

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of the revision to the DBOH Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.033 (Food Establishments)

1. The following constitutes a description of the manner in which comments were solicited from affected businesses and citizens, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(List all trade associations or owners and officers of businesses likely to be affected by the proposed rule that have been consulted).*

The Air Quality Management Division (AQMD) provided notice of a 30-day public comment period with the issuance of a press release on January 26, 2026. The public comment period was conducted between the dates of January 26, 2024, and February 26, 2026. The public comment period was additionally noticed via division website posting (OurCleanAir.com) and AQMD email subscription list.

In addition to the public comment period, a public workshop was conducted on February 24, 2026, from 3:00 – 4:00 p.m. to provide additional opportunities to provide input. The public workshop was noticed with the issuance of a press release on January 26, 2026, but was postponed from the original date of February 17 due to inclement weather. An additional press release was sent on February 17 indicating the new date and time of February 24, 2026 from 3:00-4:00 p.m. No public comments or a request for a public hearing were received.

A BIS survey was also linked within the January 26 and February 17 press releases. Two surveys were received.

2. The estimated economic effect of the proposed rule on businesses and citizens, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects: No adverse effects are anticipated at this time.

Beneficial effects: The proposed rule provides additional clarity to the local requirements in Chapter 030 (Stationary Sources) and Chapter 050.001 (Emergency Episode Plan). Definitions, specific recordkeeping requirements, and a clear delineation between a general permit and minor/major stationary source permit make these revisions beneficial.

For the majority of restaurants with solid fuel burning appliances, they will be subject to lower application fee (\$2,839 to \$647), lower annual maintenance fee (\$996 to \$373) and faster permitting (“up to 180 days” to “no later than 30 days”).

Direct effects: Restaurants that were previously permitted via a minor source permit without a solid fuel burning device will not need a general or minor source operating permit.

Indirect effects: No indirect effects are anticipated at this time.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and citizens and a statement regarding whether any, and if so, which of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business or citizen; and if applicable, modifying a fee or fine set forth in the rule so that business could pay a lower fee or fine).

There are no new fees or fee increases in the proposed rule revisions.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rules is:

There is no anticipated increase in annual cost to the local government for enforcement of the proposed rules.

5. The proposed rules provide for a new fee or increases, and existing fee and the total annual amount expected to be collected is:

There are no new fees or fee increases in the proposed rule revisions.

6. The money generated by the new fee or increase in existing fee will be used by the local government to:

There are no new fees or fee increases in the proposed rule revisions.

7. The proposed rule includes provisions that duplicate or are more stringent than federal, state, or local standards regulating the same activity. The following explains when such duplicative or more stringent provisions are necessary:

The proposed revisions to Section 040.033 include provisions that match local requirements, some of which are federally approved and enforceable; however, these updates are necessary to ensure full alignment with the region's PM10 Maintenance Plan, Chapter 050.001 (Emergency Episode Plan), and Chapter 030 (Source Permitting). Strengthened provisions help maintain compliance with established air quality commitments, provide clear authority during high-pollution episodes, and ensure consistent regulatory expectations across permitted sources. These measures are essential to protecting public health and sustaining attainment of the PM10 National Ambient Air Quality Standard.

8. The following constitutes an explanation of the reasons for the conclusions regarding the impact of the proposed rules on businesses:

There are no new fees or fee increases in the proposed rule revisions.

To the best of my knowledge or belief, the information contained in this statement is prepared properly and is accurate.

Chad Kingsley, MD/MBA, District Health Officer

Date

Attachment 2

Press Release (January 26, 2026)

NORTHERN NEVADA
Public Health
NEWSROOM

**WORKSHOP POSTPONED: NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED FOOD ESTABLISHMENTS
REGULATION REVISIONS**

Jan 26, 2026

Jan. 26, 2026. Reno/Sparks, Nev. – The Northern Nevada Public Health (NNPH) Air Quality Management Division (AQMD) is accepting comments on proposed revisions to the food establishment emissions regulation and stakeholder input on a business impact statement (BIS) survey.

