Practice Bulletin to all ROWPs

Onsite Wastewater Services Provided (Holding Tanks) Under Municipal Direction or On Canada Lands, Under Federal Jurisdiction

This practice bulletin is provided to all Registered Onsite Wastewater Practitioners for guidance due to a recent Practice Review Board complaint case.

The facts of the case are:

A ROWP member was approved by Indian and Northern Affairs Canada (INAC) as qualified to certify approximately 38 holding tanks on an Indian Reserve for leased recreational lots by the First Nations Band. This process was supported by the Band, who was in effect the ‘authority having jurisdiction’ (AHJ). While the member felt he was working with the AHJ’s understanding and approval, a health and safety issue was raised by Health Canada to the use of holding tanks in this manner. This resulted in a complaint against the member, which resulted in the Practice Review Board concurring with Canada Health’s concern for public health and safety. The member was subsequently reprimanded by the Board for his actions.

In its deliberations the Board stated that:

‘Under the Sewerage System Regulation the development of holding tanks requires a permit to be given by the appropriate jurisdiction. In this case it was not done. A Registered Onsite Wastewater Practitioner must be aware of and follow the ASTTBC Code of Ethics and, as part of this obligation, follow the Sewerage System Standard Practice Manual. This manual is silent on the construction of holding tanks. Therefore, it would be the member’s responsibility to seek out another standard by which he could design this type of facility; he could have sought technical assistance from the BC Onsite Sewage Association prior to taking on such work. If, as it is the case, the agency with jurisdiction advised the ROWP to proceed with a design of their own, the ROWP has two options:

1. not to do the work
2. inform the regulating body of how and why the system should be designed and installed properly and insist that instructions in writing be provided for the work prior to starting the work; and informing ASTTBC of his concern’

ROWPs are reminded that even though they may work under an AHJ or in jurisdictions where the Sewerage System Regulation does not directly apply, ASTTBC requires all services provided to meet the requirements of the Ministry of Health’s Standard Practice Manual and the ASTTBC Code of Ethics.