

Ross Valley Sanitary District
Private Sewer Lateral Program
FAQs for REALTORS®

Background:

In response to a Cease and Desist order from the California Regional Water Quality Control Board, the Ross Valley Sanitary District (RVSD) was required to enact an ordinance establishing a program to repair or replace failing private sewer laterals.

The Ross Valley includes the following areas: Fairfax, San Anselmo, Ross, Larkspur, Bon Air, Sleepy Hollow, Kentfield, Kent Woodlands, Oak Manor, Greenbrae, and Murray Park.

The program that was established by Ordinance 66 creates “triggers” for when a private sewer later must be inspected and found in compliance through testing by RVSD.

Those triggers are:

- Remodeling projects that are more \$75,000 or greater OR remodel projects that include the addition of a bathroom; or
- The sale of real property.

The following Frequently Asked Questions (FAQs) have been developed to answer some common questions from the real estate industry with regard to the sale of real property. However, agents should check directly with their brokers and risk managers regarding forms and procedures on compliance within their individual transactions.

For more information on Ordinance 66 and its affects on your transaction please contact Ross Valley Sanitary District direct at (415) 259-2949. You may also go to their website www.rvsd.org.

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When does the Ordinance become effective?

The Ordinance, as it pertains to property sales, is effective as of January 1, 2015

My property is already in escrow prior to January 1, 2015 but closing escrow after January 1, 2015. Will I have to comply with this ordinance?

Properties that are in escrow prior to January 1, 2015 will be exempt

My property was listed and the listing agreement was executed in 2014, but will not be going on the market until after January 1, 2015. Will I have to comply with this ordinance?

Properties entering escrow on or after January 1, 2015 will need to comply with the ordinance.

I am a condominium, townhome or Co-op property owner. Will I have to comply with this ordinance?

Yes. Condominium, townhome and similar properties are subject to the ordinance.

I am a condominium, townhome or Co-op property owner. My homeowner's association is responsible for my sewer lateral. Is my property subject to this ordinance, and if so, does the RVSD have the power and authority to compel my homeowner's association to comply with this ordinance?

Yes. Properties of this type are subject to the ordinance. RVSD may compel necessary repairs and/or replacements, and recover the costs through placement of a lien and payment with the annual property tax bills.

My home is currently on a septic system, but there is an existing sewer main near my house. Will I have to connect to the public sewer system to comply with this ordinance?

No. This does not affect current, legally permitted, septic systems which have no connection to the public sewer main.

My house is less than 20 years old, will I have to comply with this ordinance?

If the District has the final inspection report proving that this was a properly permitted and inspected installation, then it would be exempt if dated within the last 20 years.

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I have a multi-unit rental building or a multi-unit rental property, and the units share a common sewer lateral. Will each rental unit need to have its own lateral going to the main?

No. Existing individual laterals, if installed in accordance with then current standards, are typically acceptable. However, all laterals on the property are subject to the ordinance requirements, such as testing as a condition of sale.

I own an apartment building. Will I have to comply with this ordinance?

Yes.

I own a commercial building, will I have to comply with this ordinance? If so, will each unit in this building need its own lateral to the main?

Yes, commercial use properties must comply with the ordinance. Each unit on the parcel may share a single connection to the public sewer main. However all laterals (all branches of the lateral) on the property are subject to the ordinance requirements.

I own a mixed use building with some commercial and some residential units, will I need to comply with this ordinance? If so, will each unit in this building need its own lateral to the main?

Yes, mixed use properties must comply with the ordinance. Each unit on the same parcel may share a single connection to the public sewer main. However all laterals (all branches of the lateral) on the property are subject to the ordinance requirements.

My sewer lateral crosses a neighboring property, but there is no recorded easement granting me access to neighboring property. If neighbor will not grant access, and the only practical or physical route to the sewer main is across neighbor's property, will I have to comply with this ordinance?

Yes.

Are there any exceptions to the requirement for a pressure test?

Yes. If the lateral was replaced within the last 20 years and you are able to provide proof of the permitted work (including a final inspection by the District), you will be exempted from the requirement for a pressure test. Another exemption is available if the lateral has passed a pressure test at any time in recent years (not specified in the Ordinance). Approval of this exemption is subject to review by the District Engineer.

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My lateral connects to the laterals of other homes (common lateral). How does the affect me?

District code does not allow common laterals. Your lateral will need to be disconnected from the common lateral and connected directly to the public sewer main before a certificate of compliance can be issued.

What is a pressure test?

It is a test to determine if the private sewer lateral is of good condition and does not allow sewage to seep out of, or shallow groundwater / storm-water to seep into the lateral. The pressure test uses either pressurized air or a standing head of water, held for a specified period, to verify the lateral is in good condition.

Who can perform a pressure test?

A qualified plumbing contractor can perform the test. The District has a list of qualified contractors that indicates whether or not pressure testing is a service they offer.

If my home does not have a sewer cleanout, will one need to be installed to execute a pressure test?

Yes. Not only does this make the pressure test easier to conduct, it is required by District Code.

Will an RVSD official be at the actual inspection and pressure test?

Yes.

Who is responsible for the test and/or any subsequent repairs or replacement of the lateral?

While the lateral is owned by the current property owner, the responsibility for completing and paying for the repair or replacement is something that can be negotiated as part of the sale. The District does not involve itself in this process.

What if my lateral does not pass the pressure test?

The lateral must be replaced or repaired to sufficient condition to pass the pressure test.

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Will the RVSD official be able to determine at the point of inspection whether repair or replacement is necessary? If not, who will determine that?

The review of an inspection report by an RVSD official does not apply to property sales or remodels and the pressure test requirement. It either passes the pressure test or not. Any repairs required (including replacement) will be decided upon by the property owner, with the advice of a qualified contractor.

How long after the inspection is completed until homeowner knows whether a repair or replacement is necessary?

This is determined by the property owner and contractor.

My lateral is old and/or made of clay pipe and is unlikely to pass the pressure test, is there anything I can do?

You may want to consider doing a Closed Circuit Television (CCTV) inspection, to verify the overall condition of the lateral. This will indicate if the lateral is likely to pass the pressure test. A qualified contractor will be able to advise you on the best course of action, repair or replacement, to restore the lateral to adequate condition as needed to pass the pressure test.

If my sewer lateral fails the pressure test, and the RVSD grant program has funds available, will I automatically be eligible for the grant program?

No. All property owners are invited to apply for the grant program and will be subject to the same requirements as any other applicants.

If not automatically eligible for the grant program, how is it that my sewer lateral is bad enough to require replacement yet not bad enough to warrant eligibility for the grant program?

Grant program funds are intended to target laterals in the worst condition, this is the reasoning behind the minimum defect score as a condition of qualification.

How long will this take?

This is largely dependent upon the owner and plumbing contractor. RVSD can usually schedule inspections within two weeks of a request, and respond to informational inquiries in within 24 hours. Most replacements, from start (CCTV inspection) to finish (final inspection) take approximately 30 days.

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My home has already gone into escrow. Will this hold up the closing?

If the property entered escrow prior to January 1, 2015, the ordinance does not apply. For all others, the ordinance allows up to 60 days after the closing of escrow to complete the required repair or replacement of the lateral. This should not present a problem under normal circumstances.

Agents should check directly with their brokers and risk managers regarding forms and procedures on compliance within their individual transactions.

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