



**Solid Waste Management Authority
Hearing Officer Administrative Hearing
*MEETING MINUTES***

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada 89107
Red Rock Trail Conference Room
9:00 AM – Thursday, July 13, 2023

SNHD STAFF PRESENT:

Donna Houston, Sr. EH Specialist
Jennifer Luther, Sr. Admin Assistant
Edward Wynder, Associate General Counsel
Linly Hazlett, Sr. EH Specialist
Erik Sumera, EH Specialist
Talibah Abdul-Wahid, Law Clerk

Andy Chaney, EH Supervisor
Bruno Stephani, EH Supervisor
Nadereh Ghamssari, EH Specialist
Jason Garcia, EH Specialist
Erik Anderson, Sr. EH Specialist

PUBLIC PRESENT:

Lonnie Post (SW23-446/Z3)
Jennifer Thompson (SW23-569/H3)
Elizabeth Reeder (SW23-569/H3)

Eric Brown (SW23-446/Z3)
Marvin Reeder (SW23-569/H3)

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:03 a.m.

II. PUBLIC COMMENT:

III. MATTERS REQUIRING HEARING OFFICER ACTION:

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. May 11, 2023 SWMA Hearing – *MINUTES APPROVED*

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Lonnie Dean Post** – NOV #SW23-446/Z3 - For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about December 15, 2022; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 7285 Tule Springs Road (formerly known as 7275 Tule Springs Road), Las Vegas, Clark County, Nevada on or about December 15, 2022.

Case called. The respondent, Lonnie Dean Post, was sworn in. SNHD called Erik Sumera who was sworn in. Mr. Sumera testified that he received a complaint of a streetsweeper dumping solid waste in a vacant parcel. Mr. Sumera identified photos and voluntary statement received from witness, as well as the Clark County Business License for Post Environmental Services listing Lonnie Dean Post as business owner. EHS Sumera explained the allegations and environmental concerns related to the dumping. Citizen witness called and sworn in. He verifies photos, statement, and the course of events described therein. SNHD rested case. Respondent case begins. Respondent testified that he needed to service the streetsweeper while cleaning a housing

development in the area. Respondent stated he had active accounts with Western Elite and Republic Services for over five years, and that he usually takes his solid waste to Western Elite. Respondent testified that he did dump the solid waste as alleged by SNHD, but only because the truck had a mechanical issue. Respondent stated that he was willing to clean the solid waste that was dumped and provide proof of proper disposal, and to pay the administrative penalty and requested a lower penalty. Photos, witness statement, Clark County Business License, and NOV were submitted as exhibits with no objections. After summation, Hearing Officer rendered decision. Hearing Officer found Lonnie Dean Post in violation of 1) and 2) and imposed a penalty of \$750 for each violation for a total administrative penalty of \$1,500. The Hearing Officer further ordered respondent to cease and desist 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, Nevada, to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose., to remove and properly dispose of all solid waste and provide proof of proper disposal to SNHD.

2. **Marvin Reeder** – NOV #SW23-569/H3 - For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about February 19, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the public right-of-way located east of 652 Burton Street, Henderson, Clark County, Nevada on or about February 19, 2023.

Case called. Respondent, Marvin Reeder, sworn in. SNHD called Jason Garcia who testified that he received a complaint regarding an engine block being pressure washed in the storm gutter and street of a residential neighborhood. Mr. Garcia identified photos and voluntary statement from witness, and detailed his investigation. EHS Garcia explained the allegations and environmental concerns related to the incident. SNHD questioning completed. Mr. Reeder cross-examines EHS Garcia regarding photos, staining on the ground, and how far he walked during the investigation. Citizen witness called and sworn in. Witness verifies photos, statement, and the course of events. She testified there was a strong odor in the area while Mr. Reeder was power washing the engine block, and the smell lingered hours later. Witness testimony complete. SNHD rests. Mr. Reeder explained in detail his hobby of restoring vehicles and brought a Ford Performance pamphlet showing instructions to wash a new engine with soap prior to assembly. Mr. Reeder testified that the witness had called the police and filed frivolous complaints against him multiple times since they moved in next door. SNHD cross examines Mr. Reeder and clarifies PPE worn, chemicals and/or cleaners used, and the process of restoring engine. Mr. Reeder rests. After summation, Hearing Officer rendered decision. Hearing Officer found Marvin Reeder in violation of 2) and imposed a penalty of \$750. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose.

3. **Stampco Concrete and Masonry** – NOV #SW23-636/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about March 21, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 2325 Torino Avenue, Clark County, Nevada on or about March 21, 2023.

The case was continued to the September 14, 2023 Hearing.

4. **K&M Diversified, Inc.** – NOV #SW23-311/K5- For 1) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about September 22, 2022; 2) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about October 25, 2022; 3) operating or authorizing the operation of a Solid Waste Management Facility outside of the approved conditions of the Solid Waste Management Permit issued by the Solid Waste Management Authority on or about March 29, 2023; and 4) failure to comply with the Order issued by the Solid Waste Management Authority on October 26, 2022, with extensions of the Order deadline to March 27, 2023.

The case was continued to the September 14, 2023 Hearing.

C. NON-CONTESTED NOTICES OF VIOLATION:

1. **Palm Garden TNC LLC** – NOV #SW23-561/G4- For 1) causing or allowing sewage or accumulation of human excreta to overflow on the property located at 505 South 13th Street, Las Vegas, Clark County, Nevada, and the public right-of-way located at East Clark Avenue and South 14th Street, Las Vegas, Clark County, Nevada on or about February 16, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on February 16, 2023.

SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing officer found Palm Garden TNC LLC in violation of 1) and 2), and imposed a penalty of \$500 for each violation. A Cease and Desist order 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, Nevada. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

2. **Scott Everett Crawford** – NOV #SW23-629/38- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about March 11, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4882 West Lone Mountain Road, Las Vegas, Clark County, Nevada on or about March 11, 2023.

SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing officer found Scott Everett Crawford in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than 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. **Joshua Wolfson** – NOV #SW23-554/67- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on

or about February 11, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located approximately 1.1 miles west of the intersection of West Tropical Parkway and North Shaumber Road, Las Vegas, Clark County, Nevada on or about February 11, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Joshua Wolfson in violation of 1) and 2), and imposed a penalty of \$1,000 for each violation. 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 issued by the solid waste management authority at this location or anywhere else in Clark County, Nevada. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than property designated or set aside for such purpose.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

1. **Haroldo Rogelio Chan Lopez** – NOV #SW22-328/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on October 2, 2021; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4860 East Charleston Boulevard, Las Vegas, Clark County, Nevada on October 2, 2021.

Due to a dispute regarding service of the Notice of Violation, this case was brought before the Hearing Officer with a proposed action of amending the Hearing Officer Order dated June 9, 2022. SNHD and the respondent reached a compromised settlement of the case. The details of the agreement were stated on the record and approved and ordered by Hearing Officer Melton. Hearing officer found Haroldo Rogelio Chan Lopez in violation of 2) and imposed a penalty of \$500. A Cease and Desist order is issued to stop placing, depositing, or dumping or causing to be placed, deposited or dumped solid waste upon property other than 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.

IV. REPORT TO HEARING OFFICER

None

V. Public Comment:

VI. ADJOURNMENT – *ADJOURNED BY THE HEARING OFFICER AT 11:55 A.M.*