



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – June 13, 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 June 13, 2013 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **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Item withdrawn by the Southern Nevada Health District.

2. **Lorena Diaz-Lara and Job Buenrostro-Jiminez** – NOV #SW13-480/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 27, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste in trash receptacles upon the property located at 5400 South Maryland Parkway, Clark County, Nevada on or about March 27, 2013. (*for possible action*)

Hearing officer found Lorena Diaz-Lara and Job Buenrostro-Jiminez 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. **Richard Douglas Hoyt and Preston Wayne Hoyt** – NOV #SW13-024/H2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 2, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 670 South U.S. 95 South, Searchlight, Clark County, Nevada on or about January 2, 2013. (*for possible action*)

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Hearing officer found Richard Douglas Hoyt and Preston Wayne Hoyt 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.

4. **Weichang Zhou** – NOV #SW13-086/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 5583 Big Sea Street, Clark County, Nevada on or about January 24, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 24, 2013. (*for possible action*)

Item continued to July 11, 2013 agenda.

5. **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*)

Hearing officer found Santa Paula Drive Trust in violation and imposed a penalty of \$5,000 for each of 1) and 2).

6. **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*)

Hearing officer found Petro Rancho LLC, Maurice Abdel Messih and Wagih Kamar in violation and imposed a penalty of \$2,500 for 2) and a penalty of \$500 for each of 3) and 4). Corrective action of removal and proper disposal of waste is ordered. Proper garbage containers and garbage services are 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. **CM Maggie 1-3250, LLC** – NOV #SW13-114/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 31, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 5, 2013. (*for possible action*)

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Hearing officer found CM Maggie 1-3250, LLC 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.

8. **Salvador G. Borrromeo III** – NOV #SW12-1319/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 December 12, 2012. *(for possible action)*

Hearing officer found Salvador G. Borrromeo III 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.

9. **FLP Holdings, LLC ETAL** – NOV #SW13-107/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 24, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 31, 2013. *(for possible action)*

Hearing officer found FLP Holdings, LLC ET AL in violation and imposed a penalty of \$500 for 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.

10. **Axel A. Weller** – NOV #SW13-302/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 5, 2013; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5655 Kayenta Court, Clark County, Nevada on or about March 5, 2013; 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 March 5, 2013; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2013. *(for possible action)*

Item continued to July 11, 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.

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1. **The Cosmopolitan of Las Vegas** - NOV #SW12-931/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 24, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 24, 2012. *(for possible action)*

Hearing officer found The Cosmopolitan of Las Vegas in violation and imposed a penalty of \$2,000 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. **Arash Nassiry** - NOV #SW12-1465/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 13, 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 142 Turtle Ridge Avenue, Clark County, Nevada on or about December 13, 2012. *(for possible action)*

Hearing officer found Arash Nassiry 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. **Beverly E. Guyton ETAL** - NOV #SW12-1472/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 Beverly E. Guyton ET AL 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.

4. **Biodiesel of Las Vegas, Inc.** - NOV #SW13-228/45- For 1) violation of Solid Waste Management Authority Regulations (SWMAR) Governing Recycling Centers Section 9.2(a) for not submitting an annual recycling report by February 16, 2013; 2) violation of Southern Nevada Health District Board of Health Permit to operate a Solid Waste Management Facility, Permit Conditions Part 9A(2) for not submitting an annual recycling report by February 16, 2013; 3) NAC 444A.135 for not submitting the annually recycling report by February 16, 2013; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on February 22, 2013. *(for possible action)*

Hearing officer found Biodiesel of Las Vegas, Inc. in violation and imposed a penalty of \$900 for each of 1), 2), 3) and 4).