

PRACTICE REVIEW BOARD

CASE HISTORIES SEPTEMBER 2007 TO SEPTEMBER 2008.

PRACTICE REVIEW BOARD DISCIPLINE REPORTS PREAMBLE.

The Applied Science Technologists and Technicians of British Columbia (ASTTBC) was incorporated under the Applied Science Technologists and Technicians (ASTT) Act RSBC 1979 c.16.1 in 1985; since revised as RSBC 1996 c.15 on April 21, 1997.

The ASTTBC provides professional certification to technologists and technicians in the applied science technologies related to Biological Sciences, Biomedical Engineering, Building, Chemical, Civil Engineering, Electrical, Electronics, Environmental, Forest Engineering, Gas & Petroleum, Geomatics, Industrial, Information, Mechanical, Metallurgical and Mining disciplines. The ASTTBC also grants technical specialist certification in technical areas such as building design, construction safety, fire protection, house and property inspection, onsite wastewater, public works inspection, site improvements surveys, steel detailing and timber cruising.

Our ‘purpose’, as generally stated in the ASTT Act is, “To maintain, improve and increase the knowledge, ability and competence of technologists and technicians; to regulate standards of training and practice of and for its members, and to protect the interests of the public.” The ASTT Act and Regulations, in providing the professional certification of technologists, technicians and technical specialists, requires that members adhere to a Code of Ethics, provides a disciplinary mechanism to deal with breaches of the Code and protects ASTTBC’s titles and designations.

The ASTTBC Council has charged the Practice Review Board (PRB) of ASTTBC with the responsibility for enforcement of the ‘Code of Ethics’ for member’s professional practice and conduct, as well as with protecting ASTTBC’s titles and designations. The following report reflects the activities and resolved case files of the PRB.

It is the policy of ASTTBC to only report on the specific details of cases (names, places and dates etc.) when the case has resulted in censure as a result of a Disciplinary Hearing or the PRB has determined it is in the public interest to have such information provided.

Report from Practice Review Board For Complaint Cases Resolved InONSITE WASTEWATER - (Between September, 2007 and September, 2008)

CASE #07-11

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) failed to protect and secure his ROWP stamp from use by his employee, who was observed to use the stamp to complete a Record of Sewerage System form and sign it with the ROWP's name while at the Health Authority office.

BACKGROUND

The complainant was an Authorized Person who observed the ROWP's employee seal documents with the ROWP's stamp and sign the ROWPs name on the documents. The Authorized Person confronted the employee and informed him that such practice was illegal and unethical and he would be making a complaint to ASTTBC.

INVESTIGATION

The ROWP responded to the complaint and explained that that he was not aware that his employee had submitted a 'draft' application to the Health Authority and that his employee, who has signing authority in other areas of his business, was not aware that this authority did not include the use of the ROWP stamp.

DISCUSSION

The ROWP clearly did not inform his employee of the correct use of the ROWP stamp, and did not secure the stamp from use by others. This is a violation of the ASTTBC Stamp Guidelines.

OUTCOME

The ROWP was required to provide a letter advising how in the future he will ensure the security of his stamp and his compliance with the Stamp Guidelines.

CASE #07-13

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and installed a system which was creating a potential health hazard, and did not provide a Letter of Certification.

BACKGROUND

A complaint was made to ASTTBC by a Health Authority regarding the actions of an ROWP creating a potential health hazard. The Health Authority issued an Order against the ROWP for his actions.

INVESTIGATION

The investigation determined that the system was planned by the property owner in conjunction with the Health Authority under the previous Sewage Disposal Regulation and partially installed by the ROWP

before the ROWP program existed. The ROWP did not finish the installation due to a contractual dispute with the property owner. The system installation was completed by the property owner.

DISCUSSION

As the system was not planned and installed by the ROWP under the current Sewerage System Regulation, but by the Health Authority and the property under the previous regulation, the ROWP is not responsible for the condition and operation of the onsite system, nor would he be responsible for Filing a Letter of Certification as the requirement for that did not exist at the time the system was installed.

