

Form #3

Request for an Appeal Hearing

Revised: 4/28/2026



NEVADA
STATE ENVIRONMENTAL
COMMISSION

Instructions for Completing Form #3



Use this form to request an appeal hearing before the State Environmental Commission.

This form is required when an individual or entity seeks to appeal a final decision issued by the Nevada Division of Environmental Protection (NDEP), including but not limited to permits or notices of alleged violation.

Please complete all sections of the form in full. **Attach a copy** of the NDEP final **decision being appealed**. This may include a permit, a notice of alleged violation, or another qualifying final decision. Additional supporting documents may be included as needed.

If submitting the form and supporting materials by mail, send to:

Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701

RECEIVED

SEP 09 2026

ENVIRONMENTAL COMMISSION

Name: JOHN O'BRIEN

Physical address: 4470 HOMESTEAD ROAD

E-mail address: jobriennevada@gmail.com

Telephone number: 775-513-8889

Signature:

A handwritten signature in black ink, appearing to read "John O'Brien".

Representative capacity (if applicable): N/A

Date: 09/04/2026

3. Specify grounds of appeal: (check all that apply)

- ☐ Final decision in violation of constitutional or statutory provision.
- ☒ Final decision was made upon unlawful procedure.
- ☐ Final decision was affected by another error of law.
- ☒ Final decision was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.
- ☒ Final decision was arbitrary, capricious, or characterized by abuse of discretion.

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), or Nevada Administrative Code (NAC) provision allegedly violated. List the statutes or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

SEE ATTACHED LETTER

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5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

SEE ATTACHED LETTER

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John Kevin O'Brien

4470 Homestead Road

Pahrump, NV 89048

4 September 2026

State Environmental Commission

c/o Nevada Division of Environmental Protection

901 S. Stewart Street, Suite 4001

Carson City, NV 89701

**RE: Appeal of Solid Waste Management Facility Permit SW1900REV00 —
MediWaste Disposal LLC, 1850 E. Basin Avenue, Pahrump, NV**

To the State Environmental Commission:

Pursuant to NAC 445B.890, I am filing this appeal of the Nevada Division of Environmental Protection's decision to issue final Solid Waste Management Facility Permit SW1900REV00 to MediWaste Disposal LLC, effective August 26, 2026. I am a resident of Pahrump, Nevada, directly affected by this facility and its potential impact on our community's water, air, and public health.

GROUND'S FOR APPEAL

1. Unresolved incinerator classification. NDEP's own March 18, 2026 technical review of the facility's air quality permit (AP4953-4771) states that the pyrolysis units meet the definition of an incinerator under NAC 445B.086. MediWaste has publicly stated its process does not involve incineration. This contradiction has not been resolved on the public record, and it directly affects what standards and monitoring requirements should apply to this facility.

The facility is ventilated both top and bottom and MediWaste has openly stated, first on April 10, 2024 and again June of 2024 before the Nye County Board of Commissioners they will make no modification to the buildings. With this unresolved issue proper monitoring of emissions becomes impossible or diluted at

best. Downwind is Clark County. At no time during this process has the issue of emissions been broached with them.

Medical Waste in itself tends to be offensive in odor. Medical waste also can contain pathogens. With no building correction containment will be impossible. The location in the heart of Pahrump will be the least effective location for not being noticed.

4.14 Litter, Odor Control, and Open Burning

Facility will not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious, or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property. There will be no open burning of any combustible refuse, waste, garbage, or oil, or for any salvage operation at the facility. Salvaging of the waste will not be permitted at the facility.

2. 4.1 General Information

The facility will be situated on a 4.70-acre parcel of land in Pahrump Nye County, Nevada. This facility will serve the state of Nevada, the state of California, as well as various other markets throughout North America.

As the State of Nevada I see no benefit to accept other States waste, especially Hazardous Waste. For Pahrump the adverse economic impact of infrastructure alone will cause hardship. You can't tax waste unless there is established laws in place. There are none. The cost of monitoring and regulating Mediowaste will be taxing on the States budget and regulatory personnel. Are you prepared to place a paid State employee to monitor compliance for the site?

