

Guidelines for Exemptions

This guideline includes information about the conditions and process for obtaining an Exemption Certificate. Having a valid Exemption Certificate means that during the period for which the Exemption Certificate is valid the parcel does not need to obtain a Compliance Certificate.

The Regional Private Sewer Lateral (PSL) Program protects San Francisco Bay from sewage overflows and is a joint effort of federal, state, and local agencies. Repairing old cracked sewer pipes ensures that during storm, rainwater does not enter sanitary sewer lines. Too much rainwater can overwhelm the sanitary sewer system allowing partially treated sewage to flow into the Bay.

Regional PSL Program requirements apply to property owners who are buying or selling a property, performing building or remodeling in excess of \$100,000, or changing water meter size. Property owners are required to obtain a Compliance Certificate or Time Extension Certificate, or if certain conditions are met, they may be eligible for an Exemption Certificate.

Below is information about exemption categories and how to apply for an Exemption Certificate.

1. Exemption for Recent Sewer Lateral Work

A parcel may be eligible for an Exemption Certificate if its PSL was recently replaced or newly constructed in accordance with local agency requirements. Below are two situations in which a certificate may be issued.

(A) If a parcel has a valid and un-expired certificate similar to a Compliance Certificate from the City of Alameda, Albany or Stege Sanitary District (El Cerrito, Kensington and Richmond Annex) that indicates that all PSLs associated with the parcel met applicable standards at the time the certificate was issued, it may be eligible for an Exemption Certificate. Exemption Certificates issued for parcels in this category will expire on the same expiration date as the Compliance Certificate that was originally issued by the permitting agency.

(B) If a parcel has a dated and approved building or sewer permit indicating that all PSLs associated with the parcel were replaced or newly constructed during the Applicable Time Period shown in Table 1A, it may be eligible for an Exemption Certificate if the permitting agency verifies that a permit was issued and finalized. Exemption Certificates issued for parcel in this category are valid for 10 years from the date that the permit was finalized. This means that even if a PSL falls into the Applicable Time Period in Table 1A, if more than 10 years have passed since the permit was finalized, it will not be eligible.

Table 1A

Location	Program Start Date	Applicable Time Period
Emeryville and Piedmont	August 22, 2011	August 22, 2001 through August 22, 2011
Oakland	January 16, 2012	January 16, 2002 through January 16, 2012

To request an Exemption Certificate:

1. Go online to the Regional PSL Program website at www.eastbaypsl.com.
2. Click on “Request Certificate” located on the left side of the screen under the Site Map.
3. At the “Start Here” page, enter your parcel address or parcel number, and click the search button. Click on your parcel address when the results are displayed at the bottom of the screen.

4. On the next screen, fill out the requested information, select “Request an Exemption Certificate”, indicate the reason for the exemption request and submit. You will receive an email notification with the results in approximately 1-2 weeks.
5. Submit supporting documentation, if required, via email to psl@ebmud.com or mail to the following address:

EBMUD – Regional PSL Program
 ATTN: PSL Exemption – Supporting Documents
 375 11th Street, MS 702
 Oakland, CA 94607-4240

2. Exemptions for Excluded Title Transfers, Vacant Parcels and Parcels with Pressurized Laterals, Septic Systems or without a Sewer Connection

Parcels with certain types of title transfers, or that are vacant, or have pressurized PSLs or septic systems may be eligible for a short-term Exemption Certificate upon EBMUD confirmation of supporting documentation or site visit results. Short term exemption certificates are only valid for a single transaction and may be used to assist with title transfer or to enable a property owner to halt enforcement action by EBMUD. Sections A through C below include detailed descriptions for the above situations.

A. EXCLUDED TITLE TRANSFERS

Table 2A includes a description of title transfers that are excluded from Regional PSL Ordinance requirements. For excluded title transfers, supporting documentation may include a grant deed or fully ratified purchase contract; birth, marriage, or divorce certificate; will; or notarized statement.

