



Public Health Update

Solid Waste Management Authority Hearing Officer Meeting – August 8, 2013

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 August 8, 2013 hearing the following cases were adjudicated:

I. MATTERS REQUIRING HEARING OFFICER ACTION

A. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Axel A. Weller** – NOV #SW13-302/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 5, 2013; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5655 Kayenta Court, Clark County, Nevada on or about March 5, 2013; 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 on or about March 5, 2013; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on March 5, 2013. (*for possible action*)

Hearing officer found Axel A. Weller in violation and imposed a penalty of \$500 for each of 1), 2) and 3). 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 \$3,600 as initially sought in the Notice of Violation.

2. **5th & Brooks, LLC** – NOV #SW12-1068/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 27, 2012 and April 22, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 7, 2012. (*for possible action*)

Item continued to September 12, 2013 agenda.

3. **Domingo Rodriguez-Menchaca** – NOV #SW13-436/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 6, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 500 South

11th Street, Las Vegas, Clark County, Nevada on or about March 6, 2013. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

4. **Michael DaSilva** - NOV #SW13-461/G9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 29, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 4390 East Cartier Avenue, Clark County, Nevada on or about March 29, 2013. *(for possible action)*

Hearing officer found Michael DaSilva 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.

5. **Jim Pham and Mary Pham Trust** - NOV #SW13-165/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about January 29, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 12, 2013. *(for possible action)*

Item withdrawn by the Southern Nevada Health District.

6. **Desert Garden Home Owners Association, Inc.** - NOV #SW13-195/32- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1720 West Bonanza Road, Las Vegas, Clark County, Nevada on or about February 15, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 15, 2013. *(for possible action)*

Hearing officer found Desert Garden Homeowners Association, Inc. in violation and imposed a penalty of \$500 for 1) and a \$1,500 penalty for 2). A routine, quarterly maintenance plan is ordered. Failure to comply will result in the original penalty of \$3,600 as initially sought in the Notice of Violation.

7. **Durrizague 2003 Revocable Trust Agreement, Annette Marie Durrizague, Trustee and Fountain Family Trust** - NOV #SW13-424/H2- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about March 20, 2013; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on March 26, 2013. *(for possible action)*

Hearing officer found Durrizague 2003 Revocable Trust Agreement, Annette Marie Durrizague, Trustee, and Fountain Family Trust 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.

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. **Alex Jose Esparza** - NOV #SW13-132/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 4, 2013; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4720 North Lamb Boulevard, Clark County, Nevada on or about February 4, 2013. (*for possible action*)

Hearing officer found Alex Jose Esparza 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. **A Greener Day** - NOV #SW13-715/26- For violation of 1) Southern Nevada Health District Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management Section 18.1 Waste Permittee and Section 18.2 Permit Requirements and specifically 18.2.2 and 18.2.5. Section 18.2.2 states: Location of all discharge points and type of waste discharged at each location and Section 18.2.5 states: A statement signed by the vehicle operator that all waste material collected will be disposed of in accordance with these Regulations and that such waste will not be discharged to a waterway, sewer, or deposited on land without prior approval of the Health Authority; and 2) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 15, 2013. (*for possible action*)

Hearing officer found A Greener Day in violation of 1) and imposed a penalty of \$900. A permit for tanker #2454 and tractor #6 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.