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September 18, 2026

VIA EMAIL AND CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Sheryl Fontaine
Executive Secretary State Environmental Commission
901 South Stewart Street, Ste 401
Carson City, NV 89701

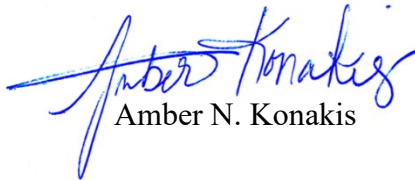
***Re: Appeal of Medical Waste Treatment Facility Permit: Permit No.
SW1900REVOO MediWaste Disposal LLC - Petition for Leave to Intervene***

Dear Ms. Fontaine:

Please accept for filing with the Nevada State Environmental Commission the attached Petition for Leave to Intervene, filed on behalf of MediWaste Disposal LLC, in the aforementioned action regarding the appeal of Medical Waste Treatment Facility Permit No. SW1900REVOO, issued to MediWaste Disposal LLC.

Sincerely,

KAEMPFER CROWELL



Amber N. Konakis

ANK/

Enclosure: Petition for Leave to Intervene

cc: MediWaste Disposal LLC

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*Attorneys for Intervenor
MediWaste Disposal LLC*

BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

In Re:

Appeal of Medical Waste Treatment Facility
Permit: Permit No SW1900REV00 MediWaste
Disposal LLC

**PETITION FOR LEAVE TO INTERVENE
(Pursuant to NAC 445B.8915)**

MediWaste Disposal LLC, a Nevada limited liability company (“MediWaste”), by and through its counsel, KAEMPFER CROWELL, LTD., hereby petitions the Nevada State Environmental Commission (“Commission”) for leave to intervene in the above-captioned matter, in which Cheryl and Raymond Varkalis, Ruth Matthew, and John O'Brien, and A. J. Brown (collectively, the Appellants), challenge Medical Waste Treatment Facility Permit Number SW1900REV00, pursuant to Nevada Administrative Code (“NAC”) 445B.8915.

This petition for leave to intervene (“Petition”) sets forth a statement of MediWaste’s direct and substantial interest in the proceeding as the permittee under the challenged permit as well as all other information required under NAC 445B.8915. MediWaste respectfully requests that the Commission grant its petition and issue an order allowing the requested intervention, permitting MediWaste to: (1) fully participate in Appellants’ requested appeal hearing, including the opportunity to present evidence and witnesses pursuant to NAC 445B.8914; (2) participate in any prehearing conferences held pursuant to NAC 445B.8913; (3) participate in briefing procedures

1 and submit a responsive brief to the Commission with written argument regarding the merits of
2 the respective appeal(s) of each Appellant.

3 **I.**

4 **THE COMMISSION SHOULD GRANT MEDIWASTE’S PETITION SEEKING LEAVE**
5 **TO INTERVENE.**

6 **A. Standard for Intervention.**

7 A non-party to a Commission proceeding may file with the Commission a written petition
8 for leave to intervene, pursuant to NAC 445B.8915(1), where the non-party “believes that [it] may
9 be directly and substantially affected by the proceeding.” Such a petition must be filed with the
10 Commission within ten (10) calendar days after the relevant notice of appeal is filed and must
11 include all of the following:

- 12 (a) Identify the proceeding in which the petitioner requests leave to intervene;
- 13 (b) Set forth the name and address of the petitioner and, if the petitioner is represented
14 by an attorney or other authorized person, the name, address and telephone number of the attorney
15 or other authorized person;
- 16 (c) Contain a clear and concise statement of the direct and substantial interest of the
17 petitioner in the proceeding;
- 18 (d) Set forth the manner in which the petitioner will be affected by the proceeding; and
- 19 (e) Include a statement indicating whether or not the petitioner intends to present
20 evidence in the proceeding.

21 *NAC 445B.8915(2)(a)-(e).*

22 The information required under NAC 445B.8915(2)(a)-(b) is provided above and
23 requirements (c)-(e) is provided below.

24 **B. Substantial Interest of the Petitioner & Satisfaction of NAC 445B.8915(2)(a)-(e).**

25 MediWaste has a direct and substantial interest in the proceeding as the applicant and
26 permittee of Medical Waste Treatment Facility Permit Number SW1900REV00. Therefore,
27 MediWaste will be substantially affected by the Commission’s decision in this proceeding and

1 suffer direct harm due to operational delays and costs that would arise if the permit authorization
2 is overturned as a result of this proceeding.

3 **C. Additional Information Regarding Petitioner & Project.**

4 1. MediWaste Disposal LLC is a California entity qualified to do business in
5 the State of Nevada.

