

State North Dakota

State Agency Department of Health

Affected Area EPA-approved nonregulatory provisions

Regulation Chapter 2. Legal Authority.

Rule Number Section 2.15.

Rule Title Respecting Boards.

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Comments

Rule:



[\(e\) SIP Ch 2, Sect 2.15 \(03-01-2013\).pdf](#)

(Revised March 1, 2013)

2.15. RESPECTING BOARDS

Section 110(a)(2)(E)(ii) of the Federal Clean Air Act requires compliance with the requirements respecting state boards under Section 128. Section 128 requires each implementation plan to contain requirements that:

- (1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and
- (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A state may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraphs (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.

North Dakota has no boards that approve permits or enforcement orders. Anyone that approves permits or enforcement orders must comply with the following conflict of interest requirements:

- 1) A conflict of interest is defined as the conflict between the duties assigned to the employee and the self-interest or other interests of the employee. Employees must avoid any interest, influence or relationship that might conflict or appear to conflict with the best interests of the Department of Health or the State of North Dakota, or that might affect one's working judgment or loyalty. Employees must avoid any situation in which their loyalty may be divided and promptly disclose to their division director, section chief or supervisor any situation where an actual or potential conflict may exist.

- 2) If employees have a potential conflict of interest in any program, contract or legal matter involving the Department of Health or reasonably related to their position with the Department of Health, the employees must notify the division director, section chief or supervisor in writing of the potential conflict and the cause of the potential conflict and remove themselves from any negotiations, deliberations or decisions involving the conflict.