



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – November 9, 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 November 9, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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.

Hearing officer found Gary Olson 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.

2. **Sabino Gonzalez and Hilmar Rivas** – NOV #SW09-1413/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 6705 Vegas Valley Drive, Clark County, Nevada on or about October 5, 2009.

Hearing officer found Sabino Gonzalez and Hilmar Rivas 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.

3. **Nicholas Anthony Tortu** – NOV #SW10-1216/47- 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 990 North Nellis Boulevard, Clark County, Nevada on or about June 23, 2010.

Hearing officer found Nicholas Anthony Tortu in violation and imposed a penalty of \$4,500 for each of 1) and 2). 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. **Benjamin G. Bergum** – NOV #SW10-1357/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 southwest corner of Mesa Verde Lane and Arville Street, Clark County, Nevada on or about August 11, 2010.

Hearing officer found Benjamin G. Bergum 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.

5. **Ana Ayala and Jose O. Ayala** – NOV #SW10-369/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 4450 South Valley View Boulevard, Clark County, Nevada on or about April 1, 2010.

Hearing officer found Ana Ayala and Jose O. Ayala 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.

6. **Marcos A. Ramos** – NOV #SW10-247/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 3240 North Michael Way, Las Vegas, Clark County, Nevada on or about February 26, 2010.

Hearing officer found Marcos A. Ramos in violation and imposed a penalty of \$1,800 for each of 1) and 2). 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.

7. **Francis O. Allen** – NOV #SW10-522/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 south of West Lone Mountain Road, Las Vegas, Clark County, Nevada on or about May 18, 2010.

Item withdrawn by the Southern Nevada Health District.

8. **Peter Chang and David Lo** – NOV #SW09-1142/G7/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 13, 2010.

Item withdrawn by the Southern Nevada Health District.

9. **Richard Holbert and Keith Eugene Holbert dba Action Enterprises** – NOV #SW10-427/D8- 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 0.33 acre undeveloped parcel located east of 4444 South Valley View Boulevard, north of 4450 South Valley View Boulevard, Clark County, Nevada and more specifically known as Assessor's Parcel #162-20-201-009 on or about April 16, 2010.

Item continued to December 7, 2010 docket.

10. **Astoria Pearl Creek, LLC** - NOV #SW09-048/C6/23/23/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 13, 2010.

Hearing officer found Astoria Pearl Creek, LLC in violation and imposed a penalty of \$6,000. Corrective action of removal and proper disposal of waste is ordered. 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. **Pueblo Properties, LLC** - NOV #SW10-544/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 13, 2010.

Hearing officer found Pueblo Properties, 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.

12. **Rebecca D. Rasmussen** - NOV #SW10-500/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 May 6, 2010.

Hearing officer found Rebecca D. Rasmussen in violation and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered.

13. **Cleotilde Zonaga and Raymundo Zonaga** - NOV #SWSW10-1104/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 4, 2010.

Item continued to January 13, 2011 docket.

14. **Syed Amjad Ali** - NOV #SW10-1080/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 304 North 15th Street, Las Vegas, Clark County, Nevada on or about May 25, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 25, 2010.

Hearing officer found Syed Amjad Ali in violation and imposed a penalty of \$2,500 for 1) and a penalty of \$10,000 for 2). A process service reimbursement of \$150 is ordered. Remediation of the area affected by sewage overflow is ordered as well as the arrangement of a plumbing contract to have the repairs and all deficient plumbing elements tested.

15. **Mario Pena** - NOV #SW10-262/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 April 29, 2010.

Hearing officer found Mario Pena in violation and imposed a penalty of \$2,300 for 1) and a penalty of \$1,400 for 2). Corrective action of removal and proper disposal of waste is ordered. Provision of a permitted disposal service for tenants is ordered.

16. **Roma Homes, LLC, Donald J Sardano and Giselle Sardano** – NOV #SW10-286/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 May 19, 2010.

Hearing officer found Roma Homes, LLC, Donald J. Sardano and Giselle Sardano in violation and imposed a penalty of \$900 for each of 1) and 2). Proof of proper removal and disposal of waste is ordered.

17. **S.A.M. Clean-Up Co., Inc.** – NOV #SW10-585/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found S.A.M. Clean-Up Co., Inc. in violation and imposed a penalty of \$2,000. Corrective action of removal and proper disposal of waste is ordered. 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 application for a permit to operate a solid waste disposal site is ordered.

18. **Mario Zarate** – NOV #SW10-1308/57- For 1) operating an illegal disposal site i.e. Recycling Center 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 on the property located at 4475 East Stewart Avenue, Clark County, Nevada Units 301, 307, 308, 309, 310 and 313 on or about July 20, 2010.

Item continued to December 7, 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. **Ramiro Bravo-Carranza** – NOV #SW10-1137/47- 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 vacant parcel located at the southeast corner of Stewart Avenue and Probst Way, Clark County, Nevada on or about May 28, 2010.

Hearing officer found Ramiro Bravo-Carranza in violation of 2) and imposed a penalty of \$750. 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. **Paseo Stone, LLC** – NOV #SW10-478/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 26, 2010.

Hearing officer found Paseo Stone, 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.

3. **Amtrust Bank** – NOV #SW10-519/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 6, 2010.

Hearing officer found Amtrust Bank in violation of 2) and imposed a penalty of \$900.

4. **David A. Bedsun** – NOV #SW10-489/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 public right-of-way located approximately 80 feet west of the intersection of Helena Avenue and Tee Pee Lane, Clark County, Nevada on or about April 27, 2010.

Hearing officer found David A. Bedsun 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.

5. **Ronald M. Bauer dba Vegas Valley Auto Wrecking** – NOV #SW09-626/D9- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found Ronald M. Bauer dba Vegas Valley Auto Wrecking in violation and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$900 as initially sought in the Notice of Violation.

6. **Maria Alfonso Macaspac** – NOV #SW10-712/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 June 8, 2010.

Hearing officer found Maria Alfonso Macaspac in violation of 2) and imposed a penalty of \$500. 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None