

CHAPTER En 700 RULES FOR SEWER UTILITIES

REVISION NOTE:

Document #13912, effective 3-21-24, adopted Chapter En 700 titled “Rules for Sewer Utilities.” Document #13912 was adopted pursuant to RSA 12-P:5, IV, RSA 370:3, RSA 370:5, RSA 374:39, and RSA 374:50 to the extent the provisions apply under the authority of the Department of Energy (Department).

Pursuant to 2021, 91:187, effective 7-1-21, the Department of Energy was established by the adoption of RSA 12-P. Pursuant to RSA 12-P:11, “All of the functions, powers, duties, records, personnel, and property of the public utilities commission incorporated in the statutes establishing the department of energy and which replace the authority of the commission with the authority of the department of energy, are hereby transferred, as of July 1, 2021, to the department of energy.”

Pursuant to RSA 12-P:14, “Existing rules, orders, and approvals of the public utilities commission which are associated with any functions, powers, and duties, transferred to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect and be enforced by the commissioner of the department of energy until they expire or are repealed or amended in accordance with applicable law.”

Chapter En 700 reflects the division of sewer utility service regulatory responsibilities between the Department and the Public Utilities Commission. Chapter En 700 applies to sewer utilities and operators in the state and governs sewer service by adopting the former Puc 700 rules regarding quality of service, meter accuracy and testing, equipment and facilities, records and reports, safety and inspections, accident and leak reporting, other reporting and accounting, and applicable forms. The exception is the addition of En 705.02 that utilities comply with the Underground Utility Damage Prevention Program consistent with the same rule contained in Chapter Puc 600 and in the new Chapter En 600 on rules for water service.

The Public Utilities Commission subsequently readopted with amendments Chapter Puc 700 titled “Rules for Sewer Utilities in Document #13889, effective 4-22-24. The amendments in Document #13889 included, but were not limited to, the deletion of existing provisions in rules which the Department of Energy had adopted as part of the Chapter En 700. See Revision Note #1 and Revision Note #2 at the chapter heading for Chapter Puc 700 for the filings affecting the former Chapter Puc 700.

PART En 701 APPLICATION OF RULES

En 701.01 Application of Rules. These rules shall apply to every sewer utility as defined in En 702.11.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 702 DEFINITIONS

En 702.01 "Commission" means the New Hampshire public utilities commission.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.02 "Customer" means any person, firm, corporation, municipality, or any other entity being supplied sewage disposal service by a sewer utility.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.03 "Department" means the New Hampshire department of energy.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.04 "Main" means a sewage pipe owned, operated, or maintained by a sewer utility which is used to transport sewage from the service pipe to the point of disposal.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.05 "Meter" means a device installed by a sewer utility for the measurement of water quantities to be used as a basis for determining charges for water service.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.06 "Septic pumping" means the removal of sludge and scum from a septic or holding tank system for transport to appropriate disposal facilities.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.07 "Service pipe" means the sewer utility-owned pipe used to transport sewage from the customer-owned service pipe to the main.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.08 "Sewage" means ground garbage, human or animal excretions, and all other waterborne waste normally disposed of by residential, industrial, or commercial facilities through a sanitary sewage disposal system excluding solid waste, industrial waste, and septic pumping.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.09 "Sewage disposal service" means the collection, transportation, treatment, and disposal of sewage including but not limited to the active processing of sewage to remove impurities and its ultimate discharge in the environment. This definition does not include septic pumping.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.10 "Sewage disposal system" means the plant and property, including all pipes, pumps, structures, and other facilities and equipment owned, operated, and controlled or managed by a sewer utility in connection with the sewage disposal service to its customers.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.11 "Sewer utility" means any "public utility" as defined in RSA 362:2 owning, operating, or managing any plant or equipment or any part of the same for the furnishing of sewage disposal for the public except:

- (a) Municipal corporations operating within their corporate limits;

- (b) Municipal corporations which are exempt pursuant to RSA 362:4, to the extent of such exemption;
- (c) Any landlord supplying sewage disposal service to its tenants which service is included in a rental fee;
- (d) Any association of residents supplying sewage disposal service to themselves; or
- (e) Any other entity otherwise exempt from regulation by statute or commission order.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.12 "Water service" means the furnishing of water to a customer in this state by a water utility.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 702.13 "Water utility" means any "public utility" as defined in RSA 362:2 owning, operating, or managing any plant or equipment or any part of the same for supplying of water to the public, or engaged in the transmission or sale of water ultimately sold to the public within New Hampshire.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 703 SERVICE PROVISIONS

En 703.01 Customer Bill Adjustments.

