



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – November 14, 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 November 14, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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*)

Hearing officer found Thomas F. Malin in violation and imposed a penalty of \$500 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. **Paula Eylar-Lauzon** – NOV #SW13-826/N7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 26, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 10250 Park Run Drive, Las Vegas, Clark County, Nevada on or about June 26, 2013. (*for possible action*)

Item withdrawn by the Southern Nevada Health District.

3. **5th & 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 December 12, 2013 agenda.

4. **The JTS Trust, Jay N. & Tamara F. Smith, Trustees and The Robert T. Mendenhall and Yvonne S. Mendenhall Family Trust, Robert T. & Yvonne S. Mendenhall, Trustees** – NOV #SW13-362/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 22, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 25, 2013. (*for possible action*)

Hearing officer found The JTS Trust, Jay N. & Tamara F. Smith, Trustees and The Robert T. Mendenhall and Yvonne S. Mendenhall Family Trust, Robert T. & Yvonne S. Mendenhall, Trustees in violation and imposed a penalty of \$900 for 1). 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. **Golden Key 3049, LLC and Jade Key, LLC** – NOV #SW13-955/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 5, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on August 5, 2013. (*for possible action*)

Hearing officer found Golden Key 3049, LLC and Jade Key, LLC 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.

6. **Andrew Perez** – NOV #SW13-867/G9- 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 upon the vacant parcel located at the northeast corner of North Los Feliz Street and East Charleston Boulevard, Clark County, Nevada on or about March 27, 2013. (*for possible action*)

Item continued to December 12, 2013 agenda.

7. **Virginia Pulido** – NOV #SW13-868/G9- 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 upon the vacant parcel located at the northeast corner of North Los Feliz Street and East Charleston Boulevard, Clark County, Nevada on or about March 27, 2013. (*for possible action*)

Item continued to December 12, 2013 agenda.

8. **Maria Esmeralda Mabiela Perez-Andrade** – NOV #SW13-908/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, 2013; 2) placing, depositing or dumping or

causing to be placed, deposited or dumped solid waste upon the properties located at 4061 Vincenta Court and 4069 Vincenta Court, Clark County, Nevada on or about July 26, 2013; 3) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon Clark County Public Right of Way located north of the northwest corner of East Tonopah Avenue and Lincoln Road, Clark County, Nevada on or about August 13, 2013; 4) 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 July 26, 2013 and August 13, 2013; and 5) failure to comply with the Order issued by the Solid Waste Management Authority on July 30, 2013. *(for possible action)*

Hearing officer found Maria Esmeralda Mabiela Perez-Andrade in violation and imposed a penalty of \$900 for each of 1) and 4) and a penalty of \$1,800 for each of 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.

9. **Performance Holdings Incorporated** – NOV #SW13-885/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 19, 2013; 2) for failure to provide proper removal of all solid waste accumulated at the premises on or about July 19, 2013; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 24, 2013. *(for possible action)*

Hearing officer found Performance Holdings Incorporated 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. Trash service and containers must be provided for tenants at 343 N. 10th Street and 345 N. 10th St. 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. **Letha Davies** – NOV #SW13-419/H2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 26, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on April 8, 2013. *(for possible action)*

Hearing officer found Letha Davies 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.

11. **VF Arville, LLC** – NOV #SW13-601/R2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 29, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 10, 2013. *(for possible action)*

Hearing officer found VF Arville, 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. Implementation of written policies and procedures to routinely inspect and remove solid waste from dumpster dock area 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.

12. **MKAT Capital Group, LLC** - NOV #SW13-733/24- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 31, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 3, 2013. (*for possible action*)

Hearing officer found MKAT Capital Group, LLC 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 \$3,600 as initially sought in the Notice of Violation.

13. **Clark County School District** - NOV #SW13-956/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 1, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 6995 West El Dorado Lane and the Public Right-of-Way on the north side of West Maudling Avenue east to the storm inlet at the northwest corner of West Maudling Lane and South Rainbow Boulevard, Clark County, Nevada on or about August 1, 2013. (*for possible action*)

Hearing officer found Clark County School District 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.

14. **Bradley Boyd and The Boyd III Limited Partnership** - NOV #SW13-110/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 March 12, 2013. (*for possible action*)

Hearing officer found Bradley Boyd and The Boyd III Limited Partnership 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.

15. **Kim Gia, LLC ETAL** – NOV #SW13-731/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 4, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 12, 2013. (*for possible action*)

Hearing officer found Kim Gia, LLC Etal in violation and imposed a penalty of \$1,400 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.

- 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. **Concore Inc.** – NOV #SW13-749/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 7, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located in the Clark County Right-of-Way gutter and storm inlet on the west side of Cameron Street east of 5415 Cameron Street, Clark County, Nevada on or about June 7, 2013. (*for possible action*)

Hearing officer found Concore Inc. 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. Implementation of written policies and procedures and training for personnel on proper disposal methods of waste slurry is also ordered.

2. **High Desert Recycling, Inc.** – NOV #SW13-932/Q1- For violation of Solid Waste Management Authority Regulations (SWMAR) Governing Recycling Centers Section 6.1(g) for storing piles of shredded paper outside on the pavement creating windblown litter and vehicle track out and causing a public nuisance. (*for possible action*)

Hearing officer found High Desert Recycling, Inc. in violation and imposed a penalty of \$1,400. Failure to comply will result in the original penalty of \$2,800 as initially sought in the Notice of Violation.

3. **Richard Wood, Jr.** – NOV #SW13-532/H2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 13, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the 20 acre vacant parcel located west of Giles pie Street between East Starr Avenue and East Chartan Avenue, Clark County, Nevada on or about April 13, 2013. (*for possible action*)

Hearing officer found Richard Wood, Jr. in violation of 2) and imposed a penalty of \$750. 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

1. **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 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 April 1, 2013. (*for possible action*)

Hearing officer order dated July 11, 2013 is vacated.