without a permit issued by the solid waste management authority on property known as Assessor's Parcel #177-28-803-003, Enterprise, Clark County; on or about June 8, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2004.

The hearing officer found Cactus & Bermuda, LLC and Mergaloni, LLC in violation of 2), ordering an administrative penalty of \$1,500. In addition, the party must properly remove and dispose of the waste, and develop an action plan to avoid future occurrences.

7. **Cactus & Bermuda, LLC and Mergaloni, LLC** – NOV #SW04-795/12- For 1) operating a disposal site without a permit issued by the solid waste management authority on property known as Assessor's Parcel #177-28-803-012, Enterprise, Clark County; on or about June 8, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2004.

The hearing officer found Cactus & Bermuda, LLC and Mergaloni, LLC in violation of 2), ordering an administrative penalty of \$500. In addition, the party must properly remove and dispose of the waste, and develop an action plan to avoid future occurrences.

8. **Paul J. Jensen Revocable Trust and Paul J. Jensen, Trustee** – NOV #SW04-658/45- 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 4998 East Van Buren Avenue, 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 the purpose on or about July 13, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on August 20, 2004.

The hearing officer found Paul J. Jensen Revocable Trust and Paul J. Jensen, Trustee in violation, ordering an administrative penalty of \$750 per violation for 1), 2) and 3) and \$1,500 for 4). This represents a total penalty of \$3,750. In addition, the party is required to properly remove and dispose of the waste.

9. **Accessible Space, Inc.** – NOV #SW04-676/19- For 1) operating a disposal site without a permit issued by the solid waste management authority on property located at 2030 Camel Street, Sunrise Manor Township, Clark County; on or about July 15, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2004.

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The hearing officer found Accessible Space, Inc. in violation, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party must provide a disposal ticket showing proper removal and disposal of waste.

10. **Sergio Lopez** - NOV #SW04-525/21- 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 5336 East Lake Mead Boulevard, 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 the purpose on or about June 10, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on June 10, 2004.

The hearing officer found Sergio Lopez in violation, imposing a \$750 administrative penalty for each of 1), 2) and 3) and a \$2,500 penalty for 4). This represents a total penalty of \$4,750. In addition, the party must properly remove and dispose of the waste.

11. **Jesus J. Rodriguez and Gloria Rodriguez** - NOV #SW04-879/45- 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 3712 Queen Street, 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 the purpose on or about August 24, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on August 27, 2004.

The hearing officer agreed to a compromise resolution, finding Jesus J. Rodriguez and Gloria Rodriguez in violation of 4), and ordering an administrative penalty of \$1,500. 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 \$3,500.

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