



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting - October 20, 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 October 20, 2010 the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **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 February 10, 2011 docket.

2. **Efren Sotelo** - NOV #SW10-1266/32- 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 property located at 1161 Lulu Avenue behind building number 1067, Clark County, Nevada on or about July 7, 2010.

Hearing officer found Efren Sotelo 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

3. **Rogelio Carrillo-Mendoza** - NOV #SW10-060/32- 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 lot on the southwest corner of Starr Hills Avenue and Shinnecock Hills Avenue, Clark County, Nevada on or about January 4, 2010.

Hearing officer found Rogelio Carrillo-Mendoza 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. **James Christopher Maletta** – NOV #SW10-258/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 6770 West Flamingo Road, Clark County, Nevada on or about February 11, 2010.

Hearing officer found James Christopher Maletta 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.

5. **Harold D. Gomez and Jose A. Gomez dba 702 Auto Care** – NOV #SW10-1227/G9- 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 upon the property located at 3071 Fremont Street, Clark County, Nevada on or about June 28, 2010; and 3) 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.

Hearing officer found Harold D. Gomez and Jose A. Gomez dba 702 Auto Care in violation and imposed a penalty of \$500 for each of 2) and 3). The retention of a Certified Environmental Manager (CEM) is ordered. Failure to comply will result in the original penalty of \$2,700 as initially sought in the Notice of Violation.

6. **Rosaline R. Sang and F. Alfonso Sang-Chiang** – NOV #SW10-361/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 Public Right-of-Ways located at Danza Del Sol Drive, Dia Del Sol Way, Ventosa Way and Plata Pico Drive, Las Vegas, Clark County, Nevada on or about April 2, 2010.

Hearing officer found Rosaline R. Sang and F. Alfonso Sang-Chiang 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. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

7. **Wirrulla Hayward LLC** – NOV #SW10-375/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 April 7, 2010.

Hearing officer found Wirrulla Hayward LLC in violation of 2) and imposed a penalty of \$500. 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.

8. **Canada, LLC, Citadel Long Term Investment and Craig Brooksby** – NOV #SW09-921/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on January 20, 2010.

Hearing officer found Canada, LLC, Citadel Long-Term Investment and Craig Brooksby in violation and imposed a penalty of \$2,300. Corrective action of removal and proper disposal of waste is ordered.

9. **ECT Investment Properties I LLC** – NOV #SW10-1110/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 May 28, 2010.

Hearing officer found ECT Investment Properties I LLC in violation of 2) and imposed a penalty of \$500. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

10. **Faccinto Jr. Family Trust** – NOV #SW10-336/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 March 29, 2010.

Hearing officer found Faccinto Jr. Family Trust in violation of 2) and imposed a penalty of \$500. 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.

11. **Bank West** – NOV #SW10-343/47- 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 May 26, 2010.

Hearing officer found Bank West 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.

12. **S.A.M. Clean-Up Co., Inc.** – NOV #SW10-585/G7- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Item continued to November 9, 2010 docket.

13. **Robert Diamant dba Environmental Recovery Services** – NOV #SW10-296/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 April 14, 2010.

Hearing officer found Robert Diamant dba Environmental Recovery Services 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.

14. **Secretary Veterans Affairs** – NOV #SW10-413/60- 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 April 20, 2010.

Item withdrawn by the Southern Nevada Health District.

15. **Darrell Ruiz dba DMK Concrete, Inc.** – NOV #SW10-081/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 property located west of Green Valley Parkway and south of Horizon Ridge Parkway, Henderson, Clark County, Nevada on or about February 3, 2010.

Item withdrawn by the Southern Nevada Health District.

16. **William W. Plise** – NOV #SW09-1506/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 27, 2009.

Hearing officer found William W. Plise 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. **William W. Plise** – NOV #SW10-494/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 May 11, 2010.

Hearing officer found William W. Plise in violation and imposed a penalty of \$1,800 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. Retention of a Certified Environmental Manager (CEM) is ordered.

18. **Shamrock Sunset LLC** – NOV #SW09-1718/32- 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 26, 2010.

Item withdrawn by the Southern Nevada Health District.

19. **Nijufeto G. Acosta, Gloria G. Acosta and Priscillana Opone Boehm** – NOV #SW10-464/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 April 26, 2010.

Hearing officer found Nijufeto G. Acosta, Gloria G. Acosta and Priscillana Opone Boehm in violation of 2) and imposed a penalty of \$900. Correction 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.

- 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. **Javier Rodriguez-Perez** - NOV #SW10-1241/32- 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 in the dumpster located behind building 1037 upon the property located at 1161 Lulu Avenue, Clark County, Nevada on or about June 28, 2010.

Hearing officer found Javier Rodriguez-Perez in violation of 2) and imposed a penalty of \$900. 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.

2. **Remberto A. Solano-Bermudez** - NOV #SW10-1130/47- 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 southwest corner of Harris Avenue and Ute Lane, Clark County, Nevada on or about May 29, 2010.

Hearing officer found Remberto A. Solano-Bermudez in violation of 2) and imposed a penalty of \$500.

3. **Alex Paves and Anita Paves Family Trust** - NOV #SW10-689/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 June 7, 2010.

Hearing officer found Alex Paves and Anita Paves Family Trust 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.

4. **Vegas Trio LLC** - NOV #SW10-590/32- 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 June 1, 2010.

Hearing officer found Vegas Trio LLC 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.

5. **Wolfe Drop Box Services, Ltd.** - NOV #SW10-1158/G7- For violation of SWMAR Governing Materials Recovery Facilities Section 11 for failure to provide proof of adequate financial assurance.

Hearing officer found Wolfe Drop Box Services, Ltd. in violation and imposed a penalty of \$2,000. Financial assurance that satisfies the SWMAR Governing Materials Recovery Facilities Section 11 is required and proof of said assurance is ordered.

6. **Landwell Company, L.P.** – NOV #SW10-456/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 April 21, 2010.

Hearing officer found Landwell Company, L.P. 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.

7. **Landwell Company, L.P.** – NOV #SW10-475/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 April 26, 2010.

Hearing officer found Landwell Company, L.P. 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.

8. **Pebble Commercial Center, LLC** – NOV #SW10-570/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 May 18, 2010.

Hearing officer found Pebble Commercial Center, LLC 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.

9. **Rango Rao Gummedupu and Rohini Gummedupu** – NOV #SW10-705/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 June 8, 2010.

Hearing officer found Rango Rao Gummedupu and Rohini Gummedupu in violation of 2) and imposed a penalty of \$500.

10. **James McDonald and Charleen McDonald Family Trust** – NOV #SW10-504/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 May 3, 2010.

Hearing officer found James McDonald and Charleen McDonald Family Trust in
violation of 2) and imposed a penalty of \$500.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

None