

Staff Report
Board Meeting Date: March 27, 2025

DATE: March 6, 2025
TO: District Board of Health
FROM: Francisco Vega, P.E., Division Director
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SUBJECT: Public Hearing for review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards), and Part 040.115 (Acknowledgment of Asbestos Assessment) with an implementation date of March 27, 2025

SUMMARY

The District Board of Health (DBOH) must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management (Regulations). This is the Public Hearing for review, discussion, and possible adoption of the proposed revisions to Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards), and Part 040.115 (Acknowledgment of Asbestos Assessment) of the Regulations.

District Health Strategic Priority supported by this item:

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

PREVIOUS ACTION

On February 27, 2025, the DBOH adopted the Business Impact Statement (BIS) associated with this proposed revision.

On September 26, 2024, the DBOH adopted Chapter 030 of the Regulations, which included a wholesale replacement of the previous rule, where sections pertaining to asbestos were removed and will be relocated to Chapter 040 (Prohibited Emissions). The sections pertaining to asbestos that were removed from Chapter 030, their original adoption dates, and historic revision dates are as follows:

- Part 030.107 – Hazardous Air Pollutants (Adapted 10/24/90, Revised 05/24/95, 10/25/95)
- Part 030.108 – Prohibition on Use or Sale of Asbestos-Containing Materials for Surfacing, Landscaping or Paving (Adapted 09/27/00)
- Part 030.109 – Fee for Asbestos Sampling (Adopted 09/27/00)

BACKGROUND

The Chapter 040 revisions were initiated in response to revisions to Chapter 030 (General Source Permitting), adopted by the DBOH on September 26, 2024. The revisions to Chapter 030 included a wholesale replacement of the previous rule, where sections pertaining to asbestos were removed and will be relocated to Chapter 040 (Prohibited Emissions). This relocation includes an extensive rule revision, where the new language is also a wholesale replacement of the previous rule. The replaced sections pertaining to asbestos will now be covered in two new parts of Chapter 040:

- Part 040.110 (Asbestos Control Standards)
- Part 040.115 (Acknowledgment of Asbestos Assessment)

The sections pertaining to asbestos have not been significantly reviewed nor revised in 25 to 30 years, and do not reflect the current asbestos Acknowledgment process or intended purpose of the federal regulation. The revisions also clarify asbestos sampling, notification, contamination, and abatement requirements.

The following methods were used to provide notice of the proposed revisions, 30-day public comment period, and public workshop:

1. A press release was issued notifying the public of the proposed revisions and public workshop in English on October 14, 2024, and in Spanish on October 18, 2024.
2. The press release and all related materials were posted on the AQMD website (OurCleanAir.com) on October 14, 2024.
3. The press release was e-mailed to all subscribers of the AQMD email subscription list on October 14, 2024.

An in-person meeting between the Association of General Contractors (AGC) and AQMD was held on November 12, 2024, at 1:30 p.m.

A hybrid, in-person and virtual, public workshop was held on Thursday, November 14, 2024, at 4:00 p.m. The workshop had attendance from three (3) external participants.

Based on the comments received from the AGC, and the consequent revisions to the proposed rule, an additional 14-day public comment period was opened along with a BIS Survey. The following methods were used to provide notice of the proposed revisions and BIS Survey:

1. A press release was issued on January 10, 2025.
2. The press release, redline version of the proposed rule revision, and BIS Survey were posted on the AQMD website (OurCleanAir.com) on January 10, 2025.
3. The press release was emailed to all subscribers to the AQMD email subscription list on January 10, 2025.
4. The press release was emailed to AQMD's asbestos stakeholder group on January 10, 2025.

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In addition, a legal ad and public notice were published in the Reno Gazette Journal (RGJ) to notify the public of the occurrence of this Public Hearing at the March 27, 2025, DBOH meeting. This legal ad was posted on February 25, March 4, and March 11, 2025, to satisfy the requirements of NRS 445B.215.

On February 27, 2025, the BIS was adopted for the proposed revisions and March 27, 2025, was set as the Public Hearing for possible adoption of the proposed revisions.

One minor edit was made in the proposed revisions since the BIS adoption on February 27, 2025. An incorrect reference to another section of the proposed revision was corrected in Part 040.110, Section D.1.

Attached to this staff report are the following:

1. Adopted BIS
2. Press Release (October 14, 2024)
3. Press Release (January 10, 2025)
4. "As Revised" version of the rule
5. "As Proposed" version of the rule
6. Public Comments/AQMD Responses
7. Public workshop materials including:
 - a. Presentation
 - b. Attendance sheet(s)
8. RGJ Notice of Public Hearing

FISCAL IMPACT

There are no fiscal impacts resulting from the DBOH adopting the proposed revisions to the Regulations, Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards), and Part 040.115 (Acknowledgment of Asbestos Assessment).

RECOMMENDATION

Staff recommends the DBOH adopt the proposed revisions to District Board of Health Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards), and Part 040.115 (Acknowledgment of Asbestos Assessment) with an implementation date of March 27, 2025.

POSSIBLE MOTION

Should the Board agree with the staff's recommendation, a possible motion would be:

"Move to adopt the proposed revisions to District Board of Health Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards), and Part 040.115 (Acknowledgment of Asbestos Assessment) with an implementation date of March 27, 2025.