

Guidelines for Condominiums and Other Common Interest Developments

EAST BAY REGIONAL PRIVATE SEWER LATERAL PROGRAM

These guidelines explain what the owners, or responsible parties, for multi-unit structures with multiple owners such as condominiums, townhomes and other common interest development properties need to do to comply with East Bay Regional Private Sewer Lateral (PSL) Program requirements.

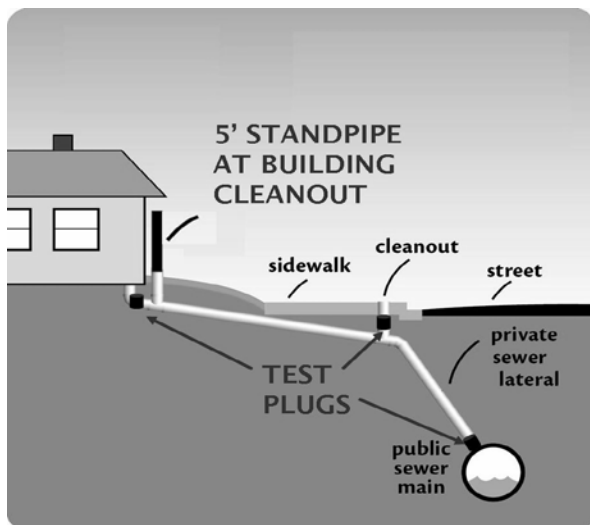
The Regional PSL Program requires property owners to obtain a Compliance Certificate from EBMUD indicating that all PSLs associated with a parcel have demonstrated compliance with applicable standards. It is recommended that the condition of each PSL first be assessed to determine what work is required. Then the PSLs must be repaired or replaced, as necessary, and pass an air or water verification test that will be witnessed by an EBMUD inspector in order to obtain a Compliance Certificate.

Repairing old cracked sewer pipes ensures that during storms 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. Visit www.eastbaypsl.com for more information.

Who is Affected?

The program applies to properties in Alameda, Albany, Emeryville, Oakland, Piedmont, and the Stege Sanitary District, which serves Kensington, El Cerrito and the Richmond Annex.

What is a PSL?



Upper lateral is the portion of the lateral from the building to the property line.

The lower lateral is the portion from the property line to the public sewer main.

The Regional PSL Ordinance defines a private sewer lateral as pipe or pipes and appurtenances that carry sewage and liquid waste from the structure or structures served to the sewer main. The PSL includes both the upper and lower sewer laterals, except in Albany and Alameda where a compliance certificate is required for the upper lateral only. A PSL is associated with a parcel if it is located on the parcel or conveys sewage and liquid waste from any structure located on that parcel. Note: All such sewer pipes, regardless of size or number, are PSLs subject to program requirements. All pipes upstream of the public sewer main are considered private sewer laterals and are subject to program requirements, including private mains and manholes.

What is a Common Interest Development?

Under the Regional PSL Program, a Common Interest Development is any development managed or governed by a Homeowners' Association. Some examples are condominiums, townhomes, planned unit developments, stock cooperatives, and other projects where individual units are separately owned.

What is a Homeowners' Association? What if my development doesn't have one?

For purposes of the Regional PSL Program, a Homeowners' Association (HOA) is any nonprofit corporation or unincorporated association that manages or governs a Common Interest Development and operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as an HOA.

Any development without an HOA is not treated as a Common Interest Development, even if the development is classified in county records as condominiums, planned unit developments, or similar.

What is the Deadline for Completing PSL Work within Common Interest Developments?

The deadline depends on who is responsible for PSL work. The allocation of that responsibility varies among Common Interest Developments. The responsible party is typically named in the Covenants, Conditions and Restrictions (CC&Rs) or a similar document. Either the HOA or individual unit owners may be responsible to meet Regional PSL Program requirements, or they may share responsibility.

- If the HOA is legally responsible to maintain all PSLs in the development, the HOA must bring all of the PSLs in the development into compliance. The HOA must ensure that any necessary work is completed so that all PSLs are free of leaks and in compliance by July 12, 2021. If the total combined length of those PSLs exceeds 1,000 feet, the HOA must prepare a Condition Assessment Plan by July 12, 2016.
- If the property owner of the individual unit is legally responsible to maintain the PSL associated with his or her unit, the unit owner must obtain a compliance certificate upon these triggers: (1) before transferring title to the unit to a buyer (unless the buyer agrees to assume responsibility), (2) before final sign-off on a construction or remodeling permit, when more than \$100,000 of work is performed, or (3) before any increase or decrease in the size of the water meter.
- In some cases, homeowners may be legally responsible for the PSLs associated with their unit and the HOA may be responsible for shared PSLs within the development. In these cases, the HOA must bring the shared PSLs into compliance by July 12, 2021, and individual homeowners must bring their PSLs into compliance upon any of the three triggers described above.

