



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - October 13, 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 October 13, 2011 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **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 December 8, 2011 docket.

2. **Jose Luis Jau** - NOV #SW11-848/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 23, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Way located southeast of Decatur Boulevard and Canary Diamond Avenue and the common landscape area located northeast of Decatur Boulevard and Canary Diamond Avenue, Clark County, Nevada on or about June 23, 2011.

Item withdrawn by the Southern Nevada Health District.

3. **Robert J. Holthaus** - NOV #SW11-510/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 26, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3405 South Rainbow Boulevard, Clark County, Nevada on or about April 26, 2011.

Hearing officer found Robert J. Holthaus in violation of 2) and a \$750 penalty imposed. 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. **Clearsky Biofuels** – NOV #SW11-946/26- For violation of Southern Nevada Health District Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management Section 18.13 requiring a) record information be kept on site and/or made available to regulatory agencies regarding the name, address, quantity and date for each location where inedible kitchen grease was obtained; and b) the name, address, quantity and date for each processing plant (renderer) where inedible kitchen grease was transported on or about July 7, 2011.

Hearing officer found Clearsky Biofuels in violation of 1) and 2) and imposed a penalty of \$2,500 and must provide proof of proper disposal of all collected and transported grease.

5. **Kenneth Dewayne Guice** – NOV #SW11-947/26- For violation of Southern Nevada Health District Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management 1) Section 18.13 requiring a) record information be kept on site and/or made available to regulatory agencies regarding the name, address, quantity and date for each location where inedible kitchen grease was obtained; and b) the name, address, quantity and date for each processing plant (renderer) where inedible kitchen grease was transported on or about November 10, 2010; and 2) failure to comply with the Order issued by the Liquid Waste Management Program on February 14, 2011.

Hearing officer found Kenneth Dewayne Guice in violation and imposed a penalty of 1) \$1,900 and 2) \$3,700 and must provide proof of proper disposal of all collected and transported grease, submit an application for a Liquid Waste Hauler Permit 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.

6. **Jose Salvador Parada-Ayala** – NOV #SW11-388/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 22, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the property located at 1892 North Gateway Road, Clark County, Nevada on or about March 22, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 22, 2011.

Item continued to November 10, 2011 docket.

7. **Valbeck, LLC** – NOV #SW11-223/G7- For violation of Solid Waste Management Authority Regulations (SWMAR) Governing Materials Recovery Facilities 1) SWMAR Section 3 for operating a disposal site, i.e. a materials recovery facility, without a permit issued to Valbeck LLC on or about December 2, 2010; 2)

SWMAR Section 4.2 for operating a disposal site, i.e. a materials recovery facility, outside of the conditions of the approved permit in Clark County Nevada, on or about December 2, 2010; and 3) SWMAR Section 11 for failure to provide proof of adequate financial assurance for the Valbeck, LLC Materials Recovery Facility on or about December 2, 2010.

Item continued to November 10, 2011 docket.

8. **A&B Environmental, LLC** – NOV #SW11-618/D8- For transportation of asbestos waste without a transportation permit from the solid waste management authority on February 2, 2011, February 16, 2011, February 22, 2011, March 1, 2011, March 14, 2011, March 15, 2011, March 22, 2011 and March 24, 2011.

Item continued to November 10, 2011 docket.

9. **Sperry Van Ness Property Management** – NOV #SW11-434/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 4, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 20, 2011.

Hearing officer found Sperry Van Ness Property Management in violation of 2) imposed a fee of \$900. 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 set forth in Notice of Violation.

10. **CAB Properties, LLC** – NOV #SW11-238/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.

Item continued to November 10, 2011 docket.

11. **Clark County School District** – NOV #SW10-2159/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 29, 2010.

Item continued to November 10, 2011 docket.

12. **Gemstone Development West, Inc. and Alexander Edelstein** – NOV #SW11-440/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 4,

2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 14, 2011.

Item continued to November 10, 2011 docket.

13. **Stanley XX, LLC ETAL** - NOV #SW11-299/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 Stanley XX, LLC ETAL in violation of 2) imposed a fee of \$900. 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 south in Notice of Violation.

