

# CITY OF RICHMOND MUNICIPAL SEWER DISTRICT



## SEWER LATERAL COMPLIANCE PLAN

### *Standards & Procedures*

2012



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## Section 1 – Purpose and Applicability

Overall this plan will reduce the leakage of sewage into public receiving waters and the **infiltration and inflow (I & I)** of storm, ground and tidal waters from private laterals into the **City of Richmond's (COR)** publicly owned sanitary sewer collection system.

The primary result of a poorly operating or failed lateral allowing I & I is hydrological overloading (surcharging) of the COR sanitary sewer collection system during rain events contributing to sanitary sewer overflows. Additionally, the lack of their integrity promotes ex-filtration causing standing sewage on private and public property, discharges of sewage to the storm drains, public health, general nuisance and wellbeing problems. There are approximately 18,000 private laterals in the Richmond Municipal Sewer District, an estimated 272<sub>1</sub> miles in total length. Following the guidelines from the California Regional Water Quality Control Board, San Francisco Bay Region (CRWQBSFB) Resolution number R2-2005-0059, "In Support of Program for Inspection and Rehabilitation of Private Sewer Laterals," and the direction of CRWQCBSFB Resolution Number R2-2003-0095, "In Support of Collaboration between the Regional Board and Bay Area Clean Water Agencies to Report and Manage Sanitary Sewer Overflows," is the purpose of this plan, and to collectively maintain the beneficial use of all receiving waters.

This plan establishes fair and consistent policies and procedures for the testing, repair, and replacement of all defective sewer laterals. To effect the purposes of this plan, the COR may enter upon private property for inspecting, testing, and repair of the sewer laterals.

A sewer lateral is defined as the portion of the sewer serving a property starting at the structure or building and running to and including the connection to the COR's main line. The sewer lateral is owned by the property owner, who paid for the installation and therefore is also responsible for its maintenance and repair; at no time has the COR accepted transfer of the ownership of a private lateral. This plan does not reduce, negate, change, modify, or eliminate this basic understanding.

*1. Estimated 80 feet per lateral length average*

## Section 2 – Definitions

The following terms apply to this chapter and augment definitions found in the Uniform Plumbing Code.

- (a) “*Backflow Valve*” shall mean a valve that is opened by the flow of sewage exiting a structure but closes when the flow reverses, preventing sewage from backing into the structure. All backflow valves shall conform to the specifications set forth in the Uniform Plumbing Code and all guidelines and policies established by the City Engineer to implement this Chapter.
- (b) “*Building sewer*” shall have the same meaning as “*lateral*,” defined below.
- (c) “*Certificate of Lateral Compliance*” shall mean the certificate issued by the City Engineer certifying that a lateral complies with the standards set forth in this Chapter. A Certificate of Compliance is valid only for the lateral at the address specified in the Certificate and for a period of fifteen (15) years.
- (d) “*City authorized representative*” shall mean the City Engineer or his or her designee.
- (e) “*City of Richmond*” or “*City*” shall mean the City of Richmond and shall include Richmond Municipal Sewer District Number 1.
- (f) “*City’s fee and rate schedule*” shall mean a list of all City of Richmond service, penalty, interest, and permit fees, and hourly personnel and equipment rates, as amended from time to time.
- (g) “*Cleanout*” shall mean a segment of pipe connected to a sewer lateral and rising to the surface, providing access to the lateral for purposes of inspection and removal of obstructions. (See also “*two-way cleanout*,” defined below.)
- (h) “*Lateral*,” “*building sewer*,” or “*service lateral*” shall mean the sewer pipeline conveying wastewater from the premises of a user to the City’s sewer system.
- (i) “*Main*” or “*sewer main*” shall mean any sewer pipe within a public or private street or right-of-way receiving or intended to receive the discharges of one or more sewer lateral(s). No sewer main constructed after the effective date of this Chapter shall be less than eight inches (8”) in diameter nor be laid or constructed in any city street, easement or right-of-way under the control of the City, except to the lines, grades, and specifications approved by the City Engineer.
- (j) “*Maintenance*” shall mean routine flushing or rodding of a sewer to maintain a free flowing condition.

