

New Hampshire Statutes

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* * * NOTE: EPA did not approve these sections into the New Hampshire State Implementation Plan.

TITLE X
PUBLIC HEALTH
CHAPTER 125-C
AIR POLLUTION CONTROL
Section 125-C:1

125-C:1 Declaration of Policy and Purpose. – It is hereby declared to be the public policy of the state of New Hampshire and the purpose of this chapter to achieve and maintain a reasonable degree of purity of the air resources of the state so as to promote the public health, welfare, and safety, prevent injury or detriment to human, plant, and animal life, physical property and other resources, foster the comfort and convenience of the people, promote the economic and social development of this state and to facilitate the enjoyment of the natural attractions of the state.

Source. 1979, 359:2, eff. July 1, 1979.

Section 125-C:2

125-C:2 Definitions. – Terms used in this chapter shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. [Omitted.]

I-a. "Affected source," any stationary source, the construction, installation, operation, and modification of which is subject to Title V, Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

II. "Air contaminant," soot, cinders, ashes, any dust, fume, gas, mist (other than water), odor, toxic or radioactive material, particulate matter, or any combination thereof.

III. "Air pollution," the presence in the outdoor atmosphere of one or more contaminants or any combination thereof in sufficient quantities and of such characteristics and duration as are or are likely to be injurious to public welfare, to the health of human, plant, or animal life, or cause damage to property or create a disagreeable or unnatural odor or obscure visibility or which unreasonably interfere with the enjoyment of life and property.

III-a. "Biomass" means organic matter used as a fuel, not including wood derived from construction and demolition debris, as defined in RSA 149-M:4, IV-a; wood which has been chemically treated; or agricultural crops or aquatic plants or byproducts from such crops or plants, which have been used to rehabilitate a contaminated or brownfields site through a process known as "phytoremediation."

IV. "Clean Air Act," the Clean Air Act, 42 U.S.C. 7401, and amendments thereto amending 42 U.S.C. 1857 et seq.

V. [Omitted.]

V-a. "Commissioner," the commissioner of the department of environmental services.

V-b. "Department," the department of environmental services.

V-c. "Consumer products," any substance, product (including paints, coatings, and solvents), or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of air contaminants.

VI. "Device which contributes to air pollution," any burner, furnace, machine, equipment or article which, in the opinion of the commissioner, contributes or may contribute to the pollution of the air.

VI-a. "Dioxin" means a group of chemical compounds that share certain similar chemical structures and mode-of-action biological characteristics, including a total of 17 dioxin-like compounds that are members of 2 closely related families: chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs).

VII. [Repealed.]

VII-a. "Eligible biomass fuel" means fuel sources including biomass or neat biodiesel, as defined in RSA 362-A:1-a, I-b, and other neat liquid fuels that are derived from biomass.

VIII. "Emission," a release into the outdoor atmosphere of air contaminants.

VIII-a. "Hearing," the opportunity for the submission of either written or oral comments, or the submission of both written and oral comments.

VIII-b. "Major deviation from requirement" means the violator deviated from a requirement of a statute or rule to such an extent that there is substantial non-compliance.

VIII-c. "Major potential for harm" means a substantial likelihood of causing unhealthful air quality.

IX. [Repealed.]

IX-a. "Non-Title V Source," any stationary source other than an affected source which, in the opinion of the commissioner, contributes or may contribute to the pollution of the air.

IX-b. "Minor deviation from requirement" means the violator deviated partially from a requirement of a statute or rule such that most of the requirement was met.

IX-c. "Minor potential for harm" means a small likelihood of causing unhealthful air quality.

IX-d. "Moderate deviation from requirement" means the violator significantly deviated from a requirement of a statute or rule but some requirements were implemented as intended, such that approximately half the requirements were met.

IX-e. "Moderate potential for harm" means a moderate likelihood of causing unhealthful air quality.

IX-f. "Particulate matter" means any material, including lead, but not uncombined water, which is or has been suspended in air or other gases and which exists in a finely divided form as a liquid or solid at standard conditions.

