



**CITY OF BERKELEY
PRIVATE SEWER LATERAL PROGRAM**

**Effective November 3, 2014
Established October 1, 2006**

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

**City of Berkeley Private Sewer Lateral Program
Compliance Guide for Property Owners, Sellers, Buyers, and Contractors**

TABLE OF CONTENTS

What Is the Private Sewer Lateral Program?	3
Who Has to Comply With This Ordinance?	3
Property Owner’s Responsibility	4
What Conditions Trigger Compliance?	5
Sale or Transfer of Property	5
Major Building Construction Projects.....	6
The City Finds Nonconforming Connections	7
Who Can Perform Repair or Replacement Work?	7
Who Can Perform Verification Tests?	7
Sewer Lateral Certificate Application Procedures	7
Issuance of Sewer Lateral Certificate.....	8

THE FOLLOWING DOCUMENTS ARE LINKED ON: [Private Sewer Lateral Webpage](#)

1. Sewer Lateral Certificate Application
2. Engineering Permit Application for Private Sewer Lateral
3. Guidelines for Private Sewer Lateral Verification Testing
4. Sewer Lateral 6-Month Extension Deposit Form
5. Agreement for 6-Month Extension to Obtain a Sewer Lateral Certificate
6. Exception – Extension of Time for Sewer Lateral Construction Application
7. Claim for Refund of Money Paid
8. Refund Claim Procedures

WHAT IS THE PRIVATE SEWER LATERAL PROGRAM?

To protect the water quality of creeks, watersheds, and the San Francisco Bay, the City of Berkeley Municipal Code (BMC) includes provisions related to the maintenance and repair of private property sewer laterals. It is estimated that half the water that enters the City's sewers during wet weather comes from deficient private sewer laterals (PSL), and downspouts and yard area drains that are directly connected to sanitary sewer laterals.

Since October 2006, property owners have been required to obtain a [Sewer Lateral Certificate of Compliance \(SLC\)](#) prior to transfer or sale of property, or before obtaining a building permit for major construction projects such as remodels. The City amended its private sewer lateral ordinance ([BMC Chapter 17.24](#)¹), effective November 3, 2014 to comply with requirements mandated by the U.S. Environmental Protection Agency (EPA) and State and Regional Water Boards. Under these requirements, the City's PSL ordinance must be "no less stringent" than the Regional PSL Ordinance adopted by the East Bay Municipal Utility District (EBMUD), which applies to most of the communities within the EBMUD wastewater service area.

This updated Compliance Guide reflects the City's amended PSL Ordinance. Refer to the Table of Contents for specific information on various aspects of the Private Sewer Lateral Program. Also, forms and guidelines related to this Program can be downloaded from the PSL webpage: <https://berkeleyca.gov/city-services/streets-sidewalks-sewers-and-utilities/private-sewer-lateral>, or you can get copies from Public Works Engineering at 1947 Center Street, 4th floor.

WHO HAS TO COMPLY WITH THIS ORDINANCE?

All property owners must comply with this ordinance, including owners of all commercial, industrial, and residential properties, including condominiums and townhouses, as well as public entities (except the State of California and U.S. government).

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 requirements apply to all of 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 or the homeowners' association or other entity that is responsible for the sewer lateral would comply with the steps described in this guideline, and would either apply for a certificate by providing documentation as to the construction or replacement of the lateral within the past 20 years, or schedule a verification test to confirm that the lateral complies with the standards set forth in the ordinance. Passing the verification test may require that the lateral first be repaired or replaced. An SLC would then be issued to all properties served by that lateral. 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.