- (k) "*Overflow device*" shall mean a device designed to relieve the pressure created when a gravity sewer is flowing full. All overflow devices require the approval of the City Engineer for proper application before their installation.
- (l) "*Person*" shall mean any individual, partnership, firm, company, corporation, association, Joint Stock Company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.
- (m) "*Plumbing fixtures*" shall mean sinks, baths, showers, toilets, bidets, and all fixtures and appliances, such as dishwashers and washing machines, from which water or wastewater are discharged.
- (n) "*Repair*" shall mean physical exposure of a section of pipe and/or appurtenances for the purpose of resuming proper operating condition.
- (o) "*Replacement*" shall mean removal and replacement of existing pipe and/or appurtenances.
- (p) "*Sanitary sewer system*" shall have the same meaning as "*publicly owned treatment works*" as that term is defined at Richmond Municipal Code Section 12.18.020.
- (q) "*Service lateral*" shall have the same meaning as "*lateral*," defined above.
- (r) "*Sewage*" shall mean water carrying wastes from residences, business buildings, institutions and industrial establishments; together with such other waters as may be present, or any combination of such wastes and water.
- (s) "*Sewer facilities*" shall mean and include the sanitary and storm sewage collection systems owned and operated by the City, all appurtenances thereto, and all portions thereof.
- (t) "*Storm sewer*" or "*storm drain*" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (u) "*Subdivide*" shall mean to cause land to be divided into separate developed or developable lots that are or may be owned by different persons.
- (v) "*Two-way cleanout*" shall mean a "Y"- or "V"-shaped segment of pipe connected to a sewer lateral and rising to the surface, providing access to the lateral in both directions for purposes of inspection and removal of obstructions.
- (w) "*User*" shall mean and include any person who causes or permits a discharge of sewage into the City's sanitary sewer system.

## Section 3 – Compliance Inspection

- ***Inspection Procedures***

Testing/inspection may be accomplished by either a water ex-filtration or air or Closed Circuit Video recording observation. Water and air tests are accomplished using the ASTM procedures according to the schedule of pipe tested. This applies to commercial, industrial and residential properties. Laterals constructed of vitrified clay, and cast iron whose installation age is 15 years or greater will not pass any of these tests or inspections, based on the City's hands-on experience. This criterion of testing is unnecessary and complete sanitary sewer replacement is recommended, for these types of pipe. PVC pipe with glued joints has proved to be a stable system past 15 years. However, PVC and cast iron with rubber sleeves and clamps may not pass the pressure tests.

If a Closed Circuit Video recording observation is selected as the preferred method of inspection then the video shall meet the following requirements:

- 1) shall be in DVD format
- 2) Cloudy, fuzzy, or otherwise unclear video will be returned for resubmission
- 3) shall show the address of the lateral
- 4) shall show the date the video was taken
- 5) shall clearly show the cleanout or access point used to insert the camera into the lateral
- 6) shall have a running foot or time marker clearly visible on the screen
- 7) where joints are present, shall briefly stop the camera for at least 2 seconds at each to clearly indicate their integrity
- 8) shall have the date the DVD was submitted to the City written on the DVD along with the address of the inspection site and telephone number for the point of contact

At the City Engineer's discretion, the video may be returned for resubmission in accordance with the above requirements if any of the above requirements are not strictly adhered to. The selected inspection method can be performed by contractors who have a current state license. The City Engineer will notify the property owner(s) and tenants regarding when a sewer lateral inspection is required except when it is required due the sale of property, otherwise the inspection is initiated as part of all applicable

sections of Richmond Municipal Code Chapter (RMC) 12.17. The inspection of the lateral may be initiated by any of the following:

- ***Capital Improvement Project Sewer Rehabilitation***

The project-by-project inspection program will not preclude the COR from testing sewer laterals in conjunction with other projects anywhere in the City of Richmond. It does not preclude a property owner from testing their sewer lateral at any time and making repairs at their expense.

- ***Repair of the Sewer Lateral***

Whenever a sewer lateral fails during normal usage or is broken into before making any repair to the sewer lateral.

- ***Sale of Property***

Whenever a property is to be sold or there is a transfer of title, a sewer Certificate of Lateral Compliance” must be obtained. The procedures herein must be followed by the property owner to obtain a Certificate of Lateral Compliance.

- ***Upgrades and Remodeling***

Whenever property located in the City of Richmond is remodeled to include the addition of two or more plumbing fixtures that discharge into a sanitary sewer system, the sewer lateral(s) to the property shall be tested. Before final building inspection, all repairs or replacements necessary to bring a lateral into compliance shall be performed.

