



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - February 14, 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 February 14, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Fernando R. Quinines and Maria E. Muñoz** - 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*)

Hearing officer found Fernando R. Quinines and Maria E. Muñoz 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.

2. **Quality Commercial Maintenance** - NOV #SW12-772/G9- For 1) June 11, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 13, 2012. (*for possible action*)

Item continued to March 14, 2013 agenda.

3. **Roberto's Taco Shop** - NOV #SW12-695/G9 - For 1) operating a disposal site in Clark County, Nevada without a permit issued by the solid waste management authority on or about May 14, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 17, 2012. (*for possible action*)

Hearing officer found Roberto's Taco Shop 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. A training program to educate staff in the proper handling of food waste and waste oil is ordered.

4. **Mary Bohanan and Joseph Christopher Moreno** - NOV #SW12-734/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 31, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 11, 2012. *(for possible action)*

Hearing officer found Mary Bohanan and Joseph Christopher Moreno 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.

5. **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 March 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. **American Management Investments, LLC** - NOV #SW12-1232/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, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 10, 2012. *(for possible action)*

Hearing officer found American Management 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.

2. **Robert E. Ford** - NOV #SW12-646/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 26, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 17, 2012. *(for possible action)*

Hearing officer found Robert E. Ford 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.

3. **Rolando Reyes-Carmona** - NOV #SW12-993/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 8, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4885 East Charleston Boulevard, Clark County, Nevada on or about August 8, 2012; and 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 8, 2012. (*for possible action*)

Hearing officer found Rolando Reyes-Carmona in violation of 3) 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.

4. **Allan Groesbeck** - NOV #SW12-1038/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 24, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located north of East Sahara Avenue approximately ¼ mile east of the intersection of Hollywood Boulevard and East Sahara Avenue, Clark County, Nevada on or about August 24, 2012. (*for possible action*)

Hearing officer found Allan Groesbeck 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. **Charles Johnson** - NOV #SW12-1018/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1816 Helen Avenue, North Las Vegas, Clark County, Nevada on or about August 20, 2012, August 22, 2012 and August 24, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 20, 2012. (*for possible action*)

Hearing officer found Charles Johnson in violation and imposed a penalty of \$500 for each of 1) and 2). Remediation of the area affected by sewage overflow 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 \$6,400 as initially sought in the Notice of Violation.

6. **Juan R. Acosta dba IND Pallet Company** - NOV #SW12-1149/H3- 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, 2012 and October 29, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 24, 2012. (*for possible action*)

Hearing officer found Juan R. Acosta dba IND Pallet Company 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **John M. Rubbico dba Citywide Aggregates** – NOV #SW10-1936/47- 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 November 10, 2010. (*for possible action*)

Hearing officer order dated August 4, 2011 is vacated.