Just by truck traffic alone Basin Road and other feeders will see approximately 40 additional 53 foot fully laden Hazardous Material loads monthly. They will see additional roll-offs of incinerated materials outgoing. The cost to road infrastructure will require additional record keeping to document mileage, fuel use and fleet compliance. The site is too small to store all of the proposed trailers awaiting processing. By law no Hazardous materials may be stored outside their facility. (Federal Motor Carrier 397) Unauthorized access to the facility is secured

by fencing, a closed-circuit television (CCTV) camera system, **and lights to illuminate the areas during the day and night.** Pahrump is a no light pollution at night community. This has not been addressed by the applicant.

3.No secured disposal destination for the facility's waste byproduct. The Pahrump Landfill has stated on the record, at NDEP's own July 7, 2026 public hearing, that it will not accept the facility's ash byproduct. This is by Title 8 Ordinance 516. Nevada's only hazardous waste landfill, US Ecology Nevada in Beatty, has stated it does not accept bio-hazardous or dioxin-containing waste. No alternative destination for this material has been confirmed. A permit should not be finalized for a facility whose waste stream has nowhere confirmed to go. In addition, vehicles on the premises must be treated as Hazardous Materials until which time they are not. Nowhere does it state Hazardous Materials cleanup of totes used to move the waste.

Waste will arrive at the facility via enclosed 53-foot-long tractor trailers. Within the trailers, **waste will be contained in closed, gaylord containers** or polypropylene bags with two layers of additional packaging. Upon delivery at the facility, waste containers will be staged until ready to be processed.

4.3 Processing Units

The facility will consist of seven (7) processing units. The proposed process is one that converts solid medical waste into hydrated ash using high temperatures. **No water is reported to be required for the process and the facility states that no wastewater is generated from the process itself.** How are they going to disinfect these containers? They didn't address all of the issues of water usage.

4.Formal, documented local opposition from the agency responsible for our water supply. The Nye County Water District, the governing body responsible for the community's water system, formally protested this facility at its April 14, 2026 board meeting. Its General Manager stated on the record that the district did not support the facility's creation and cited strong public protest against a facility that would create metric tons of waste in an area with a vulnerable aquifer.

4.2 Surface water

No water courses are found near or on the facility site. The site is relatively flat topographically, and **stormwater runoff within the fence line generally flows to the north along the asphalt surface**, on to native ground surface cover in the rear of the facility and eventually to the stormwater detention basin in the northwest corner of the property. The areas surrounding the backside of the property (behind the gated entrance) will be graded to provide appropriate containment measures of stormwater.

4.6 Stormwater Run-off Control Systems and Groundwater

The property contains existing stormwater management features that will be utilized and maintained for facility operations and prevent groundwater contamination. Stormwater runoff within the fence line generally flows to the north along the asphalt surface, on to native ground surface cover in the rear of the facility and eventually to the stormwater detention basin in the northwest corner of the property.

In 1993, 1997, 2013, 2024, 2025, record floods occurred in Pahrump. Bob Rudd Community Center was flooded 3 feet over parking lot. The floor and structural damages have been addressed multiple times.

A new flood wall is being constructed by FEMA at the governmental Complex less than 1000 feet west from this address on Basin Road. The wall is to address **numerous floods** and millions of dollars in damages that resulted from. The wall project extends from just north of the Animal Control facility on Siri Lane to Basin Road. This includes the Sheriff's office, Nye County Courthouse, Assessors Office, Treasurers Office, Nye County Emergency management facility, and County Jail. Well over ¼ of a mile of flood mitigation infrastructure protection. It includes the drainage ditch you referred in your surface water facts. Water courses down Basin Road and lifts the asphalt up as its pressure works under the road. **Any contamination containment would need to address no water leaving the site during a storm. The property isn't big enough to provide that containment.** Simple grading of soils will not hold the amount and forces seen in a significant rain amount. We often see boulders over 15 inches in diameter rolling down the roadway and mud and debris which require loaders, dump trucks and debris removal. NDOT would be a beneficial source of information, they spend millions to mitigate our floods. Your August 2026 fact sheet did not do its due diligence.

To quote facts, they claim there is MediWaste's truth, and there is my truth. Actually, there is only one truth. I have been a resident for over 37 years. I am a weather spotter for the National Weather Service. I also documented weather and logged on a computer using a Capricorn Weather Station with one second accuracy all the weather in Pahrump. I also used the Nuclear Repository computer system to compute rainfall on the fan of Basin 162 on 17 watershed areas, including infiltration, from Johnnie, Nevada to Carpenter Canyon on Eastern Pahrump and Highway 160. The total gallonage is computed in 1-to-6-inch rainfall totals in one hour. I also report and monitor weather directly to Nye County Emergency Management Director Scott Lewis.