Comments and survey responses will be accepted until 11:59 PM on Feb. 26, 2026. All comments **must include** first and last name, mailing address, and contact information. Your comments can be submitted in the following ways:

- Email to AQMDPlanning@nnph.org.
- Mailed or dropped off to the AQMD office at 1001 E. 9th St., Reno, NV 89512.
 - [See AQMD drop box location and information](#)

The proposed revisions and BIS survey are for "Prohibited Emissions" under District Board of Health (DBOH) Regulations governing Air Quality Management, Chapter 040, and are currently available on the AQMD website, OurCleanAir.com, on the "Public Outreach" page. The BIS Survey can be found [here](#).

A public workshop will be hosted by AQMD on Feb. 17, 2026 from 3-4 p.m., and will include a presentation regarding the revisions made and an opportunity for questions. The public workshop will be hybrid via Microsoft Teams and can be attended virtually ([register here](#)), or in-person in the NNPH Conference Rooms A & B located in Building B at 1001 E. 9th St., Reno, NV 89512.

[REGISTER FOR WORKSHOP – FEB. 17, 2026](#)

The Chapter 040 revisions were initiated due to revisions of DBOH Regulations Governing Air Quality Management Chapters 030, adopted by the DBOH on Sept. 26, 2024, and 050, adopted by the DBOH on July 22, 2021.

The existing food establishments regulation has not been revised since 1993. The revisions detail general provisions, definitions, applicability, administrative requirements, and compliance and records. Updates to local, state, and federal regulations references are also incorporated in the revisions.

[Sign up for Air Quality Updates in Washoe County here](#)

For more information regarding the Northern Nevada Public Health's Air Quality Efforts, visit the AQMD's website at OurCleanAir.com.###

Northern Nevada Public Health (NNPH) is nationally accredited by the Public Health Accreditation Board and has jurisdiction over all public health matters in Reno, Sparks, and Washoe County through the policy-making District Board of Health. NNPH consists of five divisions: Administrative Health Services, Air Quality Management, Community and Clinical Health Services, Environmental Health Services and Population Health. [More info can be found here](#).

Attachment 3

Press Release (February 17, 2026)

NORTHERN NEVADA
Public Health
NEWSROOM

**WORKSHOP POSTPONED: NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED FOOD ESTABLISHMENTS
REGULATION REVISIONS**

Feb 17, 2026

Editor's Note: The below press release was distributed Jan. 26, 2026 with a planned workshop for today, Feb. 17, 2026. Due to inclement weather, this workshop has been rescheduled for Tuesday, Feb. 24, 2026 from 3-4 p.m.

Jan. 26, 2026. Reno/Sparks, Nev. – The Northern Nevada Public Health (NNPH) Air Quality Management Division (AQMD) is accepting comments on proposed revisions to the food establishment emissions regulation and stakeholder input on a business impact statement (BIS) survey.

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The existing food establishments regulation has not been revised since 1993. The revisions detail general provisions, definitions, applicability, administrative requirements, and compliance and records. Updates to local, state, and federal regulations references are also incorporated in the revisions.

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Attachment 4

“As Revised” Version of the Rule

CHAPTER 040 – PROHIBITED EMISSIONS

040.033 FOOD ESTABLISHMENTS (Adopted 1/90, Amended 12/15/93, Revised XX/XX/26)

~~Food establishments operating devices to cook food that emit more than two (2) pounds per day of air emissions, must obtain a Permit to Operate. Whenever there is a change of ownership, significant equipment modification, or new construction, establishments with emissions exceeding ten (10) pounds per day must apply Best Available Control Technology (BACT). All restaurants exceeding 20 pounds/day must meet the BACT requirement no later than July 1, 1994. BACT may include, but is not limited to, the use of grooved griddles, exhaust control, mist eliminator systems, etc. Emissions will be calculated using the latest available emission factors for this source and all emissions will be considered, including, but not limited to PM₁₀, CO, VOCs, and NO_x.~~

SECTION A – GENERAL PROVISIONS

1. **PURPOSE.** *To limit particulate matter emissions into the ambient air from solid fuel burning operations in food establishments.*
2. **APPLICABILITY.** *The provisions of this section shall apply to any food establishment operations using solid fuel equipment for cooking.*

