



Solid Waste Management Authority
Hearing Officer Administrative Hearing
MEETING MINUTES

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada 89107
Red Rock Trail Conference Room
9:00 AM – Thursday, February 9, 2023

SNHD STAFF PRESENT:

Donna Houston, Sr. EH Specialist
Lynn Cintron, Sr. Admin Assistant
Edward Wynder, Associate General Counsel
Bruno Stephani, EH Supervisor

Andy Chaney, EH Supervisor
Jennifer Luther, Sr. Admin Assistant
Itchel Santos-Perez, EH Specialist

FACILITY OWNERS/REPRESENTATIVES PRESENT:

None

PUBLIC PRESENT:

None

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:00 a.m.

II. PUBLIC COMMENT:

III. MATTERS REQUIRING HEARING OFFICER ACTION:

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. January 12, 2023 SWMA Hearing – *MINUTES APPROVED*

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Benjamin Kolodaro, Nily Kolodaro, and Gary Kolodaro** – NOV #SW22-354/32 FTC NOV - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 9, 2022.

Hearing officer found Benjamin Kolodaro, Nily Kolodaro, and Gary Kolodaro in violation of the June 9, 2022 Hearing Officer Order and imposed a penalty of \$1,500. Corrective action of removal and proper disposal of waste is ordered.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Environmental Health Supervisor Andy Chaney who testified regarding the investigation of ongoing solid waste issues on the property which he oversaw., Mr. Chaney testified regarding photographs showing solid waste at the site which were then submitted at exhibits. Mr. Chaney testified regarding statements made by Mr. Benjamin Kolodaro during telephone calls between them,

including Mr. Kolodaro confirming he received the Hearing Officer Order which was issued after the June 9, 2022 Hearing. Mr. Chaney also testified that Mr. Kolodaro acknowledged the solid waste still present on his property and the high cost of clean up and removal which was quoted at \$60,000. Mr. Chaney testified regarding email correspondence with Mr. Kolodaro regarding leveling the property instead of cleaning and Mr. Chaney explained that would be burying the waste and is not an acceptable or legal remedy for the situation. Mr. Kolodaro told Mr. Chaney he is out of the country and would not be able to attend the hearing. SNHD rested. After summation, Hearing Officer rendered decision noted above.

2. **San Gennaro Feast, Inc.** – NOV #SW23-231/13 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on the property located at 12300 South Las Vegas Boulevard and the property located east of 12300 South Las Vegas Boulevard, Henderson, Clark County, Nevada on or about September 24, 2022; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 23, 2022.

Hearing officer found San Gennaro Feast, Inc. in violation of 1) and 2) and imposed a penalty of \$500 for each violation. A Cease and Desist is issued to stop causing or allowing to cause any sewage or accumulation of human excreta to overflow and deposit at this property or any other property in Clark County, Nevada. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

C. NON-CONTESTED NOTICES OF VIOLATION:

1. **Republic Dumpco, Inc., dba Apex Regional Landfill** – NOV #SW23-018/K5 - For 1) failure to maintain a Solid Waste Management Facility in a neat and orderly fashion on or about March 8, 2022; 2) failure to maintain a Solid Waste Management Facility in a neat and orderly fashion on or about May 17, 2022; and 3) failure to maintain a Solid Waste Management Facility in a neat and orderly fashion on or about July 11, 2022.

Hearing officer found Republic Dumpco, Inc., dba Apex Regional Landfill in violation of 1), 2), and 3), and imposed a penalty of \$1,000 for each violation. Respondent is ordered to maintain solid waste operations at the solid waste management facility operated by Republic Dumpco, Inc. dba Apex Regional Landfill and located at 13550 North Highway 93, Clark County, Nevada in a neat and orderly fashion.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty.

2. **A Track-Out Solution, LLC** – NOV #SW23-136/67 – For placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at and adjacent to the North Las Vegas Boulevard Public Right-of-Way

beginning at North Sloan Road and extending north to the I-15 North onramp, Clark County and North Las Vegas, Nevada on or about August 22, 2022.

Hearing officer found A Track-Out Solution, LLC in violation and imposed a penalty of \$1,500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty.

3. **Elevation Auto Core, LLC** – NOV #SW-178/K5 – For failure to prepare and provide the annual updated cost of closure to the Solid Waste Management Authority on or about June 1, 2022.

Hearing officer found Elevation Auto Core, LLC in violation and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

4. **Juan Carlos Mejia-Lopez** – NOV #SW23-210/G4 – For 1) operating a disposal site in Clark County, Nevada without a permit issued by the solid waste management authority on or about September 17, 2022; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2777 North Lamb Boulevard, Clark County, Nevada on or about September 17, 2022.

Hearing officer found Juan Carlos Mejia-Lopez in violation of 2) and imposed a penalty of \$1,000. A Cease and Desist order is issued to stop placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

SNHD and the respondent reached a compromise settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None

IV. REPORT TO HEARING OFFICER

None

V. Public Comment:

VI. ADJOURNMENT – *ADJOURNED BY THE HEARING OFFICER AT 9:58 A.M.*