



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting – February 10, 2011

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 February 10, 2011 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Marshall S. Smith** – NOV #SW10-1429/47- 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 east side of the intersection of Los Feliz Street and Mountridge Drive, Clark County, Nevada on or about August 26, 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 Marshall S. Smith in violation and imposed a penalty of \$750 for each of 1), 2) and 3).

2. **Anthony Calzada** – NOV #SW10-1171/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 north of Tropical Parkway and south of 6033 Moonlight Drive and west of 6067 Moonlight Drive, Clark County, Nevada on or about June 14, 2010.

Hearing officer found Anthony Calzada in violation and imposed a penalty of \$900 for 1) and a penalty of \$1,800 for 2). Corrective action of removal and proper disposal of waste is ordered. 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. **Scott Layne Hargis** – NOV #SW10-1513/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 at 543 North Stephanie Street, Henderson, Clark County, Nevada on or about September 20, 2010.

Hearing officer found Scott Layne Hargis in violation and imposed a penalty of \$900 for each of 1) and 2). 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. **Jason Taylor** – NOV #SW10-1315/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 6411 Thom Boulevard, Las Vegas, Clark County, Nevada on or about July 30, 2010.

Item withdrawn by the Southern Nevada Health District.

5. **Rufino S. Sicut** – NOV #SW10-907/E0- For failure to comply with the Order issued by the Solid Waste Management Authority on June 14, 2010.

Item withdrawn by the Southern Nevada Health District.

6. **Natalya Golovtyuk** – NOV #SW10-279/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 5, 2010.

Item continued to April 14, 2011 docket.

7. **Maningo Family Trust** – NOV #SW10-1411/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 August 25, 2010.

Not proceeding with this item at this time.

8. **Georgina Hidalgo and Armando Padilla** – NOV #SW10-563/23- For failure to comply with the Order issued by the Solid Waste Management Authority on May 18, 2010.

Hearing officer found Georgina Hidalgo and Armando Padilla in violation and imposed a penalty of \$900. Corrective action is ordered to contract with a licensed plumber to insert a camera through the lines and provide proof regarding the condition of the lines.

9. **Nhu Thi Tran** – NOV #SW09-335/G9/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 16, 2010.

Hearing officer found Nhu Thi Tran in violation and imposed a penalty of \$2,800. Corrective action of removal and proper disposal of waste is ordered.

10. **Hoot Klan 101 L.L.C.** – NOV #SW09-349/A0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on February 17, 2010.

Hearing officer found Hoot Klan 101 L.L.C. in violation and imposed a penalty of \$2,800. Corrective action of removal and proper disposal of waste is ordered. 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.

11. **Lancam Properties, LLC and 10705 Rose Avenue, LLC** – NOV #SW09-846/C6/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on April 13, 2010.

Hearing officer found Lancam Properties, LLC and 10705 Rose Avenue, LLC in violation and imposed a penalty of \$3,300. Corrective action of removal and proper disposal of waste is ordered.

12. **Flamingo 2005, LLC and CABI Flamingo, LLC** – NOV #SW09-1396/47/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 16, 2010.

Item withdrawn by the Southern Nevada Health District.

13. **The Offices At Ann Allen Commons LLC, Frank Grant, and Michael Kennedy** – NOV #SW10-080/A0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on June 16, 2010.

Item withdrawn by the Southern Nevada Health District.

14. **Grand Canyon II, LLC, Paulette Kimura-Shimabukuro, and Angela O'Brien** – NOV #SW10-137/E0/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 18, 2010.

Hearing officer found Grand Canyon II, LLC, Paulette Kimura-Shimabukuro, and Angela O'Brien in violation and imposed a penalty of \$2,800. Corrective action of removal and proper disposal of waste is ordered.

15. **Mario Zarate** – NOV #SW10-1308/57- For 1) operating an illegal disposal site i.e. Recycling Center 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 the property located at 4475 East Stewart Avenue, Clark County, Nevada, Units 301, 307, 308, 309, 310 and 313 on or about July 20, 2010.

Hearing officer found Mario Zarate in violation and imposed a penalty of \$7,000 for each of 1) and 2). 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.

16. **Secured Fibres, Inc. Becky Ellan Collet, Vincent D. Collet, James E. Kaup, and Valerie J. Kaup** – NOV #SW10-1896/D8- For violation of Solid Waste Management Regulations Governing Recycling Centers Section 13.3 (a-c); and 2) for violation of Solid Waste Management Regulations Governing Recycling Centers Section 8.6(a).

Hearing officer found Secured Fibres, Inc., Becky Ellan Collet, Vincent D. Collet, James E. Kaup, and Valerie J. Kaup in violation and imposed a penalty of \$8,000 for 1), and a penalty of \$4,000 for 2). 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.

17. **Lunas Construction Clean Up, Inc.** – NOV #SW10-1835/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 September 30, 2010.

Item continued to March 10, 2011 docket.

18. **Lunas Construction Clean Up, Inc.** – NOV #SW10-1868/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 October 12, 2010.

Item continued to March 10, 2011 docket.

19. **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 March 10, 2011 docket.

- 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. **Marcelo Martin San Juan** – NOV #SW10-1324/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 vacant parcel located at the southwest intersection of Puli Road and West Centennial Parkway, Clark County, Nevada on or about July 28, 2010.

Hearing officer found Marcelo Martin San Juan in violation of 2) and imposed a penalty of \$900. Corrective action of removal and proper disposal of waste is ordered. 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. **Ned Cruey dba Restaurant Oils of America, Inc.** – NOV #SW10-1825/57- 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 the property generally located northeast of Betty Lane and Alto Avenue, Clark County, Nevada on or about September 23, 2010.

Hearing officer found Ned Cruey dba Restaurant Oils of America, Inc. in violation of 1) and imposed a penalty of \$2,800. Corrective action to provide proof of proper removal and disposal of waste is ordered. 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 the original penalty of \$3,400 as initially sought in the Notice of Violation.

3. **Vicente Barranco-Murillo dba Nuevo Recycling** – NOV #SW10-1311/57- For operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority.

Hearing officer found Vicente Barranco-Murillo dba Nuevo Recycling in violation and imposed a penalty of \$1,500. 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 \$5,000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Copper Sage Commerce Ctr. LLC** – NOV #SW08-1888/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 April 20, 2009.

Hearing officer order of December 16, 2009 is vacated.

2. **Morris T. Erickson** – NOV #SW10-1167/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 Public Right-of-Way located off the Craig Road north bound off-ramp of Interstate 15, North Las Vegas, Clark County, Nevada on June 10, 2010.

Hearing officer order of December 7, 2010 is vacated.