SECTION B - DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of PART 040.033. When a term is not defined in these paragraphs, it shall have the meaning given in the District Board of Health Regulations Governing Air Quality Management (DBOH) CHAPTER 040, PARTS 030.100 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

FOOD ESTABLISHMENT *means a commercial facility that provides food to the public.*

PARTICULATE MATTER *means any material, except uncombined water such as water vapor and water droplets, which exist in a finely divided form as a solid or liquid at reference conditions, with an aerodynamic diameter smaller than one hundred (100) micrometers.*

PM_{2.5} *means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or μ) as measured by a reference method based on 40 Code of Federal Regulations (CFR) PART 50 Appendix L and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR PART 53.*

SOLID FUEL *means a fuel used for cooking that consists of wood or coal.*

SO₂ *means sulfur dioxide.*

SECTION C – APPLICABILITY

1. **GENERAL PERMIT.** *A food establishment that burns solid fuel for cooking food requires a general permit in accordance with PART 030.100 unless the food establishment:*
 - a. *Is part of a facility that has other emission units subject to minor or major source permitting*

in accordance with DBOH 030.200 and DBOH 030.500, respectively.

- b. Has a consumption rate greater than best systems of control emission thresholds of ten (10) tons per year of PM_{2.5} for wood (575 tons of wood; equivalent to 460 cords) and forty (40) tons per year of sulfur dioxide (SO₂) for coal (2,000 tons of coal). Facility would require a minor source permit in accordance with DBOH 030.200.*

SECTION D - ADMINISTRATIVE REQUIREMENTS

- 1. CHANGE OF OWNERSHIP OR SIGNIFICANT EQUIPMENT MODIFICATION.** *The Control Officer or their representative shall be notified, in writing, prior to any change of ownership, significant equipment modification, or new construction per DBOH 030.000.C.2 and 030.100.J.*

SECTION E - COMPLIANCE AND RECORDS

- 1. CURTAILMENT OF BURNING DURING EMERGENCY EPISODES.** *Should a Stage 2, Stage 3, or Stage 4 emergency episode be declared by the Control Officer or their representative, the food establishment shall comply with a commercial solid fuel burning curtailment if the Control Officer or their representative deems commercial solid fuel burning to be contributing to the emergency episode per DBOH 050.001.C.2.*
- 2. VISIBLE EMISSIONS.** *No person may permit emissions from the stack or exhaust of a solid fuel cooking equipment to exceed an opacity reading no greater than 20% for a period or periods aggregating more than six (6) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt per DBOH 030.000 B.5.*

Attachment 5

“As Proposed” Version of the Rule

CHAPTER 040 – PROHIBITED EMISSIONS

040.033 FOOD ESTABLISHMENTS (Adopted 1/90, Amended 12/15/93, Revised XX/XX/26)

SECTION A – GENERAL PROVISIONS

1. PURPOSE. To limit particulate matter emissions into the ambient air from solid fuel burning operations in food establishments.
2. APPLICABILITY. The provisions of this section shall apply to any food establishment operations using solid fuel equipment for cooking.

SECTION B - DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of PART 040.033. When a term is not defined in these paragraphs, it shall have the meaning given in the District Board of Health Regulations Governing Air Quality Management (DBOH) CHAPTER 040, PARTS 030.100 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

FOOD ESTABLISHMENT means a commercial facility that provides food to the public.

PARTICULATE MATTER means any material, except uncombined water such as water vapor and water droplets, which exist in a finely divided form as a solid or liquid at reference conditions, with an aerodynamic diameter smaller than one hundred (100) micrometers.

PM_{2.5} means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or μ) as measured by a reference method based on 40 Code of Federal Regulations (CFR) PART 50 Appendix L and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR PART 53.

SOLID FUEL means a fuel used for cooking that consists of wood or coal.

SO₂ means sulfur dioxide.