OUTCOME

A letter was sent to the ROWP and the Health Authority advising that there is no breach of the ASTTBC Code of Ethics, therefore, no further action was required and this file was closed.

CASE #07-16

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) refused to provide a copy of a Filing and the Letter of Certification.

BACKGROUND

A complaint was made to ASTTBC by the property owner that an ROWP did not actually file a plan for the system that he had planned and installed for them. The property owner had made numerous attempts to get the Filing and Letter of Certification from the ROWP but was given many excuses and upon requesting a copy from the Health Authority, they learned that no Filing had been taken out by the ROWP.

INVESTIGATION

The ROWP was sent three letters requesting his response to this complaint. The Associate Registrar then received an email from the Health Authority, advising that the ROWP had completed the Filing to the satisfaction of the Health Authority.

DISCUSSION

As the Health Authority had responded saying that the ROWP had completed the Filing to their satisfaction, the complaint has been resolved.

OUTCOME

No further action was required and this file was closed. The ROWP was sent a letter informing him of the importance of completing Filings appropriately.

CASE #07-17

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) installed tanks in the wrong location.

BACKGROUND

A complaint was made to ASTTBC by the site supervisor for a general contractor that an ROWP incorrectly installed and located a new onsite wastewater treatment system in the area of a driveway, resulting in the need to move the tanks.

INVESTIGATION

The investigation revealed the following details:

At a meeting with the property owner, a licensed builder, the owner of the construction company and the ROWP, regarding the initial layout of the septic system, it was agreed where the location of the tank and field were best installed. The property owner, at that time, pointed out that the location of the tanks would not be a problem because this area was not to be used as a driveway but only access for tools and maybe an ATV. The system was then installed in compliance with the BC Sewerage System Regulation and according to the Standard Practice Manual. After the installation was completed a new site supervisor (the complainant) took over and he determined that the system was incorrectly installed and that the tanks had to be moved. The ROWP contacted the local health inspector, took photographs, inspected the site, took measurements, contacted the Planning Engineer and the tank manufacturer.

The consensus was that the system was properly installed and the tanks were not in any risk of being damaged in the location they were in.

DISCUSSION

There was evidence submitted to verify that the area in question was not a driveway for use by vehicles as suggested and that there was little if any risk of damage to the tanks.

OUTCOME

There was no breach of the ASTTBC Code of Ethics or the Ministry of Health's Standard Practice Manual requirements. No further action was required and this file was closed.

CASE #07-18

STATEMENT OF COMPLAINT

That Neil Griffin, a Registered Onsite Wastewater Practitioner (ROWP), filed an unacceptable Filing document.

BACKGROUND

A complaint was received by ASTTBC from the BC Onsite Sewage Association that accuses Mr. Griffin of producing a Filing document with errors in calculations and the maintenance plan.

INVESTIGATION

Initial investigation indicated the following problems.

Record of Sewerage System Filing:

- Mr. Griffin has completed the Filing in imperial units of measurement rather than in metric as required.
- Several items are not completed or the term 'N/A' is used for answers to questions that require an appropriate answer. For example 'Total depth to highest water table or restrictive layer'. An appropriate comment, if no water table was observed in the test pits, would be ">120cm" or ">90cm, whatever the case may be. There is a water table, it just hasn't been observed.
- The sketch showing the system proposed to be constructed is lacking scale, north arrow, and size of infiltrator. It is therefore impossible to determine how many square metres of field have been installed.
- Under Section 9, Mr. Griffin has not indicated whether or not he has consulted with the Standard Practice Manual.

Calculations:

Based on a loading rate of 34 litres per day per square metre and an estimated daily sewage flow of 1,136 litres per day, the following total lengths of infiltrator would be required:

- 900mm wide infiltration: 37.1 metres
- 600 mm wide infiltration: 55.7 metres
- 300 mm wide infiltration: 111.4 metres
- Mr. Griffin installed 27.4 metres of infiltrator; assuming you used 900 mm infiltrator Mr. Griffin only installed 74% of the required length of field or fell short by 9.7 metres.