- ***Issuance of a Permits***

When a building permit is issued by the City or County requires compliance with all applicable Codes

- ***Evidence of a improper sewer connection***

Failure of the property owner to comply with RMC section 12.17.020 or 12.17.040 may require them to conduct testing by direction of the City Engineer and obtain a Certificate of Lateral Compliance at anytime. (RMC12.17.080)

- ***Home Owners Associations and Cooperatives***

The City of Richmond Engineering Division has become aware of the need to clarify sanitary sewer lateral inspections as it relates specifically to Homeowners Associations and Cooperatives during property sales. Each property owner is responsible for obtaining a Certificate of Lateral Compliance of a single family dwelling, or an arrangement between the property owners and the cooperative or homeowners association for ensuring compliance in the stated regulatory time frames for property sales will need to be provided to the City Engineer. If the lateral is jointly shared then an arrangement between the property owners and the cooperative or homeowners association for ensuring compliance in the stated regulatory time frames for property sales should be provided to the City Engineer. The mains servicing the development will need to be tested every fifteen (15) years by an arrangement between the property owners and the cooperative or homeowners association. All arrangements between the cooperative or homeowners associations for compliance of this ordinance need to be on record with the City Engineer.

- ***Waiver of Inspections:***

1. The house/dwelling/structure lateral was constructed within the last 15 years, and a Certificate of Lateral Compliance was obtained within 5 years of its construction.
2. The lateral was completely replaced within the last 5 years.  
(have the receipts/invoices from the contractor that show the repair/replacement done), and have a Certificate of Lateral Compliance on file.
3. Have previously obtained a Certificate of Lateral Compliance

The waiver of inspection still requires the issuance of a Certificate of Lateral Compliance to record the 15 year inspection requirement in the City's database.

## Section 4 – Compliance

The sewer lateral will be evaluated based upon a review and evaluation of the test results. COR designated staff will perform this evaluation and determine if the lateral complies with RMC 12.17.070, “Lateral Certification.” Broken pipe, offset and/or distorted joints, root intrusion, lack of cleanouts, all constitute deficiencies that do not comply with Standard Specifications and will require either repair or replacement.

Repairs or replacements will be required in the case of property transfer.

- ***Properties in escrow***

The COR has no intention of holding up sales transactions for properties in escrow. However, an extension of 60 days to obtain a Certificate of Lateral Compliance will be verbally granted by the City Engineer on a case by case need. The extension is documented in the escrow addendum. The property owner is responsible to ensure the documentation occurs stating who will complete the compliance action and the timetable of compliance. Generally monies can be left in escrow by the seller to pay the contractor’s fees for any necessary repairs.

If the buyer elects to assume all responsibility for obtaining a Certificate of Lateral Compliance a notarized letter or a statement in the escrow addendum stating that the requirements will be met sixty (60) days after the close of escrow is necessary.

A copy of the signed addendum or notarized letter must be received by the City Engineer’s office no later than the close of escrow.

## Section 5 – Lateral Work

The property owner shall be responsible for making any and all repairs and replacements of the sewer lateral. All work shall be done according to standards in the latest edition of the Uniform Plumbing Code as adopted by the COR in its Standard Specifications and Drawings, and any standards issued by the City Engineer. Repairs must bring the lateral into full compliance with these standards.

- ***Shared Sewer Lateral Corrections***

**General:**

When any repairs or replacements are done to those laterals that are jointly shared by more than one building or structure from different properties, each shall require a discrete connection to the City's sanitary sewer main as part of the repair. If a property with two buildings or structures with plumbing fixtures requiring drainage is subdivided, each building or structures shall require a discrete connection to the City's sanitary sewer main as a condition of subdividing (RMC 12.17.050). At the discretion of the City Engineer a statement of agreement between the subject property owners will be filed with the escrow/title company, County Clerk or on record with the deed stating who is responsible for any necessary repairs as required by RMC. This statement of agreement, approved by the City Engineer can supersede the requirement to install discrete connections.

If the sewer lateral is shared with other properties or structures, the necessary repairs, separation of the system, or relocation of the system will be as approved by the City Engineer.

Such work shall be done according to standards issued by the City Engineer, and in the latest edition of the Unified Plumbing Code and COR's Standard Specifications and Drawings.

**Exceptions:**

If a letter of agreement exists with the property deed explaining that joint responsibilities between property owners or the following:

The City will need to have a record of the notarized agreement that is filed with the finalized deed. It is recommended the agreement should at least state:

1. The location of any private easement on the subject easement property
2. What section or sections of the joint lateral each property owner is responsible to individually maintain and pay associated costs.

