



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - January 20, 2010

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 444.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the January 20, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Fred Doumani, Jr. and Robert E. Van Ordstrand** - NOV #SW09-003/32/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Item continued to March 17, 2010 docket.

2. **Arturo G. Banuelos** - NOV #SW09-1064/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 20, 2009.

Item continued to February 17, 2010 docket.

3. **David Livingston** - NOV #SW09-1206/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located south of 560 Cape Horn Drive, Henderson, Clark County, Nevada on or about August 14, 2009.

Hearing officer found David Livingston in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev.

4. **Amazon Landscape Maintenance, Inc. dba Green Tree Landscape and Maintenance** – NOV #SW09-1203/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located at 4 Soaring Bird Court, Clark County, Nevada on or about August 10, 2009.

Hearing officer found Amazon Landscape Maintenance, Inc. dba Green Tree Landscape and Maintenance in violation and imposed a penalty of \$1,250 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

5. **Robert Dale Miller** – NOV #SW09-1121/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located at 4420 East Charleston Boulevard, Las Vegas, Clark County, Nevada on or about July 28, 2009.

Hearing officer found Robert Dale Miller in violation and imposed a penalty of \$900 for each of 1) and 2).

6. **Westland Leasing LLC** – NOV #SW09-1250/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located east of Eastern Avenue and north of Pecos Ridge Parkway, Henderson, Clark County, Nevada on or about August 26, 2009.

Hearing officer found Westland Leasing LLC in violation and imposed a penalty of \$500 for each of 1) and 2). Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

7. **Shawn Thompson** – NOV #SW09-1348/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located 2.5 miles southwest of West Grand Teton Drive and North Grand Canyon Drive, Clark County, Nevada on or about September 18, 2009.

Hearing officer found Shawn Thompson in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **Alma Garcia and Luis Eduardo Garcia, Jr.** – NOV #SW09-1232/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at 1216 Observation Drive, 1116 Observation Drive and 1205 North Buffalo Drive, Las Vegas, Clark County, Nevada on or about August 17, 2009 and August 21, 2009.

Hearing officer found Alma Garcia and Luis Eduardo Garcia, Jr. in violation and imposed a penalty of \$900 for each of 1) and 2). Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

9. **Astoria Pearl Creek, LLC** – NOV #SW09-048/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 15, 2009.

Hearing officer found Astoria Pearl Creek, LLC in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

10. **Service Rock Products Corporation** – NOV #SW09-1403/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant lot located east of South Las Vegas Boulevard and north of Neal Avenue, Clark County, Nevada on or about September 29, 2009.

Hearing officer found Service Rock Products Corporation in violation and imposed a penalty of \$750 for 1), and a penalty of \$1,000 for 2). An operational plan is ordered. Failure to comply will result in the original penalty of \$2,500 as initially sought in the Notice of Violation.

11. **Ann Coleman LLC and Avi Gohari** – NOV #SW09-365/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 15, 2009.

Hearing officer found Ann Coleman LLC and Avi Gohari in violation and imposed a penalty of \$5,500. Corrective action of removal and proper disposal of waste is ordered.

12. **Nadia L. Rubio dba Nadia's Beauty Salon** – NOV #SW09-1143/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 1000 North Nellis Boulevard, Suite V, Clark County, Nevada on or about August 3, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 10, 2009.

Hearing officer found Nadia L. Rubio dba Nadia's Beauty Salon in violation and imposed a penalty of \$500 for 2) and a penalty of \$900 for 3). A waste management plan that outlines standard operating procedures for the timely, proper disposal of solid waste is ordered, as well as the communication of these procedures to all staff to ensure no further solid waste disposal issues.

13. **Michaelson, Conner, and Boul, Incorporated** – NOV #SW09-997/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 11, 2009.

Hearing officer found Michaelson, Conner, and Boul, Incorporated in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

14. **Marcia T. Andaya** – NOV #SW09-110/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 1302 Stewart Avenue, Las Vegas, Clark County, Nevada on or about January 21, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 21, 2009.

Hearing officer found Marcia T. Andaya in violation and imposed a penalty of \$500 for each of 2) and 3). Plumbing receipts are ordered for the arrangement/contracting to repair and test all deficient plumbing elements, e.g. plumbing lines, distribution boxes, septic tank, leach field lines, cut-outs, and internal plumbing within the dwelling(s) by a certified, licensed plumber or plumbing company. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

15. **Canada, LLC, Citadel Long Term Investment, and Craig Brooksby** – NOV #SW09-921/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2009.

Hearing officer found Canada, LLC, Citadel Long Term Investment, and Craig Brooksby in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

16. **Golden Pond Villas, LLC dba Tara Hills Apartments** – NOV #SW09-1231/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3233 East Desert Inn Road, Clark County, Nevada on or about August 21, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 21, 2009.

Item continued to March 17, 2010 docket.

17. **Carolyn Swann and Angus Swann** – NOV #SW09-1082/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 27, 2009.

Item continued to February 17, 2010 docket.

18. **Russell 215 Two LLC** - NOV #SW09-800/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 21, 2009.