X. "Person," any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

X-a. "Repeat violation" means a subsequent violation of a statute or rule at a facility or by a person for which a letter of deficiency, administrative order, or administrative fine has previously been issued by the department.

XI. "Stationary source," any building, structure, facility, or installation which emits or which may emit any regulated air pollutant.

Source. 1979, 359:2. 1981, 332:1, 2. 1986, 202:6, I(h). 1993, 329:2, 3. 1996, 228:18, 105, 113, IV; 247:1, 2, 10; 278:10. 2001, 293:4. 2005, 173:1, 2. 2008, 113:1, 2. 2010, 183:1, 5, eff. June 21, 2010.

Section 125-C:4

125-C:4 Rulemaking Authority; Subpoena Power. –

I. The commissioner shall adopt rules under RSA 541-A, relative to:

- (a) The prevention, control, abatement, and limitation of air pollution, including, but not limited to, open air source pollution, mobile source pollution, and stationary source pollution.

- (b) Primary and secondary ambient air quality standards.
 - (c) Procedures to meet air pollution emergencies, as authorized by RSA 125-C:9.
 - (d) The establishment and operation of a statewide permit system, as authorized by RSA 125-C:6, XIV, RSA 125-C:11, I and RSA 125-C:11, I-a.
 - (e) Devices, in addition to those devices defined under RSA 125-C:2, subject to the permit requirements of RSA 125-C:11, as authorized by RSA 125-C:11, II.
 - (f) The exemption of certain devices and non-Title V sources from the permit requirements of RSA 125-C:11, I and the conformance of exempted devices to established standards, as authorized by RSA 125-C:11, I.
 - (g) The forms and information required on applications for temporary and permanent permits required under RSA 125-C:11, as authorized by RSA 125-C:12, I.
 - (h) Notification of and public hearing on permit applications, including exemptions from those requirements, as authorized by RSA 125-C:12, II.
 - (i) Fees for permit application and review, as authorized by RSA 125-C:12, IV-d.
 - (j) Procedures for permit application review, as authorized by RSA 125-C:11, IV, and criteria for permit denial, suspension or revocation, as authorized by RSA 125-C:13.
 - (k) Procedures for air testing and monitoring and recordkeeping, as authorized by RSA 125-C:6, XI.
 - (l) Procedures for receiving violation complaints and for rules enforcement, as authorized by RSA 125-C:15, I.
 - (m) Procedures for granting variances, as authorized by RSA 125-C:16.
 - (n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.
 - (o) Applicability thresholds for emissions of particulate matter, mercury, and dioxin as provided in RSA 125-C:10-b, VII(f).
 - (p) The duration of time during which no additional best available control technology determination is required as provided in RSA 125-C:10-b, IV and VI.
 - (q) Procedures for establishing standards for and certification of any material, that is not an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.
 - (r) Standards and testing requirements for biomass and eligible biomass fuel as authorized by RSA 125-C:6, XIV-a.
- I-a. In adopting rules under paragraph I, the department may incorporate by reference standards issued by the California air resources board relative to certification and testing of vapor recovery equipment.
 - I-b. In adopting rules under subparagraph I(n), the department may incorporate by reference other state test methods and procedures that are referenced in the model rules of the Ozone Transport Commission (OTC) concerning consumer products, as defined in RSA 125-C:2, V-c.

II. The commissioner is authorized to issue subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as he may deem necessary.

Source. 1979, 359:2. 1986, 202:8. 1996, 228:19, 104; 278:2, 3. 2001, 293:5. 2003, 137:3. 2004, 175:2. 2005, 173:3. 2008, 113:3. 2010, 183:6, eff. June 21, 2010.