SECTION C – APPLICABILITY

1. GENERAL PERMIT. A food establishment that burns solid fuel for cooking food requires a general permit in accordance with PART 030.100 unless the food establishment:
 - a. Is part of a facility that has other emission units subject to minor or major source permitting in accordance with DBOH 030.200 and DBOH 030.500, respectively.
 - b. Has a consumption rate greater than best systems of control emission thresholds of ten (10) tons per year of PM_{2.5} for wood (575 tons of wood; equivalent to 460 cords) and forty (40) tons per year of sulfur dioxide (SO₂) for coal (2,000 tons of coal). Facility would require a minor source permit in accordance with DBOH 030.200.

SECTION D - ADMINISTRATIVE REQUIREMENTS

1. CHANGE OF OWNERSHIP OR SIGNIFICANT EQUIPMENT MODIFICATION. The Control Officer or their representative shall be notified, in writing, prior to any change of ownership, significant equipment modification, or new construction per DBOH 030.000.C.2 and 030.100.J.

SECTION E - COMPLIANCE AND RECORDS

1. CURTAILMENT OF BURNING DURING EMERGENCY EPISODES. Should a Stage 2, Stage 3, or Stage 4 emergency episode be declared by the Control Officer or their representative, the food establishment shall comply with a commercial solid fuel burning curtailment if the Control Officer or their representative deems commercial solid fuel burning to be contributing to the emergency episode per DBOH 050.001.C.2.
2. VISIBLE EMISSIONS. No person may permit emissions from the stack or exhaust of a solid fuel cooking equipment to exceed an opacity reading no greater than 20% for a period or periods aggregating more than six (6) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt per DBOH 030.000 B.5.

Attachment 6

Business Impact Statement Survey/Response Report

BUSINESS IMPACT STATEMENT SURVEY

**for District Board of Health Regulations Governing Air Quality Management Chapter 040
(Prohibited Emissions), Part 040.033 (Food Establishments)**

- 1. Name?**
- 2. Email?**
- 3. How many people does your business employ (full time and part time)?**
 - a. 0 - 150 people**
 - b. 151 – 500 people**
 - c. Over 500 people**
- 4. Would the proposed regulation revision impose a direct and significant economic burden upon your business?**
 - a. Yes**
 - b. No**
 - c. Not Sure**
- 5. If your answer to Question 4 was yes, please explain how?**
- 6. Would the proposed regulation revision directly restrict the formation, operation or expansion of your business?**
 - a. Yes**
 - b. No**
 - c. Not Sure**
- 7. If your answer to Question 6 was yes, please explain how?**
- 8. Please estimate the total annual impact the proposed regulation revision will have on your business.**
 - a. No Impact**
 - b. \$100 - \$1,000**
 - c. \$1,001 - \$5,000**
 - d. \$5,001 - \$10,000**
 - e. Over \$10,000**
- 9. If you reported a fiscal impact on Question 8, please detail how you arrived at the range selected.**

View results

Respondent

1

Anonymous

06:11

Time to complete

1. What is your name? *

Matthew Harris

2. What is your email address? *

[Redacted]

3. How many people does your business employ (full-time and part-time)? *

- 0-150 people
- 151-500 people
- Over 500 people

4. Would the proposed regulation revision impose a direct and significant economic burden? *

- Yes
- No
- Not Sure

5. If your answer to Question 4 was yes, please explain how.

Economic burden is hard to quantify and the proposed regulations are an overreach and frankly a waste of staff time and tax payer attention.

6. Would the proposed regulation revision directly restrict the formation, operation, or expansion of your business? *

- Yes
- No
- Not Sure

7. If your answer to Question 6 was yes, please explain how.

Wood or coal fired foods are a natural ways of cooking and any attempt to reduce the opportunity shouldn't be considered for the minuscule amount of supposed air impacts.

8. What is the estimated total annual impact the proposed regulation revision will have on your business? *

- No Impact
- \$100 - \$1,000
- \$1,001 - \$5,000
- \$5,001 - \$10,000
- Over \$10,000

9. If you reported a fiscal impact on Question 8, please detail how you arrived at the range selected.

The cost of alternative equipment for a just in case issue isn't a good plan. This is just another thing stacking up the costs for small food businesses.

