



**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, February 8, 2024

SNHD STAFF PRESENT:

Donna Houston, Sr. EH Specialist
Jennifer Luther, Sr. Admin Assistant
Edward Wynder, Associate General Counsel
Lynn Cintron, Sr. Admin Assistant
Taliba Abdul-Wahid, Law Clerk
Gary Martens, EH Specialist
Jess Smith, EH Specialist

Andy Chaney, EH Supervisor
Bruno Stephani, EH Supervisor
Rebecca Dunne, EH Specialist
Nick Bieser, EH Specialist
Erik Sumera, EH Specialist
Michelle Clarke, EH Specialist
Itchel Santos-Perez

PUBLIC PRESENT:

Carl Osborne – SW21-986/13

Elise Nguyen, CCWQ – SW21-986/13

I. CALL TO ORDER:

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

II. PUBLIC COMMENT: None

III. MATTERS REQUIRING HEARING OFFICER ACTION:

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. January 11, 2024 SWMA Hearing – *MINUTES APPROVED*

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..

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found United Site Services in violation of 1) and 2), and imposed an administrative penalty of \$5,000 for each violation for a total administrative penalty of \$10,000. 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, 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.

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.

This case was withdrawn by SNHD.

3. **Johnathan Brindle** – 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.

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 Johnathan Brindle in violation of 2), and imposed an administrative 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.

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.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Environmental Health Specialist Gary Martens. EHS Martens testified regarding the investigation of ongoing sewage issues on the property. He detailed a site visit with Richard Washington, HOA President, and Jason Kelly of FCCMI, property manager, who both confirmed receipt of the Notice of Violation. SNHD Associate General Counsel Edward Wynder presented EHS Martens with a Hearing Officer Order dated November 9, 2021 and asked if Desert Inn Villas Homeowners Association has completed the requirements as ordered. Mr. Martens testified that they had not, and there have been multiple sewage overflows since. Mr. Wynder then presented Mr. Martens with a Hearing Officer Order dated June 9, 2022 which required the respondent to repair all deficient plumbing elements and cease and desist allowing sewage to overflow. EHS Martens again testified that the respondent failed to comply. A third Hearing Officer Order dated December 8, 2022 was reviewed, and again EHS Martens explained how the requirement of repairing all deficient plumbing had not been completed. Mr. Martens reviewed photos that were taken during a site visit on July 28, 2023 and explained how the respondent was not in compliance with several reoccurring sewage overflows and uncapped cleanouts. SNHD Counsel asked about any progress made and EHS Martens testified that the property manager stated they are still in funding stages, have completed no repairs, and have only been snaking lines. EHS Martens testified that none of the documentation which prior orders required the respondent to submit to SNHD has been received. SNHD

rested. Hearing Officer Melton asked if any members of the public wished to speak. Carl Osbourne stepped up to the podium and explained that he used to live at Desert Inn Villas and has since moved, but is representing a current owner. Mr. Osbourne submitted multiple photos and described what is documented, and stated that he would like the building to be shut down. After summation, Hearing Officer rendered decision. Hearing Officer found Desert Inn Villas Homeowners Association in violation of 1) and 2) and imposed a penalty of \$7,000 for each violation for a total administrative penalty of \$14,000. Remediation of the area affected by sewage overflow is ordered. Contract with a licensed plumber to make all necessary repairs to common areas of sewer system and provide proof to SNHD ordered. Complete all necessary repairs to common elements of sewer system ordered. Provide proof of repairs to SNHD ordered. Provide update documenting all repairs completed to SNHD 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, 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.

Case called. Hearing Officer Melton asked if the respondent or a representative were present. No person responded. SNHD called Jennifer Luther to testify regarding service of the NOV. Ms. Luther testified that she sent the NOV to the respondent via certified mail. Proof of service and the NOV were attached as exhibits. Hearing Officer Melton determined service was satisfactory. SNHD called Environmental Health Specialist Erik Sumera. EHS Sumera testified regarding the investigation of leaked fluids from a semi truck parked on a vacant parcel. He discussed the health hazards and environmental concerns of the contaminated soil. Mr. Sumera also detailed the process of obtaining the truck ownership and business information. SNHD rests. After summation, Hearing Officer rendered decision. Hearing Officer found Legacy Made Enterprise LLC p/k/a Legacy Made Transport, LLC in violation of 1), 2), and 3), and imposed a penalty of \$1,000 for each violation for a total administrative 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 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.

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.

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 Ana Patricia Felix De Garcia in violation of 2) and imposed an administrative 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.

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.

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 Donald Deangelo Dial in violation of 1) and 2), and imposed an administrative penalty of \$500 for each violation for a total administrative 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, 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. Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

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.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found USMF Meadows Propco LLC in violation of 1) and 2), and imposed an administrative penalty of \$1,000 for each violation for a total administrative penalty of \$2,000. 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, 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.

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 Tides at Green Valley Owner LLC in violation of 1) and imposed an administrative 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, Nevada.

Failure to comply will result in the original penalty of \$2,000 as initially sought in the Notice of Violation.

C. NON-CONTESTED NOTICES OF VIOLATION:

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.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Smith's Food & Drug Centers, Inc. d/b/a Smith's Food & Drug #311 in violation of 1), 2), and 3), and imposed an administrative penalty of \$1,000 for each violation for a total administrative penalty of \$3,000. 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, 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.

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.

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 Eyni Antonio Regalado-Gudiel in violation of 2, and imposed an administrative 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. **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.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Roberto Galvez in violation of 1) and imposed an administrative penalty of \$1,000. 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, Nevada.

D. NOTICES OF VIOLATION – FURTHER PROCEEDINGS:

None.

IV. REPORT TO HEARING OFFICER

None

V. Public Comment: None

VI. ADJOURNMENT – *ADJOURNED BY THE HEARING OFFICER AT 11:04 A.M.*