



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - April 12, 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 April 12, 2012 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Bonnie Nolan Revocable Trust and Michael S. Leffert Test Trust** – NOV #SW11-1421/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 18, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 1, 2011. (*for possible action*)

Item continued to May 10, 2012 agenda.

2. **Marion Wayne Clark and Imelda Sus Clark** – NOV #SW11-1511/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 21, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located west of Ford Avenue and Grand Canyon Drive, Clark County, Nevada on or about October 21, 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 disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner. (*for possible action*)

Hearing officer found Marion Wayne Clark and Imelda Sus Clark 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.

3. **Evan Lee** – NOV #SW11-1480/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 21, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 10435 West Cougar Avenue, Clark County, Nevada on or about October 24, 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 disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner. *(for possible action)*

Hearing officer found Evan Lee 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.

4. **Jun L. Zhou** – NOV #SW11-940/47- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 22, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 25, 2011. *(for possible action)*

Item continued to May 10, 2012 agenda.

5. **Alejandro Cesario-Santos** – NOV #SW11-108/47- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 1550 East Harmon Avenue, Clark County, Nevada on or about February 18, 2011. *(for possible action)*

Hearing officer found Alejandro Cesario-Santos in violation and imposed a penalty of \$900.

6. **2010-1 CRE-NV Land, LLC** – NOV #SW11-1201/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 15, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 21, 2011. *(for possible action)*

Hearing officer found 2010-1 CRE-NV Land, 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.

7. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2076/G7/G7- 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. **SF Investments, LLC and Fred Lessman** – NOV #SW11-1484/24- 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; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 9, 2011. *(for possible action)*

Hearing officer found SF Investments, LLC and Fred Lessman in violation and imposed a penalty of \$1,000 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. **Tran Enterprises, LLC** – NOV #SW11-058/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)*

Item continued to June 14, 2012 agenda.

10. **Nhu Thi Tran** – NOV #SW11-059/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)*

Item continued to June 14, 2012 agenda.

11. **Fort Apache Reno, LLC** – NOV #SW11-1244/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 22, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 19, 2011. *(for possible action)*

Hearing officer found Fort Apache Reno, LLC in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,250 for 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.

12. **Richard H. Linder, Jr.** – NOV #SW11-1249/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 26, 2011; 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 September 26, 2011; and 3) identification of the owner of any solid waste which is disposed of, in violations of NRS 444.630, subsection 1; creates a reasonable inference that the owner is the person who disposed of the solid waste, The fact that the disposal was not witnessed does not, in and of itself, preclude the identification of its owner. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

13. **Raining Russell, LTD** – NOV #SW11-297/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. (*for possible action*)

Hearing officer found Raining Russell, LTD 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.

14. **Khusrow Roohani Family Trust** – NOV #SW11-819/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 15, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 16, 2011. (*for possible action*)

Item continued to July 12, 2012 agenda.

15. **Moonshell, LLC ETAL** – NOV #SW11-977/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 27, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 28, 2011. (*for possible action*)

Item continued to July 12, 2012 agenda.

16. **Khusrow Roohani Family Trust** – NOV #SW11-1101/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 23, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 24, 2011. (*for possible action*)

Item continued to July 12, 2012 agenda.

17. **Big Teton, LLC** – NOV #SW11-1362/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 12, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 19, 2011. (*for possible action*)

Item continued to July 12, 2012 agenda.

18. **Khusrow Roohani Family Trust** – NOV #SW11-1363/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 12, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 19, 2011. (*for possible action*)

Item continued to July 12, 2012 agenda.

19. **Jaswinder Grover** – NOV #SW11-1367/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 12, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 20, 2011. (*for possible action*)

Hearing officer found Jaswinder Grover 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 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.

20. **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 on or about May 25, 2010. (*for possible action*)

Item continued to June 14, 2012 agenda.

21. **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 on or about May 25, 2010 and July 19, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 7, 2010. (*for possible action*)

Item continued to June 14, 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. **BD Parcel Holdings, L.L.C.** – NOV #SW11-1330/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 10, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 17, 2011. (*for possible action*)

Hearing officer found BD Parcel Holdings, 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.

2. **Enrique Lopez Godinez** – NOV #SW11-1348/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; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 8710 West Pebble Road, Clark County, Nevada on or about October 11, 2011. (*for possible action*)

Hearing officer found Enrique Lopez Godinez 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 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 initially sought in the Notice of Violation.

3. **Musashi Japanese Steak House** – NOV #SW11-1509/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 15, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3900 Paradise Road and the public right-of-way alley located east of 3900 Paradise Road and more specifically located on the west side of McKellar Circle and Calcaterra Circle, Clark County, Nevada on or about November 15, 2011. (*for possible action*)

Hearing officer found Musashi Japanese Steak House in violation of 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 \$1,800 as initially sought in the Notice of Violation.

4. **Wayne Jacks** – NOV #SW11-1264/47- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 31, 2011; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5325 East Cheyenne Avenue, Clark County, Nevada on or about August 31, 2011; 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 31, 2011; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on September 30, 2011. (*for possible action*)

Hearing officer found Wayne Jacks in violation and imposed a penalty of \$700 for each of 1), 3) and 4) and a \$500 penalty 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.

Retention of a Certified Environmental Manager is ordered. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

5. **Warm Springs@I-15 LLC** – NOV #SW11-1466/C6- 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; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 4, 2011. (*for possible action*)

Hearing officer found Warm Springs @I-15 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 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. **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; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 4, 2011. (*for possible action*)

Hearing officer order dated December 8, 2011 is amended.

2. **Sharon M. Carey and Shirley Levine** – NOV #SW09-1056/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 6613 Elton Avenue, Las Vegas, Clark County, Nevada on or about July 10, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 10, 2009. (*for possible action*)

Hearing officer order dated April 13, 2012 is amended.

3. **Deutsche National Bank Trust Company and One West Bank FSB** – NOV #SW10-1932/C6- 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 October 28, 2010. (*for possible action*)

Hearing officer order dated April 14, 2011 is amended.