Again, I will state there is my truth. The water flowing down Basin Road cannot be contained to this property without a substantial floodwall which would need FEMA and Army Corps approval. **There is an identified flooding issue through this property and needs to be addressed to insure no Basin 162 contamination during large rainfall event.** Just a short distance from the governmental buildings is an old pit racetrack. Every large rainfall required pumping out the entire facility including bleachers and announcers building. Proof positive large volumes of water flow from the mountain fan and cross this area as a sheet flood.

Sewage treatment from this facility must also be addressed to ensure no contamination of effluent discharged from this plant. Washoe and Clark County have already identified an issue of pharmaceutical drug contamination above allowed levels in a recently released document. To simply state there will be no water used in the process is insufficient to ensure that all water use is addressed and identified. Each must be in writing to ensure compliance to factual measurement and standard operating procedures. Proper handling of water entering the sewage system must be addressed as well. Any introduction must be addressed in writing to ensure compliance. Any addition remediation must be addressed on a financial responsibility as well. It should not be the responsibility of the ratepayers to comply to stricter standards of waste water treatment just because MediWaste was allowed to operate in Pahrump.

Additionally, any discharge of the sprinkler system must be contained on the property. This can lead to a contamination issue and must be addressed. More pollution is caused in the United States by adding water to a fire.

5.Overwhelming, sustained public opposition. At NDEP's July 7, 2026 public hearing, roughly two dozen residents spoke, and not a single speaker supported the facility. NDEP's own count shows 334 public comments and 13 separate requests for a public hearing were submitted on this permit — among the highest levels of public opposition to any facility permit reviewed by this office. On June 16, 2024 BOCC meeting a presentation was made by legal counsel Mark H. Florentino. Responses included “I’m not 100 %”, “The laws in Nevada allow us to bring it here and make more money”, “no intent to mislead”, “there are no emissions from this process”, “the more we process, the more profitable we become”, “we do not intend to add containment to the building. The owner is not going to make any improvements to the structure, for reason of product to be incinerated we need the ventilation.” Since that meeting, every public comment period has been flooded with concerned constituents asking for the responsible boards to keep MediWaste from coming to Pahrump. This is with good reason; the company was not transparent with Pahrump. When Dr. Villamagna tried to explain there was nothing to be concerned about in his presentation, in the same breath he also stated this he has never done this at full scale and it has only been done in small test machines. We have a right to be concerned. This is our community, not his. 80% of our population came here to retire and live in a clean community.

6.Apparent noncompliance with the applicant’s conditions of approval for the CUP obtained April 10, 2024. Nye County's 2024 Conditional Use Permit for this site required MediWaste to obtain an approved CAT II Site Development Plan within 6 months. Provide an initial update at 6 months, before any activity could take place on the property, with a deadline of October 9, 2024. MediWaste's own September 23, 2025 compliance filing with the county states its intent to pursue county permitting only after NDEP permits were issued — an admission that this condition was not met on schedule. A state permit should not move forward for a facility that has not demonstrated compliance with its own local land-use

approval. Furthermore, every presentation has a new set of facts. For this reason, all levels of compliance for this permit must be in writing.

7. Emissions and dust data not based on this facility, this waste stream, or this location. The technical data supporting the permit's air quality and dust control provisions comes from other facilities operating at different scales in California and Texas, and from a 1998 EPA cement-kiln study for fugitive dust — not from testing conducted at this site, with this equipment, processing this waste stream. Pahrump residents deserve permit conditions based on data specific to what will actually operate in our community. We need documented adherence standards. The regulations and stipulations must be in writing and not subject to change and redefinition to suit the applicant. The weather and winds in this valley can and will cause materials on site to become air borne. As stated by the applicants they have never entered into an operation like this. “Not an expert in this type of process”, “Never done this before”. These statements make us the ‘gunnie pigs ‘.

