



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – January 10, 2013

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 January 20, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Luz Mary Andress** – NOV #SW12-485/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 23, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located south of 2604 East Mesquite Avenue, Las Vegas, Clark County, Nevada on or about March 23, 2012. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

2. **JAM Properties International LLC** – NOV #SW12-889/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 14, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3058 East Saint Louis Avenue, Las Vegas, Clark County, Nevada on or about July 14, 2012. *(for possible action)*

Hearing officer found JAM Properties 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. **Stephen Michael Estell** – NOV #SW12-856/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 5, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the mostly vacant parcel located at the southwest corner of Alto Avenue and North Los Feliz Street which is listed as the 338 acre parcel located at 2450 North Hollywood Boulevard, Clark County, Nevada on or about July 5, 2012. *(for possible action)*

Hearing officer found Stephen Michael Estell in violation of 2) and imposed a penalty of \$750. 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. **Regency Motel and Douglas DaSilva, Owner** – NOV #SW12-742/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 1, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at 700 North Main Street, 720 North Main Street, 804 North Main Street, 808 North Main Street, and 810 North Main Street, Las Vegas, Clark County, Nevada on or about June 1, 2012; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 1, 2012. *(for possible action)*

Hearing officer found Regency Motel and Douglas DaSilva, owner, in violation and imposed a penalty of \$2,500 for each of 1), 2) and 3). Corrective action of removal and proper disposal of waste is ordered. An action plan for the future 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.

5. **Mary Sloan, LLC** – NOV #SW12-024/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 28, 2011 and March 3, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 19, 2012. *(for possible action)*

Hearing officer found Mary Sloan, 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 \$2,700 as initially sought in the Notice of Violation.

6. **Santa Paula Drive Trust** – NOV #SW12-528/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1707 Santa Paula Drive, Las Vegas, Clark County, Nevada on or about April 5, 2012 and July 5, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 5, 2012 and July 5, 2012. *(for possible action)*

Hearing officer found Santa Paula Drive Trust in violation and imposed a penalty of \$2,900 for each of 1) and 2). Remediation of the area affected by sewage overflow is ordered. Receipts for remediation must be provided.

7. **ACRI Limited Liability Company** – NOV #SW12-748/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 20, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 20, 2012. *(for possible action)*

Hearing officer found ACRI Limited Liability Company in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **Atanacio Chavez** – NOV #SW12-155/08/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on September 13, 2012. *(for possible action)*

Hearing officer found Atanacio Chavez in violation and imposed a penalty of \$4,000. Receipts and/or invoices for all work performed must be provided.

9. **Aldo R. Skewes and Irma T. Olvera Jimenez** – NOV #SW12-666/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 15, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 7, 2012. *(for possible action)*

Hearing officer found Aldo R. Skewes and Irma T. Olvera Jimenez in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

10. **Imperial Western Products, Inc., a California Corporation** – NOV #SW12-1013/H3- For 1) operating a recycling center without a permit from the Solid Waste Management Authority on or about August 10, 2012 and October 17, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 27, 2012. *(for possible action)*

Hearing officer found Imperial Western Products, Inc., a California Corporation, 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

11. **NV Energy, Inc.** – NOV #SW12-221/D8- For 1) violation of Solid Waste Management Authority Class III Landfill Permit LF006CMF-01, Condition #2, for failure to comply with NAC 444.444.570 through 444.7499, i.e., specifically, NAC 444.644 for operating a disposal site in a manner that contributes to pollution of the atmosphere on or about February 13, 2012; and 2) violation of Solid Waste Management Authority Class III Landfill Permit LF006-CMF-01, Condition #8h, for inoperable monitoring equipment and lack of continuous monitoring of 23 days for PM10, SO2, NO2 and H2S at site #5 from April 2, 2012 through April 25, 2012. *(for possible action)*

Item continued to February 14, 2013 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. The Cosmopolitan of Las Vegas - NOV #SW12-720/A0- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 3708 South Las Vegas Boulevard and into the Municipal Separate Storm Sewer System (MS4), Clark County, Nevada on or about May 16, 2012, May 17, 2012, May 18, 2012, May 19, 2012, May 20, 2012, May 21, 2012, May 22, 2012 and May 23, 2012. (*for possible action*)

Hearing officer found The Cosmopolitan of Las Vegas in violation and imposed a penalty of \$7,200. The development and implementation of a routine, written inspection and maintenance program for the Sewage Ejector Pits (SEP) and Dewatering Pits is ordered.

2. **Tramain Rasean Greer** - NOV #SW12-722/57- For 1) the unauthorized collection of recyclable materials from sites designated for collection on or about May 23, 2012 at two separate and distinct locations; and 2) violation of Solid Waste Management Authority Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management Section 18.1 requiring a permit for removing, hauling and disposing of the solid and liquid contents of septic tanks, holding tanks, chemical toilets, grease interceptor tanks, inedible kitchen grease containers or sand-oil-water separators within Clark County to be obtained on an annual basis. (*for possible action*)

Hearing officer found Tramain Rasean Greer in violation of 1) and imposed a penalty of \$1,000. 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.

3. **Marlon Haynes** - NOV #SW12-1052/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 29, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5000 West Oakey Boulevard, Unit D-17 and Unit E-12, Las Vegas, Clark County, Nevada on or about August 29, 2012; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 29, 2012. (*for possible action*)

Hearing officer found Marlon Haynes 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

4. **Felipe Villegas** – NOV #SW12-816/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 14, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3043 North Pecos Road, Conjoined Units 2085/3031, North Las Vegas, Clark County, Nevada on or about June 14, 2012. *(for possible action)*

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

5. **Oiled Again, Inc.** – NOV #SW12-1029/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 21, 2012 and August 22, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3227 Meade Avenue, Unit A, Las Vegas, Clark County, Nevada on or about August 22, 2012; and 3) violation of Ownership of recyclable materials; unauthorized collection of recyclable materials prohibited; penalty; civil remedy on or about August 20, 2012, August 21, 2012 and August 22, 2012. *(for possible action)*

Hearing officer found Oiled Again, Inc. in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,500 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. Failure to comply will result in the original penalty of \$5,400 as initially sought in the Notice of Violation.

6. **Kim Gia, LLC ETAL** – NOV #SW12-002/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 30, 2011; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 13, 2012. *(for possible action)*

Hearing officer found Kim Gia, LLC ETAL 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.

7. **Clara's Group Home, Inc.** – NOV #SW11-1672/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 28, 2011; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 1760 Linn Lane, Clark County, Nevada on or about December 28, 2011. *(for possible action)*

Hearing officer found Clara's Group Home, Inc. in violation of 2) and imposed a penalty of \$500. 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