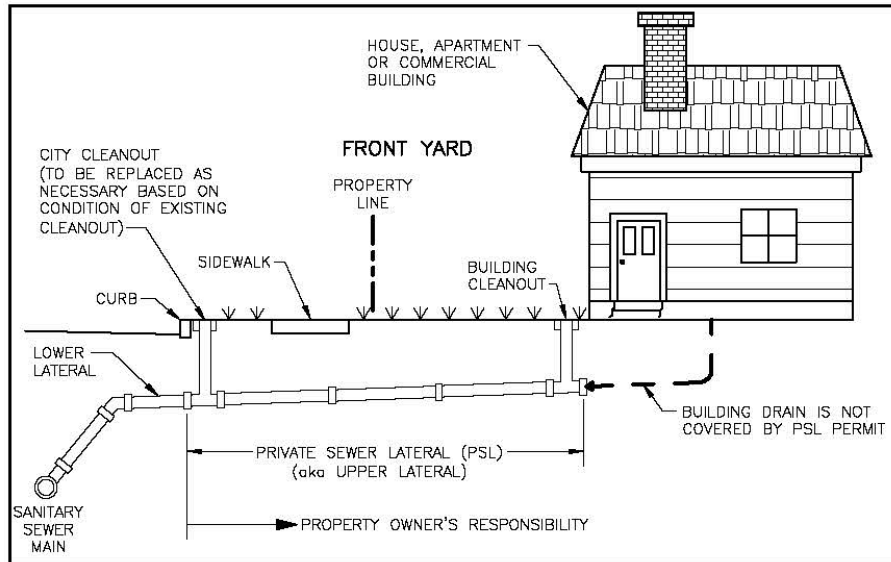
- BMC Chapter 17.24: <https://berkeley.municipal.codes/BMC/17.24>

PROPERTY OWNER'S RESPONSIBILITY

A typical sanitary sewer lateral consists of 2 sections:

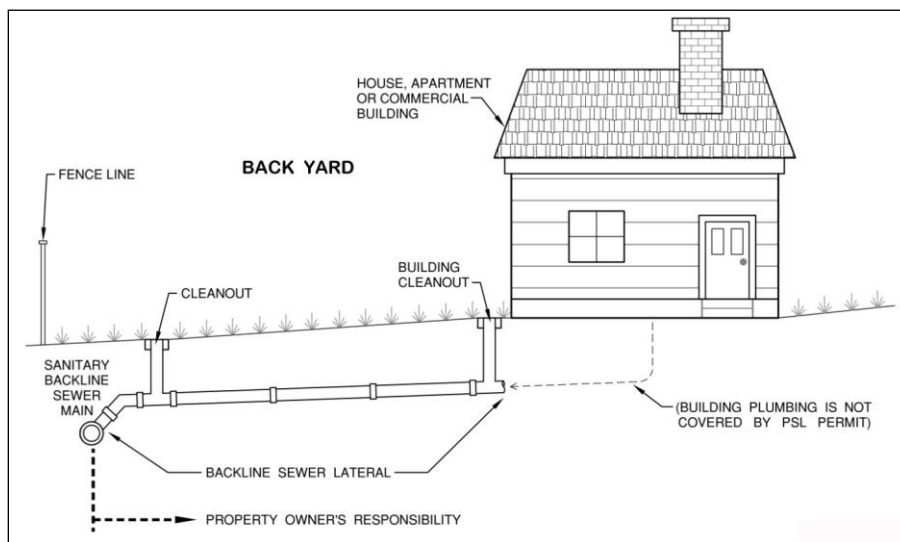
1. The lower lateral is the section of pipe that runs from the sewer main in the street to a cleanout at or near the curb, as shown in **Figure 1**. The City maintains and repairs the lower lateral connected to your property.
2. The upper lateral is called the "private sewer lateral" or PSL. The property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



NOTE: When a building is set to the lot line (zero set-back), contact PW Engineering by phone at 510-981-6423 or email to PSLProgram@BerkeleyCA.gov

WHAT CONDITIONS TRIGGER COMPLIANCE?