TABLE 2A

Transfer Type	Description
Partial Interest	The sale or transfer of partial interest in a property, such as a 50% stake or a leasehold.
Will or Inheritance	A transfer to an heir by a fiduciary in the course of the administration of a decedent’s estates, guardianship, conservatorship, or trust.
Co-Owner	A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors.
Inter Vivos	A transfer made by a trustor to fund an inter vivos trust (sometimes called a living trust).
Intra Family	A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a lineal consanguinity relationship with one or more of the transferors. A person is in lineal consanguinity with another if one is the direct descendent of the other. This includes transfers between parent and child, grandparents and grandchildren, and great-grandparents and great grandchildren, but not those between brothers, sisters, aunts, uncles, nieces, nephews, or cousins. Transfers between an adopter and adoptee qualify for the exclusion, and it is also applicable to parcels transferred upwards, as in child to parent, grandparent, or great-grandparent.
Separation/ Divorce	A transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or resulting from a decree of legal separation

	or from a property settlement agreement incidental to a decree.
Bank Foreclosure	A transfer from a property owner to a financial institution as a result of a foreclosure or similar process. Note: A transfer from a financial institution to a new property owner is subject to Regional PSL Program requirements.

B. VACANT PARCELS

Vacant parcels that qualify for an Exemption Certificate will fall into one of three categories: 1) parcels that have never been developed; 2) parcels with a structure or parking lot without a PSL; or 3) parcels where a structure has been demolished and the PSL was properly abandoned. Table 2B describes the verification process and/or the required supporting documentation (if any) for each type of vacant parcel.

Note that vacancy is not a function of occupancy. A parcel with a structure(s) with a PSL connection to the public sewer is required to comply with Regional PSL Program requirements regardless of occupancy status or inactivity of water use.

TABLE 2B

Vacant Parcel Type	Verification Process/Required Supporting Documentation
1) Never developed	EBMUD will review county records to confirm that the parcel was never developed. If County records do not classify the parcel as “vacant”, supporting documentation must be submitted.
2) With structures or parking lot but no PSL	EBMUD will verify that there is no record of prior sanitary sewer service at the parcel. If EBMUD records indicate historic wastewater services charges supporting documentation must be submitted.
3) Previously developed, but structure has been demolished and PSL abandoned	<p>Parcels that are currently vacant, but that previously had a structure with a PSL, must comply unless verifiable documentation is submitted that the PSL has been abandoned and is no longer connected to the public sewer system.</p> <p>Sewer laterals must be abandoned in accordance with local agency requirements (e.g. City of Oakland Public Works Agency). Verifiable documentation may be a permit or similar approval issued by the local agency with details about the abandonment.</p> <p>Contact the local agency directly for additional information. If the PSL has not been abandoned, and will not be reused, abandonment should be completed to allow submittal of supporting documentation.</p>

C. PARCELS WITH SEPTIC SYSTEMS OR PRESSURIZED LATERALS

The Regional PSL Program is intended to reduce inflow and infiltration. Because pressurized PSLs and PSLs connected to septic systems do not contribute to inflow and infiltration, they are exempt. Table 2C includes a description of each parcel type and the verification process that must be completed prior to approval of an Exemption Certificate.

TABLE 2C

Parcel Characteristic	Verification Process
Pressurized Laterals	EBMUD will conduct a site visit to verify that the entire PSL is pressurized. Some parcels have a PSL with pressurized and gravity flow/unpressurized segments. The gravity flow segments are subject to Regional PSL Program requirements.
Septic Systems	EBMUD will confirm with the Alameda County Environmental Health Department that the parcel has a septic system.

If you believe you qualify for an Exemption Certificate based on one of the scenarios above, follow the steps listed under Section #1 to request an Exemption Certificate.

3. Parcels or Parcel Groups not Eligible for Exemption Certificates

The Regional PSL Program has two parcel types that are not eligible to obtain an Exemption Certificate upon title transfer. The parcel types are: 1) common interest developments such as condominiums, townhomes and planned unit developments. (The exception is when the individual unit owner is responsible for the PSL per the Covenants, Conditions and Restrictions. In those instances, the individual unit owner may request an Exemption Certificate.); and 2) parcels or parcel groups with PSLs totaling greater than 1,000 feet.

Common interest developments must certify all sewer laterals by July 2021, and parcels or parcel groups with greater than 1000 feet of PSLs must submit a condition assessment plan by July 2016 and satisfy additional requirements by July 2021. Because of these defined deadlines, Exemption Certificates are not provided. Visit www.eastbaypsl.com to see the guidelines for parcels in these categories.