

ONSITE WASTEWATER CASE SUMMARIES 2017

Note: Reference to one gender implies both genders, unless indicated otherwise.

CASE #16-02

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, replaced a septic tank without providing the property owner with a Letter of Certification or an Operating & Maintenance Plan within 30 days of the work being completed, as required by the BC Sewerage System Regulation (SSR). The complaint further alleged that the Respondent allowed the installation of the tank to be done in a manner contrary to the BC Standard Practice Manual (SPM).

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines.

The investigation confirmed that the Respondent did not provide the Letter of Certification as required. Instead, he relied upon a non-Authorized Person (the installation Contractor) to attempt delivery of the Letter of Certification, and only attempted to obtain confirmation of delivery upon learning of the issue from the Complainant. At which point the Contractor advised that delivery was unsuccessful as the Complainant was out of the country. The result was that the Letter of Certification and related documentation for the 2013 project were delivered to the new property owners in March 2016.

The investigation found insufficient evidence to determine whether or not the installation of the septic tank was carried out in a manner contrary to the SPM. However, the investigation findings did confirm that the Respondent did not ensure that other components of the system were functional and suitable for use, prior to determining that replacing the damaged septic tank was the only solution. This was contrary to SPM requirements. Had an assessment of the original dispersal system been made, performance problems and potential health risks may have come to light at that time (2013). By December 2015, a performance malfunction of the dispersal field was confirmed.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that the Respondent had violated Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines, and required that the Respondent be levied a fine of \$250, as a deterrent to any future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

The Respondent accepted the PRB censure conditions and subsequently paid the fine. No further action was required and the file was closed.

CASE #16-10

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, constructed a sewage system that subsequently malfunctioned, causing a health hazard.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines.

The Respondent planned and installed a sewage system upon a property, and when it malfunctioned, the Interior Health Authority issued an Order for the repair of the system and this was completed.

Subsequently, another malfunction occurred at the same property resulting in sewage flowing towards a nearby creek. Authorities Having Jurisdiction (AHJs) became aware of this and ASTTBC was advised.

A staff complaint file was opened and in response to ASTTBC's inquiry the Respondent advised that an additional building was connected to the sewage system after the installation was completed and the system was being used by more occupants than the design allowed for. Further, excavating equipment used by the property owner caused rock or soil material to damage a component of the sewage system which resulted in the escape of sewage to the creek. The Respondent retained a Professional Engineer and repairs were completed under a new Filing made by the Engineer.

A review of the Respondent's documents for the original system raised concerns regarding the Respondent's planning competencies based on missing, incomplete or inaccurate information in relation to the BC Standard Practice Manual (SPM). The Respondent was advised to undertake a Practice Assessment Review; however the Respondent elected to resign his Planner certification and retain his Installer certification. He was informed that a PAR of his Installer registration category would still be conducted in the future, and the Respondent agreed to undergo that PAR.

No evidence was found to show that the Respondent caused the malfunction which resulted in a health hazard.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and moved that the ASTTBC database be flagged and if the Respondent applied for reinstatement of his Planner registration, he should be referred back to the Onsite Wastewater Certification Board for an assessment and decision on his competencies. All current conditions of certification and registration as required for a new applicant would be applied to the Respondent.

OUTCOME:

No further action was required and the file was closed.

CASE #16-11

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories for Type 1 and Type 2 systems, was not realistic on the time required to complete the installation of a sewage system, the cost to construct the system, and the competency to undertake the project.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 2 and 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The PRB investigation determined that the Respondent accepted and carried out the planning work until site and soil assessment conditions confirmed the need for a Professional to be involved, at which time he retained the services of a Professional in a manner consistent with ASTTBC's Code of Ethics, the BC Sewerage System Regulation and the BC Standard Practice Manual. Although it was unclear if the Respondent adequately conveyed to his client (the Complainant) the reason for a Professional's involvement, his contract with the client did indicate a Professional was being used to create a design for the site. In addition, there was no evidence to show that the Respondent was unrealistic on the time required to complete the installation or that he misled the client about the cost to construct the system.

Although this project was under the supervision of a Professional, deficiencies in the Respondent's competency to undertake the installation of the system were discovered, predominantly related to electrical components and the equipment and technology used in Type 3 systems. The PRB had concerns about how the installation of the system was done, especially but not limited to, the electrical work.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and concluded the Respondent undertook the work without sufficient training or experience which was a violation of Principle 2 of the ASTTBC Code of Ethics and Practice Guidelines. Accordingly, the PRB required that the Respondent submit a statement acceptable to the Registrar, of his understanding of Principle 2 of the ASTTBC Code of Ethics and Practice Guidelines. The Respondent was also levied a fine of \$250, as a deterrent to any future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

Upon receipt of the PRB conditions, the Respondent submitted a letter of appeal to the Registrar, which was presented to the PRB for their consideration of new information contained in the appeal.

The PRB reviewed and considered the new information prior to determining whether or not their original recommendations were to be altered. Satisfied with the results of their review, the PRB moved that, as the allegations in the complaint were found to be invalid, the original PRB conditions were to be rescinded. The Respondent was advised accordingly, and the Complainant was also updated.

No further action was required and the file was closed.

