

City of Albany

Alameda County, California

Upper Sanitary Sewer Lateral Compliance Plan

Standards & Procedures

First issued: 1994
Revised: October 2011

Table of Contents

	<u>Page No.</u>
Section 1 – General.....	1
Section 2 – Definitions.....	2
Section 3 – Triggers for an Upper Sewer Lateral Condition Assessment	4
<i>Upon Sale of the Property</i>	4
<i>Upon Issuance of a Building Permit</i>	4
Section 4 – Sewer Lateral Initial Condition Assessment.....	4
Section 5 – Sewer Lateral Rehabilitation.....	5
<i>Responsibility</i>	5
<i>City Permits</i>	5
<i>Time Requirements</i>	5
Section 6 – Sewer Lateral Verification Testing.....	6
Section 8 – Long Term Compliance	6
Section 9 – Appeal of Director of Public Works Decision.....	6
Section 10 – Failure to Comply	7
<i>General</i>	7
<i>Public Works Action, Notification to Property Owner</i>	7
<i>Failure to Pay: Special Service Fee</i>	7

Section 1 – General

In its enforcement of the 1972 Federal Clean Water Act and the requirement to control sewage overflows affecting San Francisco Bay, the San Francisco Bay Regional Water Quality Control Board (Regional Board) in 1985 issued a Cease and Desist order (CDO) to the East Bay Municipal Utility District (EBMUD), the City of Albany (City), and other East Bay communities.

In an effort to solve the problem of sewage overflows and to achieve compliance with the CDO, the affected jurisdictions jointly developed compliance plans based on a broad sewer system evaluation study (SSES) completed in 1985.

In 1992 the City, after several public hearings and consideration of numerous alternatives for meeting mandatory compliance with the CDO, adopted the “Long Term Sanitary Sewer Plan.” To reduce infiltration into the collection system, the Long Term Plan requires that upper sewer laterals (which are privately owned in Albany) in the City’s service area be rehabilitated upon specific circumstances. Upper laterals also are required to be protected from sources of inflow. To develop and legally implement this component of the compliance plan, in 1994 the City adopted the “Upper Sanitary Sewer Lateral Compliance Plan” and amended Chapter XV, Sewers and Sanitation, of the Albany Municipal Code (AMC). The upper sewer lateral program requires property owners to demonstrate that their upper sewer lateral is in compliance with City standards upon sale of the property, construction of improvements in excess of five (5) percent of the value of the property, or the addition of plumbing fixtures.

The “Upper Sanitary Sewer Lateral Compliance Plan”(hereafter “Plan”) has been revised in 2011 in response to comments provided by the United States Environmental Protection Agency (USEPA) as part of a “No Less Stringent” analysis performed in comparison to the recently adopted the EBMUD Regional Private Sewer Lateral Program.

Under the AMC, the upper sewer lateral is defined as that portion of the sewer lateral between the structure or building and running to the property line or City cleanout, whichever is closer to the City main. The upper sewer lateral is owned by the property owner. Its maintenance and repair is the property owner’s responsibility. This Plan does not reduce, negate, change, modify, or eliminate this basic understanding.

The purpose of the Plan is to establish fair and consistent policies and procedures for the testing, repair, and replacement of all upper sewer laterals. To execute the purposes of this Plan, the City may enter upon private property for inspection, testing, and repair of an upper sewer lateral.

Section 2 – Definitions

Building Cleanout shall mean the cleanout located near the building or structure which must be constructed to City standards and shall be maintained by the property owner .

Certificate of Compliance shall mean a certificate issued by the Community Development Department certifying that an upper sanitary sewer lateral complies with City standards.

City Cleanout shall mean the two-way cleanout located at the property line, street curb line, or at the sewer main easement.

City Manager - is appointed by the City Council as the administrative head of the City of Albany municipal government. The City Manager is responsible for policy implementation and management of the day-to-day operations of the City. This term is used interchangeably with “City Administrator” in Albany.

