



## Public Health Update

### Solid Waste Management Authority Hearing Officer Meeting - April 14, 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 April 14, 2011 the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Ana Ayala and Jose O. Ayala** - NOV #SW10-369/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 property located at 4450 South Valley View Boulevard, Clark County, Nevada on or about April 1, 2010.

Hearing officer found Ana Ayala and Jose O. Ayala in violation and imposed a penalty of \$500 for each of 1) and 2). Corrective action of removal and proper disposal of waste is ordered.

2. **George DeLillo** - NOV #SW10-1922/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 properties located at 2150 Dolly Lane and the boundary wall that is part of Cypress Gardens Mobile Home Park located at 4650 East Lake Mead Boulevard, Clark County, Nevada on or about October 25, 2010.

Hearing officer found George DeLillo 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.

3. **Walter H. Hess** - NOV #SW10-122/08- 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 February 25, 2010.

Item withdrawn by the Southern Nevada Health District.

4. **Jerriman Xavier Robinson** - NOV #SW10-1383/32- 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 at the south side of Erie Avenue

between Torrey Pines Drive and Jones Boulevard, Clark County, Nevada on or about August 18, 2010.

Hearing officer found Jerriman Xavier Robinson in violation of 2) and imposed a penalty of \$500. Corrective action of removal and proper disposal of waste is ordered.

5. **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 June 9, 2011 docket.

6. **AG Financial Solutions** – NOV #SW10-496/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 29, 2010.

Item continued to June 9, 2011 docket.

7. **Sunrise Ridge Master Homeowners Association** – NOV #SW10-2047/C6- For 1) causing or allowing sewage or accumulation of human excreta to overflow upon the properties located at 4076 and 4086 Whispering Quail Court, Clark County, Nevada on or about November 29, 2010; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 22, 2010.

Hearing officer found Sunrise Ridge Master Homeowners Association in violation of 2) and imposed a penalty of \$900. Failure to comply will result in the original penalty of \$4,500 as initially sought in the Notice of Violation.

8. **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 June 9, 2011 docket.

9. **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 June 9, 2011 docket.

10. **Raeve Nabaso Labaro** – NOV #SW10-1268/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 2624 Lincoln Road, Clark County, Nevada on or about July 12, 2010.

Hearing officer found Raeve Nabaso Labaro in violation of 2) and imposed a penalty of \$500.

11. **Nicholas Anthony Tortu and Dino Louis Tortu** – NOV #SW09-1377/A0/23/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on August 18, 2010.

Hearing officer found Nicholas Anthony Tortu and Dino Louis Tortu in violation and imposed a penalty of \$3,000. 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. **William W. Plise** – NOV #SW09-1506/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 20, 2010.

Hearing officer found William W. Plise in violation and imposed a penalty of \$5,000. 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.

13. **William W. Plise** – NOV #SW10-494/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 20, 2010.

Hearing officer found William W. Plise in violation and imposed a penalty of \$5,500. 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. The retention of a Certified Environmental Manager (CEM) is ordered.

14. **Landwell Company, L.P.** – NOV #SW10-456/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 20, 2010.

Item continued to July 14, 2011 docket.

15. **Landwell Company, L.P.** – NOV #SW10-475/C6/23- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on October 20, 2010.

Item continued to July 14, 2011 docket.

16. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2076/G7- For violation of Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 4.2 on or about December 2, 2010.

The Southern Nevada Health District is not proceeding with this item at this time.

17. **Wolfe Drop Box Services, Ltd.** – NOV #SW10-2104/G7- Solid Waste Management Authority Regulations Governing Materials Recovery Facilities Section 11 on or about December 2, 2010.

The Southern Nevada Health District is not proceeding with this item at this time.

18. **Deutsche National Bank Trust Company and One West Bank FSB** – NOV #SW10-1932/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 28, 2010.

Hearing officer found Deutsche National Bank Trust Company and One West Bank FSB in violation and imposed a penalty of \$5,700 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. **James R. O'Hara and Nancy J. O'Hara** – NOV #SW10-1973/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 15, 2010.

Hearing officer found James R. O'Hara and Nancy J. O'Hara 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.

20. **Edward Geaga and Felicidad Geaga** – NOV #SW10-940/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on June 14, 2010.

Item continued to June 9, 2011 docket.

21. **Loreta M. Soto** – NOV #SW10-956/G9- For failure to comply with the Order issued by the Solid Waste Management Authority on October 6, 2010.

Item continued to June 9, 2011 docket.

22. **Marla F. Pete** – NOV #SW10-1850/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 October 6, 2010.

Item continued to June 9, 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. **Ameriguard Maintenance Services, LLC** – NOV #SW10-1447/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 7, 2010.

Hearing officer found Ameriguard Maintenance Services, LLC in violation and imposed a penalty of \$500 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. An

application for a permit to operate a solid waste facility is ordered. Failure to comply will result in the original penalty of \$1,800 as initially sought in the Notice of Violation.

2. **Orlando Guerra and Joshua Walno dba Double Down Pumping Company** – NOV #SW10-1983/57- 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 located at 1010 North Stephanie Street, Unit C-8, Henderson, Clark County, Nevada on or about November 10, 2010 and December 1, 2010.

Hearing officer found Orlando Guerra and Joshua Walno dba Double Down Pumping Company in violation and imposed a penalty of \$5,000 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. Failure to comply will result in the original penalty of \$20,000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS

1. **Ana Ayala and Jose O. Ayala** – NOV #SW10-369/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 property located at 4450 South Valley View Boulevard, Clark County, Nevada on or about April 1, 2010.

Hearing officer order of November 9, 2010 is vacated.