



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 17, 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 August 17, 2011, the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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.

Hearing officer found AG Financial Solutions 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.

2. **Searchlight Highway, LLC** – NOV #SW10-426/D8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 16, 2010 and July 8, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 11, 2010.

Item continued to October 13, 2011 docket.

3. **Robert King** – NOV #SW10-1946/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 29, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located 0.12 miles west of the northwest corner of Revere Street and Reverend Wilson Avenue, North Las Vegas, Clark County, Nevada on or about October 29, 2010.

Item withdrawn by the Southern Nevada Health District.

4. **Nicholas Anthony Tortu and Dino Louis Tortu** – NOV #SW10-1956/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 10, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 5150 Camino Al Norte, North Las Vegas, Clark County, Nevada on or about August 10, 2010.

Hearing officer found Nicholas Anthony Tortu and Dino Louis Tortu in violation and imposed a penalty for 1) \$5,000 and 2) \$5,000. 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.

5. **Jose Tomas Mendez-Gomez** – NOV #SW10-1957/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 10, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5150 Camino Al Norte, North Las Vegas, Clark County, Nevada on or about August 10, 2010.

Hearing officer found Jose Tomas Mendez-Gomez in violation and imposed a penalty for 1) \$900 and 2) \$900. A Cease and Desist order 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. **615 W L M, LLC** – NOV #SW11-364/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 11, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 18, 2011.

Item continued to the November 10, 2011 docket.

7. **Secured Fibres, Inc., Becky Ellan Collet, Vincent D. Collet, James E. Kaup, and Valerie J. Kaup** – NOV #SW10-1896/D8/D8- For 1) failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 10, 2011; 2) failure to comply with Solid Waste Management Authority Regulations Governing Recycling Centers Section 8.6 (a); and 3) failure to comply with Solid Waste Management Authority Regulations Governing Recycling Centers Section 13.3 (a, b, c).

Hearing officer found Secured Fibres, Inc., Becky Ellan Collet, Vincent D. Collet, James E. Kaup, and Valerie J. Kaup in violation of 1) and a penalty of \$500 and 2) a penalty of \$1,500 and 3) a penalty of \$4,500. Cease and desist operation of unapproved equipment at site and Cease and desist storing and processing solid waste outside of the 2.4 acre area approved for operations.

8. **Kristina Kanani Goff** – NOV #SW11-412/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 30, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant 0.13 acre parcel located at 2506 Waning Bay Court, Clark County, Nevada on or about March 30, 2011.

Hearing officer found Kristina Kanani Goff in violation and imposed a penalty for 1) \$900 and 2) \$900. Corrective action of removal and 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.

9. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2076/G7- For 1) violation of Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 3 for operating a disposal site i.e. a materials recovery facility, without a permit issued to the current majority owner, Valbeck, LLC on or about December 2, 2010; and 2) violation of Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 4.2 for operating a disposal site, i.e. a materials recovery facility, outside of the conditions of the approved permit on or about December 2, 2010.

Hearing officer found Wolfe Drop Box Services, Ltd. in violation and imposed a penalty of 1) \$2,000 and 2) \$2,000. A Cease and Desist order 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 submit an application for a modification to the existing permit was issued.

10. **Ricardo Campos-Acevedo** – NOV #SW11-046/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 14, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 38 North Lamb Boulevard, Unit 22, Clark County, Nevada on or about January 14, 2011.

Item continued to September 8, 2011 docket.

11. **Vicente Barranco-Murillo dba Nuevo Recycling** – NOV #SW10-1311/57/57- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 10, 2011.

Hearing officer found Vicente Barranco-Murillo dba Nuevo Recycling in violation and imposed a penalty for 1) \$3,000. A Cease and Desist order 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 results in original penalty of \$5,000 as initially imposed in Notice of Violation.

12. **Grand Canyon II, LLC, Paulette Kimura-Shimabukuro, and Angela O'Brien** – NOV #SW10-137/E0/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 10, 2011.

Hearing officer found Grand Canyon II, LLC, Paulette Kimura-Shimabukuro, and Angela O'Brien in violation and imposed a penalty of \$4,300. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

13. **Lancam Properties, LLC and 10705 Rose Avenue, LLC** – NOV #SW09-846/C6/23/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 10, 2011.

Hearing officer found Lancam Properties, LLC and 10705 Rose Avenue, LLC in violation and imposed a penalty of \$4,800. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

14. **CG Enterprises** – NOV #SW10-1451/47- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 24, 2010; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at the southeast corner of Cecile Avenue and Devary Lane, Clark County, Nevada on or about August 24, 2010; 3) 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 August 24, 2010; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on September 3, 2010.

Item continued to October 13, 2011 docket.

15. **Howard Sadlier** – NOV #SW10-2066/47- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 1, 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 December 1, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 9, 2010.

Hearing officer found Howard Sadlier in violation of 1), 2) and 3) and imposed a penalty for each in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

16. **Wagner Homes, Inc.** - NOV #SW10-2113/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 14, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 20, 2010.

