



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – June 16, 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 June 16, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Dora Ibarra** – NOV #SW10-125/08- 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 property located at 1550 North Rancho Drive, Las Vegas, Clark County, Nevada on or about January 31, 2010.

Item continued to July 13, 2010 docket.

2. **Desert Oasis Lawn Care, Ronald Roger Bagley and Julie Diane Bagley** – NOV #SW10-151/47- 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 south side of Via Olivero Avenue between Purple Majesty Court and South Pioneer Way, Las Vegas, Clark County, Nevada on or about February 16, 2010.

Hearing officer found Desert Oasis Lawn Care, Ronald Roger Bagley and Julie Diane Bagley 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.

3. **Daisy Vargas** – NOV #SW09-1660/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 at 2980 Klinger Circle, Clark County, Nevada on or about November 23, 2009.

Hearing officer found Daisy Vargas 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.

4. **Homero Cadenanunez** – NOV #SW09-1603/60- 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 southwest corner of Wiesner Way and Galleria Drive, Henderson, Clark County, Nevada on or about November 3, 2009.

Hearing officer found Homero Cadenanunez 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.

5. **Felipe Valadez** – NOV #SW09-1658/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) engaging in the unauthorized collection of recyclable materials in Clark County, Nevada on or about December 3, 2009.

Hearing officer Felipe Valadez in violation and imposed a penalty of \$1,500 for 1) and a penalty of \$900 for 2). Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

6. **Subdivision Acceptance, LLC** – NOV #SW09-1781/60- 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 on the northwest corner of Kimberly Avenue and Broadbent Boulevard, Clark County, Nevada on or about December 29, 2009.

Hearing officer found Subdivision Acceptance, LLC 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.

7. **Tierone Bank** – NOV #SW09-1600/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 10, 2009.

Hearing officer found Tierone Bank in violation and imposed a penalty of \$900 for each of 1) and 2).

8. **Nhu Thi Tran** – NOV #SW09-335/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 March 9, 2009.

Hearing officer found Nhu Thi Tran 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.

9. **Coal Avenue Trust** – NOV #SW09-1571/60- 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 November 6, 2009.

Hearing officer found Coal Avenue Trust in violation of 2) and imposed a penalty of \$500. 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.

10. **Arenoso Valle II, LLC** – NOV #SW09-1569/60- 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 November 6, 2009.

Hearing officer found Arenoso Valle II, 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.

11. **Hampton Park Association** – NOV #SW10-109/A0- 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 the intersection of Wild Ambrosia Avenue and La Serna Street, the private gutter on the north side of Wild Ambrosia Avenue between 2688 Wild Ambrosia Avenue and 2638 Wild Ambrosia Avenue and the common flood channel on the east side of 2638 Wild Ambrosia Avenue, Clark County, Nevada on or about January 31, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on February 1, 2010.

Hearing officer found Hampton Park Association in violation and imposed a penalty of \$500 for each of 2) and 3). Corrective action to implement and maintain a service contract with a certified and licensed plumbing company is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

12. **Ruby Margot Eckert Revocable Living Trust and Ruby Margot Eckert Trustee** – NOV #SW09-1375/A0- 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 30, 2009.

Hearing officer found Ruby Margot Eckert Revocable Living Trust and Ruby Margot Eckert Trustee 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.

13. **The Offices At Ann Allen Commons, LLC, Frank Grant and Michael Kennedy** – NOV #SW10-080/A0- 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 January 25, 2010.

Hearing officer found The Offices At Ann Allen Commons, LLC, Frank Grant and Michael Kennedy 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. The implementation of routine maintenance procedures is ordered.

14. **Smith's Food and Drug Center #385** – NOV #SW09-982/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Item continued to July 13, 2010 docket.

15. **Flamingo 2005 LLC and CABI Flamingo LLC** – NOV #SW09-1396/47- 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 Flamingo 2005 LLC and CABI Flamingo 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.

16. **Sanchez Property Ventures, LLC and Frederick M. Sanchez Trust** – NOV #SW09-702/47- 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 September 15, 2010 docket.

17. **Sanarp Trust, Henry W. Sanchez and Shirley A. Sanchez Trustees** – NOV #SW09-703/47- 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 September 15, 2010 docket.

18. **Sanarp Trust and Frederick M. Sanchez Trust** – NOV #SW09-704/47- 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 September 15, 2010 docket.

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. **Deborah F. Petersen** – NOV #SW09-1566/60- 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 November 6, 2009.

Hearing officer found Deborah F. Petersen 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.

2. **Justin Farmer** – NOV #SW09-1776/47- 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 6652 Light Breeze Drive, Las Vegas, Clark County, Nevada on or about December 29, 2009.

Hearing officer found Justin Farmer in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

3. **Joseph Sustrick and Kristi Sustrick** – NOV #SW10-098/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 upon the property located at 3700 Stewart Avenue, Space #93, Las Vegas, Clark County, Nevada on or about January 28, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 29, 2010.

Hearing officer found Joseph Sustrick and Kristi Sustrick in violation. 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.

4. **The Boring Company, LLC** – NOV #SW09-1539/60- 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 3041 East Serene Avenue, Henderson, Clark County, Nevada on or about October 29, 2009.

Hearing officer found The Boring Company, LLC 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.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

1. **Peter Chang and David Lo** - NOV #SW09-1142/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 August 3, 2009.

Hearing officer order dated February 17, 2010 is vacated.

2. **CTX Mortgage Company, LLC** - NOV #SW09-1599/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 13, 2009.

Hearing officer order dated April 13, 2010 is vacated.