Cleanout shall mean a segment of pipe connected to a sewer lateral rising vertically to the surface, including access frame, cover and cap. A cleanout provides access to the lateral for purposes of routine flushing and rodding.

Director of Public Works- The Public Works Division is currently a sub-unit of the Community Development Department and therefore does not have a Director position. The Public Works Manager has the authority to act as the Director of Public Works for the purposes of implementing this Plan.

Inflow shall mean the entry of stormwater into a sanitary sewer through any direct connection point such as – but not limited to - downspouts, area drains, sump pumps, and missing cleanout caps.

Infiltration shall mean the entry of stormwater into a sanitary sewer through structural defects in pipes, pipe joints, etc., such as cracks, separations, collapses, etc.

Lower Lateral shall mean that portion of the sanitary sewer lateral usually within the City’s street right-of-way or from the cleanout and curb to the sewer main, as is common with easement sewers.

Multi-unit Residential Structure shall mean a detached building designed as two (2) or more structurally joined dwelling units and occupied by two (2) or more families living independently of each other with separate entrances and including apartment houses, resident hotels and flats.

Sewer Lateral shall mean a sewer pipe that conveys sanitary sewage from the plumbing of a building or a structure to a City maintained sewer main. A sewer lateral is also referred to as a “building sewer” in the Uniform Plumbing Code. Where the lateral is directed to a City street or sewer easement, the lateral consists of two (2) elements; an **upper lateral** owned and maintained by the property owner, and the **lower lateral** owned and maintained by the City.

Rehabilitation shall mean the complete replacement of the sewer lateral, typically accomplished by outwardly pipe-bursting the entire length of the lateral and inserting a durable liner in place of the old pipe.

Repair shall mean correction of a structural deficiency in the sewer lateral that is less than the complete rehabilitation of the pipe and appurtenances. Sometimes referred to as a “spot repair” or “point repair”, this type of work is done when the balance of the pipe and appurtenances are otherwise capable of passing a performance verification test.

Sewer Main shall mean a sewer pipe that collects sanitary sewage from one or more sewer laterals. A sewer main is usually six (6”) inches or larger in diameter.

Shared Upper Lateral shall mean an upper lateral that serves more than one lot/parcel or more than one building or structure in the same parcel and connects to the City main line at one point.

Two-Way Cleanout- a cleanout capable of allowing access upstream and downstream direction for cleaning, flushing or televising.

Upper Lateral (“Upper Sewer Lateral”, “Upper Sanitary Sewer Lateral”) shall mean that portion of the sanitary sewer lateral from a building or structure to the City’s cleanout (usually near the curb or easement line). If there is no City cleanout, the upper lateral shall be considered as the portion from the building to the curb line in the street. When the lateral connects to an easement sewer main, the entire lateral, including the wye connection, shall be considered as an upper lateral. The upper lateral ends at the cleanout in the easement when a cleanout is present.

Section 3 – Triggers for an Upper Sewer Lateral Condition Assessment

An upper sewer lateral is subject to a City condition assessment when any of the following occur:

Upon Sale of the Property

If a valid Certificate of Compliance is not on record for the subject property, the property owner is required to obtain a Certificate of Compliance, consistent with the procedures contained herein, upon the sale of property or transfer of title. The transfer of a single unit in a Multi-Unit Residential Structure triggers the requirement to obtain a Certificate of Compliance for the shared upper sewer lateral or demonstrate that an un-expired Certificate of Compliance is on file with City staff for the shared upper sewer lateral.

For apartment, office and commercial buildings, the sale of the building is similar to the sale of single house; that is, the property owner must obtain a Certificate of Compliance for the upper sewer lateral. If the apartment or office building does not transfer title within seven (7) years from the date of adoption of this revised Upper Sanitary Sewer Compliance Plan, the property owner or responsible party for this type of building shall obtain a Certificate of Compliance, consistent with the procedures contain herein, for the upper sewer lateral(s) on the property. After the upper sewer lateral(s) are certified, re-certification of the upper sewer lateral(s) shall occur at twenty (20) year intervals.