Section 125-C:6

125-C:6 Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:

- I. Exercising general supervision of the administration and enforcement of this chapter and all rules adopted and orders promulgated under it;
- II. Developing a comprehensive program and provide services for the study, prevention, and abatement of air pollution;
- III. Conducting and encouraging studies relating to air quality;
- IV. Collecting and disseminating the results of studies relating to air quality;
- V. Advising, consulting, and cooperating with the cities and towns and other agencies of the state, federal government, interstate agencies, and other affected agencies or groups in matters relating to air quality;
- VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;
 - VI-a. Encouraging the recycling of waste oil by allowing qualified marketers to sell, and qualified facilities to burn, a mixture that consists of at least 90 percent virgin no. 6 oil and the remainder complying with the used fuel oil specifications in 40 CFR, section 279.11, table 1;
- VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. Any information, other than emission data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection or investigation shall not be disclosed by the commissioner without permission of the person whose source is inspected or investigated;
- VIII. Accepting, receiving, and administering grants or other funds or gifts for the purpose of carrying out any of the functions of this chapter, including such monies given under any federal law to the state for air quality control activities, surveys, or programs;
- IX. Consulting the air resources council established by RSA 21-O:11 on the policies and plans for the control and prevention of air pollution;
- X. Exercising all incidental powers necessary to carry out the purposes of this chapter;
- XI. Conducting emission tests and requiring owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the commissioner on the nature and amounts of emissions from such stationary sources. The commissioner shall have the authority to make such data available to the public and as correlated with any applicable emission standards;
- XII. Carrying out a program of inspection and testing of all modes of transportation, to enforce compliance with applicable emission standards when necessary and practicable and to control or limit the operation of motor vehicular and other modes of transportation when in the opinion of the commissioner such modes of transportation are producing or pose an imminent danger of producing levels of air pollutants that will result in a violation of an ambient air quality standard, or that will result in a significant deterioration, as defined in applicable federal regulations, of existing air quality in an area classified as a "clean air" area by state or federal regulations;
- XIII. Coordinating and regulating the air pollution control programs of political subdivisions of the state and entering agreements with said subdivisions to plan or implement programs for the control and abatement of air pollution;
- XIV. Establishing and operating a statewide system under which permits shall be required for the construction, installation, operation, or modification of air pollution devices and sources, which system shall be established pursuant to RSA 125-C:11 and the sections which follow. The authority

vested in the commissioner by this section shall include the power to delay or prevent any construction, modification, or operation of said air pollution sources and modifications which, in the opinion of the commissioner, would cause the ambient air pollution level in the locality of such construction, modification, or operation to exceed limits for ambient concentrations established by the New Hampshire state implementation plan adopted pursuant to the Clean Air Act as amended, or which construction, modification, or operation would, in the opinion of the commissioner, violate any provision of any land use plan established by the New Hampshire state implementation plan;

XIV-a. Establishing fuel quality standards and testing requirements for biomass other than round wood and wood chips derived from round wood or waste wood such as limbs, branches, brush, slash, bark, stumps, sawdust, saw mill trimmings, clean pallets, and untreated wood scraps from furniture and other manufacture and eligible biomass fuel related to the combustion of such materials at stationary sources. The commissioner may establish such standards as necessary to maintain statewide compliance with Clean Air Act standards and RSA 125-I.

XV. Implementing a program of prevention of significant deterioration of ambient air quality by establishing air quality increments limiting the maximum allowable increases in the amounts of air pollutants provided such increments are not less stringent than those specified in the Clean Air Act and amendments thereto, and in regulations promulgated thereunder;

XVI. Establishing an air quality monitoring equipment replacement program to provide for sufficient annual replacement to meet federal Environmental Protection Agency guidelines and to assure the reliability and accuracy of the network equipment.

XVII. Implementing a program to control the emissions of air contaminants from consumer products for purposes of RSA 485:16-c, by establishing limits on the manufacture, use, or sale of such products, provided that such limits are not less stringent than those established under the Clean Air Act and amendments thereto, and in regulations promulgated under the Clean Air Act.

Source. 1979, 359:2. 1981, 332:3. 1986, 202:6, I(h), 9, 10. 1988, 277:1. 1995, 192:1. 1996, 228:104. 2001, 293:6. 2008, 113:4. 2010, 183:8, eff. June 21, 2010.

