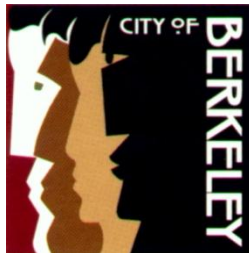


CITY OF BERKELEY

PRIVATE SEWER LATERAL PROGRAM

EFFECTIVE OCTOBER 1, 2006

**A COMPLIANCE GUIDE FOR
PROPERTY OWNERS, SELLERS, BUYERS,
AND CONTRACTORS**



Revision 3

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WHAT IS THE PRIVATE SEWER LATERAL PROGRAM?

To protect the water quality of creeks, watersheds, and the San Francisco Bay, the City of Berkeley recently passed a law related to private property sewer laterals. Half of the water that enters the City's sewers during wet weather comes from deficient private sewer laterals (lines) and from downspouts and yard area drains. Effective October 1, 2006, property owners are required to obtain a Sewer Lateral Certificate prior to selling a property or obtaining a permit for major remodeling projects.

WHO HAS TO COMPLY WITH THIS ORDINANCE?

All property owners must comply with this ordinance. This includes property owners of all commercial, industrial, and residential properties including as condominiums and townhouses.

While single family or multifamily homes can be straightforward in identifying the location and owner of the upper sewer lateral or backyard lateral, it becomes a bit more challenging when dealing with condominiums and townhouses. It should be noted, however, that the principles apply to all these scenarios.

For example, consider a single building that houses six condominiums and all units share the same sewer lateral. If a condominium should come up for sale, then the owner would comply with the steps described in this guideline and would either apply for a certificate by providing documentation as to the recent repair or replacement of the upper lateral or provide a CCTV video inspection. The Certificate of Compliance would be issued to the property. This may be advantageous for other unit owners who want to sell later as they will be able to verify the compliance of the lateral.

PROPERTY OWNER'S RESPONSIBILITY

A typical sanitary sewer lateral consists of two sections:

1. The lower lateral is the section of pipe that runs from the sewer main in the street to a cleanout at or near your property line at the curb, as shown in Figure 1. The City maintains and repairs the lower lateral connected to your property.
2. The upper lateral is called the "private sewer lateral." The property owner is responsible for maintaining, repairing, and replacing the upper lateral.