Item continued to September 8, 2011 docket.

17. **Kogan Investments, LLC** - NOV #SW11-151/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 9, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 15, 2011.

Hearing officer found Kogan Investments, LLC in violation of 1) and 2) and imposed a penalty of each in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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 results in original penalty of \$1,800 as initially sought in Notice of Violation.

18. **Shiron Development LLC and Shiron Corporation** - NOV #SW10-1989/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 8, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 27, 2011.

Item withdrawn by the Southern Nevada Health District.

19. **Paramount Fund II, LLC** - NOV #SW11-048/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 20, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 21, 2011.

Hearing officer found Paramount Fund II, LLC in violation of 1) and 2) and imposed a penalty for each in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

20. **LV/VPC Nev-Centennial Hills, LLC** - NOV #SW11-263/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 11, 2011; and 2) failure to

comply with the Order issued by the Solid Waste Management Authority on February 18, 2011.

Hearing officer found LV/VPC Nev-Centennial Hills, LLC in violation of 1) and 2) and imposed a penalty for each in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

21. **Kloehn Development, LLC** – NOV #SW11-295/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 28, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 1, 2011.

Hearing officer found Kloehn Development, LLC in violation of 1) and 2) and a penalty for each in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

22. **Blue Diamond Enterprises Group, LP** – NOV #SW11-409/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 29, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 29, 2011.

Hearing officer found Blue Diamond Enterprises Group, LP in violation of 2) and imposed a penalty in the amount of \$900. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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 results in original penalty of \$3,000 as initially sought in Notice of Violation.

23. **Jones-Sobb, LLC** – NOV #SW11-014/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 6, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 6, 2011.

Item continued to September 8, 2011 docket.

24. **Rafcon, LLC** – NOV #SW11-025/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 10, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 11, 2011.

Hearing officer found Rafcon, LLC in violation of 1) and 2) and imposed a penalty in the amount of \$900 for each violation. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

25. **Tran Enterprises, LLC** – NOV #SW11-058/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 18, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 21, 2011.

Hearing officer found Tran Enterprises, LLC in violation of 1) and imposed a penalty of \$2,700 and 2) and imposed a penalty in the amount of \$3,700. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

26. **Nhu Thi Tran** – NOV #SW11-059/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 Nhu Thi Tran in violation of 1) and imposed a penalty of \$2,700 and 2) and imposed a penalty in the amount of \$3,700. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

27. **Las Vegas Land & Development Company, LLC** – NOV #SW11-294/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 28, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 1, 2011.

Hearing officer found Las Vegas Land & Development Company, LLC in violation of 2) and imposed a penalty of \$750. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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 results in original penalty of \$1,800 as initially sought in Notice of Violation.

28. **Eagle Rainbow Center, LLC** – NOV #SW11-298/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 28, 2011; and 2) failure to comply

with the Order issued by the Solid Waste Management Authority on March 1, 2011.

Hearing officer found Eagle Rainbow Center, LLC in violation of 1) and 2) and imposed a penalty of \$900 for each. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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.

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. **Alejandro Perez-Hinojosa** - NOV #SW10-1840/57- 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 November 16, 2010; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the properties located at 1711 June Avenue and 1719 June Avenue, Clark County, Nevada on or about November 16, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on November 16, 2010.

Hearing officer found Alejandro Perez-Hinojosa in violation of 1) and imposed a penalty of \$2,000 and 2) and imposed a penalty of \$1,000 and 3) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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 results in original penalty of \$15,000 as initially sought in Notice of Violation.

2. **Tropicana Car Care Associates, CA LP and MG Development Company, CA GE** - NOV #SW11-279/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 10, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 30, 2011.

Hearing officer found Tropicana Car Care Associates, CA LP and MG Development Company, CA GE in violation of 1) and 2) and imposed a penalty of \$500 each. A Cease and Desist order 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. **Xuefeng Zhao** - NOV #SW11-369/E0- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2005 South Decatur Boulevard, Las Vegas, Clark County, Nevada on or about March 15, 2011.

Hearing officer found Xuefeng Zhao in violation and imposed a penalty of \$500. A Cease and Desist order 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. **South Valley Investors, L.L.C.** - NOV #SW10-2165/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 28, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 29, 2010.

Hearing officer found South Valley Investors, L.L.C. in violation of 2) and imposed a penalty of \$900 and 2). No Dumping signs were ordered. Corrective action of removal and proper disposal of waste is ordered. A Cease and Desist order 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 results in original penalty of \$1,800 as initially sought in Notice of Violation.

5. **Chipotle Mexican Grill** - NOV #SW10-2164/47- For failure to comply with the Order issued by the Solid Waste Management Authority on December 30, 2010.

Hearing officer found Chipotle Mexican Grill in violation and imposed a penalty of \$500.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

1. **Anthony Calzada** - NOV #SW10-1171/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on June 14, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located north of Tropical Parkway and south of 6033 Moonlight Drive, Clark County, Nevada on June 14, 2010.

Hearing officer order dated February 10, 2011 is vacated.