



## States' Biofuels Statutes

### STATE OF NEW HAMPSHIRE

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the New Hampshire General Assembly.*

#### **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.