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

AGENDA

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada
Red Rock Trail Conference Room
9:00 AM – Thursday, February 8, 2024

NOTICES:

1. Nevada Revised Statutes (NRS) 241.020 requires that written notice of all hearings of the Southern Nevada Health District Board of Health's Solid Waste Management Authority Hearing Officer be given at least three working days before the hearings. The notice shall include the time, place, location, and agenda of the hearing. Individuals may request notice, but a request for notice lapses six months after it is made. The Southern Nevada District Board of Health informs each requestor of this fact by this notation on the copy of the notice mailed to them.

NOTE:

- **Agenda items may be taken out of order at the discretion of the Hearing Officer.**
- **The Hearing Officer may combine two or more agenda items for consideration.**
- **The Hearing Officer may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.**

I. CALL TO ORDER

II. PUBLIC COMMENT: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. The comment period may be lengthened at the discretion of the Hearing Officer.

III. MATTERS REQUIRING HEARING OFFICER ACTION

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. January 11, 2024 SWMA Hearing

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **United Site Services** – NOV #SW24-215/G4 For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 21, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at Las Vegas Motor Speedway at 7000 Las Vegas Boulevard North, Clark County, Nevada on five occasions on or about May 21, 2023. **(for possible action)**

Proposed Penalties/ 1) \$5,000.00

Corrective Action: 2) \$5,000.00

3) 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.

4) Cease and desist 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.

2. **Margaret Calavan** – NOV #SW24-091/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about August 5, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 1001 North Christy Lane, Clark County, Nevada on or about August 5, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) 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.

4) Cease and desist 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. **Augusto Aquino Espinueva** – NOV #SW24-272/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 16, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 8070 West Russell Road, Clark County, Nevada on or about October 16, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) 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.

4) Cease and desist 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.

4. **Desert Inn Villas Homeowners Association** – NOV #SW21-986/13/13/13 FTC- For 1) causing or allowing sewage or accumulation of human excreta to overflow on the property located at 356 E Desert Inn Road, Clark County, Nevada on or about July 28, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority Hearing Officer on December 8, 2022. **(for possible action)**

Proposed Penalties/ 1) \$5,500.00

Corrective Action: 2) \$5,500.00

3) Remediation of area affected by sewage overflow.

4) Contract with licensed plumber to make all necessary repairs to common elements of sewer system within sixty (60) days. Provide proof of contract to SNHD within fifteen (15) days after contracting deadline.

5) Complete all necessary repairs to common elements of sewer system within one-hundred eighty (180) days.

6) Provide proof of repairs to SNHD no later than fifteen (15) days after repair completion deadline.

7) Provide update documenting all repairs completed to SNHD within one-hundred twenty (120) days.

8) Cease and desist 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.

5. **Legacy Made Enterprise LLC p/k/a Legacy Made Transport, LLC** – NOV #SW24-292/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 31, 2023; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located approximately 680 Feet east of North Durango Drive and West Tropical Parkway, Las Vegas, Clark County, Nevada on or about October 31, 2023; 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 on or about October 31, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) \$1,000.00

4) Removal and proper disposal of waste.

5) 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.

6) Cease and desist 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.

6. **Ana Patricia Felix De Garcia** – NOV #SW24-205/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 14, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 6363 Clarice Avenue, Las Vegas, Clark County, Nevada on or about September 14, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) 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.

4) Cease and desist 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.

7. **Donald Deangelo Dial** – NOV #SW24-237/T8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 29, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Public Right-of-Way located at Shadow Crest Drive and Knoll View Drive, Clark County, Nevada on or about September 29, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) 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.

4) Cease and desist 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.

8. **USMF Meadows Propco LLC** – NOV #SW24-165/T8- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3150 South Nellis Boulevard, Clark County, Nevada on or about September 5, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 5, 2023 with extensions of the Order to September 15, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00

Corrective Action: 2) \$1,000.00

3) Cease and desist 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.

9. **Tides at Green Valley Owner LLC** – NOV #SW24-166/T8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 6, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on September 6, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00
Corrective Action: 2) \$1,000.00
3) Removal and proper disposal of waste.
4) 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.

C. **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. **Smith's Food & Drug Centers, Inc. d/b/a Smith's Food & Drug #311** – NOV #SW23-437/32/A0- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the Solid Waste Management Authority on or about July 23, 2023; 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 8050 South Rainbow Boulevard, Clark County, Nevada on or about July 12, 2023; and 3) failure to comply with the Order issued by the Solid Waste Management Authority on July 20, 2023. **(for possible action)**

Penalty: 1) \$1,000.00
2) \$1,000.00
3) \$1,000.00
4) Removal and proper disposal of waste.
5) 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.
6) Cease and desist 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.

2. **Eyni Antonio Regalado-Gudiel** – NOV #SW23-713/Z3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about April 22, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 3233 Arlene Way, Las Vegas, Clark County, Nevada on or about April 22, 2023. **(for possible action)**

Penalty: 1) \$500.00
2) Cease and desist 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. **Roberto Galvez** – NOV #SW23-830/H3- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 6400 Hamilton Avenue, and the public right-of-way at Hamilton Avenue and the public right-of-way at Cherry Street, Clark County, Nevada on or about June 6, 2023. **(for possible action)**

Penalty: 1) \$1,000.00
 2) Cease and desist 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.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None.

IV. REPORT TO HEARING OFFICER

None.

- V. PUBLIC COMMENT: A period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Solid Waste Management Authority, Hearing Officer's jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. The comment period may be lengthened at the discretion of the Hearing Officer.

VI. ADJOURNMENT

- VII. **THIS AGENDA HAS BEEN PUBLICLY NOTICED** on the Southern Nevada Health District's Website at <https://www.snhd.info/meetings>, <https://www.snhd.info/publicnotices> and the Nevada Public Notice website at <https://notice.nv.gov>, as well as posted in the main lobby of the Southern Nevada Health District at 280 S. Decatur Boulevard, Las Vegas, Nevada. A copy will be provided to any person who has requested one via U.S mail or electronic mail. All meeting notices include the time of the meeting, access instructions, and the meeting agenda. For copies of agenda backup material, please contact Jennifer Luther at 280 S. Decatur Blvd., Las Vegas, NV 89107 or call (702) 759-2584. In addition, handouts will be available at each hearing date and time.

NOTE: Disabled members of the public who require special accommodations or assistance at the hearing are requested to notify Jennifer Luther at the Southern Nevada Health District by calling (702) 759-0584.