



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – July 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 July 13, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Dora Ibarra** – NOV #SW10-125/08- 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 upon the property located at 1550 North Rancho Drive, Las Vegas, Clark County, Nevada on or about January 31, 2010.

Hearing officer found Dora Ibarra in violation and imposed a penalty of \$900 for each of 1) and 2). The development and implementation of an action plan for all food serving trailer operators and employees is ordered to ensure food waste is properly disposed and unable to flow into the open environment.

2. **Nu Tone, Inc.** – NOV #SW10-065/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 at 325 North Decatur Boulevard, Las Vegas, Clark County, Nevada on or about January 15, 2010.

Hearing officer found Nu Tone, 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.

3. **Manuel Castillo and Alma L. Castillo** – NOV #SW10-152/08- 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 upon the property located at 3365 Covey Lane, Clark County, Nevada on or about February 13, 2010.

Hearing officer found Manuel Castillo and Alma L. Castillo 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.

4. **Amity LaBrie and Michael T. LaBrie dba Triple J Carpet Cleaning** – NOV #SW10-273/G9- 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 the northeast corner of Tropical Parkway and Decatur Boulevard, North Las Vegas, Clark County, Nevada on or about March 8, 2010.

Hearing officer found Amity LaBrie and Michael T. LaBrie dba Triple J Carpet Cleaning in violation of 2) and imposed a penalty of \$900. 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

5. **Rosa E. Guevara-Ayala** – NOV #SW10-287/32- 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 on property located at 1161 Lulu Avenue, Clark County, Nevada on or about March 15, 2010.

Hearing officer found Rosa E. Guevara-Ayala 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.

6. **Antonio Zaragoza-Ochoa** – NOV #SW10-083/G9- 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 2300 Clifford Avenue, Las Vegas, Clark County, Nevada on or about January 22, 2010.

Hearing officer found Antonio Zaragoza-Ochoa 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.

7. **Ramon Antonio Ibarra-Perez** – NOV #SW10-322/A0- 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 properties located at 912 Bishop Drive, 916 Bishop Drive and 920 Bishop Drive, Las Vegas, Clark County, Nevada on or about March 24, 2010.

Hearing officer found Ramon Antonio Ibarra-Perez 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.

8. **Michael Francis Nawn** – NOV #SW10-386/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; and 2) causing or allowing sewage or accumulation of human excreta to

overflow upon the property located east of 5165 Schirlls Street, Clark County, Nevada on or about April 8, 2010.

Hearing officer found Michael Francis Nawn in violation of 2) and imposed a penalty of \$700. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

9. **Petco Animal Supplies Stores, Inc.** – NOV #SW10-153/G7- 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 on properties located along the westbound lane of the Tropicana Avenue Public Right-of-Way from Steptoe Street to Boulder Highway and approximately one hundred feet south of Tropicana Avenue along the Public Right-of-Way of Steptoe Street, Clark County, Nevada on or about February 16, 2010.

Item withdrawn by the Southern Nevada Health District.

10. **Peter Chang and David Lo** – NOV #SW09-1142/G7- 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 August 3, 2009.

Hearing officer found Peter Chang and David Lo 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. Corrective action of removal and proper disposal of waste is ordered.

11. **Rio Robles Villas Homeowners Association** – NOV #SW10-157/47- 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 February 17, 2010.

Hearing officer found Rio Robles Villas Homeowners Association in violation of 2) and imposed a penalty of \$700. Remediation of the area affected by sewage overflow is ordered. Failure to comply will result in the original penalty of \$1,800 as initially in the original Notice of Violation.

12. **Federal Home Loan Mortgage Corporation** – NOV #SW09-1329/A0- For failure to comply with the Order issued by the Solid Waste Management Authority on September 18, 2009.

Hearing officer found Federal Home Loan Mortgage Corporation in violation and imposed a penalty of \$900.

13. **Aspen Highlands Holdings, LLC, Steven Johnson and Theresa Johnson** – NOV #SW10-144/A0- 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 accumulate upon the properties located at 2417 South Las Vegas Boulevard and 2423 South Las Vegas Boulevard, Las Vegas, Clark County, Nevada on or about April 14, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 11, 2010.

Hearing officer found Aspen Highlands Holdings, LLC, Steven Johnson and Theresa Johnson in violation and imposed a penalty of \$500 for each of 2) and 3). Correction action of removal and proper disposal of waste is ordered. Remediation of the area affected by sewage overflow 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

14. **Parkwill Enterprises, LLC, Chris Goodwill and Levi Parker and Eagle 7 Properties, LLC and Kevin Jacobson** – NOV #SW09-1698/E0- 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 8, 2009.

