



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – February 9, 2012

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 February 9, 2012 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. (*for possible action*)

Hearing officer found Julio C. Martinez in violation of 1) and imposed a penalty of \$900. 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 #SW11-311/47- 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 upon 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. (*for possible action*)

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. **American Auto Towing, Incorporated** – NOV #SW11-1203/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 27, 2011; and 2) placing,

depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2330 North Durango Drive, Las Vegas, Clark County, Nevada on or about July 27, 2011. *(for possible action)*

Hearing officer found no violation.

4. **George Kalb** – NOV #SW11-1301/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 11, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 8113 West Rochelle Avenue, Clark County, Nevada on or about October 11, 2011; and 3) identification of the owner of any solid waste which is disposed of, in violation of NRS 444.630, subsection 1; creates a reasonable inference that the owner is the person who dispose of the solid waste. The fact that the disposal of the solid was not witnessed does not, in of itself, preclude the identification of its owner. *(for possible action)*

Item continued to March 8, 2012 agenda.

5. **Boulder Crossings, LLC and Eric Rosenberg** – NOV #SW11-1041/60- 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, 2011; 2) causing or allowing sewage or accumulation of human excreta to remain on adjacent properties located at 5208 Boulder Highway, 5060 Boulder Highway, and 5040 Boulder Highway, Clark County, Nevada on or about August 10, 2011; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 14, 2011. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

6. **Tropicana Valley Gardens, LLC** – NOV #SW11-1048/32- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 5300 East Tropicana Avenue, Clark County, Nevada on or about August 9, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 9, 2011. *(for possible action)*

Hearing officer found Tropicana Valley Gardens, LLC in violation of 2) and imposed a penalty of \$900. Corrective action requires that the name and phone number of an emergency contact person, and the pertinent owner/manager information for any future emergency events. Failure to comply will result in the original penalty of \$3,300 as initially sought in the Notice of Violation.

7. **Paramount Fund II, LLC** – NOV #SW11-048/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 17, 2011. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

8. **Eagle Rainbow Center, LLC** – NOV #SW11-298/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 17, 2011. *(for possible action)*

Hearing officer found Eagle Rainbow Center, LLC in violation and imposed a penalty of \$2,800. 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. **Kineret, LLC** – NOV #SW11-1021/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 29, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 8, 2011. *(for possible action)*

Hearing officer found Kineret, 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.

10. **Grand Canyon Building A, LLC** – NOV #SW11-1133/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 31, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 6, 2011. *(for possible action)*

Item continued to March 8, 2012 agenda.

11. **Jesus Gabriel MacMillian** – NOV #SW11-1470/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 2, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located along the northbound lanes of Nellis Boulevard approximately one hundred (100) feet south of Alto Avenue to approximately nine hundred (900) feet south of Alto Avenue, Clark County, Nevada on or about November 2, 2011; and 3) unauthorized collection of recyclable material from 1955 North Nellis Boulevard, Clark County, Nevada on or about November 2, 2011. *(for possible action)*

Hearing officer found Jesus Gabriel MacMillian in violation and imposed a penalty of \$750 for each of 1) and 2), and a penalty of \$500 for 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.

12. **H2O Environmental, Inc.** – NOV #SW10-1139/G7/G7- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 27, 2011. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

13. **High Desert Sand, LLC** – NOV #SW11-1199/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 12, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 20, 2011. *(for possible action)*

Item continued to August 9, 2012 agenda.

14. **Gordon Family Irrevocable Trust ETAL and Ronald Smith Trustee** – NOV #SW11-1085/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 18, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 22, 2011. *(for possible action)*

Hearing officer found Gordon Family Irrevocable Trust ETAL and Ronal Smith, Trustee in violation of 2) and imposed a penalty of \$900. 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.

15. **Xiao Gaisler and Gary Gaisler** – NOV #SW11-463/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 13, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 2, 2011. *(for possible action)*

Hearing officer found Xaio Gaisler and Gary Gaisler 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.

16. **Village at Russell-Phase II, LLC and Jaimee Yoshizawa** – NOV #SW11-525/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 August 2, 2011. *(for possible action)*

Item continued to March 8, 2012 agenda.

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. **Luis Jorge Lizaola and Juan Castro** – NOV #SW11-1287/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 4, 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 intersection of Fort Apache Road and Mountains Edge Parkway, Clark County, Nevada on or about October 4, 2011. (*for possible action*)

Hearing officer found Luis Jorge Lizaola and Juan Castro 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 \$2,800 as initially sought in the Notice of Violation.

2. **Dane Samuel Keiser dba 2 White Guys Landscaping** – NOV #SW11-1284/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 5, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 6885 East Lake Mead Boulevard, Clark County, Nevada on or about October 5, 2011. (*for possible action*)

Hearing officer found Dane Samuel Keiser dba 2 White Guys Landscaping 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

1. **Jose Para** – 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 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 May 18, 2011. (*for possible action*)

Hearing officer order of December 8, 2011 is vacated.

2. **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 June 20, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 25, 2011. (*for possible action*)

Hearing officer order of December 8, 2011 is vacated.

3. **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 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 January 24, 2011. (*for possible action*)

Hearing officer order of December 8, 2011 is vacated.

4. **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 January 24, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon 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 January 24, 2011. (*for possible action*)

Hearing officer order of December 8, 2011 is vacated.