



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – May 9, 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 May 9, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Leza Marie Heed** – NOV #SW13-182/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 4, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located southeast of Durango Drive and Cactus Avenue, Clark County, Nevada on or about February 4, 2013. (*for possible action*)

Hearing officer found Leza Marie Heed in violation and imposed a penalty of \$750 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. Corrective action of removal and proper disposal of waste is ordered.

2. **Lawrence Daniel Montero** – NOV #SW12-1437/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 4, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3790 Royal Crest Street, Clark County, Nevada on or about December 4, 2012. (*for possible action*)

Item continued to June 13, 2013 agenda.

3. **Robert J. Tursi** – NOV #SW12-1327/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 3, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Way located at the northeast corner of Hualapai Way and Sunset Road, Clark County, Nevada on or about November 3, 2012. (*for possible action*)

Hearing officer found Robert J. Tursi 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. **King George LLC** - NOV #SW12-1032/24- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 23, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 1208 East Charleston Boulevard, Clark County, Nevada on or about August 23, 2012; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on August 24, 2012. *(for possible action)*

Hearing officer found King George LLC in violation and imposed a penalty of \$2,000 for each of 1), 2) and 3). Reimbursement for lab costs of \$127 is ordered. Corrective action of removal of paint waste by a licensed hazardous waste service 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. **United Recycling, LLC** - NOV #SW12-1099/G7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 11, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 27, 2012. *(for possible action)*

Hearing officer found United Recycling, LLC in violation of 1) and imposed a penalty of \$500. A recycling center permit 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. **Santa Paula Drive Trust** - NOV #SW12-1486/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 December 19, 2012, December 21, 2012, December 24, 2012, December 26, 2012, December 27, 2012, December 28, 2012, December 30, 2012, December 31, 2012, January 1, 2013, January 2, 2013, January 3, 2012, January 4, 2013, January 7, 2013, January 10, 2013, and January 11, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 19, 2012 and January 1, 2013. *(for possible action)*

Item continued to June 13, 2013 agenda.

7. **Petro Rancho LLC, Maurice Abdel Messih and Wagih Kamar** - NOV #SW13-092/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 28, 2013; 2) failure to comply

with the Order issued by the Solid Waste Management Authority on January 28, 2013; 3) mishandling and improper storage of putrescible solid waste on or about January 28, 2013; and 4) failure to provide proper removal of all solid waste accumulated at the premises on or about January 28, 2013. *(for possible action)*

Item continued to June 13, 2013 agenda.

8. **CLF, LLC.** – NOV #SW12-1468/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 12, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 18, 2012. *(for possible action)*

Hearing officer found CLF, LLC 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.

9. **L S R E F Exhibition Invest LLC** – NOV #SW13-068/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 15, 2013; 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 January 15, 2013; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 22, 2013. *(for possible action)*

Hearing officer found L S R E F Exhibition Invest LLC in violation of 3) 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.

10. **Regency Motel and Douglas DaSilva, Owner** – NOV #SW12-742/G9/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 10, 2013. *(for possible action)*

Hearing officer found Regency Motel and Douglas DaSilva, Owner, in violation and imposed a penalty of \$8,500. 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.

- 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. **NVRH, LLC dba Nevada Recycling/Henderson** – NOV #SW12-1246/G7- For violation of Solid Waste Management Authority Regulations (SWMAR) Governing Recycling Centers Section 11.1, the owner or operator of a recycling center shall obtain and post with the solid waste management authority, a surety bond, or any other mechanism of financial assurance as a condition of the issuance of a recycling center permit. (*for possible action*)

Hearing officer found NVRH, LLC dba Nevada Recycling/Henderson in violation and imposed a penalty of \$1,000.

2. **L V Carpet Care and Mark James Mattson** – NOV #SW12-1091/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 10, 2012; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 10560 South Valley View Boulevard, Clark County, Nevada on or about September 10, 2012. (*for possible action*)

Hearing officer found LV Carpet Care and Mark James Mattson 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. **Nevada Landscape Corporation** – NOV #SW12-1507/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 20, 2012, December 24, 2012, December 27, 2012, December 28, 2012, January 29, 2013 and February 12, 2013; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at the northeast side of the intersection at North Lamont Street and El Campo Grande Avenue, more specifically known as Assessor's Parcel Number 123-29-701-007, North Las Vegas, Clark County, Nevada on or about December 20, 2012, December 24, 2012, December 27, 2012, December 28, 2012, January 29, 2013 and February 12, 2013; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 28, 2012. (*for possible action*)

Hearing officer found Nevada Landscape Corporation in violation and imposed a penalty of \$2,700 for 1), a penalty of \$500 for 2) and a penalty of \$900 for 3). An application for a recycling permit 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 \$11,700 as initially sought in the Notice of Violation.

4. **Stefanie Gaytan and Michael Mahan** – NOV #SW13-072/K5- For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at the northeast corner of Kens Court and Blue Diamond Highway, Clark County, Nevada on or about January 24, 2013. *(for possible action)*

Hearing officer found Stefanie Gaytan and Michael Mahan in violation 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 \$900 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **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 order dated March 24, 2013 is amended.

2. **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; 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 order dated March 24, 2013 is amended.