3. What section or sections of the joint lateral that the maintenance and associated costs are shared by both or all involved parties.
4. The duration of the agreement
5. The right to terminate the private easement agreement in writing and within a reasonable timeframe for the purpose of property improvements or plumbing relocation by the subject private easement property owner.

- ***Backflow valve or overflow device required***

When any repairs are done to lateral that does not have an existing backflow valve or overflow device, the property owner shall install the appropriate valve or device. It shall be the responsibility of the property owner to maintain the backflow valve or overflow device in proper operating condition (RMC 12.17.050).

## **Section 6 – Fee, Permits and Inspections**

- ***Permits***

The property owner, or property owner's contractor, must obtain a Sewer Permit from the COR before any work is done on sewer laterals. Failure to obtain the Permit shall subject the property owner to a monetary penalty as set forth in the Richmond Municipal Code and/or such further and different penalties as set forth by the City Engineer. The property owner is responsible for obtaining permits. Encroachment Permits from the City Engineer may also be needed if any work is performed in the public right-of-way.

- ***Inspection***

Inspection procedures and requirements shall be according to standards issued by the City Engineer and the COR's Standard Specifications.

The City Engineer can require the inspection of a lateral at any time in order to protect, sewage from entering receiving waters.

- ***Right of entry***

The City Engineer will give written note to property owner and occupants ten (10) business days to prior entering the property in order to conduct an inspection, or collect wastewater samples and test any buildings, structures, or premises to secure compliance or prevent a violation. (RMC 12.17.120)

- ***Fees***

Fees and charges for the Permit, inspection, penalties, and issuance of "Certificates Lateral of Compliance" shall be in accordance with the City's fee and rate schedule. This lists of all city services, penalty associations, interest, permit fees, and hourly personnel and equipment rates and is kept on file with the City Clerk.

## **Section 7 – Certification of Sewer Laterals**

- ***Certificate of Lateral Compliance***

A Certificate of Lateral Compliance will be issued by the City Engineer when a lateral complies with Specifications as determined upon completion of a successful test.

The City will maintain a record of all certificates issued, including the date of issuance. A Certificate will be valid until subsequent testing is performed and a new Certificate issued for the following periods of time:

- ***Point of Sale***

Not to exceed fifteen (15) years or more if constructed before this period of time. The COR has no intentions of holding up the escrow process, and will allow extension of up to 60 days past the close of escrow.

- ***General Requirements***

All properties shall be tested by the property owner at a minimum fifteen (15) years unless the dwelling was a new construction within the previous two years.

A Certificate of Lateral Compliance will be issued after a sewer lateral has been satisfactorily tested, without repair, or repaired and/or replaced. This Certificate will be valid until a subsequent inspection is performed and a new Certificate issued, or fifteen (15) years which ever comes first. Certificates will be filed with the COR Engineering Services Department.

- ***Exceptions***

If the property construction was completed and signed off within the last two (2) years the certificate is issued at no cost since the fees were collected with the construction permit.

## **Section 8 – Long Term Compliance**

It is the intent of the COR that the testing, repair, and replacement of the sewer laterals are a continual and ongoing program. The COR may, at any time, evaluate the level of infiltration and inflow from properties and, if it is determined that excessive infiltration and inflow exists, all sewer laterals within the property requires compliance with applicable RMC.

## **Section 9 – Appeal of City Engineer’s Assessment**

All decisions of the City Engineer can be challenged in writing to the City Engineer within two (2) days prior to the date required to complete the inspection and or repairs and or subsequent citations. The appeal must be in writing and must state the basis of the appeal.

## **Section 10 – Failure to Comply**

- ***General***

Should any property owner(s) fail to repair or replace their sanitary sewer lateral within the time limits set forth by Section 7, the City Engineer is hereby authorized to proceed with all necessary work to bring the lateral in compliance, including but not limited to hiring of contractors, and entering upon private property.

## **Section 11 - Notification to Property Owner**

Prior to proceeding with the necessary work, the City Engineer shall notify the owner of the intent to proceed with such work. Such notice shall be served personally on the owner or by mailing such notice to the owner addressed to the post office address last shown on the Contra Costa County secured assessment rolls, and by positing a copy of such notice on the property. Notice shall be given at least ten (10) days prior to the commencement of the work. No further notice need be given. (RMC 12.17.120)