



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – December 7, 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 December 7, 2010 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

##### A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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.

Hearing officer found Richard Holbert and Keith Eugene Holbert dba Action Enterprises in violation of 1) and imposed a penalty of \$1,500. Failure to comply will result in the original penalty of \$10,000 as initially sought in the Notice of Violation.

2. **Southern Nevada Paving, Inc. and Patrick R. Ward** – NOV #SW09-1758/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 near the northwest corner of St. Rose Parkway and Bermuda Road, Clark County, Nevada on or about December 17, 2009.

Hearing officer found Southern Nevada Paving, Inc. and Patrick R. Ward in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the penalty of \$1,800 as initially sought in the Notice of Violation.

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3. **Reyna Hernandez-Cosme** – NOV #SW10-1344/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 Public Right-of-Way between Arlene Way and Joann Way and upon the properties located at 3217 Joann Way and 3213 Arlene Way, Las Vegas, Clark County, Nevada on or about August 4, 2010.

Hearing officer found Reyna Hernandez-Cosme in violation and imposed a penalty of \$1,000 for each of 1) and 2).

4. **Jeremy Paul Greenwell** – NOV #SW10-321/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 on the east side of Gillespie Street about 730 feet south of Larson Lane, Henderson, Clark County, Nevada on or about March 24, 2010.

Item continued to January 13, 2011 docket.

5. **Morris T. Erickson** – NOV #SW10-1167/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 off the Craig Road north bound off-ramp of Interstate 15, North Las Vegas, Clark County, Nevada on or about June 10, 2010.

Hearing officer found Morris T. Erickson 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. **Rene Oscar Rivera** – NOV #SW10-1250/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 the property located at 320 North 23<sup>rd</sup> Street, Las Vegas, Clark County, Nevada on or about July 1, 2010.

Hearing officer found no violation.

7. **Scott Merritt Marshall** – NOV #SW10-1386/60- 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 railroad right-of-way located southeast of the North Arroyo Grande Boulevard and American Pacific Drive intersection, Henderson, Clark County, Nevada on or about August 16, 2010.

Hearing officer found Scott Merritt Marshall in violation and imposed a penalty of \$900 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.

8. **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 February 10, 2011 docket.

9. **Val-Pro Cleaning Services Inc. dba Sears Carpet and Upholstery Care** – NOV #SW10-1365/C0- 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 gray water to overflow onto the public right-of-way located at Julius Court and McDowell Drive, Las Vegas, Clark County, Nevada on or about August 7, 2010.

Hearing officer found Val-Pro Cleaning Services, Inc. dba Sears Carpet and Upholstery Care in violation of 2) and imposed a penalty of \$550. 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. Implementation of measures in the form of a standard operating procedural document for proper disposal of wastewater is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

10. **Enrique Medrano** – NOV #SW10-1300/57- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found Enrique Medrano in violation and imposed a penalty of \$5,000. 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. **Westside Development Group LLC and Anthony A. Yezbick** – NOV #SW10-1189/23- 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 June 17, 2010.

Hearing officer found Westside Development Group LLC and Anthony A. Yezbick 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.

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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. **Brian Hennagan** – NOV #SW10-1285/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 east side on the property located at 10325 Giles Street, Clark County, Nevada on or about July 15, 2010.

Hearing officer found Brian Hennagan in violation of 2) and imposed a penalty of \$900. 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. **La Madre 48, LLC and 192 L.L.C.** – NOV #SW09-012/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 16, 2009.

Hearing officer found La Madre 48, LLC and 192 LLC in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

3. **Bank of Nevada** – NOV #SW10-1109/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 28, 2010.

Hearing officer found Bank of Nevada in violation of 2) and imposed a penalty of \$750. 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 \$800 as initially sought in the Notice of Violation.

4. **Thu Le and Christina Pham** – NOV #SW10-1112/A0- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3270 Dragon Fly Street, North Las Vegas, Clark County, Nevada on or about May 28, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 29, 2010.

Hearing officer found Thu Le and Christiana Pham in violation of 2) and imposed a penalty of \$900. Corrective action to contract with a plumber to repair all deficient lines and provide proof of repairs is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

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5. **Chung Enterprises, L.P.** – NOV #SW10-1347/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 August 9, 2010.

Hearing officer found Chung Enterprises, L.P. in violation of 2) and imposed a penalty of \$1,000. 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 \$2,300 as initially sought in the Notice of Violation.

6. **Desert Rose Apartments, LLC** – NOV #SW10-1349/08- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 29 North 28<sup>th</sup> Street, Las Vegas, Clark County, Nevada on or about August 9, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 9, 2010.

Hearing officer found Desert Rose Apartments in violation of 1) 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.

7. **Jose Cueva** – NOV #SW10-1405/60- 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 East Mission Drive and Greenway Road, Henderson, Clark County, Nevada on or about August 21, 2010.

Hearing officer found Jose Cueva in violation of 2) and imposed a penalty of \$750. 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. **Rogelio Carrillo-Mendoza** – NOV #SW10-060/32- 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 on the southwest corner of Starr Hills Avenue and Shinnecock Hills Avenue, Clark County, Nevada on or about January 4, 2010.

Hearing officer order of October 20, 2010 is amended.

2. **Preferred Realty Advisors, Inc.** – NOV #SW09-791/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 on property located at 2201 Sunrise Avenue, Las Vegas, Clark County, Nevada on or about May 19, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 19, 2009.

Hearing officer order dated August 18, 2010 is amended.