(a) Where the sewage disposal service to a customer is billed based on metered water consumption as measured by the water meter of the serving water utility, and where the water meter is found to be inaccurate, the customer's sewer bill shall be adjusted accordingly, following the corresponding rules for adjusting the customer's water bill contained in En 605.05.

(b) Where the sewage utility service to a customer is measured by the sewage meter of the serving sewer utility, and where the meter is found to be inaccurate, the customer's bill shall be adjusted accordingly, following the corresponding rules set out at En 605.05 for adjusting the customer's water bill.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 703.02 Discontinuance of Service.

(a) Sewer service shall not be disconnected due to nonpayment.

(b) If the utility is a combined water and sewer utility, it may discontinue water service for nonpayment of sewer bills. Discontinuance of water service by either a water utility or a combined water and sewer utility shall be carried out in accordance with En 1203.11.

(c) A sewer utility may contract with a serving water utility to discontinue water service for nonpayment of sewer utility bills. The water utility shall comply with En 1203.11, and any such contract shall be consistent with the criteria contained in En 1203.11.

(d) The contract between the sewer and water utilities in (c) above shall contain specific provisions regarding responsibilities involving notice of termination, termination, reconnection, and fair and reasonable compensation based on the actual cost to the water utility of providing such service.

(e) Compensation referred to in (d) above shall be based on disconnection and reconnection charges in the water utility's tariff or as otherwise agreed to by the parties.

(f) The contract between the water utility and the sewer utility referred to in (c) above shall be submitted to the department for approval based on a determination of the contract's adherence to the requirements of this rule and consistency with En 1203.11. No water utility shall terminate service based on nonpayment of a sewer utility bill before the department approves its contract with the sewer utility.

(g) The sewer utility shall send written notice to the customer of its intent to request the termination of its water service pursuant to the requirements contained in and referenced in En 1203.11(b).

(h) One working day prior to the chosen disconnect date the sewer utility shall contact the water utility with which it has contracted for disconnection to confirm the need for disconnection.

(i) The sewer utility shall notify the water utility with which the sewer utility has contracted for disconnection when the cause for disconnection has been removed. Upon receipt of such notice the water utility shall restore water service pursuant to En 1203.13 (c) and (d).

(j) Reconnection of water service which has been terminated for nonpayment of sewer bills shall be subject to the fees of both the water utility and the sewer utility involved as provided in their respective tariffs or as otherwise agreed to by the parties as provided in (e) above.

(k) A sewer utility shall not charge for reconnection of service when the cause for disconnection was not in compliance with this section or with applicable provisions of En 1203.11.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 703.03 Customer Relations. Each sewer utility shall comply with rules governing provision of service to customers contained in En 1200, uniform administration of utility customer relations.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 704 QUALITY OF SERVICE

En 704.01 Effluent Standards.

(a) The sewer utility shall not receive for treatment or allow the discharge into the sewage disposal system any of the following:

- (1) Any substance of a type or quality or in a quantity which would impair its ability to render sewer service;
- (2) Any substance which is not sewage, including but not limited to the following:
 - a. Solid waste;
 - b. Corrosive or toxic industrial waste;
 - c. Flammable or explosive materials;
 - d. Rainwater from roofs, streets, or other areas;
 - e. Storm or surface water; and

f. Ground water from foundation drains; and

(3) Any substance prohibited by the United States Environmental Protection Agency, the New Hampshire department of environmental services, the sewer utility's tariff, or any applicable municipal ordinance.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 704.02 Cross-Connections.

(a) No physical connection shall be permitted, except as provided in (b) below, including but not limited to connections of the following types:

- (1) Between one sewer system and another;
- (2) Between a sewer system and a stream; or
- (3) Between a sewer system and a public or private water supply.

(b) This section shall not prohibit a sewer utility which has received all federal, state, and municipal approval in connection therewith, from:

- (1) Discharging treated effluent from a sewage treatment facility in accordance with such approvals; or
- (2) Transmitting sewage from one sewer system to another, in accordance with such approvals, for treatment.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 704.03 Interruptions of Service.

