

Guidelines for Exemptions

This guideline includes information about the qualifications 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 upon the occurrence of a Triggering Event. An Exemption Certificate also documents to third parties that no Compliance Certificate is required for the Triggering Event.

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 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.

Regional PSL Program requirements apply to property owners who are buying or selling a property that contains a Structure, 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. If certain conditions are met, they may be eligible for an Exemption Certificate.

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.
5. Submit supporting documentation, if it is requested, via email to psl@ebmud.com, schedule a time to visit for in-person document review, or mail copies (do not send original documents) to the following address:
EBMUD – Regional PSL Program
ATTN: PSL Exemption – Supporting Documents
375 11th Street, MS 702
Oakland, CA 94607-4240
6. You will receive an email notification with the results in approximately 1 to 2 weeks.

Below is information about the grounds for an exemption.

I. 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.

If a parcel has a valid and un-expired certificate similar to a Compliance Certificate issued by the City of Alameda or Albany 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 certificate that was originally issued by the permitting agency.

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2. Exemptions for Title Transfers

Certain types of title transfers may be eligible for a short-term Exemption Certificate upon EBMUD confirmation of supporting documentation. Short-term Exemption Certificates are only valid for a single transfer and may be used to assist with title transfer or to enable a property owner to halt enforcement action by EBMUD. Table 2 below includes detailed descriptions for the Definitions included in Section 4 “Title Transfer” in the Regional PSL Ordinance.

For exempt title transfers, supporting documentation may be requested. Documentation may include a grant deed or fully ratified purchase contract; birth, marriage, or divorce certificate; will; or notarized statement.

TABLE 2

Transfer Type	Description
Partial Interest	The sale or transfer of partial interest in a property, such as a leasehold. In this context, “partial interest” is a legal phrase referring to certain categories of possessory interests in real property, such as leases or life estates. In these circumstances the holder of the interest has the right to occupy or possess the property but does not own the underlying real estate. This exemption does not apply to the transfer of percentage ownership interest in a property.
Will or Inheritance	A transfer to a beneficiary by a fiduciary in the course of the administration of a decedent’s estate, guardianship, conservatorship, or trust.
Existing Cotenants	A transfer from one Cotenant (such as a tenancy in common, a joint tenancy, a partnership, community property, or any other form of cotenancy, co-ownership, or concurrent ownership recognized by California law) to one or more other existing Cotenants.
Inter Vivos	A transfer made by a trustor to fund or defund an inter vivos trust (sometimes called a living trust).
Testamentary Trusts	A transfer made by an executor to fund a testamentary trust.
Intra Family	A transfer made to a spouse, or to a registered domestic partner or between any two persons one of whom 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.
Transfer between a business entity and individual or corporation	A transfer in either direction between a business entity (e.g., an LLC) and an individual or corporation, if the individual or corporation owns more than 50 percent of the business entity.

3. Exemptions for Parcels with Pressurized Laterals, Septic Systems or without a Sewer Connection

(A) 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 3A includes a description of each parcel type and the verification process that must be completed prior to approval of an Exemption Certificate.

TABLE 3A

Parcel Characteristic	Verification Process
Pressurized Laterals	EBMUD may request civil/utility plans and 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 and will need to be tested and certified.
Septic Systems	EBMUD will confirm with the County Environmental Health Department that the parcel has a septic system. EBMUD will also review historic and current wastewater charges for the meter serving the property and may request septic inspection/pumping reports.

If you believe you qualify for an Exemption Certificate based on one of the scenarios above, follow the steps listed in the introduction of these guidelines to request an Exemption Certificate.

(B) PARCELS WITH NO LATERAL CONNECTED TO THE PUBLIC SEWER SYSTEM

Parcels that qualify for an Exemption Certificate under this circumstance will fall into one of two categories: 1) parcels with a Structure but no PSL; or 2) parcels with a Structure and the PSL was properly abandoned. Table 3B describes the verification process and/or the required supporting documentation (if applicable) for each circumstance.

Per the Regional PSL Ordinance, a “Structure” is defined as any building or facility that is required to be provided with public sewer service, or that is actually provided with public sewer service, or that is served by a Private Sewer Lateral.

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

TABLE 3B

Parcel Characteristic	Verification Process/Required Supporting Documentation
1) With Structure(s) 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. EBMUD may conduct a site visit or require dye testing to confirm.
2) With Structure(s) and the PSL has been properly abandoned	<p>Parcels that have a Structure with a PSL, must test and certify the PSL 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, and documentation of abandonment should be submitted to EBMUD.</p>

If you believe you qualify for an Exemption Certificate based on one of the scenarios above, follow the steps listed in the introduction of these guidelines 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. Visit www.eastbaypsl.com to see the guidelines for parcels in these categories.