6 2. MediWaste is a specialty waste management company that provides
7 medical waste disposal and compliance services for healthcare facilities and other organizations
8 and focuses on safe, reliable, and regulatory-compliant handling of medical and hazardous waste.

9 3. The Vulcan Medical Waste Treatment Facility (“Vulcan Project” or
10 “Project”) would be composed of a new regional medical waste treatment facility in Pahrump,
11 Nevada, designed to thermally treat regulated medical waste and process the medical waste and
12 other approved special wastes through a pyrolysis technology system, subject to comprehensive
13 environmental monitoring, financial assurance, operational controls, and regulatory oversight.

14 4. MediWaste’s planning, including through the permitting stage, for the
15 Vulcan Project has required MediWaste to invest significant time and resources. The resulting
16 NDEP permit approval for the Vulcan Project represents the culmination of extensive planning,
17 permitting, engineering design, environmental review, and compliance work by MediWaste, and
18 will serve public policy by satisfying a current need for medical waste disposal.

19 5. Pursuant to NAC 445B.8915(2)(b), MediWaste’s principal place of
20 business, mailing address, and telephone number are as follows:

21 MediWaste Disposal LLC
22 1850 East Basin Avenue
23 Pahrump, Nevada 89060
24 855-449-6334
25 info@medi-waste.com

26 ///

27 ///

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1 6. Pursuant to NAC 445B.8915(2)(b), the name, mailing address, and telephone
2 number for MediWaste's counsel with respect to this Petition are as follows:

3 Kaempfer Crowell, Ltd.
4 Sihomara Graves
5 Amber Konakis
6 50 W. Liberty Street, Ste. 1100
7 Reno, Nevada 89501
8 sgraves@kcnvlaw.com
9 akonakis@kcnvlaw.com

10 **D. Additional Information Regarding Challenged Permit.**

11 On April 2, 2026, MediWaste submitted an initial application with the with Nevada
12 Department of Conservation and Natural Resources, Division of Environmental Protection,
13 Bureau of Mining Regulation and Reclamation ("NDEP") for a Solid Waste Management Facility
14 Permit for the Project. On August 31, 2026, NDEP issued Medical Waste Treatment Facility
15 Permit No. SW1900REV00 ("Permit") to MediWaste Disposal LLC to construct and operate the
16 Project in accordance with the terms, requirements, and conditions, including express pre-
17 operational conditions, of the Permit.

18 **E. Petitioner's Timely Submission.**

19 Following issuance of the Permit on August 31, 2026, Appellants each submitted a "Form
20 3" filing to the Commission, on or about September 8, 2026, and September 9, 2026, requesting
21 an appeal hearing with regard to the Permit pursuant to NAC 445B.890 ("Notice(s) of Appeal"),
22 arguing that NDEP's decision to issue the Permit was arbitrary and capricious or characterized by
23 an abuse of discretion, clearly erroneous, and affected by other error of law.

24 Pursuant thereto, MediWaste hereby petitions the Commission for leave to intervene in this
25 appeal proceeding. See NAC 445B.8915(2)(a). This Petition is filed within ten (10) calendar days
26 of the submission(s) of the Notice(s) of Appeal and is therefore timely pursuant to NAC
27 445B.8915(2).

28 **F. Petitioner Has a Direct and Substantial Interest at Risk of Impairment.**

29 Appellants, via the Notice(s) of Appeal, challenge the Permit, which is necessary for
30 MediWaste to construct and operate the Project, giving rise to MediWaste's clear, direct, and

1 substantial interest in the outcome of the proceeding currently before the Commission pursuant to
2 NAC 445B.8915(2)(c). Appeal proceedings jeopardize both MediWaste's valid and existing rights
3 and financial interest in the Permit pursuant to NAC 445B.8915(2)(d).

4 MediWaste's interest in the continued validity of its Permit is significantly-protectable,
5 statutorily-recognized, and protected as a matter of Due Process. NDEP issued the Permit to
6 MediWaste pursuant to NRS 444, including subsections 444.640 through 444.6765, and the Permit
7 may only be "revoked or suspended if written notice is given by the solid waste management
8 authority and the disposal site does not remain in compliance with the applicable statutes and
9 regulations" as provided in NRS 444.643. Thus, as the Permittee and owner of the Permit required
10 to operate the Project, MediWaste has a protectable interest in the Permit and a right to be heard
11 in any proceeding challenging it. See, e.g., *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825,
12 837 (9th Cir. 1996) (to demonstrate a sufficient interest related to the subject of the current action
13 in the context of FRCP Rule 24(a)(2) intervention, the petitioner must establish a significantly
14 protectable interest that has some relationship with the claims at issue); *Buckingham v. Sec'y of*
15 *U.S. Dep't of Agric.*, No. 307CV00073BESRAM, 2009 WL 10691087, at *11-12 (D. Nev. Mar.
16 12, 2009), *aff'd sub nom. Buckingham v. Sec'y of U.S. Dep't of Agr.*, 603 F.3d 1073 (9th Cir. 2010)
17 (concluding that a permittee appears to have a legitimate claim of entitlement to the continued
18 possession of an existing permit due to regulatory restraints on the [agency's] discretion to cancel
19 an existing permit and supporting that for purposes of Due Process a party has a protected property
20 interest in the duration of a permit).

