



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – September 12, 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 September 12, 2013 hearing the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **5<sup>th</sup> & Brooks, LLC** – NOV #SW12-1068/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 27, 2012 and April 22, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 7, 2012. (*for possible action*)

Item continued to November 14, 2013 agenda.

2. **Amber Dawn Gutierrez and Michael Dennis** – NOV #SW13-328/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 10, 2013; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4051 West Warm Springs Road, Clark County, Nevada on or about March 10, 2013; and 3) mishandling and improper disposal of medical waste by depositing and transporting in an unmarked, unapproved container and comingled with other solid wastes on or about March 10, 2013. (*for possible action*)

Hearing officer found Amber Dawn Gutierrez and Michael Dennis in violation and imposed a penalty of \$900 for each of 1), 2) and 3). 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. **Thomas F. Malin** – NOV #SW13-592/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 30, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste into the main sewer line located at the intersection of Old Mission Drive and Leaning Pine Way, Las Vegas, Clark County, Nevada on or about April 30, 2013. (*for possible action*)

Item continued to October 10, 2013 agenda.

4. **SoCal Biofuels, Inc.** – NOV #SW13-723/26- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 21, 2013 and June 13, 2013; 2) being engaged in the unauthorized collection of recyclable materials in Clark County, Nevada, on or about May 21, 2103 and June 13, 2013; 3) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5350 Alto Avenue, Clark County, Nevada on or about May 21, 2013 and June 13, 2013; and 4) for provisions for handling and disposing of large quantities of waste oils are effective only if approved by the solid waste management authority which was done on or about May 21, 2013 and June 13, 2013. *(for possible action)*

Hearing officer found SoCal Biofuels, Inc. in violation and imposed a penalty of \$1,000 for each of 1) and 4) and a penalty of \$500 for each of 2) and 3). 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 \$7,200 initially sought in the Notice of Violation.

5. **Restaurant Oils of America** – NOV #SW13-751/26- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 15, 2013. *(for possible action)*

Hearing officer found Restaurant Oils of America 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.

6. **Eric Echeverria** – NOV #SW13-560/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 20, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4435 South Buffalo Drive, Clark County, Nevada on or about April 20, 2013. *(for possible action)*

Hearing officer found Eric Echeverria 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. **CVS/Pharmacy #7251** – NOV #SW13-475/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 1, 2013, May 7, 2013 and May 13, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 4, 2013. *(for possible action)*

Hearing officer found CVA/Pharmacy #7251 in violation and imposed a penalty of \$1,000 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. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

8. **Lamb II Sagebrush, LLC** - NOV #SW13-490/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 2, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 5, 2013. *(for possible action)*

Hearing officer found Lamb II Sagebrush, 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.

9. **Danny Brown and Sherry Brown** - NOV #SW13-527/K5- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1301 West Whipple Avenue, Clark County, Nevada on or about April 12, 2013 and April 15, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 12, 2013. *(for possible action)*

Hearing officer found Danny Brown and Sherry Brown in violation and imposed a penalty of \$1,800 for 1) and a penalty of \$900 for 2).

10. **Smoke Ranch Enterprises Inc.** - NOV #SW13-535/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 13, 2013; 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 15, 2013 with extensions of the Order deadline extended to May 31, 2013; and 3) failure to provide property removal of all solid waste accumulated at the premises on or about March 13, 2013. *(for possible action)*

Hearing officer found Smoke Ranch Enterprises, Inc. in violation and imposed a penalty of \$900 for each of 1) and 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. Proof of trash service for Smoke Ranch AM/PM, 2401 N. Jones Blvd. is ordered.

11. **Santa Paul Drive Trust** - NOV #SW12-1508/H2- For 1) causing or allowing sewage or accumulation of human excreta to overflow 1711 Santa Paula Drive, Clark County, Nevada on or about December 28, 2012, December 29, 2012, December 30, 2012, December 31, 2012, January 1, 2013, January 2, 2013, January 3, 2013, January 4, 2013, January 7, 2013, January 10, 2013, January 11, 2013, and January 25, 2013; and 2) failure

to comply with the Order issued by the Solid Waste Management Authority on December 28, 2012, January 1, 2013 and January 25, 2013. (*for possible action*)

Hearing officer found Santa Paul Drive Trust in violation and imposed a penalty of \$6,000 for 2). Failure to comply will result in the original penalty of \$12,000 as initially sought in the Notice of Violation.

12. **Santa Paul Drive Trust** – NOV #SW13-425/H2- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1711 Santa Paul Drive, Clark County, Nevada on or about March 21, 2013, April 22, 2013, and April 30, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 21, 2013, April 22, 2013 and April 30, 2013. (*for possible action*)

Hearing officer found Santa Paul Drive Trust in violation and imposed a penalty of \$1,500 for 1) and a penalty of \$500 for 2). Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

13. **Santa Paul Drive Trust** – NOV #SW13-720/H2- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 1711 Santa Paula Drive, Clark County, Nevada on or about May 28, 2013. (*for possible action*)

Hearing officer found Santa Paul Drive Trust in violation and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$900 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. **China Star Super Buffet** – NOV #SW13-569/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 23, 2013; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4595 West Charleston Boulevard, Las Vegas, Clark County, Nevada on or about May 23, 2013; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 24, 2013. (*for possible action*)

Hearing officer found in China Star Super Buffet in violation and imposed a penalty of \$500 for each of 1), 2) and 3). 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. **Ryan Tyler DBA R&R Construction** – NOV #SW13-651/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 10, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel abutting the south

side of 4665 West Ann Road, North Las Vegas, Clark County, Nevada on or about May 10, 2013. (*for possible action*)

Hearing officer found Ryan Tyler DBA R&R Construction 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.

C. NOTICES OF VIOLATION - FURTHER PROCEEDINGS

None