14. **GK Acquisitions, LLC ETAL** - NOV #SW11-309/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 GK Acquisitions, LLC ETAL in violation of 2) imposed a fee of \$900. 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 south in Notice of Violation.

15. **Bluewater Family LP ETAL** - NOV #SW11-415/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 30, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 30, 2011.

Hearing officer found Bluewater Family LP ETAL in violation of 2) imposed a fee 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 results in original penalty of \$1,800 as initially south in Notice of Violation.

16. **Jose C. Nevarez and Julieta Nevarez** - NOV #SW11-484/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 18, 2011; and 2) failure to comply

with the Order issued by the Solid Waste Management Authority on April 29, 2011.

Hearing officer found Jose C. Nevarez and Julieta Nevarez in violation of 1) and 2) imposed a fee of \$900 for each. 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.

17. **Nhu Thi Tran** - NOV #SW09-335/G9/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 10, 2011.

Hearing officer found Nhu Thi Tran in violation of 1) and imposed a fee of \$4,300. 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.

18. **Parkway Villas HOA** - NOV #SW11-632/23- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 18, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 23, 2011.

Item withdrawn by Southern Nevada Health District.

19. **TAB Contractors, Inc.** - NOV #SW11-530/E0- For 1) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located at the northeast corner of Coley Avenue and Duneville Street, Clark County, Nevada on or about April 28, 2011 and June 10, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 15, 2011.

Item continued to December 8, 2011 docket.

20. **Craig 95, LLC and Alireza Kaveh Family Trust** - NOV #SW11-598/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 18, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 20, 2011.

Hearing officer found Craig 95, LLC and Alireza Kaveh Family Trust in violation of 2) and imposed a fee of \$750. 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 set forth in Notice of Violation.

21. **Las Vegas 215, LLC** - NOV #SW11-256/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Item continued to December 8, 2011 docket.

22. **John Rubbico dba Citywide Aggregates** - NOV #SW11-257/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 June 7, 2010.

Item continued to December 8, 2011 docket.

23. **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 December 8, 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. **Marla Marie Saenz** - NOV #SW11-464/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 12, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 15, 2011.

Hearing officer found Marla Marie Saenz in violation of 2) and imposed a fee of \$750. 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 south in Notice of Violation.

2. **Desert Palm Landscape Maintenance, Inc.** - NOV #SW11-576/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by

the solid waste management authority on or about April 15, 2011 and May 9, 2011.

Hearing officer found Desert Palm Landscape Maintenance, Inc., in violation of 1) and imposed a fee of \$1,000. 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 south in Notice of Violation.

3. **Mark Finks** – NOV #SW11-648/G7- For mishandling and improper disposal of medical waste by depositing and transporting in an unmarked, unapproved container and comingled with other solid wastes on or about May 25, 2011.

Hearing officer found Mark Finks in violation. Failure results in original penalty of \$900 as initially south in Notice of Violation.

4. **C&D Construction Services, Inc.** – NOV #SW10-2006/D8- For 1) violation of Solid Waste Management Authority Regulations (SWMAR) Section 8.7 for receiving, storing and processing solid waste not approved to be received, stored, or processed upon the property located at 130 West Owens Avenue, North Las Vegas, Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 10, 2010, December 13, 2010, and March 15, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 22, 2010.

Hearing officer found C & D Construction Services, Inc., in violation of 1) and 2) and imposed a fee of \$6,500. 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 results in original penalty of \$25,000 as initially south in Notice of Violation.

5. **CML-NV One, LLC** – NOV #SW11-605/C6- 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; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 16, 2011.

Hearing officer found CML-NV One, LLC, in violation of 1) and imposed a fee of \$900. 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 south in Notice of Violation.

6. **Host International, Inc.** – NOV #SW11-652/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste

management authority on or about May 26, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 26, 2011.

Hearing officer found Host International, Inc. in violation of 1) and imposed a fee 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Pablo A. Ferrato** – NOV #SW10-1948/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 1, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 9, 2010.

Hearing Officer Order of July 14, 2011 is vacated.

2. **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 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 May 6, 2011; and and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 6, 2011.

Hearing Officer Order dated September 8, 2011 amended.

3. **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 Offer Order dated August 17, 2011 is vacated.