



**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, April 11, 2024

SNHD STAFF PRESENT:

Donna Houston, Sr. EH Specialist
Jennifer Luther, Sr. Admin Assistant
Edward Wynder, Associate General Counsel
Linly Hazlett, Sr. EH Specialist
Taliba Abdul-Wahid, Law Clerk
Theresa Ladd, Legal Secretary
Brian Northam, EH Manager

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

PUBLIC PRESENT:

Leah Wickline – SW23-875/T8

Vincent Chang – SW24-294/32

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:07 a.m.

II. PUBLIC COMMENT: None

III. MATTERS REQUIRING HEARING OFFICER ACTION:

A. APPROVAL OF MINUTES FOR HEARING OFFICER MEETINGS

1. February 8, 2023 SWMA Hearing – *MINUTES APPROVED*

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Las Brisas Apartment Homes Community Association** – NOV #SW23-875/T8 - For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 1420 East Vegas Valley Drive, Clark County, Nevada on or about June 21, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on June 21, 2023.

Case called. Leah Wickline of Varalino Community Management is sworn in and confirmed she is authorized to speak on behalf of Las Brisas Apartment Homes Community Association. SNHD called EHS Itchel Santos-Perez, who was sworn in and explained the process of investigating the sewage complaint. EHS Santos-Perez described the photos of initial site visit on June 21, 2023 and explained what was ordered in the Field Order, including timelines and response times. She then went over the reinspection photos of 8 separate site visits through July 5, 2023 and explained the site was unchanged with no repairs, remediation, or barricades and there were signs of additional overflows. Follow-up photos dated July 10, 2023 show signs that plumbing repairs had been started inside the unit, but there were still no barricades or soil

remediation. Photos dated July 11, 2023 show the plumbing repairs were still underway, with no soil remediation, lime, or barricades 3 weeks after the Order was issued. EHS Donna Houston put up caution tape around the area. Photos dated July 25, 2023 showed that the site remained unchanged, and no contaminated soil had been removed. The final set of photos dated August 22, 2023 show the repairs and remediation completed. EHS Santos-Perez discussed the allegations in the NOV and why they were charged, explaining the environmental health concerns. She testified that the lines are shared, so they are the responsibility of the HOA and not the condominium owners. SNHD Rests. Ms. Wickline asked EHS Santos-Perez if she has knowledge about the timeframes required by the HOA to enter units, and EHS Santos-Perez answered "no". Ms. Wickline had no more questions, and Ms. Santos-Perez was dismissed. Ms. Wickline presented her case, testifying that the sewage issue had started in unit 19 one month before SNHD was notified. They found that the sewage line had collapsed underneath unit 17 and the HOA was limited in their ability to enter the unit, giving the first unofficial notice of forced entry on June 22, 2023, and the first official notice on June 30, 2023. Ms. Wickline testified that the tenant postponed giving access and they were able to enter the unit July 7, 2023 and that the repairs were completed around July 10, 2023. Ms. Wickline acknowledged this was an important issue and does not dispute the allegations but does ask for a reduction in fines as the Association is underfunded. After summation, Hearing Officer rendered decision. Hearing Officer found Las Brisas Apartment Homes Community Association in violation of 1) and 2) and imposed a penalty of \$750 for 1) and \$500 for 2), for a total administrative penalty of \$750. The Hearing Officer further ordered respondent to 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.

2. **Ronnie Chase Bullock IV** – NOV #24-311/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 6, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 4701 North Lawrence Street, North Las Vegas, Clark County, Nevada on or about November 6, 2023.

The case was withdrawn by SNHD.

3. **Ismael Betancourt Navarro** – NOV #SW24-294/32- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 25, 2023; 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 or about October 25, 2023.

The case was continued to the May 9, 2024 Hearing.

4. **Jason Goecke** – NOV #SW24-308/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about November 4, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the 3,561.55-acre vacant parcel located south of East Horizon Ridge Parkway and Kind Avenue, Henderson, Clark County, Nevada on or about November 4, 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 Jason Goecke 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.

5. **Marjen Enterprises, LLC** – NOV #SW24-232/D5- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about September 27, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the 0.47 acre vacant parcel located southeast of Clark Street and Stephanie Street, Clark County, Nevada on or about September 27, 2023.

The case was continued to the May 9, 2024 Hearing.

6. **Spiritual Assembly of The Baha'is Of Spring Valley** – NOV #SW23-807/C6- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on June 8, 2023 with extensions of the Order deadline to October 28, 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 Spiritual Assembly of The Baha'is Of Spring Valley in violation and imposed an administrative penalty of \$500. Corrective action is ordered and to be completed within 30 days. Failure to comply will result in the original penalty of \$1,000 as initially sought in the Notice of Violation.

7. **217 W Chicago LLC** – NOV #SW24-329/Z3- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 237 West Chicago Avenue, Las Vegas, Clark County, Nevada on or about November 16, 2023, November 17, 2023, November 20, 2023, November 21, 2023, November 27, 2023, November 28, 2023, and December 1, 2023; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on November 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 217 W Chicago LLC in violation of 1), 2), 3), 4), 5), 6), 7), and 8) and imposed an administrative penalty of \$500 for each violation, for total administrative penalties of \$4,000. 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 \$8,000 as initially sought in the Notice of Violation.

C. NON-CONTESTED NOTICES OF VIOLATION:

1. **Juan Ernesto Bazua-Perez** – NOV #SW24-263/H3- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 12, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the vacant parcel located at 5920 Boulder Highway, Clark County, Nevada on or about October 12, 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 Juan Ernesto Bazua-Perez 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.

2. **Endurance Environmental Solutions, LLC** – NOV #SW24-300/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about October 25, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the properties located at and adjacent to the I-15 northbound Public Right-of-Way between East Cheyenne Avenue and North Lamb Boulevard, North Las Vegas, Clark County, Nevada on or about October 25, 2023.

The respondent did not contest the Notice of Violation, agreeing to the facts alleged and accepting the proposed penalty. Hearing Officer Melton found Endurance Environmental Solutions, LLC in violation of 1) and 2), and imposed an administrative penalty of \$1,500 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.

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 11:13 A.M.*