



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – July 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 July 11, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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 August 8, 2013 agenda.

2. **Oscar A. Alvarez** – NOV #SW13-269/57- For 1) the unauthorized collection of recyclable materials from containers provided by the franchisee and designated for curbside collection on or about February 27, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 4, 2013. (*for possible action*)

Hearing officer found Oscar A. Alvarez in violation and imposed a penalty of \$1,500 for 1) and a penalty of \$900 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.

3. **Jose Vicente Lovos** – NOV #SW13-479/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 1, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located northwest of Frias Avenue and Arville Street, Clark County, Nevada on or about April 1, 2013. (*for possible action*)

Hearing officer found Jose Vicente Lovos 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. **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)*

Hearing officer found Weichang Zhou in violation of 2) and imposed a penalty of \$2,000. Failure to comply will result in the original penalty of \$7,200 as initially sought in the Notice of Violation.

5. **Michael A. Demich** – NOV #SW12-1421/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 28, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 10, 2013. *(for possible action)*

Hearing officer found Michael A. Demich 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.

6. **Wade Holbein** – NOV #SW13-270/G9- For 1) causing or allowing sewage or accumulation of human excreta to overflow on properties located 4416 Laguna Garden Avenue, 4420 Laguna Garden Avenue, and along the North Las Vegas Public Right of Way at Laguna Garden Avenue, North Las Vegas, Clark County, Nevada on or about February 27, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 27, 2013. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

7. **Hung Tan Tran** – NOV #SW12-1381/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 20, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 27, 2012. *(for possible action)*

Hearing officer found Hung Tan Tran 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.

8. **Tania Houston Trust** – NOV #SW12-1156/24- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 26, 2012; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 8338 Fairfield Avenue, Clark County, Nevada on or about September 26, 2012; 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 September 26, 2012; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on November 27, 2012. *(for possible action)*

Hearing officer found Tania Houston Trust in violation of 4) 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. Retention of a Certified Environmental Manager (CEM) is ordered. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

9. **Lee R. Depauw and Lela Depauw Decedents Trust, Lela Depauw Trustee** – NOV #SW12-1364/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 15, 2012; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on January 2, 2013. *(for possible action)*

Hearing officer found Lee R. Depauw and Lela Depauw Decedents Trust, Lela Depauw Trustee in violation of 2) and imposed a penalty of \$900. Corrective action and/or agreement of 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.

10. **Bank of New York Mellon Trustees** – NOV #SW13-158/H2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 11, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 13, 2013. *(for possible action)*

Hearing officer found Bank of New York Mellon Trustees in violation and imposed a penalty of \$900 for each of 1) and 2).

11. **Birkeland Family, LLC I and Birkeland Family, LLC IV** – NOV #SW13-332/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 4, 2013; 2) storage of garbage and refuse on the premises, including refuse to be recycled or returned, must be stored in manner to make them inaccessible to insects and rodents; 3) containers for garbage and refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth

pad of concrete or asphalt, kept clean and maintained in good repair; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on March 13, 2013. *(for possible action)*

Hearing officer found Birkeland Family LLC I and Birkeland Family, LLC IV in violation of 4) 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 \$2,700 as initially sought in the Notice of Violation.

12. **Jim Pham and Mary Pham Trust** – NOV #SW13-165/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 29, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 12, 2013. *(for possible action)*

Item continued to August 8, 2013 agenda.

13. **Blue Diamond Crossing, L.L.C.** – NOV #SW13-499/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 4, 2013; 2) containers for garbage and refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth pad of concrete or asphalt, kept clean and maintained in good repair; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 9, 2013. *(for possible action)*

Hearing office found Blue Diamond Crossing, LLC in violation of 4) 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.

- 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. **PWLDAF LLC** – NOV #SW13-546/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 17, 2013; 2) Containers for garbage refuse, including refuse to be recycled or returned, dumpsters, containers or bins for grease and compactors located outside must be stored on or above a reasonably smooth pad of concrete or asphalt, kept clean and maintained in good repair; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on April 22, 2013. *(for possible action)*

Hearing officer found PWLDAF LLC in violation of 3) 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 \$2,700 as initially sought in the Notice of Violation.

2. **Prisma Lawn Service and Mesquite Efrain Reyes** – NOV #SW13-486/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 3, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located on the north side of Log Cabin Way approximately three hundred and thirty (330) feet west of Granica Street, Las Vegas, Clark County, Nevada on or about April 3, 2013. *(for possible action)*

Hearing officer found Prisma Lawn Service and Mesquite Efrain Reyes 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. **Shapiro Trust, David Shapiro and Ilana Shapiro Trustees** – NOV #SW13-207/E0- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1721 Walnut Avenue, Las Vegas, Clark County, Nevada on or about February 19, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 19, 2013. *(for possible action)*

Hearing officer found Shapiro Trust, David Shapiro and Ilana Shapiro Trustees in violation of 2) and imposed a penalty of \$500.

4. **Alem Yaghi** – NOV #SW13-069/G9- 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; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 533 Wardelle Street, Las Vegas, Clark County, Nevada on or about January 15, 2013. *(for possible action)*

Hearing officer found Alem Yaghi 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.

5. **John Courson and Christie L. Courson** – NOV #SW13-458/N7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 29, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the unpaved Clark County Public Right-of-Way located on Horse Drive west of North Torrey Pines Drive, Clark County, Nevada on or about March 29, 2013. *(for possible action)*

Hearing officer found John Courson and Christie L. Courson 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.