



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – September 15, 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 September 15, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **IMI, Inc. dba CTC Crushing, LLC** – NOV #SW09-1111/45- 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 August 3, 2009.

Item continued to October 20, 2010 docket.

2. **Gary Olson** – NOV #SW09-1723/08- 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 at the northeast corner of North Morning Sun Way and East Washington Boulevard, Clark County, Nevada on or about December 5, 2009.

Item continued to November 9, 2010 docket.

3. **William Cleveland Thompson** – NOV #SW10-392/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 at 501 Desert Lane, Las Vegas, Clark County, Nevada on or about April 7, 2010.

Hearing officer found William Cleveland Thompson in violation and imposed a penalty of \$900 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.

4. **Republic Services** – NOV #SW10-283/60- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Ways

located on the northeast side of Cape Horn Drive, the west side of Courier Street, and the east side of Coroneos Drive, Henderson, Clark County, Nevada on or about March 12, 2010.

Hearing officer found Republic Services in violation 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. An order to implement an approved truck washing procedure for all garbage trucks and vehicles used at 560 Cape Horn Drive.

5. **Tropicana Valley Garden, L.L.C. and Lyle Maul, Manager** – NOV #SW10-1115/60- For 1) causing or allowing sewage or accumulation of human excreta to overflow onto the properties located at 5256 East Tropicana Avenue and 5286 East Tropicana Avenue, Clark County, Nevada on or about June 1, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 1, 2010.

Hearing officer found Tropicana Valley Garden, L.L.C. and Lyle Maul, manager in violation and imposed a penalty of \$500 for 1) and a \$900 penalty for 2). A preventative maintenance program is ordered. The implementation of a training program for all persons responsible for the maintenance and management of said properties is ordered to ensure responsible responses to any future sewage occurrences. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

6. **Williams Development, LLC and Ross Williams** – NOV #SW09-1607/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 13, 2009; 3) failure to keep garbage and refuse properly contained and protected against insects and rodents; and 4) failure to keep garbage and refuse on the premises stored in a manner to make them inaccessible to insects and rodents.

Hearing officer found Williams Development, LLC and Ross Williams in violation of 2) and imposed a penalty of \$700. A written action plan is ordered. Failure to comply will result in the original penalty of \$3,950 as initially sought in the Notice of Violation.

7. **St. Rose Coronado 613 LLC** – NOV #SW09-1632/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 17, 2009.

Hearing officer found St. Rose Coronado 613 LLC in violation of 2) and imposed a penalty of \$900.

8. **Catholic Healthcare West and St. Rose Dominican Hospital** – NOV #SW09-1496/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 22, 2009.

Hearing officer found Catholic Healthcare West and St. Rose Dominican Hospital 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. **Manuel Jesus Tovar** – NOV #SW09-141/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on May 22, 2009.

Hearing officer found Manuel Jesus Tovar in violation and imposed a penalty of \$600 and a \$150 process service reimbursement is ordered. Failure to comply will result in the original penalty of \$1,050 as initially sought in the Notice of Violation.

10. **Parkwill Enterprises, LLC, Chris Goodwill and Levi Parker and Eagle 7 Properties, LLC and Kevin Jacobson** – NOV #SW09-1698/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 December 8, 2009.

Hearing officer found Parkwill Enterprises, LLC, Chris Goodwill and Levi Parker and Eagle 7 Properties, LLC and Kevin Jacobson 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. 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.

11. **Walgreens #2590** – NOV #SW10-275/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 upon the property located at 6435 Aliante Parkway, North Las Vegas, Clark County, Nevada on or about May 11, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 12, 2010.

Hearing officer found Walgreens #2590 in violation and imposed a penalty of \$500 for 2), and a penalty of \$900 for 3). A waste management plan for routine removal of all solid waste from dumpster area(s) is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

12. **Goldstrom Rentals, Inc.** – NOV #SW09-014/G7/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer found Goldstrom Rentals, Inc. in violation and imposed a penalty of \$5,000. Proof of corrective action of removal and proper disposal of waste is ordered.