Hearing officer found Russell 215 Two LLC in violation and imposed a penalty of \$500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

19. **Metro Storage, LLC, Edible Landscaping and Kay A. Rodriguez** - NOV #SW09-1012/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) disposing of, abandoning or dumping motor vehicle battery, motor vehicle tire or motor vehicle oil at a site which has not been issued a permit for that purpose; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 1, 2009.

Hearing officer found Metro Storage, LLC, Edible Landscaping and Kay A. Rodriguez in violation and imposed a penalty of \$500 for each of 2) and 3). Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

20. **Henderson Industrial Center, L.L.C. and L. Neil Dexter** - NOV #SW09-632/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 23, 2009.

Hearing officer found Henderson Industrial Center, LLC and L. Neil Dexter in violation and imposed a penalty of \$900 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

21. **Maria L. Tamayo** - NOV #SW08-021/45/G7/45- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Maria L. Tamayo in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

22. **Elvira Cozzens** - NOV #SW08-034/45/G7/45- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Elvira Cozzens in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

B. NON-CONTESTED NOTICES OF VIOLATION: 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 Violations.

1. **New Star, Inc.** – NOV #SW09-776/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 22, 2009.

Hearing officer found New Star, Inc. in violation and imposed a penalty of \$5,000 for 1) and a penalty of \$2,000 for 2). Completion of recycling center permit within one hundred twenty (120) days is ordered.

2. **SV 1.33, LLC** – NOV #SW09-729/23- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 15, 2009.

Hearing officer found SV 1.33, LLC in violation of 2) and imposed a penalty of \$900.

3. **LandMarc Landscapes, LLC** – NOV #SW09-934/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found LandMarc Landscapes, LLC in violation and imposed a penalty of \$500. An operation plan is ordered. Failure to comply will result in the original penalty of \$900 as initially sought in the Notice of Violation.

4. **Hastings Brokerage, LTD** – NOV #SW09-1087/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2009.

Hearing officer found Hastings Brokerage, LTD in violation of 2) and imposed a penalty of \$1,400. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

5. **Timothy McEntire and Kim McEntire** – NOV #SW09-1321/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located west of North Grand Canyon Drive and West Farm Road, Las Vegas, Clark County, Nevada on or about September 15, 2009.

Hearing officer found Timothy McEntire and Kim McEntire in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **David Bunge** – NOV #SW09-1343/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to overflow onto the public right-of-way located on the north side of Kyle Canyon Road, just west of the Oso Blanca Road intersection, Las Vegas, Clark County, Nevada on or about September 17, 2009.

Hearing officer found David Bunge in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

7. **Efrain Escalera and Escalera Maintenance Corporation** – NOV #SW09-1281/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant property located on the northwest corner of Jo Marcy Drive and Garehime Street, Clark County, Nevada on or about September 3, 2009.

Hearing officer found Efrain Escalera and Escalera Maintenance Corporation in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **Gilberto Vasquez-Gutierrez** – NOV #SW09-528/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 20, 2009.

Hearing officer found Gilberto Vasquez-Gutierrez in violation and imposed a penalty of \$1,500 for 1), and a penalty of \$1,000 for 2) A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

9. **Drake Asphalt and Concrete Systems** – NOV #SW09-1197/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast side of the intersection of the intersection of Dapple Gray Road and Grand Sunburst Court, then south in the gutter on Dapple Gray Road to West Centennial Parkway, then east in the gutter of West Centennial Parkway to the storm inlet located on the south side of 8858 West Centennial Parkway, approximately 1,987 feet, Clark County, Nevada on or about August 31, 2009; and 3) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at the southeast side of the intersection at Dapple Gray Road and Grand Sunburst Court, then south in the gutter on Dapple Gray Road to West Centennial Parkway, then east in the gutter of West Centennial Parkway to the storm inlet located on the south side of 8858 West Centennial Parkway, approximately 1.987 feet, Las Vegas, Clark County, Nevada on or about August 13, 2009.

Hearing officer found Drake Asphalt and Concrete Systems in violation and imposed a penalty of \$500 for each of 1) and 2). A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. A waste management plan is ordered. Written policies, procedures and training of Drake Asphalt and Concrete Systems employees on the Section 6 – Accidental release matters: of Material Safety Data Sheet M.S.D.S. for products being used. A copy must be submitted to the Southern Nevada Health District within thirty (30) days. Also, within thirty (30) days, ensure that all vehicles transporting products contain the Material Safety Data Sheet M.S.D.S. and a spill kit for the products being transported.

10. **Plaster Land and Investment, LLC** – NOV #SW09-832/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2009.

Hearing officer found Plaster Land and Investment, LLC in violation of 2) and imposed a penalty of \$900. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit from the solid waste management authority at this location or any other in Clark County, Nev. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Richard Mandarinino dba Discount Lawn Services** – NOV #SW08-657/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located west of the end of Mountain Shadow Road, Las Vegas, March 28, 2008.

Hearing officer order of October 15, 2009 is amended.

2. **Richard Mandarino dba Discount Lawn Services** – NOV #SW08-657/A0/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Hearing officer order of February 18, 2009 is amended.