BEFORE THE STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

In the Matter of:

APPEAL OF MEDICAL WASTE TREATMENT FACILITY PERMIT: PERMIT NO. SW1900REV00 MEDIWASTE DISPOSAL LLC

ORDER ON APPEAL

PROCEDURAL HISTORY

On September 8, 9, and 10, 2026, several appellants filed appeals of the Nevada Division of Environmental Protection's (the "Division") issuance of Medical Waste Treatment Facility Permit No. SW1900REV00 (the "Permit") to MediWaste Disposal LLC (MediWaste) for the proposed MediWaste Facility in Pahrump, Nevada. The appellants' appeal forms claimed that the Division's final decision was: (1) arbitrary or capricious or characterized by abuse of discretion; (2) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; (3) affected by other error of law; (4) made upon unlawful procedure; (5) in violation of constitutional or statutory provision; and (6) in excess of the statutory authority of the Division.

Appellants A.J. Brown and Sharon Cruise did not agree to waive the twenty-day hearing requirement contained within NRS 445B.350. The Commission scheduled an Appeal Hearing for September 28, 2026, and established a Briefing Schedule, which was distributed on September 11, 2026.

On September 18, 2026, MediWaste filed a Petition for Leave to Intervene in the appeal. The Petition was unopposed and the Commission granted MediWaste's request for intervention on September 21, 2026.

The appellants filed opening briefs on September 16, 2026. The Division and MediWaste each filed response briefs on September 22, 2023. One appellant filed a Reply Brief on September 23, 2026. Subsequently, Appellant Sharon Cruise waived the twenty-day hearing requirement.

At Appellant A. J. Brown's request, the Commission agreed to decide the matter based on the written briefs and exhibits submitted in lieu of oral argument.

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SUMMARY OF COMMISSION APPEAL HEARING

On September 28, 2026, a three-member panel of the Commission convened to deliberate and make a decision concerning the grounds of the appeal. The Commission Panel consisted of Vice Chairman Jason King, Commissioners Tina Mudd and Joe Cacioppo. The SEC panel was represented by Deputy Attorney General Joseph Ostunio.

Appellant A. J. Brown was present virtually and represented himself. The Division was present and represented by counsel, Senior Deputy Attorney General Katie Armstrong of the State of Nevada, Office of the Attorney General. MediWaste was present and represented by Amber Konakis and Sihomara Graves of Kaempfer Crowell.

The hearing proceeded in due course. Again, at Appellant A. J. Brown's request, no oral arguments were heard. The Commission was given time to question the parties involved on any relevant matters. Public comment was allowed on two separate occasions: at the beginning of the hearing and again at the end.

Following the initial public comment period, the Commission deliberated on the issues surrounding the appeal. After deliberation on the merits of the legal arguments on appeal, the Commission unanimously voted to affirm the Division's decision to issue the Permit due to the Appellant's failure to demonstrate any of the grounds for an appeal under NAC 445B.890.

DIVISION'S FINDINGS OF FACT ON APPEAL

On May 6, 2024, MediWaste Disposal LLC submitted its initial application for the Permit for the proposed Medical Waste Treatment Facility project to the Division. After several revisions, including revisions to the proposed technology and processes, the permit application was determined administratively complete in April 2026 when the Division proceeded with a technical review.

On April 1, 2026, the Division posted public notice of its proposed issuance of the Permit. The public notice included a public comment period through July 7, 2026. On July 7, 2026, the Division held a Public Hearing at the Nevada Treasure RV Resort in Pahrump, Nevada to engage the community regarding questions and concerns about the permit. The Division received significant public comment during this period.

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On August 31, 2026, the Division published its final decision to issue the Permit to MediWaste Disposal LLC for the proposed Medical Waste Treatment Facility. Additionally, the Division provided responses to public comment. On September 8, 9, and 10, 2026, several appellants filed the underlying appeal with the Commission.

Based upon the briefs of the parties, the evidence, and documents on file in this matter, the Division found the following findings of fact. All findings made are based upon substantial evidence.

1. The administrative record contains substantial evidence establishing the Division reviewed the application, conducted the required public process, evaluated the facility under the governing statutes and regulations, imposed enforceable pre-operational and operational conditions, and retains oversight and enforcement authority over the MediWaste facility.

2. The Division complied with the governing statutes and regulations required to issue the Permit. *See* NRS 444.553 and NAC 444.570-6765.

CONCLUSIONS OF LAW

1. NAC 445B.890 establishes the grounds for appealing a final decision of the Division. In this case, the Commission determined based upon substantial evidence that Appellant A. J. Brown did not meet his burden of proof by failing to establish the grounds for appeal;

2. The Division's issuance of the Permit was not in violation of any constitutional or statutory provisions;

3. The Division's issuance of the Permit was not in excess of the statutory authority of the Division;

4. The Division's issuance of the Permit was not made upon unlawful procedure;

5. The Division's issuance of the Permit was not affected by other error of law;

6. The Division's issuance of the Permit was not clearly erroneous in view of reliable, probative and substantial evidence on the whole record;

7. The Division's issuance of the Permit was not arbitrary or capricious or characterized by abuse of discretion; and

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8. The Division's issuance of the Permit is supported by the administrative record and complies with Chapter 444 of the Nevada Revised Statutes and Chapter 444 of the Nevada Administrative Code.

ORDER

THEREFORE, based on the foregoing:

The Division's decision to issue Medical Waste Treatment Facility Permit No. SW1900REV00 is hereby affirmed.

DATED this 19th day of October, 2026.

STATE ENVIRONMENTAL COMMISSION

Jason King
Jason King (Oct 19, 2026 13:52:24 PDT)

JASON KING, VICE CHAIRMAN

CERTIFICATE OF MAILING

I, Sheryl Fontaine, certify that I am an employee of the State of Nevada, State Environmental Commission, and do hereby certify that on the 20 day of October 2026, I deposited for mailing at Carson City, Nevada, a true copy of the **Order on Appeal**, sent via Certified U.S. Mail to:

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Sheryl Fontaine, an Employee of
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ecc: Nancy Padilla, State Environmental Commission Recording Secretary
Joseph P. Ostunio, State Environmental Commission Counsel, Deputy Attorney General
State Environmental Commission File

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Final Audit Report 2026-10-19

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