CASE #16-15**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, conducted a pre-purchase inspection of the sewage system on the Complainant's property on behalf of a prospective buyer, and prepared an inspection report that did not accurately convey the inspection findings.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 2 and 3 of the ASTTBC Code of Ethics and Practice Guidelines.

The PRB investigation determined that the Respondent's inspection procedures and scope were non-compliant with Practice Guidelines for inspection. In addition, while his report and conclusions appeared to address the needs of the potential purchaser, the prescribed terminology as per the ROWP Practice Guidelines was not used. By conducting sewage system inspections when certified as a Planner and Installer only, the Respondent was working outside his allowable scope. Further, despite earlier communication from ASTTBC, he appeared to be unaware of the Ministry of Health requirement that sewage systems must be maintained by Authorized Persons, even those installed prior to 2005.

During the investigation into this complaint, the Respondent acknowledged several gaps and errors on his part, and was engaged and interested in improving his competencies. He also followed through with his intent to add the Private Inspector category to his certification by submitting his application accordingly.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and required that the Respondent submit a statement of assurance, acceptable to the Registrar, that he had read, understood and would abide by the ASTTBC Onsite Wastewater Policy and Practice Guidelines, as well as the Sewerage System Regulation and BC Standard Practice Manual.

OUTCOME:

The Respondent submitted the required statement of assurance, which the Registrar found to be acceptable. In addition, his application for certification as Private Inspector (Residential) was approved by the Onsite Wastewater Certification Board. No further action was required and the file was closed.

CASE #17-01

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, constructed a sewage system that did not meet critical setback distances to a water main, as required by the BC Standard Practice Manual. Further, the Respondent submitted filing documents to a Health Authority with incorrect information for the location of the water main in relation to the sewage system, contrary to the BC Sewerage System Regulation.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines.

The investigation determined that although the Respondent had full knowledge of the water main being underneath the sewage system tanks, he continued with his installation based on assurance he received from waterworks staff that the water main would be relocated in the coming months. As the wastewater system was not expected to be in operation until after the waterworks relocation was completed, the Respondent continued with the installation.

During a subsequent interview with the Investigator, the Respondent acknowledged that pressure from the client due to timing for other construction work on the property and a verbal assurance from the client promising to not use the system until the water main was relocated contributed to his decision to proceed.

There was no evidence to show the Respondent knowingly provided false or misleading information to the Health Authority when submitting his planning documents. However, there was concern that he did not submit an amendment in a timely manner as required, in spite of becoming aware of the significant issue of the water main being underneath a portion of his proposed works. More concerning was the decision to excavate and install tanks over top of the water main in the first place, as the process of doing such work placed risk to the water main and anyone in proximity to the work. Disturbance to the bedding around the pipe or pressure from the tanks filled with wastewater placed over top of the pipe could result in damage either during or after installation. This should have been a key reason not to undertake the work in the manner that the Respondent did.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the findings and concluded that regardless of his good intentions, the Respondent's actions were contrary to Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines. Therefore the PRB required that the Respondent submit a statement of assurance, acceptable to the Registrar, that he had read, understood and would abide by the ASTTBC Onsite Wastewater Policy and Practice Guidelines, as well as the Sewerage System Regulation and BC Standard Practice Manual. In addition, the Respondent was levied a fine of \$250, as a deterrent to any future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

The Respondent submitted the required statement of assurance, which the Registrar found to be acceptable, and he also paid the fine.

No further action was required and the file was closed.

CASE #17-04

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) certified as an Installer, restricted to non-pressurized systems, attempted to certify a sewage system when not certified or authorized to do so.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines.

The Respondent installed a sewage system that had been designed by another ROWP Planner, who refused to certify the system based merely on the Respondent's photographs and assurance of taking responsibility for the installation. When ASTTBC notified the Respondent about the complaint, he advised that he would be out of the province for 2.5-3 months, but would 'act on resolving this issue' when he returned.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and required that the Respondent take the necessary appropriate actions as required by the Sewerage System Regulation and the BC Standard Practice Manual to obtain a Letter of Certification (LoC) for the sewage system. The Respondent was also required to submit a statement of assurance to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics, Onsite Wastewater Policy and Practice Guidelines. The letter was also to include an assurance that the Respondent would only work within the scope of his certification. All costs associated with obtaining the LoC would be borne by the Respondent, who was also required to submit a copy of the LoC to ASTTBC, upon certification of the system.

OUTCOME:

Upon receipt of the PRB requirements, the Respondent advised ASTTBC that he had not yet taken any action towards obtaining the LoC as he was working on another project, and would only be able to do so approximately 3 weeks beyond the PRB deadline. On receiving this update the PRB instructed the Registrar to enter into a Stipulated Order with the Respondent to resolve the matter to the satisfaction of the PRB. When the Respondent was notified of this requirement, he advised that he had retained the services of a Professional to certify the system and subsequently submitted copies of the Filing from the Professional as well as the Letter of Certification (LoC). By doing so the Respondent had met all the PRB requirements, except the one that required the submission of a statement of assurance. Subsequently the Respondent's registration was cancelled due to non-payment of dues.

The PRB was provided with an update on the complaint file and moved that as the Respondent was no longer a member of ASTTBC, no further action was required at the time and the file was closed. Should the Respondent apply for reinstatement, this file shall first be reopened and resolved to the satisfaction of the PRB.