8. The Public Hearing was flawed in no environmental studies, no water study, no economic impact study, **no chemical analysis of “pyrolysis” on all products to be incinerated at a scale comparable to volume emissions**, no inclusion to HCl bearing chemicals and emission restrictions, no infrastructure assessment study was provided prior to the hearing. The public in Pahrump come from a diverse background of industry and education. To deny this documentation denied proper input on factual issues that directly affect our community. The denial of this information omitted step three of your process as presented in your presentation before public comment. As a Fire Department Hazardous Materials Specialist, I have mitigated numerous mistakes. These also include Biological Events. There is no mention in your permit of necessities to be addressed about biological pathogens and documentation of waste containing and handling procedures. The procedure must be addressed and documented procedures of identification and proper handling of such. The omission of this critical documentation is startling at best. This facility is in the middle of our community and deserves the best documentation of procedures, standard operation protocol and documented measurement automatically of all questionable areas of concern. The documentation must include procedures, documentation and proper response to

these incidents. To bring in a very unregulated medical waste into a community in a highly populated area of business' is unacceptable. To not discuss or document the biological concerns in the permit leaves a big void in compliance that needs addressed. The solid waste permit must address Biological, nuclear, and chemical concerns, not just the importation of medical waste as a generic subject.

Additionally, the long-term storage in unrefrigerated environment will exacerbate any biological pathogen and possibly cause expansion of containment devices. Off gassing and volumetric expansion of containment can and will cause release of product. Ask any garbage collection services. Trash bags expand with such force they often leak contents during the summer months. Storage of trailers and material awaiting processing becomes a concern not addressed with our summer temperatures. Inside temperature often reach 150 to 175 degrees. We'll will put diking under the trailers for spillage is not acceptable. How are they going to handle the cleanup of leaking materials from trailers. Any good driver who works with trailers knows floors often have boards that have gaps and can see the outside ground from inside. Medical waste requires the producer to meet standards of disposal before insertion into the waste stream. MediWaste is simply profiting from a service of removal without destination finality. A transporter and final disposal entity.

I equate this lack of reporting and the blocking of crucial evidence to not providing full disclosure for a court hearing. It's like asking the jury for a verdict before any evidence has been presented. I have asked both Texas and California for documentation and was blocked by statements of confidentiality. Likewise, your release of information has key documents unable to be read or downloaded. The citizens of this State deserve better. To ask us to appeal with little disclosure is a violation of judicial procedure. It is like you expect us to do your work. It is because of our materials and expertise numerous procedures and processes came to be questioned and already have been changed. I charge you with the responsibility to document and require all issues be resolved before proceeding. Our community does not want this here. Mandate moving it to the Technology area near Virginia City. The evidence we have suggests they are providing the facts and no additional investigation has occurred.

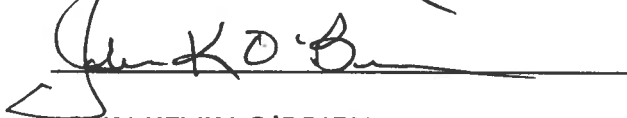
9. I question how I can make a complete and meaningful review, comment upon or challenge an operating standard, safety plan, threshold or procedure that hasn't even been written and approved yet? The processes keep changing with the applicant. I believe we should have additional review process time for each additional change until all parties have a permit with all questions answered. This applies to allowed materials to be processed, storage issues, site flood water mitigation, ground water contamination, emissions and particulate containment, fire sprinkler use, wash down procedures of facility, washing totes, house keeping removal of trash and materials spillage, site security requirements, what happens if radiation limits are exceeded, required studies to be provided by applicant, what happens if prohibited materials are uncovered in unloading and other issues.

10. Emergency response agencies do not have the resources or manpower to handle any major incident. The current staffing and resources are inadequate at best. Any response would cripple other community incidents. Most firefighters are required to work multiple overtime shifts to cover staffing now. Training is another issue. Most firefighters with credentials have left for other departments offering higher wages and less hours. Polling firefighters most only have credentials for initial response. Mitigation level would require additional training and resources.

REQUESTED ACTION

I respectfully request that the State Environmental Commission stay the effective date of Permit SW1900REV00, and either remand it to NDEP for further review addressing the concerns above, or hold a hearing at which these issues can be fully considered before this facility is permitted to operate in our community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John K O'Brien", is written over a horizontal line. The signature is stylized with a large initial "J" and a prominent "O".

JOHN KEVIN O'BRIEN

jobriennevada@gmail.com

775-513-8889