13. **Bradford Place Community Association, Inc.** – NOV #SWSW09-310/C6/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Hearing officer found Bradford Place Community Association, Inc. in violation and imposed a penalty of \$7,500. A written action plan is ordered to include communicating steps to be taken by staff to ensure any future occurrences of sewage of overflows are resolved in a responsible manner.

14. **Pinnacle Community Association Management** – NOV #SW09-445/47/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Item withdrawn by the Southern Nevada Health District.

15. **Canada, LLC, Citadel Long Term Investment and Craig Brooksby** – NOV #SW09-921/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 20, 2010.

Item continued to October 20, 2010 docket.

16. **Deblanco Holdings, LLC and Joey Deblanco** – NOV #SW09-969/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Hearing officer found Deblanco Holdings, LLC and Joe DeBlanco in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

17. **Joey Deblanco** – NOV #SW09-1466/08/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 17, 2010.

Hearing officer found Joey DeBlanco in violation and imposed a penalty of \$2,300. Corrective action to submit a written waste management plan is ordered.

18. **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.

Hearing officer found Sanchez Property Ventures, LLC and Frederick M. Sanchez Trust in violation and imposed a penalty of \$5,900 for each of 1) and 2) with an amended penalty of \$2,000 for each of 1) and 2) pending the completion of the corrective action of removal and proper disposal of waste.

19. **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.

Hearing officer found Sanarp Trust, Henry W. Sanchez and Shirley A. Sanchez Trustees in violation and imposed a penalty of \$5,900 for each of 1) and 2) with an amended penalty of \$2,000 for each of 1) and 2) pending the completion of the corrective action of removal and proper disposal of waste.

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

- 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. **Chung Enterprises, L.P.** – NOV #SW09-1296/C0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on March 17, 2010.

Hearing officer found Chung Enterprises, L.P. in violation 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 \$2,300 as initially sought in the Notice of Violation.

2. **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.

Hearing officer found Titanium Metals Corporation in violation and imposed a penalty of \$15,000. Corrective action is ordered to cover exposed waste, provide appropriate documentation of the final resolution, and submit an application to modify the permit. Failure to comply will result in the original penalty for \$30,000 as initially sought in the Notice of Violation.

3. **Ong Family Trust, Brett M. Lieuallen Family Trust and Simbamushu Family Trust** – NOV #SW09-1581/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 November 18, 2009.

Hearing officer found Ong Family Trust, Brett M. Lieuallen Family Trust and Simbamushu Family Trust in violation 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. **Desert Recycling, LLC** – NOV #SW10-221/G7- For 1) Solid Waste Management Authority Regulations (SWMAR) Governing Recycling Centers Section 13.3 for operating a recycling center in Clark County, Nevada, in violation of the approved plan of design, operations plan and conditions of the permit issued by the solid waste management authority on or about February 26, 2010, March 1, 2010 and May 17, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2010.

Hearing officer found Desert Recycling, LLC in violation and imposed a penalty of \$3,000 for 1), and a penalty of \$2,000 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. Failure to comply will result in the original penalty of \$20,000 as initially sought in the Notice of Violation.

5. **Robert Friedman and Silver Dollar Recycling, Inc.** – NOV #SW10-1136/45- For violating Solid Waste Management Authority Regulations Governing Recycling Centers adopted by the Southern Nevada District Board of health (formerly the Clark County District Board of Health) on December 13, 2001 Amended January 24, 2002.

Hearing officer found Robert Friedman and Silver Dollar Recycling, Inc. in violation and imposed a penalty of \$2,000. Corrective action of removal and proper disposal of waste is ordered. A standard operating procedure (SOP) is to be submitted that details how solid waste will be managed to ensure that solid waste will be appropriately stored and/or disposed of in dumpsters or roll-off bins. An application to modify the Recycling Center permit must be submitted. Failure to comply will result in the original penalty of \$10,000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None