



## Public Health Update

### Solid Waste Management Authority Hearing Officer Administrative Hearing – January 11, 2018

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 January 11, 2018 hearing, the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Patty Heavener** – NOV #SW17-1226/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 22, 2017; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located west of Horse Drive and North Torrey Pines Drive, Clark County, Nevada on or about September 22, 2017. (*for possible action*)

Hearing officer found Patty Heavener in violation of 2) and imposed a penalty of \$1000. 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. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purposes. Failure to comply will result in the original penalty of \$2,000 as sought in the initial Notice of Violation.

2. **Lakewood Cove Apartments, Inc.** – NOV #SW17-210/H3- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1100 Center Street, Henderson, Clark County, Nevada on or about March 1, 2017; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 1, 2017. (*for possible action*)

Item withdrawn by the Southern Nevada Health District.

3. **Capriati Construction Corp., Inc.** – NOV #SW17-734/K5- For 1) Solid Waste Management Authority Regulations governing financial assurance compliance of

Solid Waste Management Facilities on or about June 1, 2017; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 15, 2017, with extensions of the Order deadline to September 11, 2017. (*for possible action*)

Hearing officer found Capriati Construction Corp., Inc. in violation and imposed a penalty of \$500 for each of 1) and 2). Submit proof of an approved financial assurance mechanism to cover the cost of the closure of the solid waste management facility. Failure to obtain financial assurance for the cost of the closure will result in a permit revocation. Failure to comply will result in the original penalty of \$2000 as initially sought in the Notice of Violation.

4. **WWS, LLC** – NOV #SW17-749/K5- For 1) Solid Waste Management Authority Regulations governing financial assurance compliance of Solid Waste Management Facilities on or about June 1, 2017; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 21, 2017, with extensions of the Order deadline to August 25, 2017. (*for possible action*)

Hearing officer found WWS, LLC in violation and imposed a penalty of \$500 for each of 1) and 2). Submit proof of approved financial assurance mechanism for the cost of the closure of the solid waste facility. Failure to comply will result in the original penalty of \$2000 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. **Lito Carbajal** – NOV #SW17-1097/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 17, 2017; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located southwest of Leon Avenue and Severance Lane, Las Vegas, Clark County, Nevada on or about August 17, 2017. (*for possible action*)

Hearing officer found Lito Carbajal in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purposes. Failure to comply will result in the original penalty of \$2000 as initially sought in the Notice of Violation.

2. **Ryder Truck Rental, Inc.** – NOV #SW17-1167/N7- For failure to comply with the Order issued by the Solid Waste Management Authority on September 12, 2017. (*for possible action*)

Hearing officer found Ryder Truck Rental, Inc. in violation and imposed a penalty of \$1000. Corrective action of removal and proper disposal of waste is ordered.

3. **Golden-PT's Pub Stewart-Nellis 2, LLC dba PT's Place** – NOV #SW17-824/G4- For 1) causing or allowing sewage or accumulation of human excreta to overflow 347 North Nellis Boulevard, Las Vegas, Clark County, Nevada on or about June 29, 2017; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 29, 2017. (*for possible action*)

Hearing officer found Golden-PT's Pub Stewart-Nellis 2, LLC dba PT's Place in violation of 2) and imposed a penalty of \$1000. Corrective action to complete repairs to all deficient and/or disconnected sanitary sewer line(s) by a certified licensed plumber or plumbing company is ordered. A Cease and Desist order is issued to cease causing or allowing to cause any sewage or accumulation of human excreta to overflow and deposit on this property or any other property in Clark County, Nev. Failure to comply will result in the original penalty of \$2000 as initially sought in the Notice of Violation.

4. **Carol Hadlock-Anselmo** – NOV #SW17-1093/N7- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 16, 2017; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at 2646 Lynwood Street and 2666 Lynwood Street, Clark County, Nevada on or about August 16, 2017. (*for possible action*)

Hearing officer found Carol Hadlock-Anselmo in violation of 2) and imposed a penalty of \$1000. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purposes. Failure to comply will result in the original penalty of \$2000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None.