



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - April 11, 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 April 11, 2013 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Philippe Daniel Vilon** - NOV #SW12-1485/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 19, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste in trash receptacles upon the property located at 5415 West Harmon Avenue, Clark County, Nevada on or about December 19, 2012. *(for possible action)*

Hearing officer found Philippe Daniel Vilon 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.

2. **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)*

Hearing officer found Willia D. Johnson 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. **Francisco Velasquez** - NOV #SW12-846/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 1, 2012; and 2) placing, depositing or dumping or causing to be placed,

deposited or dumped solid waste upon the lot located at 4714 East Bonanza Road, Las Vegas, Clark County, Nevada on or about July 1, 2012. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

4. **Julio Cesar Morales-Gomez** – NOV #SW12-990/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 6, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Las Vegas Public Right-of-Way located in the alleyway north of 400 Bruce Street, Las Vegas, Clark County, Nevada on or about August 6, 2012. *(for possible action)*

Hearing officer found Julio Cesar Morales-Gomez 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.

5. **BEHFA, LLC** – NOV #SW12-1394/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 29, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 3, 2012. *(for possible action)*

Hearing officer found BEHFA, LLC in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered. Proof of tenant notification regarding use of dumpsters/grease bin areas must be provided. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

6. **Tosco Houston, Junior** – NOV #SW12-1361/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 15, 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 November 15, 2012; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on November 27, 2012. *(for possible action)*

Hearing officer found Tosco Houston, Junior in violation and imposed a penalty of \$900 for each of 1), 2) and 3). 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. **Federal National Mortgage Association** – NOV #SW12-1007/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 13, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 15, 2012. *(for possible action)*

Hearing officer found Federal National Mortgage Association in violation of 2) and imposed a penalty of \$500. Dumpster service for all tenants at 912 Staffordshire Circle 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.

8. **Jessee Scott** - NOV #SW12-775/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 634 North 11<sup>th</sup> Street, Las Vegas, Clark County, Nevada on or about June 11, 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 Jessee Scott in violation and imposed a penalty of \$900 for each of 1) and 2). Remediation of the area affected by sewage overflow is ordered and receipts or invoices for work must be provided.

9. **ERC of Nevada LLC** - NOV #SW12-1049/H3- For violation of Solid Waste Management Authority Regulations Governing Recycling Centers Section 3.1 for operating a recycling center without a permit from the solid waste management authority on or about August 10, 2012. *(for possible action)*

Hearing officer found ERC of Nevada LLC in violation and imposed a penalty of \$900.

10. **Irma Huerta and C&D Construction Services, Inc., dba Liberty Salvage Materials** - NOV #SW12-1259/H3- For violation of Solid Waste Management Authority Regulations Governing Recycling Centers Section 3.1 for operating a recycling center without a permit from the solid waste management authority on or about October 12, 2012, October 22, 2012, and October 29, 2012. *(for possible action)*

Hearing officer found Irma Huerta and C&D Construction Services, Inc., dba Liberty Salvage Materials in violation and imposed a penalty of \$1,500. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

11. **James E. Kaup, Vincent D. Collet and Wolfe Drop Box Services, Ltd.** - NOV #SW12-643/H3- For 1) violation of Solid Waste Management Authority Regulations Governing Materials Recovery Facilities (SWMAR) Section 3 for operating a materials recovery facility without a permit from the solid waste management authority on or about July 13, 2012 and July 30, 2012; 2) SWMAR Section 11 for operating a materials recovery facility without obtaining a proper financial assurance mechanism on or about July 13, 2012 and July 30, 2012; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 6, 2012. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

12. **Manuel D. Alvarenga** - NOV #SW12-244/08- 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, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 6, 2012. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

13. **Juanita Hayes and Kenneth R. Travis** – NOV #SW12-718/08- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1820 Bluff Avenue, North Las Vegas, Clark County, Nevada on or about May 22, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 22, 2012. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

- 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. **Brady Linen Services, LLC** – NOV #SW12-1487/G9- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2530 Losee Road, North Las Vegas, Clark County, Nevada on or about December 19, 2012. *(for possible action)*

Hearing officer found Brady Linen Services, LLC in violation 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. The development and implementation of a training plan regarding plastic bag storage with sign-off sheets to document worker training is ordered.

2. **Llantera Mission** – NOV #SW12-1094/24- For 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 September 20, 2012. *(for possible action)*

Hearing officer found Llantera Mission in violation and imposed a penalty of \$900.

3. **Margarita B. Santana** – NOV #SW12-938/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 7, 2012. *(for possible action)*

Hearing officer found Margarita B. Santa 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.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Erika Barranco** – NOV #SW10-513/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the property located at 4490 East Lake Mead Boulevard, Units 139 and 143, Clark County, Nevada on or about November 13, 2009; and 3) engaging in the unauthorized collection of recyclable materials in Clark County, Nevada on November 13, 2009. *(for possible action)*

Hearing officer order dated August 18, 2010 is amended.

2. **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; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 7, 2010. *(for possible action)*

Hearing officer order of June 14, 2012 is amended.

3. **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. *(for possible action)*

Hearing officer order of June 14, 2012 is amended.