

## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – September 2004

September 27, 2004

The Solid Waste Hearing Officer, under authority granted in Nevada Revised Statute (NRS) 44.629, conducts monthly hearings to settle cases involving illegal dumping and other solid waste matters. At the September 15, 2004 meeting, the following cases were adjudicated:

A. NON-CONTESTED NOTICES OF VIOLATION (NOV):

*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 violation.*

1. **Rose Kings** – NOV #SW04-372/A5 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) for causing or allowing sewage or accumulation of human excreta to overflow on property located at 5803 Boulder Highway, Clark County, Nevada, on or about May 21, 2004; June 15, 2004; June 28, 2004; and July 7, 2004.

The hearing officer agreed to a compromise resolution, finding Rose Kings in violation of 2), and ordering an administrative penalty of \$1,250. In addition, the party is required to reimburse Abbott Plumbing Services \$2,200. Failure to comply will result in an increase in the penalty to \$3,450.

2. **Don Hall** – NOV #SW04-713/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 2075 Palm Street, Suite 1, Clark County; and 3) disposing of, abandoning or dumping a motor vehicle battery, motor vehicle tire or motor oil at a site which has not been issued a permit for that purpose; on or about July 14, 2004.

The hearing officer agreed to a compromise resolution, finding Don Hall in violation of 3), and ordering an administrative penalty of \$750. Failure to comply will result in an increase in the penalty to \$2,250.

3. **Nanay Gloria's Restaurant, LLC** – NOV #SW04-615/74 - For placing, depositing or dumping or causing or allowing to be placed, deposited or

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dumped solid waste on property located at 5960 Spring Mountain Road, Clark County; on or about July 6, 2004.

The hearing officer found Nanay Gloria's Restaurant, LLC in violation, ordering an administrative penalty in the amount of \$1,000. In addition, the business is required to clean the grease spill from the affected area.

4. **Meadows Auto Mall, LLC** - NOV #SW04-416/45 - For 1) disposing of, abandoning or dumping a motor vehicle battery, motor vehicle tire or motor oil at a site which has not been issued a permit for that purpose on property located at 2586 East Meadows Avenue, Clark County; on or about April 21, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 12, 2004.

The hearing officer agreed to a compromise resolution, finding Meadows Auto Mall, LLC in violation of both complaints and ordering an administrative penalty of \$550 per complaint, for a total penalty of \$1,100. Failure to comply will result in an increase in the total penalty to \$2,250.

B. NOTICES OF VIOLATION WITH CONTESTED PENALTIES:

1. **Musio Cedano-Gonzalez** - NOV #SW04-500B/74 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on a vacant lot situated just north of Oquendo Road between Power Line Road and Mohawk Street, Clark County, on or about June 3, 2004.

The hearing officer found Musio Cedano-Gonzalez in violation of both complaints, ordering an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

C. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Fausto Barraza-Balcazar** - NOV #SW04-500A/74 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located on a vacant lot situated just north of Oquendo Road between Power Line Road and Mohawk Street, Clark County, on or about June 3, 2004.

The hearing officer found Fausto Barraza-Balcazar in violation of both complaints, ordering an administrative penalty of \$750 per complaint, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

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2. **DSD Properties, Inc. & Resident Agent, David DiMarco** - NOV #SW04-333/21- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3975 East Lake Mead Boulevard, Clark County, on or about April 15, 2004; and 2) failure to comply with the Orders issued by the Solid Waste Management Authority on April 15-17, 2004.

The hearing officer found DSD Properties, Inc. & Resident Agent, David DiMarco in violation of both complaints, ordering an administrative penalty of \$750 for each of 16 violations of 1) and \$2,500 for a single violation of 2), for a total penalty of \$14,500. In addition, the party is required to remediate the area affected by the sewage overflow.

3. **Lange Plumbing LLC** - NOV #SW04-547/A5 - For causing or allowing sewage or accumulation of human excreta to overflow on property located at 3601 Cambridge St., Clark County; on or about May 3, 2004.

The hearing officer found Lange Plumbing LLC in violation, ordering an administrative penalty of \$500.