Maintenance Plan:

Although the maintenance plan provides information on how to maintain the system, it falls short of looking professional and does not comply with all the requirements of the SPM, page 58 17.2 Maintenance Plan.

Mr. Griffin responded to these concerns in his letter of July 17, 2007 and a copy of his letter was sent for further investigation.

DISCUSSION

In response to Mr. Griffin's letter of July 17, 2007, ASTTBC staff noted that Mr. Griffin has taken considerable measures to ensure that he can comply with the Standard Practice Manual and general good practice. Mr. Griffin has shown an effort to upgrade his skills and comply with the Standard Practice Manual.

OUTCOME

Mr. Griffin must immediately return the Professionalism in Practice Module and submit copies of the next three sewerage Filings to the ASTTBC for review and comments. Comments, if any, would be intended to assist Mr. Griffin in the preparation of the Filings if he requires any additional assistance. Mr. Griffin will be required to update ASTTBC after one year, of his progress, if the three Filings required have not been completed by that time.

As he did not reply to the October 5th letter he was sent a follow up letter on October 30, 2007 which he has also not acknowledged. A phone message was left for him on November 15th to call regarding the outstanding issues.

Mr. Griffin was sent a letter on December 4, 2007 asking him to send a letter confirming his intention to resign his membership if that is the case and further requesting that he return his ROWP stamp. Since there has been no contact with him since December 4th and he has not sent a letter of resignation, on January 14,

2008, ASTTBC staff phoned Mr. Griffin. Mr. Griffin advised that he would send a letter of resignation and return his stamp by January 22, 2008. Mr. Griffin has failed to send his resignation letter or his ROWP stamp.

Mr. Griffin was sent a letter advising him that:

- his membership has been cancelled effective immediately and that should he wish to reinstate his membership he will first be required to fulfill the outstanding PRB conditions
- he must immediately return his ROWP stamp
- the Health Authority will be notified of his membership cancellation

CASE #07-23

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) was in violation of the Ministry of Health's Sewerage System Regulation (SSR).

BACKGROUND

The Health Authority made a complaint to ASTTBC that an ROWP planned and allowed a non-registered contractor to install a system.

INVESTIGATION

The ROWP admitted in his response letter that he knowingly allowed a non-registered contractor to install the system. His description of the events suggest that he knew he was not to allow this to happen, but did not understand the seriousness of the offence. He further advised that he will ensure this situation does not occur again.

DISCUSSION

The ROWP admitted his wrong-doing and realized that he was in violation of the regulations. The use of unauthorized contractors by a Registered Onsite Wastewater Practitioner as a serious matter and not permitted by the SSR or ASTTBC.

OUTCOME

A letter of reprimand was sent to the ROWP and added to the ROWPs file. The letter advised the ROWP that should there be a repeat of this inappropriate practice, censure of a more serious nature can be expected. This file was closed with no further action at this time.

CASE #07-27

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and installed a system that was rendered unusable due to unacceptable workmanship and that the ROWP has refused to supply a Letter of Certification for the system.

BACKGROUND

The property owner made a complaint to ASTTBC that an ROWP planned and installed a system that was ruined by eroding and shifting soils after installation due to improper practices by the ROWP. The complaint also mentions the property owner's dissatisfaction with the ROWP's business practice.

INVESTIGATION

In a review of documents supplied, it was discovered that the ROWP excavated for the building foundation for his client and also backfilled around the foundation of the building. The ROWP has a separate company which provided system planning and installation services to this same client.

According to the ROWP, he was contracted to do this work in the dry period of the year and promised to accomplish certain goals before the weather became a problem. Many delays caused by other trades people pushed the work to be done by the ROWP back and the ROWP claims to have informed the property owner of the risks associated to doing the work in bad weather. The property owner told the ROWP to go ahead as he could not wait for spring.

The property owner counters the ROWPs assertions, but there are no written statements from either party dating to the time this problem was active that prove either story correct.

What is clear, is that the work was nearing completion when wet weather caused the saturation of the soils used for the backfill around the foundation, and led to damage to concrete supports and caused the floating of the septic tanks and header pipes up out of the ground along with other disturbance to the onsite wastewater treatment system. As the system showed significant damage, the ROWP decided not to issue a Letter of Certification for the system until repairs had been completed.