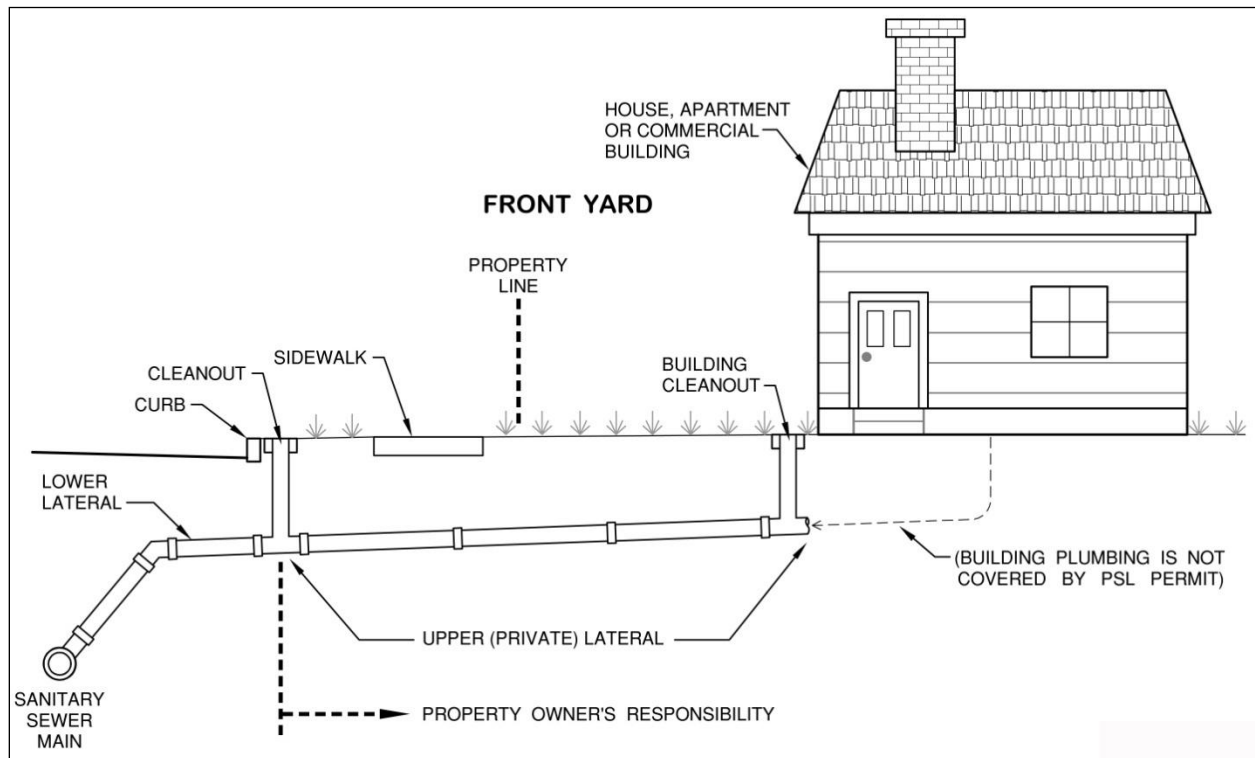


Figure 1. Typical Sanitary Sewer Lateral

When a building sewer connects to a rear yard sewer main, the entire building's sewer lateral, including the connection to the main sewer, shall be considered a private sewer lateral. Figure 2 below illustrates this condition.

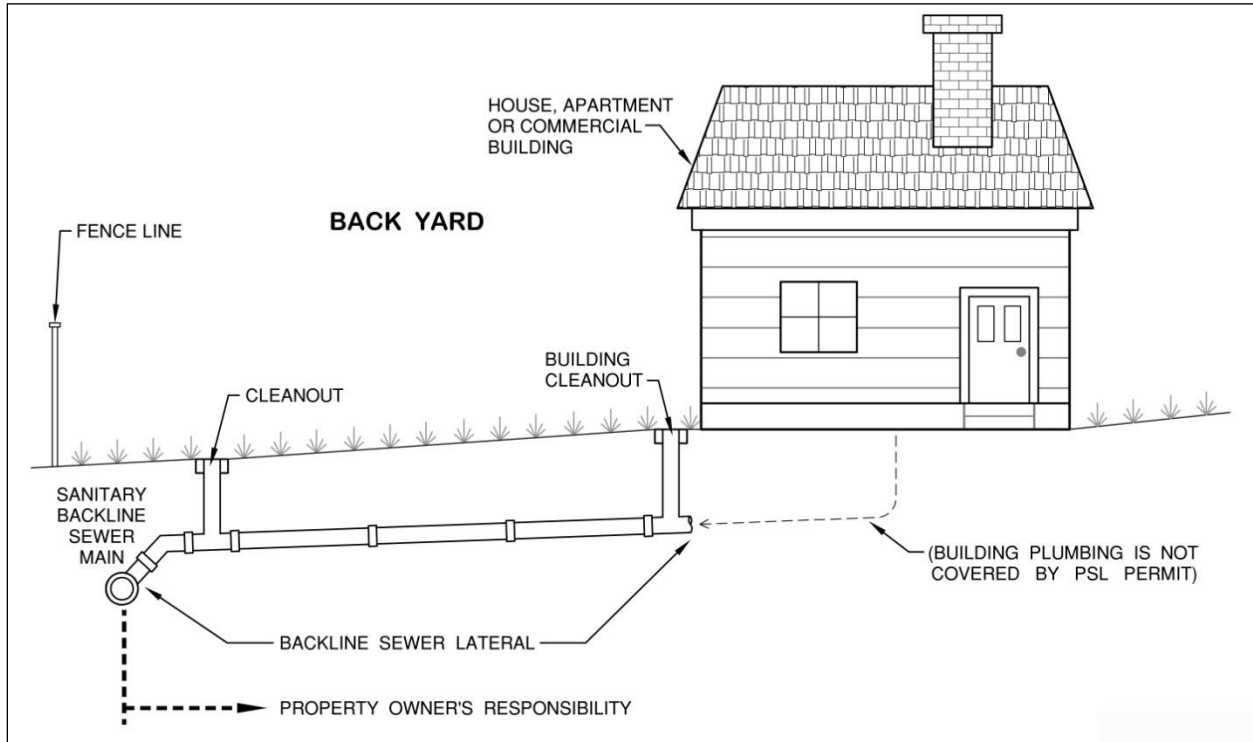


Figure 2. Typical Sanitary Backline Sewer Lateral

HOW TO USE THIS GUIDE

Refer to the Table of Contents for specific information on various aspects of the Private Sewer Lateral Program. The appendices include standards, guidelines, applications, and samples of applications related to this program.

