



## Public Health Update

### Solid Waste Management Authority Hearing Officer Administrative Hearing – January 10, 2019

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 January 10, 2019 hearing, the following cases were adjudicated:

#### I. MATTERS REQUIRING HEARING OFFICER ACTION

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

1. **Gerardo Angulo-Preciado** – NOV #SW19-008/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about June 28, 2018; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 2219 North Rancho Drive, Las Vegas, Clark County, Nevada on or about June 28, 2018. (*for possible action*)

Hearing officer found Gerardo Angulo-Preciado 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 issued by the solid waste management authority at this location or anywhere else in Clark County. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

2. **Jason Mata** – NOV #SW19-129/P9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about July 31, 2018; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant residential parcel located one lot east of Whitewind Lane on East Charleston Boulevard, Clark County, Nevada on or about July 31, 2018. (*for possible action*)

Hearing officer found Jason Mata 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 issued by the solid waste management authority at this location or anywhere else in Clark County. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

3. **Omar Alejandro Sotelo** – NOV #SW19-357/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 16, 2018; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right of way located at West Horse Drive and North Torrey Pines Drive, Clark County, Nevada on or about September 16, 2018. *(for possible action)*

Hearing officer found Omar Alejandro Sotelo in violation of 2) and imposed a penalty of \$1,000. A Cease and Desist order is issued to stop operating a solid waste disposal site without a permit issued by the solid waste management authority at this location or anywhere else in Clark County. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

4. **Desert Garden Homeowners Association, Inc.** – NOV #SW17-1495/C6/C6- For failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on July 19, 2018. *(for possible action)*

Hearing officer found Desert Garden Homeowners Association, Inc. in violation and imposed a penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered. A written action plan to prevent future illegal dumping is ordered.

5. **Sarah Monteleone Trust** – NOV #SW18-589/C6- For failure to comply with the Order issued by the Solid Waste Management Authority on June 7, 2018 with extension of the Order deadline to August 12, 2018. *(for possible action)*

Hearing officer found Sarah Monteleone Trust in violation 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 \$1,000 as initially sought in the Notice of Violation.

6. **Mervyn Dukatt** – NOV #SW18-382/24- For failure to comply with the Order issued by the Solid Waste Management Authority on April 9, 2018 with extension of the Order to June 17, 2018. *(for possible action)*

Hearing officer found Mervyn Dukatt in violation and imposed a penalty of \$1,000. Corrective action of removal and proper disposal of waste is ordered.

7. **Veronica Orozco Valencia** – NOV #SW19-374/V8- For causing or allowing sewage or accumulation of human excreta to overflow on property located at 411 Madison Avenue, Las Vegas, Clark County, Nevada on or about September 26, 2018, September 27, 2018 and September 28, 2018. *(for possible action)*

Hearing officer found Veronica Orozco Valencia in violation and imposed a penalty of \$500. Plumbing reimbursement cost of \$550 is ordered. A Cease and Desist is issued to stop causing or allowing to cause any sewage or accumulation of human excreta to overflow and deposit at this property or any other property in Clark County, Nev. Failure to comply will result in the original penalty of \$1,550 as initially sought in the Notice of Violation.

8. **Rose Lucas Miera and Yauncay J. Lucas-Malone** – NOV #SW18-432/H3- For failure to comply with the Order issued by the Solid Waste Management Authority on May 10, 2018. *(for possible action)*

Hearing officer found Rose Lucas Miera and Yauncay J. Lucas-Malone in violation and imposed a penalty of \$750.

9. **City Auto Pick-A-Part, Inc. dba Las Vegas Recycling** – NOV #SW18-658/K5- For 1) failure to provide the annual updated plan for cost of closure for Solid Waste Management Facility; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 27, 2018 with extensions of the order deadline to September 18, 2018. *(for possible action)*

Hearing officer found City Auto Pick-A-Part, Inc. dba Las Vegas Recycling in violation and imposed a penalty of \$500 for each of 1) and 2). An approved cost of closure estimate is ordered. An approved financial assurance mechanism is ordered. Failure to comply will result in the originally penalty of \$2,000 as initially sought in the Notice of Violation.

10. **Western Pacific Pulp & Paper Inc.** – NOV #SW18-673/K5- For 1) failure to provide the annual updated plan for cost of closure for a Solid Waste Management Facility on or about June 1, 2018; 2) failure to provide the annual financial assurance documentation for a Solid Waste Management Facility on or about June 1, 2018; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on June 28, 2018 with extensions of the Order deadline to September 30, 2018. *(for possible action)*

Hearing officer found Western Pacific Pulp & Paper Inc. in violation and imposed a penalty of \$500 for each of 1) and 3). An approved cost of closure estimate is ordered. An approved financial assurance mechanism is ordered. Failure to comply will result in the originally penalty of \$3,500 as initially sought in the Notice of Violation.

11. **WWS, LLC** – NOV #SW18-674/K5- For 1) failure to provide the annual updated plan for cost of closure for a Solid Waste Management Facility on or about June 1, 2018; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 28, 2018 with extensions of the Order deadline to August 31, 2018. *(for possible action)*

Hearing officer found WWS, LLC in violation and imposed a penalty of \$500 for 1) and a penalty of \$1,000 for 2). An approved cost of closure estimate is ordered. An approved financial assurance mechanism is ordered. Failure to comply will result in the original penalty of \$2,500 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. **Southwest Corporate Campus LLC** – NOV #SW18-574/N7- For failure to comply with the Order issued by the Solid Waste Management Authority on July 17, 2018. *(for possible action)*

Hearing officer found Southwest Corporate Campus LLC in violation and imposed a penalty of \$1,000.

2. **Salvador Ernesto Pacheco** – NOV #SW19-224/P9- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about August 15, 2018; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at northwest corner of Park Avenue and Lailani Street, Clark County, Nevada on or about August 15, 2018. (*for possible action*)

Hearing officer found Salvador Ernesto Pacheco in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, dumping or causing to be placed, deposited or dumped solid waste upon a property other than a property designated or set aside for such purpose. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

C. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None.