(a) Each sewer utility shall use all reasonable means to avoid interruptions to service.

(b) Should interruption of service occur, the sewer utility shall re-establish service within the shortest time practicable, consistent with safety.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 705 EQUIPMENT AND FACILITIES

En 705.01 Construction and Maintenance. Each sewer utility shall construct, install, operate, and maintain its plant, structures, equipment, and mains in accordance with good engineering practice, and in such manner to best accommodate the public, and to prevent interference with service furnished by other underground or above ground facilities, including electric, telephone, water, gas, or steam equipment or facilities, insofar as practical.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 705.02 Underground Utility Damage Prevention Program. All sewer utilities shall comply with En 800, the underground utility damage prevention program rules.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 706 RECORDS AND REPORTS

En 706.01 Records in General. All records shall be organized, arranged, or prepared to ensure that sufficient data is available to determine the status of compliance with these rules. Records pertaining to the system design or that are necessary for future evaluation of the system's safety shall be retained for the life of the facility involved.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 706.02 Station Records. Each sewer utility shall keep sufficient records of the operation of its pumping, treatment, and other units to show the characteristics and performance of each.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 706.03 System Maps.

(a) Each sewer utility shall have on file at its principal office located within New Hampshire a suitable map, maps, or drawings showing the following:

- (1) Size, character, and location of all mains, service pipes, including disposal points, and manholes;
- (2) Location and layout of all treatment plants and pumping stations; and
- (3) Description of service area.

(b) In lieu of showing service locations on maps, referred to in (a)(1) above, a card record or other suitable means may be used.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 706.04 Reports to Department.

(a) The sewer utility shall furnish the department with any information concerning the sewer utility's facilities or operations which the department shall request and need for evaluating rates and the practices of the sewer utility.

(b) Each utility shall file periodic reports with the department as required by En 708.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 707 SAFETY AND INSPECTIONS

En 707.01 Safety Instructions.

(a) Each sewer utility shall adopt comprehensive instructions for the safety of employees regarding the operation, construction, and maintenance of its plant and facilities.

(b) Each sewer utility shall institute practices and programs to establish that its employees have been properly informed of safe practices and are cognizant of all hazards involved, including those involving exposure to hazardous atmospheres.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 707.02 Resuscitation.

(a) Each sewer utility shall institute and maintain a program instructing its employees engaged in electrical work or work in hazardous atmospheres, such as in-ground pump stations or meter vaults, in safety procedures for resuscitation emergencies.

(b) The sewer utility shall furnish copies of the relevant safety procedures to each such employee.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 707.03 Accidents.

(a) Each sewer utility shall report to the department as soon as possible after each accident occurring in connection with the operation of its property, facilities, or services, wherein any person shall have been killed or seriously injured or whereby serious property damage has been caused.

(b) The first report of an accident may be preliminary, but, if so, shall be followed by as full a statement as possible of the cause and details of the accident and the precautions taken, if any, to prevent recurrence.

(c) Accidents resulting in slight injuries which do not incapacitate the person injured from active work for more than 6 days in the aggregate during the 10 days immediately following the injury shall not be required to be reported.

(d) The sewer utility shall report on department "Form E-5S, Utility Accident Report Form," revised March 2024 described in En 708.01, to the department any accident related to its sewer utility operations which is not a slight accident as described in (c) above.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 707.04 Department Inspection. The department shall, from time to time, inspect the works and system of each sewer utility and the manner in which it has conformed and presently conforms to statutes or department or commission rules or orders.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

PART En 708 FORMS TO BE FILED

En 708.01 E-5 - Utility Accident Report.

(a) Each sewer utility shall complete and file with the department and the commission a department "Form E-5S, Utility Accident Report," revised March 2024, available on the department's website at www.energy.nh.gov, within 10 working days of when a sewer utility accident, as described in En 707.03 (a) and (d), occurs.

Source. #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 708.02 E-16 Report of Sewer Meter Complaint Tests.

(a) Each sewer utility shall report by completing and submitting department "Form E-16, Report of Sewer Meter Complaint Tests," revised March 2024, available on the department's website at

www.energy.nh.gov, to the department monthly if water or sewer meter complaints occur, the former if the sewage service is being measured by the water meter.