Section 125-C:8

125-C:8 Administration of Chapter; Delegation of Duties. – The commissioner shall be responsible for the implementation of this chapter and any rule adopted hereunder and may delegate to a subordinate or subordinates any and all duties vested in him, except rulemaking authority.

Source. 1979, 359:2. 1986, 202:11. 1996, 228:104, eff. July 1, 1996.

Section 125-C:9

125-C:9 Authority of the Commissioner in Cases of Emergency. – Whenever the commissioner finds that an air pollution emergency exists requiring immediate action to protect the public health, welfare, or safety, he may with consent of the governor and council issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith. The commissioner shall rescind or abate such order as soon as the emergency ceases to exist.

Source. 1979, 359:2. 1996, 228:104, eff. July 1, 1996.

Section 125-C:10

125-C:10 Devices Contributing to Air Pollution. –

- I. No person shall install, construct, operate, or modify any device or non-Title V source which contributes to air pollution except as prescribed by this chapter.
- II. No person shall construct, operate or modify an affected source which contributes to air pollution except as prescribed by this chapter.

Source. 1979, 359:2. 1993, 329:4. 1996, 278:4, eff. Aug. 9, 1996.

Section 125-C:10-a

125-C:10-a Municipal Waste Combustion Units. – Any municipal waste combustor, as defined in RSA 125-M:2, XI, with a design capacity of at least 35 tons per day but no more than 250 tons per day of municipal solid waste, as defined in RSA 125-M:2, X, shall be limited to the following levels of emissions, unless otherwise provided for by a more stringent federal regulation, or by other state statute:

- I. Particulate matter: 27 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, 3-run average (run duration specified in test method).
- II. Opacity: 10 percent (6-minute average), 30 6-minute averages.
- III. Cadmium: 0.040 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, 3-run average (run duration specified in test method).
- IV. Lead: 0.44 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, 3-run average (run duration specified in test method).
- V. Mercury: 0.028 milligrams/dry standard cubic meter, corrected to 7 percent oxygen, or 85 percent control efficiency, 3-run average (run duration specified in test method).
- VI. Sulfur dioxide: 29 parts per million by volume, or 25 percent of the potential sulfur dioxide emission concentration, corrected to 7 percent oxygen (dry basis), monthly block geometric average concentration or percent reduction.
- VII. Hydrogen chloride: 29 parts per million by volume, or 5 percent of the potential hydrogen chloride emission concentration, corrected to 7 percent oxygen (dry basis), 3-run average (minimum run duration is 1 hour).
- VIII. Dioxins/furans: 60 nanograms/dry standard cubic meter (total mass), corrected to 7 percent oxygen, where an electrostatic precipitator-based emission control system is employed; or 30 nanograms/dry standard cubic meter (total mass) corrected to 7 percent oxygen, where an electrostatic precipitator-based emission control system is not employed, 3-run average (minimum run duration is 4 hours).

Source. 2005, 72:1, eff. Jan. 1, 2006.

Section 125-C:11

125-C:11 Permit Required. –

- I. The construction, installation, operation, or modification of any device or non-Title V source as defined under RSA 125-C:2, and as further defined by rules adopted by the commissioner shall be prohibited unless the source possesses a temporary permit or operating permit whether a permit-by-notification, general permit, or an individual operating permit issued by the commissioner. The

commissioner may by rule exempt certain devices or non-Title V sources from the requirements of this section.

I-a. The construction, installation, operation, or modification of an affected source shall be prohibited unless the affected source possesses and complies with a temporary permit, general permit, or individual operating permit issued by the commissioner in accordance with the requirements of the Clean Air Act. The term of the general permit or permit to operate shall not exceed 5 years.

II. A temporary permit, which may contain conditions, shall be required prior to commencement of construction or installation of any new or modified device or non-Title V source except for those devices or non-Title V sources which are authorized to construct and operate pursuant to a permit-by-notification or a general permit. A temporary permit shall be in effect until it expires, an operating permit is issued, or until sooner revoked by the commissioner. Such permit shall contain the emission limits the device or non-Title V source is required to meet, and shall be issued by the commissioner upon a finding that the device or non-Title V source will meet such limits and will not result in a violation of any air quality standard or regulation in force under this chapter.