From: [KeepItClean](#)
To: [REDACTED]
Subject: BIS Survey Response
Date: Monday, March 9, 2026 8:42:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear Matthew,

Thank you for taking the time to complete the Business Impact Statement (BIS) survey. We appreciate your participation and the information you provided. Your response will be included in the District Board of Health (DBOH) staff report for the BIS and the associated rule adoption process. In addition, your input will be incorporated into the State Implementation Plan (SIP) submittal to the Nevada Division of Environmental Protection (NDEP), which will then be transmitted to the U.S. Environmental Protection Agency (EPA) for review.

Sincerely,



Keep It Clean

O: 775-784-7200
1001 E Ninth St. Bldg. B Reno, NV 89512

[NNPH.org](#) | [f](#) [f](#) [@](#) [X](#) [in](#)

[Click here to take our customer satisfaction survey](#)

View results

Respondent

2

Anonymous

10:56

Time to complete

1. What is your name? *

Clay Cobb

2. What is your email address? *

[Redacted]

3. How many people does your business employ (full-time and part-time)? *

- 0-150 people
- 151-500 people
- Over 500 people

4. Would the proposed regulation revision impose a direct and significant economic burden? *

- Yes
- No
- Not Sure

5. If your answer to Question 4 was yes, please explain how.

If we are required to modify or replace smokers, add filtration systems, extend stacks, or limit operating times, that would create significant costs. Depending on what is required, equipment changes alone could cost thousands to tens of thousands of dollars.

It could also slow down production, affect food quality, or limit our ability to operate at events and caterings. BBQ isn't something we can switch to electric or gas without changing the product entirely.

As a small business with tight margins, any major equipment upgrades, operational restrictions, or added compliance costs would have a real financial impact on us.

6. Would the proposed regulation revision directly restrict the formation, operation, or expansion of your business? *

- Yes
- No
- Not Sure

7. If your answer to Question 6 was yes, please explain how.

Our business is built around wood-fired barbecue for our restaurant and catering operations. If the revised regulation places stricter limits on visible smoke or requires expensive equipment upgrades, that could limit how we operate and how we grow.

Expansion for us would mean adding another smoker or expanding our catering capacity. If new rules make it harder or more expensive to install or operate wood-burning equipment, that directly affects our ability to expand.

For context, we do not burn large amounts of wood. We use only a few sticks per day in our smokers, totaling approximately 2.5 cords of wood per year. This is a controlled cooking process, not large-scale or industrial combustion.

We can't simply switch to gas or electric without fundamentally changing our product. Any regulation that restricts how we use wood-fired smokers would directly impact our restaurant and catering operations and our future growth.

8. What is the estimated total annual impact the proposed regulation revision will have on your business? *

- No Impact
- \$100 - \$1,000
- \$1,001 - \$5,000
- \$5,001 - \$10,000
- Over \$10,000

9. If you reported a fiscal impact on Question 8, please detail how you arrived at the range selected.

The estimate is based on potential compliance costs if equipment modifications are required. Our business relies on wood-fired smokers for our restaurant and catering operations. If the regulation requires stack extensions, emission control devices, retrofitting existing smokers, engineering review, or replacement of equipment to meet new standards, those costs would likely exceed \$10,000.

Commercial smoker modifications and installations can cost several thousand dollars, and full replacement of a compliant unit could be significantly higher. In addition to equipment costs, there could be permitting fees, professional consultation, and potential production disruptions during installation.

Because wood combustion is central to our cooking process, any required changes to equipment or operation could reasonably place our annual impact above \$10,000.

From: [KeepItClean](#)
To: [REDACTED]
Subject: BIS Survey Response
Date: Monday, March 9, 2026 8:45:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear Clay,

Thank you for taking the time to complete the Business Impact Statement (BIS) survey. We appreciate your participation and the information you provided. Your response will be included in the District Board of Health (DBOH) staff report for the BIS and the associated rule adoption process. In addition, your input will be incorporated into the State Implementation Plan (SIP) submittal to the Nevada Division of Environmental Protection (NDEP), which will then be transmitted to the U.S. Environmental Protection Agency (EPA) for review.

