

Guidelines for Appeals Form

This guideline includes information to assist filling out the Appeals Form, which is used to seek review of actions (or inactions) of the East Bay Municipal Utility District in connection with the Regional Private Sewer Lateral Program. It is also used to review requests for additional time to comply, which may result in a Compliance Agreement.

EAST BAY REGIONAL **PRIVATE SEWER LATERAL** PROGRAM

Required Information

1. Property and Property Owner Information

Guidance

Name, address, and phone number for property owner; parcel address and parcel number must be completed. An additional Contact Name, mailing address, email and phone number may be submitted if necessary.

2. Are you requesting an extension of time from a deadline? Select "Yes" if you are requesting more time to comply (e.g., to obtain a Compliance Certificate).
3. Are you appealing a decision made by EBMUD or inaction? Examples: Requirement to comply, Enforcement, title transfer not subject to Ordinance, etc.
4. Have you obtained a Time Extension Certificate (TEC)? If a title transfer occurred, the parcel is eligible for a Time Extension Certificate allowing an additional 180 days to obtain a Compliance Certificate. Requests for additional time to comply following title transfers will only be considered if a Time Extension Certificate has been obtained.
5. Explain the reason for your appeal. Provide more detail, dates, and circumstances.
6. Describe the specific request. Examples: Additional time to comply, excused from requirements
7. Relevant Documentation Checklist. Include any relevant documentation that supports the appeal request. The following are required for the specified situations:

The following scenarios only apply to Title Transfer Trigger Appeals:

If you have a 203(k) loan and are requesting extended time for remodel work that will result in rehabilitation or relocation of the sewer lateral(s), enclose:

- Description of the planned work showing funds allocated for sewer lateral repair or replacement,
- Signed 203(k) Borrower's Acknowledgement, and
- Signed Homeowner/Contractor Agreement

If you are requesting extended time due to reconstruction following a House Fire, enclose:

- Copy of Fire Incident Report

If you are in the process of a redevelopment or remodel project, with plans to either re-locate or rehabilitate the existing lateral as part of that work, and are requesting additional time due to the length of the redevelopment project, enclose:

- Design plan statement indicating new lateral locations, existing laterals planned to be retained, and/or capped/abandoned laterals, schedule and any approvals (e.g., Planning or Zoning application or approval)

If you are in process on a development project and the City has issued a Stop Work Order preventing you from completing sewer lateral rehabilitation work at this time, enclose:

- City-issued Stop Work Order notice

The following scenarios apply to both Title Transfer and Construction or Remodel Trigger Appeals:

If you are delayed in completing sewer lateral rehabilitation work at this time due to the presence of squatters on the property, enclose:

- Copy of court documents to evict occupants

If you are delayed in completing sewer lateral rehabilitation work at this time because your lateral is shared with an adjacent property and the City has issued a notice requiring that the laterals be separated or a notice to abate due to insufficient pipe diameter on the privately owned main and are delayed in completing sewer lateral work, enclose.

- Copy of Conjoined Lateral Separation Notice from the City or equivalent
- Copy of Notice to Abate from the City or equivalent

If you are delayed in completing sewer lateral rehabilitation work at this time because of an extended disruption to sewer service due to the unique nature of the services provided by the facility, you may be eligible for a Compliance Agreement Extension. Examples may include hospitals, private schools, senior care facilities, manufacturing facilities, and emergency operations centers, enclose:

- Operational description of your facility, including times of use, impact of sewer service disruptions, scope of work for repair/replacement and testing.

Documentation may be required for circumstances not listed above. EBMUD will notify you what to provide during review of the Appeal form.

8. Monetary Deposit Information for Construction or Remodel Trigger Appeals

A Compliance Agreement may require a refundable monetary deposit. Decisions on requests for additional time to comply will be made after review of the Appeals Form and the District receiving the refundable monetary deposit (if applicable). The District staff will then communicate the amount of the monetary deposit required. At that time, you will need to provide the deposit's refund recipient name and mailing address information. The refundable deposit will be released to the designated refund recipient after compliance is achieved. EBMUD automatically mails the refund to the refund recipient stated on the Appeal Form. Please write legibly.