Upon Issuance of a Building Permit

If a valid Certificate of Compliance is not on record for the subject property, the property owner is required to obtain a Certificate of Compliance, consistent with the procedures contain herein, before a building permit is finalized for either the addition of added plumbing fixtures or for a value that exceeds 5 percent of the existing building value (permit value is to be based on the Building Valuation Tables).

The above criteria do not preclude the City from inspecting upper sewer laterals in conjunction with other City sewer rehabilitation projects anywhere in the City. The stated criteria also do not preclude a property owner from inspecting their upper sewer lateral at any time and making repairs (or a replacement) at their expense.

Section 4 – Sewer Lateral Initial Condition Assessment

The upper sewer lateral initial condition assessment is based on the parameters included in the “Upper Sanitary Sewer Lateral Deficiency Report” included in **Appendix A**. If a lateral is determined to be deficient, a property owner is issued a deficiency report and required to rehabilitate the lateral in accordance with City specifications and performance standards.

A property owner may choose to have a closed circuit television (CCTV) inspection performed for the initial condition assessment of their upper sewer lateral, which will be reviewed by City staff for a \$45 fee. Alternatively, the property owner may choose to bypass the initial condition assessment and proceed directly with the rehabilitation of the lateral.

If no apparent deficiencies are identified in the initial condition assessment, the lateral is still subject to verification testing, as specified in Section 6.

Section 5 – Sewer Lateral Rehabilitation

Responsibility

The property owner is responsible for making any and all repairs of the upper sewer lateral. If the upper sewer lateral is shared with other properties or structures the sharing of cost of the repairs and/or replacement, including the granting and recording of any necessary private easements, will be the responsibility of the affected property owners to resolve.

Upper sewer lateral rehabilitation shall be done according to standards issued by the Director of Public Works and the latest edition of the City's Standards Specifications and Drawings. Rehabilitation must bring the upper lateral into full compliance with these standards.

City Permits

The property owner, or property owner's contractor, must obtain a building permit from the City before any upper sewer lateral rehabilitation. Failure to obtain the permit shall subject the property owner to a monetary penalty as set forth in the City's Master Fees Schedule and/or such further and different penalties as set forth by City Code. Fees and charges for the permit shall be in accordance with the City's resolution establishing fees and charges.

Time Requirements

The upper sewer lateral shall be rehabilitated such that a Certificate of Compliance is obtained prior to the close of escrow, transfer of title, or before a building permit is finalized, as specified in Section 3.

If the necessary rehabilitation work cannot be performed prior to the close of escrow, a property owner can post a \$4,500 bond with the City and submit an affidavit form stating that the lateral work will be complete within one (1) year from the submittal of the affidavit.

Sewer Lateral Pipe Size Policy

Sewer laterals serving detached single family dwelling units, including to one auxiliary building, shall be rehabilitated with four (4) inch minimum pipe. Multi-Unit Residential Structures with three or more units and all commercial buildings shall be rehabilitated with six (6) inch minimum pipe.

Section 6 – Sewer Lateral Verification Testing

The City Inspector has the discretion to require either a low-pressure air test or a hydrostatic test to verify that the rehabilitated upper sewer lateral complies with City standards. The property owner, or contractor, is responsible for conducting the verification test. The City Inspector is responsible for observing the upper sewer lateral verification test to ensure that it is conducted in compliance with the City’s procedures and for making the determination whether the upper sewer lateral passed or failed the verification test.

An upper sewer lateral meets the City’s leakage standards when one of the following criteria has been met:

Test Type	Passing Criteria
Low Pressure Air Test	The pipe holds 4 psi for 10 minutes
Hydrostatic Test	There is no observable water loss in the standpipe in 5 minutes.

