

1 **BEFORE THE STATE OF NEVADA**
2 **STATE ENVIRONMENTAL COMMISSION**

3 In Re:

4 Appeal of Medical Waste
5 Treatment Facility Permit:
6 Permit No. SW1900REV00
7 MediWaste Disposal LLC

**NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION'S
RESPONSE TO APPELLANT'S
MOTION TO CLARIFY AND LIMIT
THE SCOPE OF INTERVENTION,
EVIDENCE, AND ARGUMENT**

8 Respondent, State of Nevada, *ex rel.* Nevada Division of Environmental Protection,
9 by and through counsel, AARON D. FORD, Attorney General, and KATIE S. ARMSTRONG,
10 Senior Deputy Attorney General, files this Response to Appellant A.J. Brown's
11 ("Appellant") Response and Motion to Clarify and Limit the Scope of Intervention,
12 Evidence, and Argument. This Response is based on the attached Memorandum of Points
13 and Authorities and all pleadings and exhibits on file.

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16 On September 18, 2026, MediWaste Disposal LLC ("MediWaste") petitioned the
17 State Environmental Commission ("SEC") for Leave to Intervene in the instant matter. By
18 Order dated September 21, 2026, the SEC granted MediWaste's Petition for Leave to
19 Intervene indicating that MediWaste has a direct and substantial interest in the appeal as
20 it's the named operator of Permit No. SW1900REV00, which is the subject of this appeal;
21 therefore, MediWaste will be directly affected by a decision made by the SEC. Appellant
22 then filed a Response to the Petition for Leave to Intervene and Motion to Clarify and Limit
23 the Scope of Intervention, Evidence, and Argument.

24 **II. ARGUMENT**

25 MediWaste has met its burden of establishing a direct and substantial interest
26 in this Appeal and, as operator of the Permit at issue, a decision made by the SEC in
27 this matter will directly affect MediWaste. Thus, NDEP has no objection to MediWaste's
28 Petition for Leave to Intervene and the SEC's Order Granting Intervention.

1 Pursuant to NAC 445B.8915(3), the SEC may grant leave to intervene and allow
2 participation in the proceedings with respect to the matters set forth in the petition. This
3 provision does not allow the SEC to limit MediWaste's scope of intervention as alleged by
4 Appellant. Any limitation of the scope of intervention, outside the general scope of the
5 appeal being limited to the record below, NDEP opposes.

6 Once granted intervention, MediWaste is considered a party to the proceedings and
7 is granted the same procedural and substantive rights as original parties to protect their
8 interests. MediWaste can introduce evidence, submit pleadings, and make legal arguments.
9 In addition, MediWaste indicated in the Petition for Leave that they only seek to defend
10 their rights under the Permit by responding to Appellants' allegations and do not intend to
11 expand the issues beyond those raised in the Notice(s) of Appeal.

12 **III. CONCLUSION**

13 NDEP has no objection to the SEC's grant of intervention to MediWaste.
14 NAC445B.8915, provides MediWaste, as an intervenor, with the ability to fully participate
15 in the proceedings, including briefing, and the presentation of evidence and witnesses.
16 Thus, limiting the scope of intervention, evidence, and argument is not appropriate. As
17 such, NDEP requests the SEC deny Appellant's Motion.

18 DATED this 24th day of September 2026.

19 AARON D. FORD
20 Attorney General

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