Sincerely,



Keep It Clean

O: [775-784-7200](tel:775-784-7200)
1001 E Ninth St. Bldg. B Reno, NV 89512

NNPH.org | [f](#) [f](#) [@](#) [X](#) [in](#)

[Click here to take our customer satisfaction survey](#)

Attachment 7

Public Workshop Materials

- a. Presentation
- b. Attendance Sheets

Proposed Revisions to the District Board of Health Regulations Governing Air Quality Management - Food Establishments

Genine Rosa and Brendan Schnieder – February 24, 2026

Senior Air Quality Specialists

Air Quality Management Division

Air Quality Management Division

Mission

The Air Quality Management Division (AQMD) is dedicated to the protection of air quality and the safeguard of public health for all of Washoe County through the development and implementation of effective programs and regulations while supporting economic growth, community partnerships, and environmental justice.

District Board of Health

Strategic Priority

2. Healthy Environment: Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

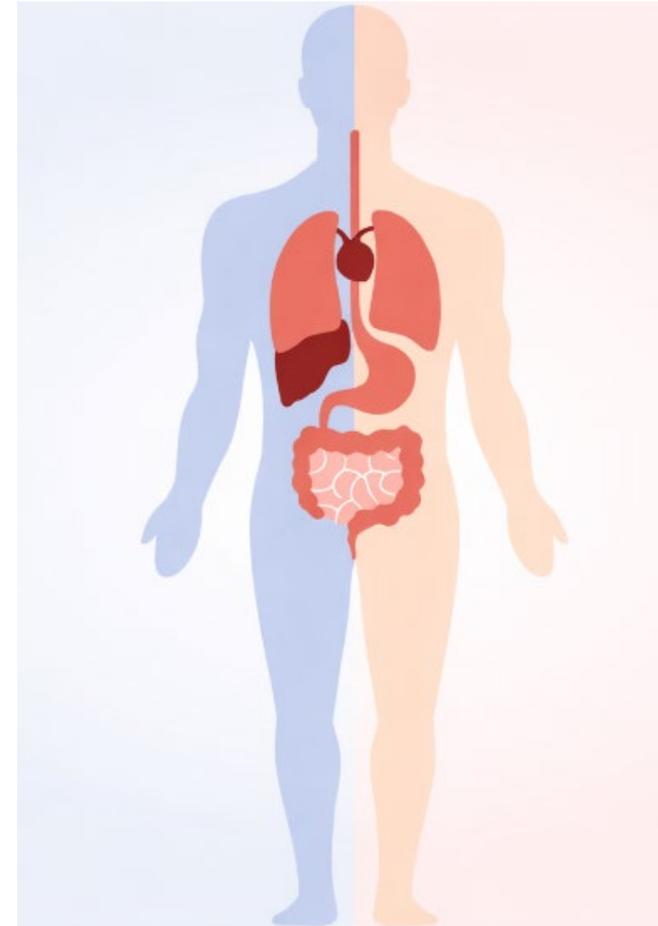
2.1 Protect people from negative environmental impacts.

Health Effects of Air Pollution

Air pollution poses severe short- and long-term health risks. Exposure can cause:

- Respiratory inflammation
- Asthma attacks
- Heart attacks
- Stroke
- Preterm birth and low birth weight
- Lung and other cancers
- Premature death

Sensitive populations such as children, older adults, and those with pre-existing heart/lung conditions are especially at risk.



Food Establishments Regulation Revisions (Chapter 040)

Background

- PART 040.033 revisions were initiated in response to revisions to the DBOH Regulations Governing Air Quality Management Chapter 030 – General Source Permitting and Chapter 050 – Emergency Episode Plan
- Food Establishments has not been revised since 1993.



Food Establishments Regulation Revisions (Chapter 040)

Current Rule

040.033 FOOD ESTABLISHMENTS (Adopted 1/90, Amended 12/15/93)

Food establishments operating devices to cook food that emit more than two (2) pounds per day of air emissions, must obtain a Permit to Operate. Whenever there is a change of ownership, significant equipment modification, or new construction, establishments with emissions exceeding ten (10) pounds per day must apply Best Available Control Technology (BACT). All restaurants exceeding 20 pounds/day must meet the BACT requirement no later than July 1, 1994. BACT may include, but is not limited to, the use of grooved griddles, exhaust control, mist eliminator systems, etc. Emissions will be calculated using the latest available emission factors for this source and all emissions will be considered, including, but not limited to PM10, CO, VOCs, and NOx.



