MEMORANDUM

To: Buncombe County Air Quality Council

From: Ashley Featherstone, Division Program Manager

Date: 8/6/2026

Re: Clean Air Act Section 128 Procedures for Conflict of Interest

Purpose

Per Chapter 1 . 0110, of the Buncombe County Air Quality Code (BCAQ Code), Pursuant to the requirements of § 128 of the Clean Air Act ("CAA") and, thereby, the requirements of § 110(a)(2)(E)(ii) of the CAA, the Air Quality Director and each member of the Air Quality Advisory Council (AQC) shall complete a Certification of Public Interest and Disclosure of Potential Conflict of Interest Statement on an annual basis. A majority of the Air Quality Council members represent the public interest; a majority of the members do not derive any significant portion of their income from person subject to permitting or enforcement orders under the CAA; members must provide adequate disclosure of any potential conflicts of interest.

North Carolina Environmental Management Commission Resolution 2026-01 addresses the provisions and also states that the head of an executive agency with similar powers to approve permits and enforcement orders is subject to the conflict of interest disclosure provisions, and that the program's permitting and enforcement decisions are vested in officials whose appointment and supervision are governed by Buncombe County's personnel and ethics framework.

Delegation

Chapter 1. 0105, Delegation of Authority, states that the Director may delegate issuance of permits to the supervisory level as deemed appropriate.

Certification

Attached is the certification required by this procedure. The Director, AQC members, and any other delegated staff members of the Air Quality

Division shall review and sign the attached certification statement on or before July 31 of each year or upon such delegation or appointment to the Council. The Director shall cause to be posted on the BCAQ website a notice that all certifications of public interest are available for public inspection pursuant to the North Carolina Public Records Act.