



Je BRN
**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, September 14, 2023

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. July 13, 2023 SWMA Hearing

B. NOTICES OF VIOLATION WITH CONTESTED FACTS:

1. **Stampco Concrete, Inc. d/b/a 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. **(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.

5) 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. **Jose Jesus Bernabe** – NOV #SW23-582/C6- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 27, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the property located at 5576 West Rochelle Avenue, Clark County, Nevada on or about February 27, 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. **Rio Properties, LLC d/b/a Rio Suites Hotel and Casino** – NOV #SW23-306/C6- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on October 27, 2022, with extension of the Order to April 12, 2023. **(for possible action)**

Proposed Penalties/ 1) \$2,000.00

Corrective Action: 2) Removal and proper disposal of waste.

4. **Desert Palace, LLC d/b/a Caesars Palace** – NOV #SW23-511/C6- For 1) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about January 24, 2023; 2) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about January 26, 2023; 3) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about March 1, 2023; 4) causing or allowing sewage or accumulation of human excreta to overflow on property located at 3570 South Las Vegas Boulevard, Clark County, Nevada on or about May 6, 2023; and 5) failure to comply with the Order issued by the Solid Waste Management Authority on January 23, 2023, with extension of the Order to February 15, 2023. **(for possible action)**

Proposed Penalties/ 1) \$1,000.00
Corrective Action: 2) \$1,000.00
3) \$1,000.00
4) \$1,000.00
5) \$1,000.00
6) Remediation of area affected by sewage overflow.
7) 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.
8) 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.

5. **Red Leaf Management L.L.C.** – NOV #SW23-097/G4- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about December 12, 2022; and 2) failure to comply with the Order issued by the Solid Waste Management Authority on December 16, 2022, with extensions of the Order deadline to March 14, 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.

6. **The Vista Commons Center, LLC** – NOV #SW23-494/67- For 1) failure to comply with the Order issued by the Solid Waste Management Authority on January 20, 2023, with extension of the Order deadline to March 28, 2023; and 2) failure to provide proper removal of all solid waste accumulated at the premises on or about March 28, 2023. **(for possible action)**

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

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. **Marybeth Lynn McCardle** – NOV #SW23-550/T8- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about February 9, 2023; and 2) placing, depositing or dumping or causing to be placed, deposited or dumped solid waste upon the Private Right-of-Way located 460 feet north on Capstone Academy Way from East Cactus Avenue, Clark County, Nevada on or about February 9, 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.

2. **Victor Hugo Mercado-Huerta** – NOV #SW23-770/56- For 1) operating a disposal site in Clark County, Nevada, without a permit issued by the solid waste management authority on or about May 15, 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 May 15, 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. **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. **(for possible action)**

Penalty:

- 1) \$1,000.00
- 2) \$1,000.00
- 3) \$1,000.00
- 4) \$1,000.00
- 5) Cease and desist operating a solid waste disposal site outside of the conditions approved in the permit issued by the Solid Waste Management Authority at this location or anywhere else 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) 759-0584. 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.