Food Establishments Regulation Revisions (Chapter 040)

Major Changes

- **Definitions**
 - Definitions have been added to increase clarity.
- **Applicability**
 - Delineates a general permit versus minor/major source permitting.
- **Administrative Requirements**
 - Reflects revised Parts 030.000 and 030.100 change of ownership and equipment modifications.
- **Compliance and Records**
 - Addresses revised Chapter 050.001 curtailments during emergency episodes
 - Addresses revised visible emissions standard.



Food Establishments Regulation Revisions (Chapter 040)

Does this rule apply to me?

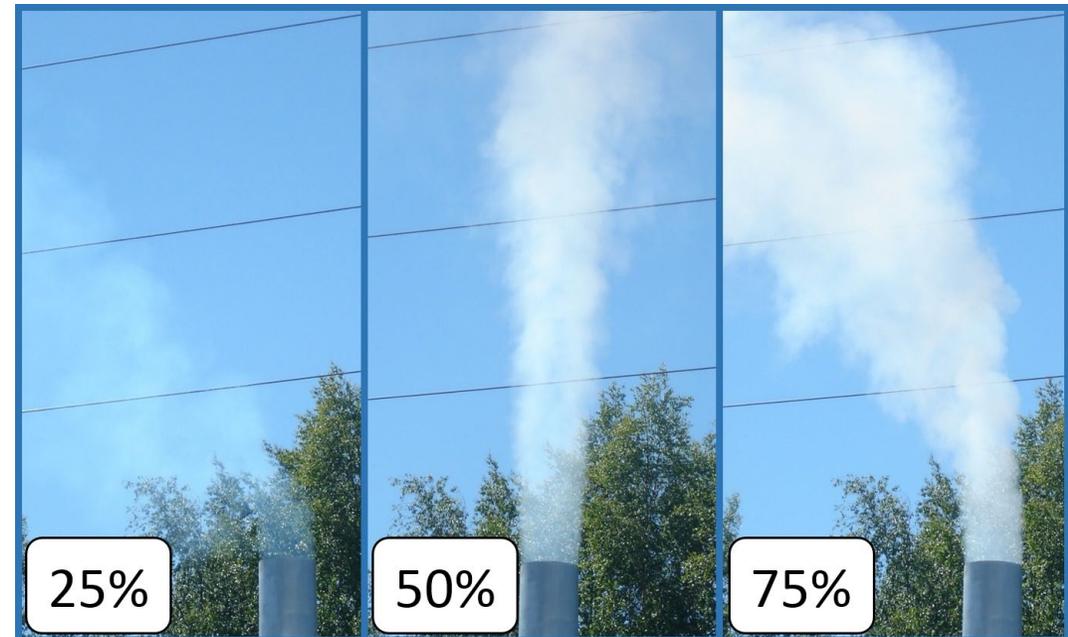
- **Purpose and Applicability**
 - Limit emissions from solid fuel burning operations.
 - Any commercial food establishment using solid fuel burning operations, i.e., wood or coal fired pizza ovens / grills, smokers, etc.
- **Exceptions to General Permit**
 - If part of a facility that has other emission units subject to minor or major source permitting in accordance with DBOH 030.200 and DBOH 030.500.
 - A facility would require a Minor Source Permit to Operate if annual consumption exceeds:
 - Wood: >575 tons (460 cords)
 - Triggers >10 tons/year of PM_{2.5}
 - Coal: >2,000 tons
 - Triggers >40 tons/year of SO₂



Food Establishments Regulation Revisions (Chapter 040)

Compliance and Records

- **Emergency Episode Curtailment**
 - Stopping use of solid fuel during a Stage 2, 3, or 4 Emergency Episode declared by the Health Officer.
- **Visible Emissions**
 - Emissions from solid fuel cooking equipment must not exceed 20% opacity for more than a total of six minutes in any one-hour period.
 - Emissions during a 15-minute start-up are exempt.