III. An individual operating permit, which may contain conditions, shall be issued with respect to a device or non-Title V source for which a temporary permit is in effect, upon a finding by the commissioner, following operational testing, where required, that the device or non-Title V source meets the applicable emission limits and that its operation will not result in a violation of any air quality standard or regulation in force under this chapter.

III-a. [Repealed.]

III-b. A general permit, which may contain certain conditions, may be issued with respect to a Title V source category if the commissioner finds that there is more than one stationary source, area source, or device in the same category and the stationary sources, area sources, or devices in that category are all subject to the same regulatory requirements.

III-c. The commissioner may adopt rules providing for a permit-by-notification with respect to a source category, provided that the commissioner finds that there is more than one device or non-Title V source in the source category, and that the devices or non-Title V sources in that category are all subject to the same regulatory requirements.

IV. A temporary permit, which may contain conditions, shall be required prior to commencement of construction or installation of any new or modified affected source, except for those affected sources which are authorized to be constructed pursuant to a general permit. The applicant shall be required to conduct preconstruction or premodification review procedures prior to commencement of construction of any new major stationary source, device, or modification to any existing major stationary source or device. Such procedures shall be sufficient to allow the commissioner to make determinations that the proposed construction or modification will not cause or contribute to a failure to attain or maintain any ambient air quality standard, significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance. Such preconstruction and premodification review requirements shall be no less stringent than, and shall require that no permit shall be issued for a source unless such source meets all the requirements for review and for obtaining a permit prescribed in the Clean Air Act.

V. The applicant for a permit to operate shall be required to conduct preconstruction or premodification review procedures prior to commencement of construction of any affected source. Such procedures shall be sufficient to allow the commissioner to make determinations that the proposed construction or modification will not cause or contribute to a failure to attain or maintain any ambient air quality standard, significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance. The applicant shall submit the required information to the commissioner prior to the commencement of construction or modification. Such

preconstruction review and premodification review requirements shall be no less stringent than those prescribed in the Clean Air Act, 42 U.S.C. section 7401 et seq., as amended.

Source. 1979, 359:2. 1981, 332:4. 1986, 202:6, l(h). 1993, 329:5-8. 1995, 68:1, 4. 1996, 228:104; 278:11, 12. 2010, 183:2, eff. June 21, 2010.

Section 125-C:12

125-C:12 Administrative Requirements. –

- I. Applications for permits shall be upon such forms, and shall include such information, as the commissioner requires under rules adopted pursuant to RSA 541-A in order to determine the nature of the air pollution potential for such device or non-Title V source.
- II. The commissioner shall act upon a permit application within a reasonable period of time. Prior to such action, the commissioner shall provide notice of the application by publication in at least one newspaper of general circulation. The commissioner shall also provide an opportunity for a hearing to interested persons. The requirement of public notice and hearing shall not apply to such devices or sources that will have, in the opinion of the commissioner, an insignificant effect on air quality. The commissioner may adopt rules relative to the requirements of public notice and hearing for such devices or sources.
- III. Any person aggrieved by a decision of the commissioner to grant in whole or in part, with or without conditions, or to deny a permit who wishes to appeal the decision shall proceed in accordance with RSA 21-O:14.
- IV. As a condition of any permit or authorization required or any requested applicability determination, the commissioner may require payment of a fee to cover the reasonable costs of reviewing and acting upon the application for a permit.
 - IV-a. The applicant shall pay any cost or expense associated with public notices or notifications in the permit process.
 - IV-b. As a condition of any permit or authorization required, the commissioner may require payment of an annual emissions fee sufficient to cover the costs of implementing or enforcing the permit program authorized by this chapter including:
 - (a) The costs of reviewing and acting upon any permit renewal;
 - (b) Emissions and ambient monitoring, for those costs incurred under the permitting program;
 - (c) Preparing generally applicable rules or guidance;
 - (d) Modeling, monitoring, analyses, and compliance demonstrations;
 - (e) Preparing inventories and tracking emissions; and
 - (f) Inspections and enforcement.
 - IV-c. In lieu of the annual emissions fee specified in paragraph IV-b, as a condition of any permit or authorization required, the commissioner may require payment of a one-time fee sufficient to cover the costs of implementing or enforcing the permit program authorized by this chapter including the provisions specified in paragraph IV-b.
 - IV-d. The commissioner shall adopt rules relative to a fee schedule for applicants and the collection of fees under the schedule. All fees and monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in a special nonlapsing fund to be known as the air resources fund and shall be continually appropriated to the department for the administration of this chapter.
- V. Fees required to be collected from affected sources by the Clean Air Act as authorized under this section shall be deposited in the air resources fund, shall be accounted for separately, and shall be

