



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – June 9, 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 June 9, 2011 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Eric Eierdam** – NOV #SW11-079/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 26, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located north of Log Cabin Way, south of Moccasin Road and west of El Capitan Way, Las Vegas, Clark County, Nevada on or about January 26, 2011.

Hearing officer found Eric Eierdam 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.

2. **Michael William Passarge** – NOV #SW11-041/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 16, 2011; and 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 on or about January 16, 2011.

Item continued to July 14, 2011 docket.

3. **Gilbert Koolau Tucker, Jr.** – NOV #SW10-1893/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 14, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 9876 South Maryland Parkway, Clark County, Nevada on or about October 14, 2010.

Hearing officer found Gilbert Koolau Tucker, Jr. 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.

4. **Joseph Perez** – NOV #SW11-042/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 1, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 5205 North Moapa Valley Boulevard, Clark County, Nevada on or about January 1, 2011.

Hearing officer found Joseph Perez in violation of 1) 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.

5. **Juan Manuel Sanchez-Ramirez** – NOV #SW10-2123/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 2, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste into the dumpsters and dumpster area behind 1067 Toni Avenue, Clark County, Nevada on or about December 2, 2010.

Hearing officer found Juan Manuel Sanchez-Ramirez 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.

6. **Pho Little Saigon** – NOV #SW10-2142/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 28, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 11, 2011.

Hearing officer found Pho Little Saigon in violation and imposed a penalty of \$500 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. A training program about the appropriate and proper cleaning methods for all floor mats is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

7. **Natalya Golovtyuk** – NOV #SW10-279/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 1, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 5, 2010.

Item withdrawn by the Southern Nevada Health District.

8. **AG Financial Solutions** – NOV #SW10-496/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 27, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 29, 2010.

Item continued to August 17, 2011 docket.

9. **Adele Josephs** – NOV #SW10-2007/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 15, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 16, 2010.

Item withdrawn by the Southern Nevada Health District.

10. **Bank M & IFSB** – NOV #SW11-054/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 19, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 21, 2011.

Hearing officer found Bank M & IFSB in violation of 2) 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

11. **Lori J. Nardone and Salvatore M. Nardone** – NOV #SW10-1947/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 2, 2010; 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 on or about November 2, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 9, 2010.

Hearing officer found Lori J. Nardone and Salvatore M. Nardone 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.

12. **Gail Varela-Carona** – NOV #SW10-1850/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 5, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 6, 2010.

Hearing officer found Gail Varela-Carona in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered.

13. **Edward Geaga and Felicidad Geaga** – NOV #SW10-940/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on June 14, 2010.

Hearing officer found Edward Geaga and Felicidad Geaga in violation and imposed a penalty of \$900. Correction action of removal and proper disposal of waste is ordered.

14. **Loreta M. Soto** – NOV #SW10-956/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on October 6, 2010.

Hearing officer found Loreta M. Soto in violation and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered.

15. **USA Mobile Concrete** - NOV #SW10-1891/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 14, 2010 and January 25, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 1, 2010.

Hearing officer found USA Mobile Concrete in violation and imposed a penalty of \$2,000 for 1) and a penalty of \$1,000 for 2). An application for a solid waste management permit must be submitted to the Solid Waste Management Plan Review program. Failure to comply will result in the original penalty of \$15,000 as initially sought in the Notice of Violation.

16. **Las Vegas Cores, LLC** - NOV #SW11-015/57- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 6, 2011.

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

17. **Elizabeth M. Pami Living Trust** - NOV #SW10-2075/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 2, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 6, 2010.

Hearing officer found Elizabeth M. Pami Living Trust 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.

18. **Al-Awar Living Trust, Adib M. Al-Awar and Ellen A. Al-Awar Trustees** - NOV #SW10-2080/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 3, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 10, 2010.

Hearing officer found Al-Awar Living Trust, Adib M. Al-Awar and Ellen A. Al-Awar Trustees in violation and imposed a penalty of \$900 for each of 1) and 2). Retention of a Certified Environmental Manager (CEM) is ordered.

19. **Federal National Mortgage Association** - NOV #SW10-2155/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 20, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 23, 2010.

Item continued to July 14, 2011 docket.

20. **Khanh Nguyen ETAL** - NOV #SW10-953/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on June 15, 2010.

Hearing officer found Khanh Nguyen Et Al. in violation and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered.

21. **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 on or about October 5, 2010 and October 27, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 12, 2010.

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. **Celia Villalobos and Alfredo Crespo-Ponce** – NOV #SW11-071/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 24, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3355 Covey Lane, Clark County, Nevada on or about January 24, 2011.

Hearing officer found Celia Villalobos and Alfredo Crespo-Ponce in violation of 2) and imposed a penalty of \$900. Maintenance of regular trash service with the franchisee of Clark County, Nev. is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

2. **Pablo Juan Garcia** – NOV #SW11-040/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 13, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 10325 Giles Street, Clark County, Nevada on or about January 13, 2011.

Hearing officer found Pablo Juan Garcia 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.

3. **Lunas Construction Clean Up, Inc.** – NOV #SW10-1835/G7- For 1) operating a disposal site i.e. recycling center in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 28, 2010, October 13, 2010, October 21, 2010 and October 27, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 30, 2010.

Hearing officer found Lunas Construction Clean Up, Inc. in violation of 1) and imposed a penalty of \$2,500. 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.

4. **Jose Garcia Vargas** – NOV #SW10-2152/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority

on or about December 21, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2450 North Hollywood Boulevard, Clark County, Nevada on or about December 21, 2010.

Hearing officer found Jose Garcia Vargas in violation of 2) and imposed a penalty of \$500.

5. **Luis E. Quiroz** – NOV #SW10-2149/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 20, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located north of 144 East Robindale Road, Clark County, Nevada on or about December 20, 2010.

Hearing officer found Luis E. Quiroz 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.

6. **Wal-Mart Stores, Inc.** – NOV #SW10-1820/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 10, 2010; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3041 North Rainbow Boulevard, Las Vegas, Clark County, Nevada on or about September 10, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 27, 2010.

Hearing officer found Wal-Mart Stores, Inc. in violation and imposed a penalty of \$900 for each of 1) and 2). Implementation of an action plan to prevent future occurrences of liquid waste escaping from a trash compactor is ordered.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None