All property owners -- including condominiums and other developments with shared laterals -- are required to obtain a Sewer Lateral Certificate (SLC) under the following conditions:

1. By close of escrow for the transfer or sale of property (with some exceptions), unless a 6-month extension is granted prior to closing; OR
2. When obtaining a Building Permit for construction or remodel valued over \$60,000; OR
3. When the City finds that the PSL may be a public nuisance, such as through the City's smoke testing program, that requires repair or replacement of the PSL; OR
4. When a property owner elects to repair or replace their PSL.

The lateral must undergo, and pass a verification test following repair or replacement to confirm compliance, after which the property owner will receive a [Sewer Lateral Certificate](#).

The requirements and compliance process for transfer or sale of property and application for a building permit for a building construction or remodel are described below.

SALE OR TRANSFER² OF PROPERTY

If you're planning to sell or transfer your property, the City will issue a 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 or PSL permit for complete replacement of your sewer lateral performed within the last 20 years.

Without this evidence, you must pull a PSL permit and have the PSL verification tested in accordance with the City's requirements, or have it repaired or replaced prior to verification testing. All Verification Tests should be performed by a California state licensed plumbing contractor or licensed sanitation sewer contractor using the City's [Guidelines for Private Sewer Lateral Verification Testing](#), and must be witnessed by a City inspector. Closed Circuit Television (CCTV) equipment must be available onsite for use by the City Inspector, if required. See [Guidelines for Private Sewer Lateral Verification Testing](#) on [Private Sewer Lateral Webpage](#).

Deadlines for Owners Selling or Transferring Property

In most cases, **all** repair or replacement work must be completed, and a Sewer Lateral Certificate (SLC) obtained **before** the transfer of title. Alternately, you may request the City to determine if the work is urgent, and if it's not urgent, you may request a 6-month extension.

² These requirements apply to any transfer of property except for transfer from one or more co-owners of the property into a revocable or *inter vivos* trust, or transfers between spouses or registered domestic partners to create a joint tenancy or tenancy-in-common or per a property settlement related to dissolution of marriage or domestic partnership or legal separation.

You may request a 6-month extension by doing one of the following:

- Complete the [Sewer Lateral Extension Deposit Form](#), and submit it with a \$4,500 deposit to Finance Customer Service Center, 1947 Center Street. Provide a copy of the form and a copy of deposit check to the [City's Online Portal](#) under your record number.

OR

- Execute a contract with a licensed plumbing contractor to have verification testing and/or repair or replacement as needed to obtain an SLC within 6 months of the close of escrow. Provide a copy of the contract and the [Agreement for Time Extension to Obtain a Sewer Lateral Certificate](#) form to [City's Online Portal](#) under your Record Number.
- All documents must be reviewed and approved by the Public Works Department prior to granting of the time extension.

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. The City will complete the lateral repair or replacement and testing, and any costs greater than the amount of the forfeited funds will be billed to the current property owner or become a lien on the property.

To obtain a refund after the SLC is obtained, submit a copy of the SLC with a [Claim for Refund of Money Paid](#) to the Finance Customer Service Center, 1947 Center Street.

MAJOR BUILDING CONSTRUCTION PROJECTS

The new law affects you if you're obtaining a Building Permit for construction or remodel valued over \$60,000. You are required to obtain an SLC from Public Works Engineering before receiving a building permit for your construction project(s). To obtain an SLC you must provide one of the following:

- Evidence that the sewer lateral is less than 20 years old; **OR**
- A copy of a plumbing or PSL permit for replacement of your lateral within the last 20 years.

Without this evidence, you must pull a PSL permit and have the PSL verification tested in accordance with the City's requirements, or have it repaired or replaced prior to verification testing. Only licensed Contractors can pull the PSL permit and the work must be done to City standards. A California state licensed plumbing contractor or licensed sanitation sewer contractor must perform the verification test, which must be witnessed by a City inspector. See [Guidelines for Private Sewer Lateral Verification Testing](#) on the City's webpage: [Private Sewer Lateral Webpage](#).

