



Public Health Update

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

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Willia D. Johnson** – NOV #SW12-1179/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 28, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 75 East Atlantic Avenue, Henderson, Clark County, Nevada on or about September 28, 2012. (*for possible action*)

Item continued to April 11, 2013 agenda.

2. **Dorsey E. May and Jacquelyn L. Lucas** – NOV #SW12-1374/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 20, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of- Way located southwest of Warm Springs Road and Valley View Boulevard, Clark County, Nevada on or about November 20, 2012. (*for possible action*)

Hearing officer found Dorsey E. May and Jacquelyn L. Lucas 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.

3. **William Ernest Ferrand** – NOV #SW12-1095/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 9, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at the off road race track on Gasline Road, Clark County, Nevada on or about September 9, 2012. (*for possible action*)

Hearing officer found William Ernest Ferrand 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.

4. **Ferraro Marble Companies LLC, Joseph F. Ziade and Philippe Ziade** - NOV #SW12-1406/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 27, 2012 and November 29, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located west of 4155 Sobb Avenue, Clark County, Nevada on or about November 27, 2012 and November 29, 2012. *(for possible action)*

Hearing officer found Ferraro Marble Companies, LLC, Joseph F. Ziade and Philippe Ziade in violation and imposed a penalty of \$1,800 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.

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

Hearing officer found Quality Commercial Maintenance 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.

6. **Miguel Perez** - NOV #SW12-941/24- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 18, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 401 North Eastern Avenue, Las Vegas, Clark County, Nevada on or about July 18, 2012. *(for possible action)*

Hearing officer found Miguel Perez 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.

7. **Thai Original BBQ and Restaurant** - NOV #SW12-1102/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1424 South 3rd Street, Las Vegas, Clark County, Nevada on or about September 12, 2012, September 13, 2012, September 14, 2012 and September 15, 2012; and 2) failure to comply with the

Order issued by the Solid Waste Management Authority on September 12, 2012. *(for possible action)*

Hearing officer found Thai Original BBQ and Restaurant in violation and imposed a penalty of \$9000 for each of 1) and 2). Repairs and testing of all deficient plumbing elements e.g. plumbing lines and internal plumbing within the dwelling, are ordered to be completed by a licensed and certified plumber.

8. **AER Land LLC** - NOV #SW12-581/H2- 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 August 6, 2012. *(for possible action)*

Hearing officer found AER Land LLC 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.

9. **Ricardo A Bierfass** - NOV #SW12-922/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 26, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 6, 2012. *(for possible action)*

Hearing officer found Ricardo A. Bierfass 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. **Raymond L. Barnes** - NOV #SW12-1395/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 21, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Way located southwest of Warm Springs Road and Valley View Boulevard, Clark County, Nevada on or about November 21, 2012. *(for possible action)*

Hearing officer found Raymond L. Barnes 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.

11. **Pho So 1/Vietnamese Restaurant** - NOV #SW12-1294/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 1, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 1, 2012. *(for possible action)*

Hearing officer found Pho So 1/Vietnamese Restaurant 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.

12. **Iovino Leasing Enterprises, L.L.C.** – NOV #SW12-1054/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 29, 2012; 2) 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 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 Iovino Leasing Enterprises, LLC in violation of 3) 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.

13. **Federal National Mortgage Association** – NOV #SW10-2155/G9/23/C6/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 8, 2012. *(for possible action)*

Hearing officer found Federal National Mortgage Association in violation and imposed a penalty of \$13,400. 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.

- 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. **Rio Suite Hotel and Casino** – NOV #SW12-1427/A0- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 30, 2012. *(for possible action)*

Hearing officer found Rio Suite Hotel and Casino in violation 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. **Gil Steelhead, LLC** – NOV #SW12-1289/C6- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 310 West Spring Street, Clark County, Nevada on or about October 22, 2012, October 29, 2012 and November 5, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 22, 2012. *(for possible action)*

Hearing officer found Gil Steelhead, LLC in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

3. **Ronald and Patricia Ayers Family Trust** – NOV #SW12-683/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 8, 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 Ronald and Patricia Ayers Family Trust 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. **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)*

Hearing officer found NV Energy in violation of 2) and imposed a penalty of \$6,000.

5. **Flamingo Hotel and Casino** – NOV #SW12-454/47- For 1) causing or allowing sewage or accumulation of human excreta to overflow March 3, 2012, March 20, 2012, March 30, 2012, April 4, 2012, April 10, 2012, and May 2, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 3, 2012. *(for possible action)*

Hearing officer found the Flamingo Hotel and Casino in violation and imposed a penalty of \$5,400 for each of 1) and 2). A response plan for raw sewage and/or wastewater overflow is ordered.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Sanchez Property Ventures, LLC and Frederick M. Sanchez Trust** – NOV #SW09-702/47- 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 July 24, 2009. *(for possible action)*

Hearing officer order dated September 15, 2010 is amended.

2. **Sanarp Trust, Henry W. Sanchez and Shirley A. Sanchez Trustees** - NOV #SW09-703/47- 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 July 24, 2009. (*for possible action*)

Hearing officer order dated September 15, 2010 is amended.