



## Public Health Update

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

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Jose Parra** – NOV #SW11-780/08- 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) 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 May 18, 2011.

Hearing officer found Jose Parra 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.

2. **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.

Hearing officer found Julio C. Martinez 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. **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.

Hearing officer found Julio C. Martinez 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.

4. **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.

Hearing officer found Jose Salvador Parada-Ayala in violation and imposed a penalty of \$500 for each of 1) 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. Failure to comply will result in the original penalty of \$15,000 as initially sought in the Notice of Violation.

5. **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 January 12, 2012 agenda.

6. **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.

Hearing officer found CAB Properties, LLC 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.

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 withdrawn by the Southern Nevada Health District.

8. **Lark Lowry and TLC Investing** - NOV #SW11-825/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on June 20, 2011.

Hearing officer found Lark Lowry and TLC Investing in violation and imposed a penalty 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.

9. **Multibank 2009-1 CML-ADC Venture** - NOV #SW11-827/32- 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 25, 2011.

Hearing officer found Multibank 2009-1 CML-ADC Venture 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.

10. **Al-Awar Living Trust, Adib M. Al-Awar and Ellen A. Al-Awar Trustees** - NOV #SW10-2080/G9/24- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 9, 2011.

Hearing officer found Al-Awar Living Trust, Adib M. Al-Awar and Ellen A. Al-Awar Trustees in violation and imposed a penalty of \$2,800. 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.

11. **Bank M & IFSB** - NOV #SW11-054/C6/24- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on DATE OF 1ST HEARING.

Hearing officer found Bank M & IFSB in violation and imposed a penalty of \$1,900. 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.

12. **Guarani Trust and Jose Meyer Trust** – NOV #SW11-1029/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 3, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 4, 2011.

Hearing officer found Guarani Trust and Jose Meyer Trust in violation of 2) and imposed a penalty of \$500. Proof of 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.

13. **Gragson-Cactus II Investments** – NOV #SW11-878/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 29, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 30, 2011.

Hearing officer found Gragson-Cactus II Investments 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.

14. **BH Family Partners Sunset Pad A, LLC** – NOV #SW11-1028/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 3, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 4, 2011.

Hearing officer found BH Family Partners Sunset Pad A, 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.

15. **Estate of Bonnie S. Schofield** – NOV #SW11-1120/D8- For 1) operating a facility for the management of waste tires in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 24, 2011; and 2) violation of Solid Waste Management Authority Regulations

Governing the Management of Waste Tires Section 3.3 for operating a facility for the management of waste tires in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 24, 2011.

Item withdrawn by the Southern Nevada Health District.

16. **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 January 12, 2012 docket.

17. **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 April 12, 2012 docket.

18. **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 April 12, 2012 docket.

19. **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.

Hearing officer found Searchlight Highway, LLC in violation and imposed a penalty of \$500 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. Transfer of deed is ordered.

- 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. **Chad R. Perry** – NOV #SW11-620/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 21, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 236 Stormson Court, Las Vegas, Clark County, Nevada on or about July 21, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2011.

Hearing officer found Chad R. Perry in violation and imposed a penalty of \$500 for each of 1) and 3), and a penalty of \$750 for 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

2. **Renu Oil of America, Inc.** – NOV #SW11-1063/57- For 1) unauthorized collection of recyclable materials from a site designated for collection on or about August 13, 2011; and 2) Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management Section 18.1 requiring a permit to remove, haul and dispose of solid and liquid contents of septic tanks, holding tanks, chemical toilets, grease interceptor tanks, inedible kitchen grease containers or sand-oil-separators within Clark County to be obtained on an annual basis.

Hearing officer found Renu Oil of America, Inc. in violation and imposed a penalty of \$2,000 for 1) and a penalty of \$2,500 for 2). Failure to comply will result in the original penalty of \$15,000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None