

**Staff Report**  
**Board Meeting Date: April 23, 2026**

**DATE:** April 2, 2026  
**TO:** District Board of Health  
**FROM:** Francisco Vega, P.E., Division Director  
775-784-7200; [fvega@nnph.org](mailto:fvega@nnph.org)  
**SUBJECT:** Adoption of proposed revisions to the District Board of Health Regulations Governing Air Quality Management Chapter 040 (Prohibited Emissions) Part 040.033 (Food Establishments)

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**SUMMARY**

The District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management. This is the adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management Chapter 040 (Prohibited Emissions) Part 040.033 (Food Establishments).

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 March 26, 2026, the DBOH adopted the Business Impact Statement (BIS) associated with this proposed revision.

On December 15, 1993, the Board amended Part 040.033 Food Establishments by adding Best Available Control Technology (BACT) in response to being designated nonattainment for the PM10 National Ambient Air Quality Standards (NAAQS).

**BACKGROUND**

Part 040.033 revisions were initiated in response to revisions to Chapter 050.001 (Emergency Episode Plan) adopted by the DBOH on July 22, 2021 and Chapter 030 (General Source Permitting), adopted by the DBOH on September 26, 2024. Specifically, revisions to Parts 030.000, 030.100, 030.200, and 030.500 are now reflected and addressed in Part 040.033 via new definitions, applicability, administrative requirements, and compliance and records sections.

The following methods were used to provide notice of the proposed revisions, 30-day public comment period, Business Impact Statement (BIS) survey, and public workshop:

1. A press release was issued notifying the public of the proposed revisions, BIS survey, and public workshop on January 26, 2026.

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2. The press release and all related materials were posted on the AQMD website (OurCleanAir.com) on January 26, 2026.
3. The press release was e-mailed to all subscribers of the AQMD email subscription list on January 26, 2026.

Due to weather, the original public workshop was postponed from Tuesday, February 17 at 3:00 p.m. to Tuesday, February 24 at 3:00 p.m. A press release notifying the public of the postponement was sent on Tuesday, February 17 at 9:00 a.m.

The hybrid, in-person and virtual, public workshop was held on Tuesday, February 24, 2026, at 3:00 p.m. Four (4) external participants attended.

Attached to this staff report are the following:

1. Adopted BIS
2. Press Release (January 26, 2026)
3. Press Release (February 17, 2026)
4. "As Revised" version of the rule
5. "As Proposed" version of the rule
6. Business Impact Statement Survey/Response Report
7. Public workshop materials including:
  - a. Presentation
  - b. Attendance sheet(s)

### **FISCAL IMPACT**

There are no fiscal impacts resulting from the DBOH adopting the proposed revisions to the District Board of Health Regulations Governing Air Quality Management Chapter 040 (Prohibited Emissions) Part 040.033 (Food Establishments).

### **RECOMMENDATION**

Staff recommends the DBOH adopt the proposed revisions to District Board of Health Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.033 (Food Establishments).

### **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 040.033 (Food Establishments)."