21 MediWaste also has a clear financial interest in this proceeding because it threatens both
22 its substantial investment in the Project and the Project's anticipated revenue. See *Ass'n of Pub.*
23 *Agency Customers v. Bonneville Power Admin.*, 733 F.3d 939, 951 (9th Cir. 2013) (the threat of
24 economic injury is a legally protected interest warranting intervention as of right under FRCP
25 24(a)(2)). MediWaste has a significantly protectable interest in its authorized Plan of Operations,
26 and the Permit must remain valid for MediWaste to construct and operate the Project. MediWaste
27 intends to proceed under its existing rights under the Permit. Further, the Project is important not

1 only to MediWaste's economic interests but also to local, state, and national interests in access to
2 necessary medical waste disposal services.

3 The Commission's decision could substantially affect MediWaste's interests. See NAC
4 445B.8915(2)(d). If Appellants' challenge requires NDEP to conduct additional analysis before
5 reissuing the Permit, the resulting delay could impair MediWaste's rights under the Permit, impose
6 substantial costs, jeopardize its investment, and postpone needed medical waste disposal services.
7 See *Sw. Ctr for Biological Diversity v. Berg*, 286 F.3d 810, 822 (9th Cir. 2001) (in assessing
8 impairment under FRCP 24(a)(2), the Ninth Circuit follows the advisory committee's guidance
9 that "[i]f an absentee would be substantially affected in a practical sense by the determination
10 made in an action, he should, as a general rule, be entitled to intervene."). Even a brief delay in
11 development and future operations would severely prejudice MediWaste.

12 **G. Granting Petitioner's Intervention is in the Public Interest.**

13 As mentioned above, granting MediWaste's intervention serves the public interest. Beyond
14 the significant and irreparable harm to MediWaste, vacating the Permit or substantially delaying
15 the Project's operation could harm the public because medical waste disposal is critical to Nevada,
16 California, and the other markets throughout North America that the Project intends to serve.
17 Either outcome would impose significant economic harm on the public and markets in need,
18 particularly given the extensive environmental study, review, and mitigation undertaken for the
19 Project.

20 **H. Granting Petitioner's Intervention Will Not Unduly Burden the Issues.**

21 Further, granting the Petition will not unduly broaden the issues or prejudice any party to
22 the proceeding as the Appellants have challenged the Permit. See NAC 445B.8915(3). MediWaste
23 only seeks to defend its rights under the Permit by responding to the challenges of the Appellants
24 and their respective arguments and does not intend to expand the issues beyond those raised in
25 Appellants' Notice(s) of Appeal. As this Petition is timely filed and MediWaste's participation
26 will be in compliance with the dates and deadlines currently set, MediWaste's participation will
27 not delay the proceedings or require the Commission to alter the existing schedule.

1 Accordingly, the Commission should grant MediWaste's Petition, allowing MediWaste to
2 participate fully in the proceedings, defend its rights under the challenged Permit, and protect the
3 Permit's validity and MediWaste's substantial investment in the Project.

4 **I. Petitioner Intends to Present Evidence.**

5 Finally, pursuant to NAC 445B.8915(2)(e), MediWaste intends to present evidence in the
6 proceeding as needed to defend its direct and substantial interests in the Permit.

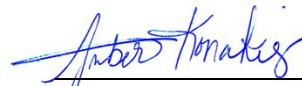
7 **II.**

8 **CONCLUSION & RELIEF.**

9 MediWaste respectfully requests that the Commission grant this Petition for Leave to
10 Intervene and issue an order allowing intervention, which permits MediWaste to fully participate
11 in any and all proceedings, briefing, and the presentation of evidence and witnesses related to the
12 Notice(s) of Appeal and this appeal proceeding.

13 Dated and respectfully submitted this 18th day of September, 2026.

14
15 KAEMPFER CROWELL

16 

17 _____
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21 *MediWaste Disposal LLC*
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