[Source.](#) #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 708.03 F-16-Sewer Utilities Annual Report.

(a) Each sewer utility which maintains its books on a calendar year basis shall complete and file department form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” revised March 2024, available on the department’s website at www.energy.nh.gov, and file one signed original and one electronic copy with the department and the commission annually on or before March 31st. Form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” shall be signed under oath subject to the certification set forth in En 708.03(d).

(b) Each sewer utility which maintains its books on a fiscal year basis which does not coincide with a calendar year shall complete and file department Form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” revised March 2024, available on the department’s website at www.energy.nh.gov, and file with the department and the commission one signed original and one electronic copy by email or through the department’s electronic records filing system no later than 90 days following the close of each fiscal year. Form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” shall be signed under oath subject to the certification set forth in En 708.03(d).

(c) Each sewer utility shall comply with the electronic filing requirement regarding department form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent],” revised March 2024, available on the department’s website at www.energy.nh.gov, as provided in En 708.05. Form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” shall be signed under oath subject to the certification set forth in En 708.03(d).

(d) Form “F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]” as required in (a) – (c) above shall be signed under oath subject to the following certification:

“We, the undersigned, _____ and _____ of the _____ utility, on our oath do severally say that the foregoing report has been prepared, under our direction, from the original books, papers, and records of said utility, that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said utility, in respect to each and every matter and thing therein set forth to the best of our knowledge, information and belief, and that the accounts and figures contained in the foregoing report embrace all of the financial operations of said utility during the period for which said report is made.”

[Source.](#) #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 708.04 F-22 Information Sheet.

(a) Each sewer utility shall complete and file with the department and the commission a completed department “Form F-22, Information Sheet” revised October 2023, available on the department’s website at www.energy.nh.gov:

- (1) Annually; and
- (2) Whenever any changes occur to the information included in the form F-22 filing.

[Source.](#) #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

En 708.05 Electronic Filing Requirement, Annual Report.

(a) "Electronic filing" means the filing with the department or the commission of an electronic version of a document or form.

(b) The department shall maintain a list on its web site of the types of electronic file formats compatible with its and the commission's computer systems.

(c) Any sewer utility serving fewer than 600 customers shall be exempt from the requirements of this section.

(d) Any sewer utility may petition the department for a one-year waiver from the electronic filing requirement pursuant to the waiver provisions of En 201.05.

(e) In its application for a waiver under (d) above, a sewer utility shall describe and provide evidence to demonstrate that:

(1) It does not have the computer capability to generate electronic reports or filings due to the small size of its overall operations or its lack of computer equipment, expertise, or both; or

(2) Its existing available computer systems are not compatible with the computer systems of the department or the commission and because of this incompatibility it would be prohibitively expensive or cumbersome to file electronically; or

(3) Other circumstances would make electronic filing prohibitively expensive or cumbersome.

(f) The department shall issue a waiver under (d) and (e) above if it determines that the burden on the sewer utility of electronic filing outweighs the benefit to the administrative process.

(g) The department shall make available to each sewer utility upon request an electronic version of the annual report form when the department has prepared and has available an electronic version.

[Source.](#) #13912, eff 3-21-24 (see Revision Note at chapter heading for En 700)

APPENDIX A

Rule	Specific State Statute the Rule Implements
En 701.01 – En 702.13	RSA 12-P:5, IV; RSA 362, et seq.
En 703.01 – En 703.03	RSA 12-P:5, IV; RSA 370:1-8; RSA 374:3
En 704.01 – En 704.03	RSA 12-P:5, IV; RSA 370:2
En 705.01 – En 705.02	RSA 12-P:5, IV; RSA 374:3, 48-56
En 706.01 – En 706.04	RSA 12-P:5, IV; RSA 374:4, 13
En 707.01 – En 707.04	RSA 12-P:5, IV; RSA 374:3, 4, 37-39
En 708.01	RSA 12-P:5, IV; RSA 374:3, 4, 15, 39
En 708.02	RSA 12-P:5, IV; RSA 370:2-5; RSA 374:4, 15
En 708.03	RSA 12-P:5, IV; RSA 374:4, 13, 15
En 708.04 – En 708.05	RSA 12-P:5, IV; RSA 374:4, 15