



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – November 8, 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 November 8, 2012 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Aldo Hernandez** – NOV #SW11-1179/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 13, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3557 Pueblo Way, Clark County, Nevada on or about September 13, 2011. (*for possible action*)

The Southern Nevada health District is not proceeding at this time.

2. **Rose E. Vigna Living Trust and Rose E. Vigna, Trustee** – NOV #SW12-273/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 23, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 7, 2012. (*for possible action*)

The Southern Nevada Health District is not proceeding at this time.

3. **David William Klutts and Teresita Klutts** – NOV #SW12-154/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 26, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at the southeast corner of East Viking Road and Topaz Street, Clark County, Nevada on or about January 26, 2012. (*for possible action*)

Hearing officer found David William Klutts and Teresita Klutts 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

4. **Michelle R. Wythe** – NOV #SW12-014/ A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 4, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located south of West Levi Avenue and west of Charismatic Court, Clark County, Nevada on or about January 4, 2012. *(for possible action)*

Hearing officer found Michelle R. Wythe 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

5. **Nurtie Herrera** – NOV #SW12-589/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 25, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 1125 South Maryland Parkway, Las Vegas, Clark County, Nevada on or about April 25, 2012. *(for possible action)*

Hearing officer found Nurtie Herrera 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.

6. **Las Vegas Land & Development Company, LLC** – NOV #SW11-1334/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 Las Vegas Land & Development Company, 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.

7. **Deborah L. Rhodes** – NOV #SW12-833/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 26, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 26, 2012. *(for possible action)*

Hearing officer found Deborah L. Rhodes 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **River City Petroleum, Inc.** – NOV #SW12-617/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 18, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 1, 2012. *(for possible action)*

Hearing officer found River City Petroleum, Inc. 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.

9. **567 Investments, LLC** – NOV #SW12-689/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 7, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 11, 2012. *(for possible action)*

Hearing officer found 567 Investments, LLC 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.

10. **Hidden Cove Partners, LP dba Hidden Cove Apartment Homes and Robert V. Jones** – NOV #SW12-852/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 6, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 6, 2012. *(for possible action)*

Hearing officer found Hidden Cove Partners, LP dba Hidden Cove Apartment Homes and Robert V. Jones 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.

11. **Rainbow Structures LLC and Halston Mikail** – NOV #SW12-262/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 12, 2012. *(for possible action)*

Hearing officer found Rainbow Structures LLC and Halston Mikail 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.

12. **Federal National Mortgage Association** – NOV #SW10-2155/G9/23/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 12, 2012. *(for possible action)*

Hearing officer found Federal National Mortgage Association in violation and imposed a penalty of \$8,400. 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.

13. **Vardouhi Tosunyan** – NOV #SW12-409/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 15, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Ways located on Torrey Pines Drive, between Candleberry Road and Newville Avenue, Clark County, Nevada on or about March 15, 2012. *(for possible action)*

The Southern Nevada Health District 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. **Nuevo Recycling LLC** – NOV #SW12-849/H3- For violation of Solid Waste Management Authority Regulations Governing Recycling Centers (SWMAR) 1) Section 3.4, a recycling center must be approved, licensed, and/or permitted by the local applicable agencies; and 2) Section 13.3, a recycling center must comply with the plans for the designed and operation of the center, and the conditions of the permit issued by the solid waste management authority.. *(for possible action)*

Hearing officer found Nuevo Recycling LLC in violation of 2) and imposed a penalty of \$4,500. Failure to comply will result in the original penalty of \$16,600 as initially sought in the Notice of Violation.

2. **Diane L. Krueger and David Lee Krueger** – NOV #SW12-397/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 10, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4455 McGuire Street, North Las Vegas, Clark County, Nevada on or about March 10, 2012. *(for possible action)*

Hearing officer found Diane L. Krueger and David Lee Krueger 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