Section 7 – Certificate of Compliance

After a sewer lateral has been rehabilitated and has passed the verification testing requirements, specified in Section 6, a Certificate of Compliance is issued. This certification will be valid for twenty (20) years if the upper sewer lateral is replaced or seven (7) years if the upper sewer lateral is spot repaired.

Section 8 – Long Term Compliance

It is the intent of the City that the testing, repair, and replacement of the upper sewer laterals are components of a continual ongoing program. The City may, at any time, evaluate the level of infiltration and inflow from an individual property. If determined that excessive infiltration and inflow exist, all upper sewer laterals within the property will be re-inspected.

Section 9 – Appeal of Director of Public Works Decision

The decision of the Director may be appealed to the City Manager within ten (10) calendar days after written notice thereof. The appeal must be in writing and must state the basis of the appeal. The appeal will be acted upon by the City Manager within thirty (30) days after receipt of the written appeal, except for good cause shown. No sanctions or penalties shall be imposed until after such hearing has taken place. An appeal of the City Manager’s decision may be made to the City Council in accordance with Council adopted procedures.

Section 10 – Failure to Comply

General

Should any property owner(s) fail to repair or rehabilitate their upper sanitary sewer lateral within the time limits set forth in Section 5, the Director of Public Works is hereby authorized to proceed with all necessary work to bring the lateral in compliance, including but not limited to hiring contractors, and entering upon private property.

Public Works Action, Notification to Property Owner

Prior to proceeding with the necessary work, the Community Development Department shall issue notices of violation consistent with standard building inspection practices in order to give the property owner(s) sufficient latitude to correct the deficiency or deficiencies.

If the cycle of notifications of violation is exhausted without action by the property owner(s), the Director shall notify the owner of the City's intent to proceed with such work. Such notice shall be served personally on the owner or by mailing such notice to the owner's address as last shown on the Alameda County secured assessment rolls, and by posting a copy of such notice on the property. Notice shall be given at least thirty (30) days prior to the commencement of the work. No further notice need be given.

The property owners whose property is served by the repaired or rehabilitated upper sanitary sewer lateral shall reimburse the City for the cost of repairs made by the City to such sewer within thirty (30) days after billing therefore by the City. If the repaired sewer serves more than one property, each property shall be billed for its share of the repair costs.

Failure to Pay: Special Service Fee

If any property owner who is responsible for the costs of the repairs made by the City to an upper sanitary sewer lateral does not reimburse the City within thirty (30) days after billing by the City, the owner shall be given, by certified mail from the City Clerk, ten (10) days' notice of a Council meeting at which the owner may contest such charges. If the Council determines that the repair work was the responsibility of the property owner and the amount charged, or other amount as may be determined, to be fair and equitable, a special service fee for such charges shall be imposed upon the real property of the owner, and such shall continue until the charges thereon are fully paid. The special service fee shall become due and payable with the next property tax bill. If there is more than one property owner served by the upper sanitary sewer lateral, each property owner shall have a special service fee imposed upon their property for their share of the repair costs.



City of Albany



UPPER SANITARY SEWER LATERAL DEFICIENCY REPORT

Applicant: _____ Date: _____

Property Address: _____

Albany, CA 94706

Telephone: _____

Mailing Address (if different): _____

The Community Development Department has reviewed the upper sanitary sewer lateral condition of the above referenced property based on the following submitted information:

Videotape of the upper sewer lateral

This letter is to notify you the following problem was identified with the upper sanitary sewer lateral and repair or replacement, in accordance with the attached City standard specifications, is required. Until such work is completed and accepted by the City, the subject sewer lateral DOES NOT comply with the City of Albany Municipal Code Section 15-1.22b.2.

- Broken Pipe
- Dislocated Joint (s)
- Root Intrusion
- No 2-way Clean-Out
- Other (_____)

If you have any questions regarding this letter, please do not hesitate to call the Community Development Department at (510) 528-5760

Jeff Bond, Director
Community Development Department

Date