

ATTACHMENT # 2 (Form #3, Item 5)

Brief and concise statement of the facts providing the basis for the appeal

1. On August 26, 2026 the Division issued Permit SW1900REV00, authorizing the construction and operation of a seven unit medical waste thermal treatment facility at 1850 East Basin Avenue, Pahrump, above Hydrographic Area 162, the closed groundwater basin that is the sole water source for the Pahrump Valley.
2. The permit authorizes pathological waste, defined in Condition C.2.d as human or animal body parts, organs, tissues and surgical specimens. It contains no minimum operating temperature, no maximum temperature, no residence time and no chamber oxygen condition. NAC 444.672(3) requires that an incinerator burning pathological waste ensure 1,400 degrees Fahrenheit for not less than 0.3 second. Asked how destruction would be verified, the Division answered that the applicant represents the temperature and that validation of the process is the responsibility of the facility.
3. On September 11, 2025 the Division's own staff engineer wrote that the MediWaste pyrolysis units are incinerators as defined in NAC 444.584 and NAC 445B.086 and must comply with NAC 444.672, NAC 445B.106 and NAC 445B.2207. On November 18, 2025, asked by the Chief of the Bureau of Air Pollution Control whether applying those regulations would require the applicant to change its design or operating parameters, the same engineer answered that no additional regulations were needed and that there was no need for MediWaste to change its design or operating parameters. In the same message he described a third stage in which volatile organic compounds are oxidized to carbon dioxide and water, and stated that the unit could technically be called a multi chamber reactor. Nothing in the record explains the change of position, and the conclusion as to NAC 444.672 was never addressed or withdrawn. The Division's signed Technical Review of March 18, 2026 nonetheless finds that the units meet the definition of incinerator, and the permit issued under NAC 444.676.
4. The permit's sole residue monitoring condition directs that residue be sampled based on the "Waste (Ash) Analysis and Management Plan from the initial application." No document of that name exists in any application version in the record. The condition cross references Table 5, which the Division published to the public blank and which issued blank in the signed permit.
5. The draft permit the public reviewed incorporated Application v7.0. The issued permit incorporates "Permit application v6.0 submitted April 2, 2026," a lower numbered version that was never made available to the public and that bears a date five months after the Division's own comment letter on v6.0.
6. The permit authorizes human remains at Condition C.2.d and prohibits putrescible waste at Condition C.3.b. The Division told the public at the July 7, 2026 hearing that the exclusion of putrescible waste is the reason no refrigeration is required. Waste may be held on site, unrefrigerated, for fifteen days.

7. The Division published as its statement of basis that the two existing buildings are not being expanded or modified. The equipment drawing incorporated into the permit by Condition C.1.a specifies a 72 inch by 34 foot 2 inch opening cut in the roof for each of the seven units, plus a 46 inch stack penetration for each, for equipment 22 feet 1 inch tall in a building whose ceiling the same drawing gives as 18 feet. The only engineer stamped, dimensioned plan set in the application is an eight sheet 2013 improvement plan prepared for a propane distribution business, sealed by an engineer whose stamp expired in 2013.

8. At the July 7, 2026 hearing the Division told the public that the permit requires that MediWaste may not begin construction or operations until all required local, state and federal authorizations have been obtained and submitted to the Division. No condition in the issued permit constrains construction. Every schedule of Attachment to SEC Form #3 | Appeal of Permit SW1900REV00, MediWaste Disposal LLC Page 5 compliance item is keyed to the start of operations, and the two provisions the Division cited to the public appear nowhere in the permit.

9. The applicant's consultant told the Division in writing on August 21, 2025 that the equipment is an exact replica of the CoronaLux system. U.S. EPA examined that system and held that it is not endothermic throughout, that its process is combustion, and that it is subject to 40 CFR Part 60 Subpart Ec. That determination was submitted to the Division in the public comments and was raised expressly in Appellant's own comment. The Division's response was to refer the question to another bureau, while relying on federal non-applicability to reach its conclusion under Chapter 444.

10. When the Division's own modeling group found that the facility exceeded the PM2.5 and sulphur dioxide ambient air quality standards, the applicant reduced the conservatism factor applied to those two pollutants alone, from four times to 1.4 times for particulate matter and 3.8 times for sulphur dioxide, and refiled on the day the response was due. No other pollutant's factor changed. Nothing in the underlying test data changed and no design change accompanied the revision.

11. The applicant has no written agreement with any disposal facility. The Division stated on the hearing record that the Pahrump landfill cannot lawfully accept the residue, declined to answer a member of the public who asked where the residue would go, and then held that no receiving facility need be identified as a condition of issuance. The permit contains no manifest requirement, no confirmation of receipt and no reconciliation of quantities generated against quantities delivered.

12. The permit identifies MediWaste Disposal LLC as owner of the permitted land. The recorded deed in the applicant's own appendix conveys that land to Basin Ave Properties LLC, and MediWaste holds a fifteen year lease.

13. Documents on which the permit's technical basis rests were in the Division's files and were not in the record made available to the public during the comment period, including the applicant's August 21, 2025 statement that the equipment is an exact replica of the CoronaLux, the emission calculation workbooks showing the safety factor change, the Division's internal correspondence in which the classification was decided, and application versions v4.0, v5.0 and v6.0.

14. Each of the foregoing is set out in full, with verbatim quotations and record citations, in the Statement of Grounds filed with this form. Attachment to SEC Form #3 | Appeal of Permit SW1900REV00, MediWaste Disposal LLC Page 6