Letter of Responsibility

If the HOA is responsible for maintaining any PSLs in the development, the HOA must provide a Letter of Responsibility. The Letter of Responsibility must include the following:

- Name of the HOA
- Statement of responsibility
- All of the addresses and parcel numbers covered by the HOA, including common area, if applicable (Alameda County parcel numbers can be retrieved here: http://gis.acgov.org/Html5Viewer/index.html?viewer=parcel_viewer. Contra Costa County parcel numbers can be retrieved here: <http://www.co.contra-costa.ca.us/4650/ParcelQuest-Disclaimer>)
- Mailing address
- HOA contact name and phone number
- Discussion of any privately owned sanitary sewer mains managed by the HOA

Once EBMUD has received the Letter of Responsibility from the HOA, an individual condominium/townhome unit or single family home in which the HOA is responsible for the PSL can transfer title without a Compliance Certificate – with the understanding that the HOA will obtain a Compliance Certificate under Section 7 of the PSL Ordinance on or before July 12, 2021. [The Letter of Responsibility can be emailed to psl@ebmud.com or mailed to PSL Program at EBMUD P.O. Box 24055 MS#702 Oakland, CA 94623](mailto:psl@ebmud.com)

If the HOA is responsible for greater than 1,000 feet of PSL, the HOA may be subject to different requirements under Section 12 of the PSL Ordinance. See Guidelines for Parcels or Parcel Groups with Laterals Totaling Greater than 1000 feet at <http://www.eastbaypsl.com/eastbaypsl/doc/PSLParcel1000FeetGuidelines.pdf> or contact EBMUD for more information (510) 287-1622.

Sewer Lateral Work, Permits, Inspection and Certification

Step 1: Check Lateral Condition

It is recommended that a plumbing contractor be hired to check the PSL(s) for cracks or other defects. If work is needed, proceed to Step 2. If no work is required, proceed to Step 4, except for properties in Emeryville where step 2 is required even if no repair or replacement is performed.

Step 2: Obtain Required Municipal Permits

Appropriate building and/or sewer permits must be obtained before beginning PSL repair or replacement to ensure that work is performed in accordance with local ordinance requirements. Agency contact information is provided below.

City of Alameda	(510) 747-7930
City of Albany	(510) 528-5760
City of Emeryville Building Department	(510) 596-4310
City of Oakland	(510) 238-3891
City of Piedmont Public Works Department	(510) 420-3050
Stege Sanitary District	(510) 524-4668

Step 3: Complete Required Work

Your contractor will complete repairs or replacement of the PSL.

Step 4: Prepare for EBMUD Verification Test Inspection and Pay the Compliance Certificate Fee

All PSLs on the parcel must pass an air or water pressure test to be certified by EBMUD. See Guidelines for Contractors at www.eastbaypsl.com/eastbaypsl/doc/PSLContractorGuidelines.pdf for details. Also available are Contractor Guidelines for Main and Manhole Testing at <http://www.eastbaypsl.com/eastbaypsl/doc/ContractorGuidelinesforMainandManholeTesting.pdf>

The HOA or its contractor must provide a map showing all laterals, mains, and manholes of the development to EBMUD prior to scheduling an inspection. Please call the PSL Program scheduling desk at (510) 287-1599 for more information.

When scheduling, EBMUD staff will provide information on applicable fees associated with the Program, including the compliance certificate fee. Fees can be paid online at www.eastbaypsl.com. You may also pay by cash or check at the EBMUD New Business Office at 375 11th Street, First Floor, Oakland, CA 94607.

Step 5: Certification

The HOA will receive a compliance certificate once all laterals, as well as private mains and manholes, if applicable, have passed verification tests and all fees have been paid. Re-certification for all PSLs managed by the HOA will be required every 20 years.

If individual property owners are legally responsible per the CC&Rs to maintain any portion of PSLs in the common interest development, compliance certificates for individual units will be issued when the lateral passes the verification test and fees have been paid, following a triggering event. The triggering events are: buying or selling a property, building or remodeling in excess of \$100,000, or changing the water meter size. If the PSL is fully replaced, the certificate will be valid for 20 years. If the PSL is repaired or passes the test with no work done, the certificate will be valid for 7 years. No re-certification is needed until the certificate expires and one of the three triggers is hit.