Item continued to September 15, 2010 docket.

15. **James Wayland Norris** – NOV #SW10-009/E0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 5905 San Fernando Drive, Las Vegas, Clark County, Nevada on or about January 5, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on January 11, 2010.

Hearing officer found James Wayland Norris in violation of 2) and imposed a penalty of \$750. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

16. **Smith's Food and Drug Center #385** – NOV #SW09-982/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Hearing officer found Smith's Food and Drug Center #385 in violation and imposed a penalty of \$1,500. The development and implementation of an action plan is ordered to eliminate food waste and grease build up around the trash compactor(s) or grease bin.

17. **Metro Storage, LLC, Edible Landscaping, and Kay A. Rodriguez** – NOV #SW09-1012/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 20, 2010.

Hearing officer found Metro Storage, LLC, Edible Landscaping, and Kay A. Rodriguez in violation and imposed a penalty of \$3,200. Correction action of removal and proper disposal of waste is ordered.

18. **Astoria Pearl Creek, LLC** – NOV #SW09-048/C6/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 20, 2010.

Hearing officer found Astoria Pearl Creek, LLC in violation and imposed a penalty of \$5,500. Correction action of removal and proper disposal of waste is ordered.

19. **Guillermo Sosa-Fernandez** – NOV #SW10-297/57- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on the property located at 2645 South Nellis Boulevard, Units 83, 84 and 85, Clark County, Nevada on or about March 10, 2010; and 3) engaging in the unauthorized collection of recyclable materials in Clark County, Nevada on or about March 10, 2010.

Hearing officer found Guillermo Sosa-Fernandez in violation and imposed a penalty of \$15,000 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.

20. **Searchlight Highway, LLC** – NOV #SW10-185/D8- 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 February 25, 2010.

Hearing officer found Searchlight Highway, 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. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

21. **Titanium Metals Corporation** – NOV #SW09-1110/45- For failure to comply with Class III industrial landfill minimum standards on or about June 18, 2007, December 14, 2007, March 25, 2008, September 15, 2008, May 27, 2009 and November 4, 2009.

Item continued to September 15, 2010 docket.

22. **IMI, Inc. dba CTC Crushing, LLC** – NOV #SW09-1111/45- 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 August 3, 2009.

Item continued to September 15, 2010 docket.

23. **Cypress Point Investments Inc.** – NOV #SW09-769/C0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on November 18, 2009.

Item withdrawn by the Southern Nevada Health District.

- 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. **C & D Construction Services, Inc. dba Liberty Salvage Material and Recycling** – NOV #SW09-1699/G7- For Solid Waste Management Authority Regulations (SWMAR) Governing Materials Recovery Facilities adopted by the Southern Nevada District Board of Health (formerly the Clark County District Board of Health) on June

24, 2004: 1. Section 13.3 for failing to comply with height restrictions of solid waste as established in your Report of Design and City of North Las Vegas Zoning/Land Use Ordinances for your facility on or about January 25, 2008, April 30, 2008, August 28, 2008, October 7, 2008, March 27, 2009, September 3, 2009 and December 2, 2009.

Hearing officer found C & D Construction Services, dba Liberty Salvage Material and Recycling in violation and imposed a penalty of \$4,900. A written action plan is ordered. Failure to comply will result in the original penalty of \$6,300 as initially sought in the Notice of Violation.

2. **George Palmieri** – NOV #SW09-1639/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 November 24, 2009.

Hearing officer found George Palmieri in violation and imposed a penalty of \$750.

3. **The Davis Companies, Inc.** – NOV #SW10-219/45- 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 3, 2010.

Hearing officer found The Davis Companies, Inc. in violation of 2) and imposed a penalty of \$900.

4. **Regena Holdings, LLC** – NOV #SW09-1697/E0- 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 8, 2009.

Hearing officer found Regena Holdings, LLC in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

5. **HMR 578, LLC dba Carl's Jr. #578** – NOV #SW10-212/C0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste on property located at 32140 South Las Vegas Boulevard, Clark County, Nevada on or about March 2, 2010; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on March 2, 2010.

Hearing officer found HMR 578, LLC dba Carl's Jr. #578 in violation and imposed a penalty of \$500 for each of 2) and 3). Remediation of area affected by food and grease overflow is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None