

**NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**NEVADA ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVE**

**FOR THE HEARING OF April 26, 1993 And June 4, 1993**

**HELD AT: Reno, NEVADA**

**TYPE OF HEARING:**

**REGULATORY**

**YES APPEAL (Ray Pezonella)**

**FIELD TRIP**

**ENFORCEMENT**

**VARIANCE**

**RECORDS CONTAINED IN THIS FILE INCLUDE:**

**AGENDA**

**YES PUBLIC NOTICE**

**LISTING OF EXHIBITS**

**MINUTES OF THE HEARING**

## NEVADA ENVIRONMENTAL COMMISSION NOTICE OF APPEAL HEARING

A three member panel of the Nevada State Environmental Commission will conduct an appeal hearing in the matter of:

Environmental Management Response Corporation and Raymond Pezonella, Gene Temen, and Mike Cecchi, 520 Edison Way, Reno, Nevada, 89502 appeals the Nevada Division of Environmental Protection's finding of violation and order dated March 1, 1993.

The Division found that Environmental Management Response Corporation and Ray Pezonella as the Certified Environmental Manager failed to comply with applicable certification of consultants and contractors and hazardous waste regulations. The Division asserts that the Corporation violated NAC 444.8632 and requirements of 40 CFR Parts 2, 124, 260 through 270, inclusive. The violations included failure to perform a hazardous waste determination, manifesting, labeling and marking of hazardous wastes.

The state believes that Ray Pezonella has not performed in accordance with the standards of practice for a holder of a certificate issued pursuant to NAC 459.9729. Based upon the determination related above and pursuant to NAC 459.9729 (2), the application for certification of Raymond Pezonella as an Environmental Manager was denied.

Environmental Management Response Corporation alleges that the state failed to follow due process; that the state official who issued the order to cease and desist acted in a dual capacity of fact finder and adjudicator; that the orders are not within the purview of the Division of Environmental Protection's jurisdiction since no hazardous materials were involved and; that the orders and denial of certification were not supported by the weight of evidence.

The hearing will be held Monday:

**9:00 a.m.**  
**April 26, 1993**  
Department of Wildlife  
Conference Room B  
1100 Valley Road  
Reno, Nevada

The hearing scheduled for Monday April 26, 1993 may be continued to April 27, 1993 or to a later date to be determined by the Commission. The hearing, if continued to Tuesday April 27, 1993 will be held at the Washoe County District Health Department's South Auditorium, located at 1001 East 9th St, Reno, Nevada beginning at 9:30 a.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Karen Howard in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670 no later than 5:00 p.m., April 21, 1993.

This notice is issued pursuant to Nevada Revised Statutes (NRS) Chapter 233B. The hearing will be held in accordance with Nevada Administrative Code, (NAC) 445.980 to 445.995, inclusive.

## NEVADA ENVIRONMENTAL COMMISSION NOTICE OF APPEAL HEARING

A three member panel of the Nevada State Environmental Commission will conduct a **continuance** to the appeal hearing dated April 26 & 27, 1993 in the matter of:

Environmental Management Response Corporation and Raymond Pezonella, Gene Temen, and Mike Cecchi, Brad Kiefe, 520 Edison Way, Reno, Nevada, 89502 appeals the Nevada Division of Environmental Protection's finding of violation and order dated March 1, 1993.

The Division found that Environmental Management Response Corporation and Ray Pezonella as the Certified Environmental Manager failed to comply with applicable certification of consultants and contractors and hazardous waste regulations. The Division asserts that the Corporation violated NAC 444.8632 and requirements of 40 CFR Parts 2, 124, 260 through 270, inclusive. The violations included failure to perform a hazardous waste determination, manifesting, labeling and marking of hazardous wastes.

The state believes that Ray Pezonella has not performed in accordance with the standards of practice for a holder of a certificate issued pursuant to NAC 459.9729. Based upon the determination related above and pursuant to NAC 459.9729 (2), the application for certification of Raymond Pezonella as an Environmental Manager was denied.

Environmental Management Response Corporation alleges that the state failed to follow due process; that the state official who issued the order to cease and desist acted in a dual capacity of fact finder and adjudicator; that the orders are not within the purview of the Division of Environmental Protection's jurisdiction since no hazardous materials were involved and; that the orders and denial of certification were not supported by the weight of evidence.

In addition the Commission panel will hear in conjunction with the aforementioned appeal the matter of Milne Tow Service, Gene Temen, 1700 Marietta Way, Sparks, Nevada, 89431 request for appeal to the finding of violation and order dated February 26, 1993. The state alleges the hazardous wastes derived from the aforementioned incident were not properly transported by or stored at Milne Tow Service. The state asserts Milne Tow Service violated NAC 444.8632. Milne Tow Service was ordered to cease and desist from providing services as a transporter of hazardous waste.

The hearing will be held **Friday:**

**9:30 a.m.**

**June 4, 1993**

Nevada State Library & Archives

Conference Room B (Upstairs)

100 Stewart St

Carson City, Nevada

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Executive Secretary in writing, Nevada State Environmental Commission, 333 West Nye Lane, Room 128, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670 no later than 5:00 p.m., June 1, 1993.

This notice is issued pursuant to Nevada Revised Statutes (NRS) Chapter 233B. The hearing will be held in accordance with Nevada Administrative Code, (NAC) 445.980 to 445.995, inclusive.