4. **Kevin Vontay Rogers & Shasta Nicole Glover** - NOV #SW04-401/45 - For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at 3956 Rebecca Raiter, Clark County; and 2) disposing of, abandoning or dumping a motor vehicle battery, motor vehicle tire or motor oil at a site which has not been issued a permit for that purpose; on or about May 7, 2004.

The hearing officer found Lange Plumbing LLC in violation of 1), ordering an administrative penalty of \$500.

5. **Steven R. Marrott** - NOV #SW04-501/74- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located to the east of the Wal Mart Super Center located near the southeast corner of Fort Apache Road and Tropicana Avenue, Clark County; on or about June 3, 2004.

The hearing officer found Steven R. Marrott in violation of both complaints, ordering an administrative penalty of \$1,000 per complaint, for total penalty of \$2,000. In addition, the party is required to properly remove and dispose of the waste.

6. **Johnathon James Goulding & Wayne R. Jenkins** - NOV #SW04-222/19 - For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located on the south side of Gold Dust Avenue east of Tamarus Street, Paradise Township, Clark County; on or about March 10, 2004.

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The hearing officer found Johnathon James Goulding & Wayne R. Jenkins in violation, ordering an administrative penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

7. **STS-USA Corporation** - NOV #SW04-528/21- For placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on the property located at 4324 East Lake Mead Boulevard, Clark County; on or about July 9, 2004.

The hearing officer found STS-USA Corporation in violation, ordering an administrative penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

8. **Senior Nevada Benefit Group** - NOV #SW04-148/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste; 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 2925 Fremont St, Las Vegas, Clark County, on or about February 13, 2004; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2004.

The hearing officer found Senior Nevada Benefit Group in violation of 2), ordering an administrative penalty of \$1,250. In addition, the party is required to properly remove and dispose of the waste and take affirmative actions to avoid reoccurrences.

9. **CRJ&D Limited Partnership, Gosme Saenz & Rosa Isela Saenz** - NOV #SW04-439/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority on or about May 11, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on May 21, 2004.

The hearing officer found CRJ&D Limited Partnership, Gosme Saenz & Rosa Isela Saenz in violation of 1), ordering an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste.

10. **Blue Diamond Development** - NOV #SW04-241/45 - For 1) operating a disposal site without a permit issued by the solid waste management authority on or about March 22, 2004; and 2) failure to comply with the Orders issued by the Solid Waste Management Authority on April 7, 2004 and May 7, 2004.

The hearing officer found Blue Diamond Development in violation of both complaints, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

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11. **AAA Carpet Cleaning Service, Inc., Shannon D. Williams, & Autumn Marie Lilly** – NOV #SW04-578/A5- For 1) operating a disposal site without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or sludge to overflow on property located at 4859 Newton Drive, Clark County; on or about June 22, 2004.

The hearing officer found AAA Carpet Cleaning Service, Inc., Shannon D. Williams, & Autumn Marie Lilly in violation of 2), ordering an administrative penalty of \$750.

12. **Maria Rodriquez & Gerardo Arreola** – NOV #SW04-512/A5- For 1) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at Emerald Avenue, Clark County; on or about March 22, 2004; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 29, 2004.

The hearing officer found Maria Rodriquez & Gerardo Arreola in violation of both complaints, ordering an administrative penalty of \$750 per violation, for a total penalty of \$1,500. In addition, the party is required to properly remove and dispose of the waste.

13. **Lowe's H I W Inc.** – NOV #SW04-486/19 - For 1) operating a disposal site without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing or allowing to be placed, deposited or dumped solid waste on property located at the southwest corner of 2597 East Charleston Boulevard, Sunrise Manor Township, Clark County; on or about May 26, 2004; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on May 28, 2004.

The hearing officer found Lowe's H I W Inc. in violation of 2), ordering an administrative penalty of \$750. In addition, the party is required to properly remove and dispose of the waste.

14. **Dennis Phillips Parker** – NOV #SW04-081/A0/19 - For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 29, 2004.

The hearing officer found Dennis Phillips Parker in violation, ordering an administrative penalty of \$2,500. In addition, the party is required to properly remove and dispose of the waste.

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