You can download an [application for the Private Sewer Lateral Certificate](#) from the City's web page or you can get copies from the Finance Customer Service Center at 1947 Center Street, 1st Floor, or from Public Works Engineering at 1947 Center Street, 4th Floor.

WHAT TRIGGERS COMPLIANCE?

There are two events that trigger compliance:

1. The sale of property; or
2. A remodeling project that costs more than \$50,000

The requirements for each of these events are listed below.

SALE OF PROPERTY

If you're planning on selling your property, the City will issue a Private Sewer Lateral Certificate if you can provide one of the following documents as verification of compliance:

- Evidence that your sewer lateral is less than 20 years old; or
- A copy of a plumbing permit for replacement or significant repair, including details of the work completed, for your lateral performed within the last 10 years. (Please review the City's Standard in [Appendix S2](#) for additional information.)

If your sewer lateral does not comply with the above, you must have it inspected by closed circuit television (CCTV). A California state licensed plumbing contractor or licensed sanitation sewer contractor can perform the CCTV work. It is important that the contractor is aware of the correct way to handle the inspection of the property. This information is available at Public Works Engineering. The cost of the CCTV inspection, including the video, may range between \$75 and \$350.

Please see [Appendix S1](#) for the required standards for completing a CCTV inspection and a sample of a properly completed log to accompany the CCTV inspection.

In most cases, all repair or replacement work must be completed prior to the transfer of title. Alternately, if requested, the City may determine that the work is not sufficiently urgent and allow you to retain funds in escrow or post a bond to complete the work within 6 months of the close of escrow. (See [Deadlines for Owners Selling Property](#) below for details.)

Deadlines for Owners Selling Property

You must complete all repair or replacement work and obtain a Sewer Lateral Certificate (SLC) before the transfer of title. You may request the City to determine if the work is urgent. If the work is not urgent, you may do one of the following:

- Allow funds to be held in escrow; or
- Post a bond to finish the work within 6 months of the close of escrow
- Complete the form entitled [Declaration of Sewer Lateral Escrow Deposit](#), submit form at Finance Customer Service, 1947 Center St, First floor.

It is recommended that you start this process as soon as possible after you list the property for sale. If the work is not completed within 6 months of the close of escrow the funds shall be forfeited and transferred to the City

To obtain a refund after the SLC is obtained submit a copy of the SLC with an [Escrow Refund Claim form](#) to Finance Customer Service

MAJOR REMODELING PROJECTS

Are you planning a major remodeling project? The new law affects you if your remodeling project costs more than \$ 50,000.

You are required to submit a SLC from the Public Works Department before receiving a building permit for your remodeling project(s). To obtain a SLC you must provide one of the following:

- Evidence that the sewer lateral is less than 20 years old;
- A copy of a plumbing permit for replacement or repair work within the last 10 years. (Please review the City's Standard in [Appendix S2](#) for additional information.)

If your sewer lateral does not comply, you must have it inspected by closed circuit television (CCTV). A California state licensed plumbing contractor or licensed sanitation sewer contractor can perform the CCTV work. It is important that the contractor is aware of the correct way to handle the inspection of the property. This information is available at the Public Works Department. The cost of the CCTV inspection, including the video, may range between \$75 and \$350.

Please see [Appendix S1](#) for the required standards for completing a CCTV inspection and a sample of a properly completed log to accompany the CCTV inspection.

Building Permit Applications. You will have to provide a copy of a SLC from the Public Works Department when you apply for a building permit from the Permit Service Center. For additional reference, see [AS3 \(Guidelines for Permits and Inspections for Replacement of Sewer Laterals\)](#) or [AF1 \(Plumbing Sewer Lateral Checklist\)](#).

THE CITY FINDS NONCONFORMING CONNECTIONS

If the City discovers that there are nonconforming connections (such as terminations of area or roof drains) to the private sewer lateral, then the City will mandate corrective actions to bring the property into compliance.

WHO CAN PERFORM REPAIR OR REPLACEMENT WORK?