Food Establishments Regulation Revisions (Chapter 040) Timeline

January 26, 2026



Start of the 30-Day Public
Comment Period and Public
Workshop.

February 26, 2026



Close of 30-Day Public
Comment Period and Public
Workshop

March 26, 2026



Business Impact Statement
presented to District Board of
Health

April 23, 2026



Rule Adoption presented to
District Board of Health

*** Implementation date for the proposed revisions: TBD**

Food Establishments Regulation Revisions (Chapter 040)

Fee Differences

- Current permit application for any commercial solid fuel burning source:
 - Can take up to 180 days to issue due to the complexity of a Minor Source Operating Permit (MSOP).
 - Current fee for MSOP Application: \$2,839
 - Current Annual Maintenance and Emissions Fee associated with MSOP: \$996
- Under the new rule as a General Permit:
 - Authority to Operate (ATO) issued no later than 30 days
 - General Permit application fee: \$647
 - Annual Maintenance Fee for General Permit: \$373



Food Establishments Regulation Revisions (Chapter 040)

General Permit

- Coming soon!
 - Apply for Authority to Operate under a General Permit – 5 year
 - Online application process through Accela (OneNv.us)
 - Public workshop with details regarding how/when to apply
 - Details to come as these permits are completed and available to apply



Food Establishments Regulation Revisions (Chapter 040)

Public Engagement

- Public comment will be accepted through February 26, 2026.
 - May be submitted via email at AQMDPlanning@nnph.org
 - May be submitted via mail at 1001 E. Ninth St., Bldg. B-171, Reno, NV, 89512
 - May be dropped off in person in the air quality drop box located at the address above
- All correspondence must include first and last name, mailing address, and contact information.

To view the proposed changes to Chapter 040, recording of this public workshop, and slides from this presentation, please visit the Public Outreach page of our website.

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NORTHERN NEVADA
Public Health+

Sign-In Sheet

Northern Nevada Public Health, AQMD
Part 040.033 (Food Establishments) Rule Revision Public Workshop
 Tuesday, February 24, 2026, 3:00 – 4:00 pm,
 Northern Nevada Public Health, Conference Rooms A and B

Name	Organization	E-mail
Kandall Wilde	Caesars Entertainment	kandall@caesarsentertainment.com
CRAIG PETERSEN	NRP4 - AQMD	CPETERSEN@NRP4.ORG
Francisco Vega	NRP4 - AQMD	fvega@nph.org
Alexis Bernal	NRP4	abernal@nph.org

1. Summary

Meeting title	Food Establishments Rule Revision Workshop	
Registration page views		8
Registered participants		5
Canceled registrations		0
Attended participants		5
Start time	2/24/26, 2:38:05 PM	
End time	2/24/26, 3:28:04 PM	
Meeting duration	49m 58s	
Average attendance time	30m 52s	

2. Participants

Name	First Join	Last Leave	In-Meeting Duration	Email	Participant ID (UPN)	Role
Schnieder, Brendan	2/24/26, 2:38:07 PM	2/24/26, 3:28:01 PM	49m 54s	BSchnieder@nnph.org	BSchnieder@washoecounty.gov	Organizer
Health - ConferenceRoom B - Teams Room	2/24/26, 2:38:31 PM	2/24/26, 3:28:04 PM	49m 32s	Health-ConferenceRoomB@nnph.org	Health-ConferenceRoomB@WashoeNV.onmicrosoft.com	Presenter
Peter Saba (External)	2/24/26, 2:48:56 PM	2/24/26, 3:27:39 PM	24m	psaba@nvrestaurants.com	psaba@nvrestaurants.com	Attendee
Peter Krueger (External)	2/24/26, 2:55:52 PM	2/24/26, 3:27:46 PM	27m 15s	peter@i3publicaffairs.com	peter@i3publicaffairs.com	Attendee
Tray Abney (External)	2/24/26, 3:02:52 PM	2/24/26, 3:27:40 PM	23m 26s	tray@abneygr.com	tray@abneygr.com	Attendee