



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - April 13, 2010

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 April 13, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Donna G. Mahserjian** - NOV #SW09-1340/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste the vacant parcel located at 2450 North Hollywood Boulevard, Clark County, Nevada on or about September 17, 2009.

Hearing officer found Donna G. Mahserjian in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

2. **Dana Leroy Chapman** - NOV #SW09-1182/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located on the northwest corner of North Fort Apache Road and Iron Mountain Road, Las Vegas, Clark County, Nevada on or about August 10, 2009.

Item continued to May 19, 2010 docket.

3. **Dominic Anthony Hernandez** - NOV #SW10-002/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located near the Duck Creek Detention Basin off of Star Hills Road in the Southern Highlands/Sloan area, Clark County, Nevada on or about January 2, 2010.

Hearing officer found Dominic Anthony Hernandez 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.

4. **Cox Communications, Inc.** – NOV #SW09-1589/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located north of 7780 South Duneville Street, Clark County, Nevada on or about the end of April 2009.

Item withdrawn by the Southern Nevada Health District.

5. **John Philip Slinzak** – NOV #SW09-1623/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4740 South Decatur Boulevard, Clark County, Nevada on or about November 14, 2009.

Hearing officer found John Philip Slinzak 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.

6. **Eric John Venable and Jillanne Faye Venable** – NOV #SW09-1624/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 520 East Lake Mead Parkway, Henderson, Clark County, Nevada on or about October 26, 2009.

Item continued to May 19, 2010 docket.

7. **Lino O. Soriano** – NOV #SW09-1665/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 2, 2009.

Hearing officer found Lino O. Soriano in violation of 2) and imposed a penalty of \$500. Proof of proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

8. **John Arroyo and Voralak (Wendy) Arroyo** – NOV #SW09-1383/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 213 Kipling Street, Las Vegas, Clark County, Nevada on or about September 30, 2009; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on September 30, 2009.

Hearing officer found John Arroyo and Voralak (Wendy) Arroyo in violation and imposed a penalty of \$750 for 1) and a \$900 penalty for each of 2) and 3).

9. **CH Angelus LLC** - NOV #SW09-1678/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 1, 2009.

Hearing officer found CH Angelus LLC in violation and imposed a penalty of \$750 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.

10. **Bradley Group II, LLC** - NOV #SW09-1371/08- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 2, 2009.

Hearing officer found Bradley Group II, LLC in violation of 2) and imposed a penalty of \$500. Proof of proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

11. **S M R 8, LLC and Steven Mack Rhodes** - NOV #SW09-1570/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 6, 2009.

Hearing officer found S M R 8, LLC and Steven Mack Rhodes in violation and imposed a \$900 penalty 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.

12. **Jose Quintanar** - NOV #SW09-1602/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant property located on the southwest corner of Wiesner Way and Galleria Drive, Henderson, Clark County, Nevada on or about November 3, 2009.

Hearing officer found Jose Quintanar in violation and imposed a penalty of \$750 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

13. **Nhu Thi Tran** - NOV #SW09-335/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 9, 2009.

Item continued to June 16, 2010 docket.

14. **Gentry Equipment, LC., Race Gentry and Deborah Gentry** – NOV #SW08-1965/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) 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; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on December 30, 2008.

Item withdrawn by the Southern Nevada Health District.

15. **Clark County Treasurer Trustee** – NOV #SW09-1492/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on October 22, 2009.

Hearing officer found Clark County Treasurer Trustee 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.

16. **Bradley Lawrence Askew** – NOV #SW09-1497/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located at the 3000 block of Oquendo Road continuing west of Little Cove Court, Clark County, Nevada on or about July 21, 2009.

Hearing officer found Bradley Lawrence Askew 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.

17. **C T X Mortgage Company, LLC** – NOV #SW09-1599/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 13, 2009.

Hearing officer found C T X Mortgage Company, 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.

18. **Tierone Bank** – NOV #SW09-1669/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 30, 2009.

Hearing officer found Tierone Bank 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.

19. **Intellitrust Group, LLC** - NOV #SW09-649/32/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 21, 2009

Hearing officer found Intellitrust Group, LLC in violation and imposed a penalty of \$2,300. 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.

20. **Roy L. Thomas** - NOV #SW08-1871/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 18, 2009.

Hearing officer found Roy L. Thomas in violation and imposed a penalty of \$3,200. Corrective action of removal and proper disposal of waste is ordered.

21. **Doloresa Renkiewicz** - NOV #SW08-1973/G9/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 21, 2009.

Hearing officer found Doloresa Renkiewicz in violation and imposed a penalty of \$5,300. Corrective action of removal and proper disposal of waste is ordered.

22. **Lancam Properties, LLC and 10705 Rose Avenue, LLC** - NOV #SW09-846/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 21, 2009.

Hearing officer found Lancam Properties, LLC and 10705 Rose Avenue, LLC in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

- 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. **Lakewood Recycling, Inc.** - NOV #SW09-1505/G7- For violations of Solid Waste Management Authority Regulations (SWMAR) Governing Recycling Centers adopted by the Southern Nevada District Board of Health on December 13, 2001 amended January 24, 2002: Section 12.2 on or about April 15, 2009 and October 20, 2009.

Hearing officer found Lakewood Recycling, Inc. in violation and imposed a penalty of \$1,000. The recycling center permit is modified. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

2. **Christopher M. Kubovchik and Susan I. Farkas** - NOV #SW09-1402/60- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon property located in the Railroad Right-of-Way, directly behind the property located at 1730 Millstream Way, Henderson, Clark County, Nevada on or about October 4, 2009.

Hearing officer found Christopher M. Kubovchik and Linda I. Farkas in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Sharon M. Carey and Shirley Levine** – NOV #SW09-1056/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) causing or allowing sewage or accumulation of human excreta to overflow upon the property located at 6613 Elton Avenue, Las Vegas, Clark County, Nevada on or about July 10, 2009; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on July 10, 2009.

Hearing officer order of December 16, 2009 is amended.

2. **Mary Bartsas 10 LLC** – NOV #SW09-385/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 9, 2009.

Hearing officer order of August 19, 2009 is vacated.