



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – November 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 November 10, 2011 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Julio C. Martinez** – NOV #SW11-065/47- 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 vacant parcel located at the northwest corner of Grand Canyon Drive and Horse Drive, Las Vegas, Clark County, Nevada on or about January 24, 2011.

Item continued to December 8, 2011 docket.

2. **Julio C. Martinez** – NOV #SW11-311/47- 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 the public right-of-way located on the west side of Grand Canyon Drive between Peach Springs Avenue and Havasu Canyon Avenue, Las Vegas, Clark County, Nevada on or about January 24, 2011.

Item continued to December 8, 2011 docket.

3. **Genevieve Alston** – NOV #SW11-1064/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 14, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 8820 South Maryland Parkway, Clark County, Nevada on or about August 14, 2011.

Hearing officer found no violation.

4. **Dad's Rhino Corporation d.b.a. Rhino Dumps, Jeffrey Williams and Julie A. Williams** - NOV #SW11-505/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 23, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant property located on the north side of Gibson Road, west of the Boulder Highway intersection, Henderson, Clark County, Nevada on or about April 23, 2011.

Hearing officer found Dad's Rhino Corporation d.b.a. Rhino Dumps, Jeffrey Williams and Julie A. Williams 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.

5. **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 December 8, 2011 docket.

6. **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 withdrawn by the Southern Nevada Health District.

7. **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 December 8, 2011 docket.

8. **Monument at Calico Ridge, LLC** - NOV #SW11-841/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 20, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 28, 2011.

Hearing officer found Monument at Calico Ridge, LLC 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. 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. **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.

Hearing officer found CG Enterprises in violation and imposed a penalty of \$900 for each of 1), 2), 3) and 4). 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.

10. **Alex F. Dixon** – NOV #SW10-1472/32- 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 the northwest corner of South Fort Apache Road and West Raven Avenue, Clark County, Nevada on or about October 14, 2010.

Hearing officer found Alex F. Dixon 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. 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.

11. **David Herrera** – NOV #SW11-1008/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 1, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located south of Russell Road and east of Lindell Road, Clark County, Nevada on or about August 1, 2011.

Hearing officer found David Herrera 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.

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 December 8, 2011 docket.

13. **William W. Plise** – NOV #SW09-1506/C6/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 William W. Plise in violation and imposed a penalty of \$5,500. 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.

14. **William W. Plise** – NOV #SW10-494/C6/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 William W. Plise in violation and imposed a penalty of \$6,000. 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. Retention of a Certified Environmental Manager (CEM) is ordered.

15. **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.

Hearing officer found Valbeck, LLC in violation and imposed a penalty of \$5,000 for 1), 2) and 3). 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. An application to modify the existing permit must be submitted.

16. **Vincent Murillo d.b.a. Nuevo Recycling** – NOV #SW11-541/D8- For 1) Solid Waste Management Authority Regulations Governing Recycling Centers Section 13.3 for failing to comply with the facility plan of operation as approved by the Solid Waste Management Authority, i.e., conducting storage and processing activities outside the approved structure; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 5, 2011.

Hearing officer found Vincent Murillo d.b.a. Nuevo Recycling in violation and imposed a penalty of \$4,000 for 1) and a \$2,500 penalty for 2). Failure to comply will result in the original penalty of \$25,000 as initially sought in the Notice of Violation.

17. **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 December 8, 2011 docket.

18. **Oscar Rodas, manager of El Patron Tires** – NOV #SW11-1007/D8- For 1) Solid Waste Management Authority Regulations Governing the Management of Waste Tires Section 14.1 for placing at least three (3) pneumatic tires in a dumpster for disposal in a front loading municipal solid waste collection vehicle on or about May 26, 2011; and 2) for disposing of at least three (3) waste tires in a municipal solid waste landfill in Clark County by placing them in the municipal solid waste stream destined for the Apex Regional Landfill on or about May 26, 2011.

Hearing officer found Oscar Rodas, manager of El Patron Tires in violation and imposed a penalty of \$1,500 for each of 1) and 2). Failure to comply will result in the original penalty of \$5,400 as initially sought in the Notice of Violation.

19. **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 is not proceeding at this time.

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. **Elvis Alonzo Valdez** – NOV #SW11-929/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 13, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 8710 West Pebble Road, Clark County, Nevada on or about July 13, 2011.

Hearing officer found Elvis Alonzo Valdez 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 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. **Alejandro Duran** – NOV #SW11-915/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 8, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right of way located north of 2113 Sunrise Avenue, Las Vegas, Clark County, Nevada on or about July 8, 2011.

Hearing officer found Alejandro Duran 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None.