used by the commissioner for the establishment and operation of a statewide system of permitting for the construction, operation, or modification of any new or existing affected source.

Source. 1979, 359:2. 1981, 332:5. 1986, 202:6, l(h). 1991, 289:1. 1993, 329:9. 1995, 68:2. 1996, 228:104, 107; 278:13. 2010, 183:3. 2012, 246:6, eff. June 18, 2012.

Section 125-C:13

125-C:13 Criteria for Denial; Suspension or Revocation; Modification. –

- I. The commissioner shall deny an application for any permit or authorization if, on the basis of evidence available to the commissioner, the commissioner determines:
 - (a) That the device or non-Title V source for which the permit or authorization is sought will result in a violation of any standard or rule in force under this chapter; or
 - (b) That the device or non-Title V source will contribute disproportionately to pollution of the air in comparison with other similar sources able to perform the same function that are currently available; or
 - (c) That the device or non-Title V source is located in a "clean air" area designated by state or federal rules or regulations and will or is reasonably likely to cause significant deterioration of the existing air quality in a part of the area.
- II. The commissioner may suspend or revoke any permit or authorization issued hereunder if, following a hearing, the commissioner determines:
 - (a) That the permit holder or registrant has committed a violation of this chapter or any rule, order, or permit conditions in force and applicable to it; or
 - (b) That emissions from the device or non-Title V source to which the permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- III. The commissioner may order modification of any source of air pollution holding a valid permit issued under this chapter in the event that the commissioner determines, following a hearing:
 - (a) That the device or non-Title V source to which the permit applies fails to meet existing emission limits established by state or federal rule or regulation;
 - (b) That the device or non-Title V source is resulting or is reasonably likely to result in a violation of an air quality standard in force.
- IV. The commissioner may terminate, modify, revoke, or reissue for cause any permit or authorization issued to an affected source prior to expiration of such permit consistent with the requirements of the Clean Air Act.

Source. 1979, 359:2. 1993, 329:10, 11. 1995, 68:3. 1996, 228:104; 278:14. 2010, 183:4, eff. June 21, 2010.

Section 125-C:14

125-C:14 Rehearings and Appeals. – Administrative appeals from decisions of the commissioner made under the provisions of this chapter shall be heard by the air resources council under RSA 21-O:11, IV.

Source. 1979, 359:2. 1981, 332:6, 7. 1986, 202:12. 1996, 228:104, eff. July 1, 1996.

Section 125-C:18

125-C:18 Existing Remedies Unimpaired. – No existing civil or criminal remedy for any wrongful action which is a violation of any code or rule adopted hereunder shall be excluded or impaired by this chapter.

Source. 1979, 359:2, eff. July 1, 1979.

Section 125-C:19

125-C:19 Protection of Powers. – The powers and functions vested in the commissioner under the provisions of this chapter shall not be construed to affect in any manner the powers, duties and functions vested in the department of health and human services under any other provision of law.

Source. 1979, 359:2. 1983, 291:1, l. 1986, 202:6, l(h). 1995, 310:181. 1996, 228:104, eff. July 1, 1996.

Section 125-C:21

125-C:21 Severability. – If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application; and, to this end, the provisions of this chapter are severable.

Source. 1981, 332:9, eff. Aug. 16, 1981.