



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – March 17, 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 March 17, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **One For All Services** – NOV #SW09-1431/E0- 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 upon the property located at 110 South Rainbow Boulevard, Las Vegas, Clark County, Nevada on or about October 7, 2009; and 3) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 160 South Rainbow Boulevard, Las Vegas, Clark County, Nevada on or about October 7, 2009.

Hearing officer found One For All Services 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.

2. **Joel M D Ira Davidson and Premier Trust Nevada Custodian** – NOV #SW09-799/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 Joel M D Ira Davidson and Premier Trust Nevada Custodian in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered.

3. **Fred Doumani, Jr.** – 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.

Hearing officer found Fred Doumani, Jr. in violation and imposed a penalty of \$1,200. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$2,300 as initially sought in the Notice of Violation.

4. **Santiago Mobile Homes Estates, LLC** – NOV #SW09-1491/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 4650 East Carey Avenue, Clark County, Nevada on or about October 20, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on October 20, 2009.

Item continued to May 19, 2010 docket.

5. **Mesquite Medical Center LLC** – NOV #SW09-1086/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 July 24, 2009.

Item continued to May 19, 2010 docket.

6. **Losee/Craig Properties LLC** – NOV #SW09-1461/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 October 16, 2009.

Hearing officer found Losee/Craig Properties LLC in violation and imposed a penalty of \$900 for each of 1) and 2).

7. **MER Properties LLC, Eric Hofele, Mike Hofele, and Ralph Hofele** – NOV #SW09-1424/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 October 9, 2009.

Hearing officer found MER Properties LLC, Eric Hofele, Mike Hofele, and Ralph Hofele 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 \$3,700 as initially sought in the Notice of Violation.

8. **Highland Resort, LLC** – NOV #SW09-1554/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 November 5, 2009.

Hearing officer found Highland Resort, LLC 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.

9. **Ha Ngan Cheung-Toledo** – NOV #SW09-1521/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 October 27, 2009.

Hearing officer found Ha Ngan Cheung-Toledo in violation and imposed a penalty of \$500.

10. **Titanium Metals Corporation** – NOV #SW09-1110/45- For failure to comply with Class III industrial landfill minimum standards on or about June 18, 2007, December 14, 2007, March 25, 2008, September 15, 2008, May 27, 2009 and November 4, 2009.

Item continued to May 19, 2010 docket.

11. **Alice Faye Elmore** – NOV #SW09-1346/60- 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 October 2, 2009.

Hearing officer found Alice Faye Elmore in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

12. **Pay Dirt Irrevocable Business Trust and Aspen Financial Services, LLC** – NOV #SW09-1315/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 September 16, 2009.

Hearing officer found Pay Dirt Irrevocable Business Trust and Aspen Financial Services, LLC in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. 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.

13. **Basic Environmental Company, LLC** – NOV #SW09-1382/60- 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 October 1, 2009.

Hearing officer found Basic Environmental Company, LLC in violation and imposed a penalty of \$2,700 for 1), and a penalty of \$3,200 for 2). Corrective action of removal and proper disposal of waste is ordered. 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.

14. **Steven C. Hunt** – NOV #SW09-1228/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 October 26, 2009.

Hearing officer found Steven C. Hunt in violation and imposed a penalty of \$900 for each of 1) and 2). Correction action of removal and proper disposal of waste is ordered.

15. **Joey Deblanco** – NOV #SW09-1466/08- 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 October 19, 2009.

Hearing officer found Joey Deblanco in violation and imposed a penalty of \$900 for each of 1) and 2). A written waste management plan is to be submitted. 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.

16. **Arturo Vasquez-Aguas** – NOV #SW09-1475/57- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

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

17. **HH INV LLC and Omega Vista LLC** – NOV #SW09-167/A0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 16, 2009.

Item continued to May 19, 2010 docket.

18. **Mary Bartsas 15, LLC** – NOV #SW09-1221/60- 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 August 24, 2009.

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

19. **Susan E. Eckles** – NOV #SW09-1306/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 September 16, 2009.

Hearing officer found Susan E. Eckles in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

20. **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 withdrawn by the Southern Nevada Health District.

21. **Gentry Equipment, L.C., Race Gentry and Deborah Gentry** – NOV #SW08-1965/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 December 30, 2008.

Item continued to April 13, 2010.

- 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. **Francisco Olivias** – NOV #SW09-1457/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 the property located at the dead end of Rocky Hill Street, between Russell Road and Oquendo Road, Clark County, Nevada on or about October 8, 2009.

Hearing officer found Francisco Olivias 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.

2. **Angela Hernandez** – NOV #SW09-1563/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 property located on the north side of Helena Avenue between El Capitan Way and Juliano Road, Clark County, Nevada on or about November 2, 2009.

Hearing officer found Angela Hernandez 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.

3. **Schoolhouse Finance LLC** – NOV #SW09-1395/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 October 5, 2009.

Hearing officer found Schoolhouse Finance LLC in violation of 2) and imposed a penalty of \$900. 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.

4. **Evergreen, LLC** – NOV #SW09-1285/G7- For 1) violations of Solid Waste Management Authority Regulations (SWMAR) Governing Materials Recovery Facilities (MRF): Section 8.7(b)(3) for allowing stored solid waste to become a public nuisance on or about September 14, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 16, 2010.

Hearing officer found Evergreen, LLC in violation of 2) and imposed a penalty of \$700. Failure to comply will result in the original penalty of \$2,300 as initially sought in the Notice of Violation.

5. **Leon Chen ETAL** – NOV #SW09-1462/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 October 16, 2009.

Hearing office found Leon Chen ETAL in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$2,062. 50 as initially sought in the Notice of Violation.

6. **Chung Enterprises, L.P.** – NOV #SW09-1296/C0- 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 September 17, 2009.

Hearing officer found Chung Enterprise, L.P. in violation of 2) and imposed a penalty of \$900. 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None