Repair or replacement work in the public right-of-way must be done by a California state licensed plumbing contractor (C-36 license), a sanitation sewer contractor (C-42 license), or a general engineering contractor. Work on private property for single- and two-family residences may be done by the C-36 or C-42 contractors, a general building contractor (Class B) or by the homeowner. Homeowners may perform work on their own property only if work is done in compliance with the owner-builder provisions of State law.

WHO CAN PRODUCE CLOSED CIRCUIT TELEVISION (CCTV) VIDEOS?

The City will accept only CCTV videos and CCTV Reports which are completed by a California licensed plumbing contractor or a licensed sanitation sewer contractor. Please note that the video must be current and have been completed within 30 days of the application for certificate. See [Appendix S1](#) for the required standards for completing a CCTV inspection and a sample of a properly completed CCTV Sanitary Sewer Report form to accompany the CCTV inspection.

SEWER LATERAL CERTIFICATE APPLICATION PROCEDURES

1. Complete the [Application for Sanitary Sewer Lateral Certificate](#). Applications may be obtained from the Public Works Department, 1947 Center Street, 4th Floor or from the Finance Department, 1947 Center Street, 1st Floor. Applications can also be downloaded from the City's website.
2. Attach to the application one of the following:
 - Documentation that the lateral has been replaced within 20 years of the date of application or has had significant repairs within the last 10 years. (Please review [Appendix S2, Standards for Obtaining a Sewer Lateral Certificate Based on Repair](#)) or
 - A closed circuit television (CCTV) video of the entire portion of the private sewer lateral that demonstrates it is in compliance. (A CCTV Sanitary Sewer Report form signed by the Contractor complete with required information must accompany the submitted video. See [Appendix S1](#).)
 - A copy of a plumbing permit signed off by the Building and Safety Division of the Planning Department or confirmation in electronic files maintained by the City.
3. Submit application materials to the Finance Customer Service Center at 1947 Center Street, 1st Floor. There is a \$150 fee for all PSL applications. Please allow 5 business days for the processing and review of your application.

The total costs for repairing or replacing non-complying sewer laterals, including for permits, inspections and construction, may range between \$3,000 and \$4,500.

ENGINEERING REVIEW

The approval process for the Sewer Lateral Certificate (SLC) requires the City to review:

1. The SLC application for completeness and signature. [Appendix F3](#) is a sample of a properly completed application. The closed circuit television (CCTV) video of the existing lateral for completeness and conformance with the City's standards for CCTV inspections. The standards are detailed in [Appendix S1](#). The CCTV Sanitary Sewer Report form for completeness and conformance to the City's standards. Please review [Appendix S1, Standards and Requirements for Closed Circuit Television Surveys](#). A sample of a properly completed inspection log is included in this guide in [Appendix S1](#).
2. All documentation for full replacement and significant repairs, including the following:
 - The plumbing/sewer lateral permit signed off by a Building Inspector from the Building and Safety Division;
 - The scope of work performed and the date of its completion. Refer to [Appendix S2](#) for the standards for obtaining a sewer lateral certificate.
3. All documentation and determine if the work done complies with the City's guidelines as shown in [Appendix S2](#). If the City finds that the information submitted adequately addresses the minimum requirements for a repair/replacement, then the City will issue a SLC. A sample of this document is available as [Appendix F4](#).

If the submitted documentation IS NOT in compliance, the City will issue a Deficiency Notice (see sample document in [Appendix F6](#)). The applicant will have 90 calendar days to resubmit adequate documentation. Failure to obtain a SLC within 120 calendar days of application submission will result in the City considering the property to be out of compliance with the law. Staff will follow up with code enforcement actions. Such enforcement action will be pursuant to Berkeley Municipal Code Section 17.24.060.

ISSUANCE OF SEWER LATERAL CERTIFICATE

The City will issue a Sewer Lateral Certificate after you meet all requirements for compliance. The City will maintain a record of this certificate; however, you are encouraged to keep a copy for your own records.

The Sewer Lateral Certificate is valid for the following timeframes:

1. If the sewer lateral is entirely replaced, the certificate will be valid for 20 years from the date of replacement.
2. If the sewer lateral had point repairs done but was not completely replaced, the certificate will be valid for 7 years from the date of repair.
3. If the sewer lateral is shown by CCTV inspection to be in compliance and without defect, then the certificate will be valid for 7 years from the date of the video.

The expiration date will be shown on the certificates as well as be archived in City records.