



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - March 10, 2011

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 10, 2011 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Michael Horowitz** - NOV #SW10-2077/G7- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located upon the eastern side of the Public Right-of-Way approximately one hundred (100) feet south of Sunset Road, Henderson, Clark County, Nevada on or about December 3, 2010.

Hearing officer found Michael Horowitz in violation 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. **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.

Item continued to April 14, 2011 docket.

3. **Parkwill Enterprises, LLC, Chris Goodwill and Levi Parker and Eagle 7 Properties, LLC and Kevin Jacobson** - NOV #SW09-1698/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 15, 2010.

Item withdrawn by the Southern Nevada Health District.

4. **Advanced Management Group Nevada, LLC** - NOV #SW10-1978/60- For failure to comply with the Order issued by the Solid Waste Management Authority on November 9, 2010.

Hearing officer found Advanced Management Group Nevada, LLC in violation and imposed a penalty of \$5,000.

5. **Shella F. Fulinara** – NOV #SW10-806/60- For failure to comply with the Order issued by the Solid Waste Management Authority on October 6, 2010.

Hearing officer found Shella F. Fulinara in violation and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered.

6. **Richard P. Coppage** – NOV #SW10-985/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on June 15, 2010.

Item withdrawn by the Southern Nevada Health District.

7. **Johntom LTD** – NOV #SW10-1327/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 August 16, 2010.

Hearing officer found Johntom LTD 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.

8. **Bank of New York Mellon Trustees** – NOV #SW10-1385/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 12, 2010.

Hearing officer found Bank of New York Mellon Trustees in violation and imposed penalty of \$2,500 for 1) and a penalty of \$5,000 for 2). Corrective action of removal and proper disposal of waste is ordered.

9. **Fort Apache Reno, LLC** – NOV #SW10-402/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 May 18, 2010.

Hearing officer found Fort Apache Reno, LLC in violation of 2) and imposed a penalty of \$750.

10. **Joseph Mackool dba Palmetto Tree Service** – NOV #SW08-055/45/G7/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 15, 2008.

Hearing officer found Joseph Mackool dba Palmetto Tree Service in violation and imposed a penalty of \$5,000. Corrective action of removal and proper disposal of waste is ordered.

11. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-1158/G7/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 20, 2010.

Hearing officer found Wolfe Drop Box Services, Ltd. In violation and imposed a penalty of \$2,500. 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.

12. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2076/G7- For violation of Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 4.2 on or about December 2, 2010.

Item continued to April 14, 2011 docket.

13. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2104/G7- Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 11 on or about December 2, 2010.

Item continued to April 14, 2011 docket.

14. **Lunas Construction Clean Up, Inc.** – NOV #SW10-1835/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 September 30, 2010.

Item continued to April 14, 2011 docket.

15. **Lunas Construction Clean Up, Inc.** – NOV #SW10-1868/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 October 12, 2010.

Item continued to April 14, 2011 docket.

16. **Connie Harris and Eugene Harris** – NOV #SW10-2117/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 December 16, 2009.

Hearing officer found Connie Harris and Eugene Harris in violation and imposed a penalty of \$11,000 for 1) and a penalty of \$5,500 for 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.

17. **Connie Harris and Eugene Harris** – NOV #SW10-2118/G7- 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 on properties located at 2632 Abels Lane and 2642 Abels Lane, Clark County, Nevada on or about December 7, 2009 and December 8, 2009.

Hearing officer found Connie Harris and Eugene Harris in violation and imposed a penalty of \$5,000 for 1) and a penalty of \$10,000 for 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.

18. **Jerriman Xavier Robinson** – NOV #SW10-1383/32- 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 property located at the south side of Erie Avenue between Torrey Pines Drive and Jones Boulevard, Clark County, Nevada on or about August 18, 2010.

Item continued to April 14, 2011 docket.

19. **Walter H. Hess** – NOV #SW10-122/08- 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 February 25, 2010.

Item continued to April 14, 2011 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. **Karen Crawford-Brown** – NOV #SW10-1263/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 9035 West Hammer Lane, Las Vegas, Clark County, Nevada on or about July 8, 2010.

Hearing officer found Karen Crawford-Brown 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.

2. **Desert Recycling, LLC** – NOV #SW10-2115/G7- For Solid Waste Management Authority Regulations 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.

Hearing officer found Desert Recycling, LLC in violation and imposed a penalty of \$2,500. 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. Failure to comply will result in the original penalty of \$5,000 as initially sought in the Notice of Violation.

3. **Chinatown Express LLC dba X.O. Chinese Food** – NOV #SW10-2041/C0- For causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 8090 Blue Diamond Road, #160, Clark County, Nevada on or about November 19, 2010.

Hearing officer found Chinatown Express LLC dba. X.O. Chinese Food in violation and imposed a penalty of \$900.

4. **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.

Hearing officer found IMI, Inc. dba CTC Crushing, LLC in violation of 1) and imposed a penalty of \$900.

5. **Smith's Food and Drug Centers, Inc. and Smith's Food and Drug #332** - NOV #SW10-577/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 July 27, 2010.

Hearing officer found Smith's Food and Drug Centers, Inc. and Smith's Food and Drug #332 in violation and imposed a penalty of \$500.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

1. **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 May 25, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 25, 2010.

Hearing officer order dated November 9, 2010 is vacated.

2. **Maria L. Tamayo** - NOV #SW08-021/45/G7/45- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer order dated January 20, 2010 is vacated.

3. **Elvira Cozzens** - NOV #SW08-034/45/G7/45- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on May 20, 2009.

Hearing officer order dated January 20, 2010 is vacated.

4. **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 April 7, 2010.

Hearing officer order dated September 15, 2010 is amended.

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.

Item continued to April 14, 2011 docket.