



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – September 8, 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 September 8, 2011, the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Marianne Gravatte** – NOV #SW11-359/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 27, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the vacant property located on the west side of Rancho Destino Road, north of the Robindale Road intersection, Clark County, Nevada on or about January 27, 2011.

Hearing officer found Marianne Gravatte not in violation.

2. **Twillia H. Simmons** – NOV #SW11-593/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 12, 2011; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 3753 Garden North Drive, Clark County, Nevada on or about May 12, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 12, 2011.

Hearing officer found Twilla H. Simmons in violation of 1) and a \$900 penalty imposed; \$1,500 for 2) and \$2,500 for 3). Contract with a certified, licensed plumber or plumbing company to conduct all necessary repairs is ordered. Remediation of area affected by sewage overflow and 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. **Hillybilly Acres, LLC** – NOV #SW10-1940/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 28, 2010; and 2) failure to comply with the Order

issued by the Solid Waste Management Authority on November 3, 2010.

Hearing officer found Hillybilly Acres, LLC in violation of 2) and imposed a fee of \$900 e. 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 results in original penalty of \$1,800 as initially shown in Notice of Violation.

4. **David Miller** – NOV #SW11-509/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 22, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5807 Madre Mesa Drive, Clark County, Nevada on or about April 22, 2011.

Item withdrawn by Southern Nevada Health District.

5. **Yobanes Torres** – NOV #SW11-227/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 30, 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 30, 2011.

Item withdrawn by Southern Nevada Health District.

6. **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.

Hearing officer found Wagner Homes, Inc. in violation and imposed a penalty for 1) \$900 and 2) \$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.

7. **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.

Hearing officer found Ricardo Campos-Acevedo in violation of 1) and a penalty of \$5,000 and 2) a penalty of \$5,000. 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 \$10,000 as initially set forth in Notice of Violation.

8. **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.

Hearing officer found Federal National Mortgage Association in violation and imposed a penalty for 1) \$900 and 2) \$5,000. 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. **Royal West Amusements, Inc.** – NOV #SW11-562/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 6, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 100 West Old Mill Road, Clark County, Nevada on or about May 6, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 6, 2011.

Hearing officer found Royal West Amusements, Inc. in violation and imposed a penalty of \$900 for 1) a penalty of \$900 for 2) and a penalty of \$900 for 3). Corrective action for proper disposal of grey water 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.

10. **Michael Paul Aguilar** – NOV #SW10-2135/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 16, 2010; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located approximately 200 feet north of Hickam Avenue and 60 feet west of Leon Avenue, Las Vegas, Clark County, Nevada on or about December 16, 2010.

Hearing officer found Michael Paul Aguilar not in violation.

11. **Ivan Manolov and Pavlina Manolova** – NOV #SW11-251/A0- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Ways located at 4290 Larkwood Avenue, which then continued north on Larkwood Avenue approximately 200 yards, then east on Flora Drive approximately 75 yards, then north on Newcastle Road approximately 60 yards, and terminated into the storm inlet located at the west intersection of Newcastle Road and Candleberry Road, Clark County, Nevada on or about February 15, 2011.

Hearing officer found Ivan Manolov and Pavlina Manolova in violation and imposed a penalty in the amount of \$500. Failure results in original penalty of \$900 as initially sought in Notice of Violation.

12. **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 withdrawn by Southern Nevada Health District.

13. **Rosario R. Prichard Rev Liv Tr and Rosario R. Prichard Trustee** - NOV #SW11-520/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, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 28, 2011.

Item withdrawn by Southern Nevada Health District.

14. **Lordhill Pptys Corp, Golden Legacy Las Vegas LLC, David Tran, Helen Tran and Tina Tran** - NOV #SW11-534/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 28, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 28, 2011.

Hearing officer found Lordhill Pptys Corp, Golden Legacy Las Vegas LLC, David Tran, Helen Tran and Tina Tran 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.

15. **James R. O'Hara and Nancy J. O'Hara** - NOV #SW10-1973/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 14, 2011.

Hearing officer found James R. O'Hara and Nancy J. O'Hara in violation of 1) and imposed a penalty of \$2,300. 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.

- 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. **Double Down Pumping Company** – NOV #SW11-582/26- For 1) violating regulations governing Individual Sewage Disposal Systems and Liquid Waste Management Section 18.13; and 2) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 10, 2010.

Hearing officer found Double Down Pumping Company in violation of 1) and imposed a penalty of \$900 and 2) and imposed a penalty of \$500 and 3) and imposed a penalty of \$500.

2. **Jesus E. Ramos, Jr.** – NOV #SW11-515/G9- 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, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located west of 575 Cooper Street, Clark County, Nevada on or about April 27, 2011.

Hearing officer found Jesus E. Ramos, Jr. 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 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.

3. **Anacole Holdings, LLC** – NOV #SW11-239/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 Anacole Holdings, 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 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.

4. **Big O Tire, LLC** – NOV #SW11-615/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 2, 2011; 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 March 2, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 3, 2011.

Hearing officer found Big O Tire, LLC in violation and imposed a penalty of \$500 for 1) and \$900 for 2). Corrective action of removal and proper disposal of waste

is ordered and to retain a Certified Environmental Manager (CEM). A Cease and Desist order issued to stop operating a solid waste disposal site without a permit from the solid waste management authority. Failure results in original penalty of \$2,700 as initially sought in Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Marianne Gravatte** - NOV #SW11-359/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on January 27, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the vacant property located on the west side of Rancho Destino Road, north of the Robindale Road intersection, Clark County, Nevada on January 27, 2011.

Hearing Officer Order of July 14, 2011 is vacated.