

Staff Report
Board Meeting Date: February 27, 2025

DATE: February 7, 2025
TO: District Board of Health
FROM: Francisco Vega, P.E., Division Director
775-784-7200; fvega@nnph.org
SUBJECT: Review, discussion, and possible adoption of the Business Impact Statement regarding 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 a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation, or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for March 27, 2025, at 1:00 p.m.

SUMMARY

The District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management (Regulations). Per NRS 237, Business Impact Statements “must be considered by the governing body at its regular meeting preceding any regular meeting held to adopt” the proposed revisions.

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 September 26, 2024, the Board 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 also replaces 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 the 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, a 30-day public comment period, and a 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 Business Impact Statement (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 and the AQMD's asbestos stakeholder group on January 10, 2025.

Attached to this staff report are the following:

1. Business Impact Statement
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. Business Impact Statement Survey/Response Report
8. Public workshop materials including:
 - a. Presentation
 - b. Attendance sheet(s)

FISCAL IMPACT

There are no fiscal impacts resulting from the Board approving and adopting the Business Impact Statement.

RECOMMENDATION

Staff recommends the District Board of Health approve and adopt the Business Impact Statement for 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 a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation, or expansion of a business, and set a public hearing for possible adoption of said revisions for March 27, 2025, at 1:00 p.m.

POSSIBLE MOTION

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

“Move to approve and adopt the Business Impact Statement for 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 a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation, or expansion of a business, and set a public hearing for possible adoption of said revisions for March 27, 2025, at 1:00 p.m.”