Building Permit Applications. You will have to provide a copy of a Sewer Lateral Certificate from [City's Online Portal](#) when you apply for a building permit from the Permit Service Center.

Extensions. The City Building Official has the authority to grant an extension of time to meet compliance requirements under specified conditions. See information in this Guide and forms Online at [Private Sewer Lateral Webpage](#).

Exceptions/ Deferrals. . In certain situations where repair, replacement, or verification testing of the PSL would not be possible prior to building construction and/or replacement of the PSL is part of the building construction, a deferral to the requirement that the SLC be obtained prior to building permit issuance may be requested. Request a deferral in your response to the building permit plan check comment for PSL compliance. If the deferral is approved the building permit will be issued; however, the building permit will not be finalized and the Certificate of Occupancy will not be issued until the SLC is obtained. Submit an [Exception – Extension of Time for Sewer Lateral Construction Application](#) and, if the extension is approved, you must record a Notice of Limitation.

THE CITY FINDS NONCONFORMING CONNECTIONS

If the City discovers that there are nonconforming connections (such as property drains 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 Class A (C-42 license) California state licensed plumbing contractor or sanitation sewer contractor, or a general engineering contractor. Work on private property for single- and 2-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 PERFORM VERIFICATION TESTS?

Verification tests may only be performed by a California licensed plumbing contractor or a licensed sanitation sewer contractor, and must be witnessed by a City engineering, building or plumbing inspector.

SEWER LATERAL CERTIFICATE APPLICATION PROCEDURES

1. Complete the [Private Sewer Lateral Certificate Application](#). Applications may be obtained from [Private Sewer Lateral Webpage](#).
2. If applying for the Sewer Lateral Certificate based on documentation of previous new construction or replacement of the lateral, or for recent repair or replacement of the lateral that included a verification test, attach to the application one of the following:
 - Documentation that the lateral has been newly constructed or replaced within 20 years of the date of application; or
 - A copy of a plumbing or PSL permit (Job Card) signed off by the Public Works Department that the lateral was replaced within the past 20 years, or confirmation of such in electronic files maintained by the City.
3. If applying for the SLC based on verification testing without prior repair or replacement, pull a PSL permit and schedule the verification test with a City Engineering inspector. After passing the test, your SLC will be processed.
4. If applying for the SLC based on completed repair or replacement of the PSL, attach to the application a copy of the plumbing or PSL permit (Job Card)

describing the work done and indicating that the PSL has passed the verification test. Note: The total costs for repairing or replacing non-complying sewer laterals, including costs for permits, inspections and construction, may range between \$3,000 and \$4,500 for a typical lateral, but may be higher for longer laterals or those involving difficult construction conditions. An [Engineering Permit for Private Sewer Lateral Application](#) is required for any repair or replacement that includes construction within the public right-of-way

Public Works processing and review of your SLC application.

If the submitted documentation is NOT in compliance or the lateral fails the verification test, the City will issue a PSL Notice of Deficiency. The applicant will have 90 calendar days to resubmit adequate documentation or conduct a passing verification test. Failure to obtain an 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, pursuant to BMC Section 17.24.060.

ISSUANCE OF SEWER LATERAL CERTIFICATE

The City will issue a Sewer Lateral Certificate when all compliance requirements are met. The City will maintain a record of this certificate under your Record Number in the City's Online Portal.

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 (if replaced prior to November 3, 2014 or from the date of verification test acceptance of replacement (if replaced after November 3, 2014).
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 verification test acceptance of the repairs.
3. If the sewer lateral is shown by verification testing without prior repair or replacement to be in compliance with City standards and without defects, then the certificate will be valid for 7 years from the date of the test.

The expiration date will be shown on the Certificates.

Note: Sewer Lateral Certificates of Compliance are property documents *transferable to new owners*. Transferred certificates remain valid until the expiration date printed on the certificate even if it was issued to a previous owner.