DISCUSSION

The ROWP has two companies; one did the excavation and backfill for the building foundation and the other did the septic design and installation. It appears that the septic system was installed with no problems and the foundation was back-filled. However, the crux of the complaint is around the method and care associated with the excavation and backfilling of the building foundation which is not part of ROWP practice or regulation and cannot be commented on by ASTTBC. The ROWP provided his client with an offer to help repair the situation, but the property owner has refused.

As the system has been damaged in very significant ways, the ROWP is well within his rights to withhold the Letter of Certification until the system has been repaired.

OUTCOME

It was determined that the ROWPs actions were not in breach of the ASTTBC Code of Ethics or adherence to the Ministry of Health Standard Practice Manual, therefore, no further action was required and this file was closed.

CASE #07-28

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) 1) destroyed a fence gate 2) never installed a clean-out where one is required, 3) never repaired deficiencies in the flow pipes between the treatment

plant and pump chamber (despite a promise to the engineer that he would), 4) never vented the system properly, 5) never restored the site to its pre-construction condition, 6) chose suspect pump chamber and air pump locations, 7) poorly finished the grading around the chamber, plant and tanks, 8) never tarped the removed soil to keep it dry, 9) significantly bungled his original estimate, 10) worked only partial days (approx. 4-5 hours per day) during time when there was only a short window of opportunity to complete the job, AND, knowing the importance to 2 families that this get completed quickly (vs. new home construction where time may not be of the essence), 11) never had materials lined up (topsoil), 12) poor communication, 13) wasting time fabricating deflector shields when they are available inexpensively through suppliers, 14) lied about Health Inspector and engineer not passing plan, in an effort to extort money from his client; 15) accuses his client of owing him money when that is impossible; 16) screamed obscenities at his client; 17) wrote a letter to his client using obscenities to describe the client.

BACKGROUND

The property owner made a complaint to ASTTBC and gave the following timelines:

- Purchased property in Oct. 2005
- Previous owner did not disclose a Vacate Order based on an inspection by an EHO on 16 Nov. 2004
- Given an Order to Cease a Health Hazard by the EHO dated 3 Oct. 2006
- Original suite/barn system records indicate it was only intended to serve a small washroom in the barn
- Building permit information from 1978 expressly prohibited this barn from being converted into a residence, which it has since become prior to the complainant purchasing it.
- Consulted with 2 engineers and 4 ROWP planners
- ROWP who is subject of complaint did soil test pits and confirmed it needed a type 3 sand mound engineer designed. He charged \$300.00 for his machine and time
- Property owner hired engineer to design system.
- ROWP who is subject of complaint gave an original estimate of \$19,900.00 to install system then after questioning and further cost checking was revised to \$25,900.00.

INVESTIGATION

The ROWP was found to be responsible for the deficiencies as listed by the property owner based on a review of documents provided as well as discussions with him.

DISCUSSION

The ROWP is responsible for providing an accurate quote to the property owner and must take greater care with such efforts. He also demonstrated haphazard job planning skills and clearly did not communicate well with his client. These actions are not acceptable from a Registered Onsite Wastewater Practitioner. Most of the above deficiencies were repaired by the ROWP or property owner prior to the Practice Review Board decision.

OUTCOME

A letter was sent to the ROWP explaining that he:

- must arrange, at his expense, to have the connection to the UV light housing re-glued where it has come apart as shown in pictures (# 64 & 65 not included here)
- must submit written proof to the ASTTBC Associate Registrar to show that this repair was completed
- write a letter of apology to the property owner for his poor choice of language and submit a copy of this letter to the ASTTBC Associate Registrar
- clearly state to his clients, the scope of work and time frame involved with projects

- more carefully research his materials and time for his quotes

These conditions were fulfilled. No further action was required and the file was closed.

CASE #07-30

STATEMENT OF COMPLAINT

A non-ROWP contractor Mr. Norman (Ted) Walton, now a Registered Onsite Wastewater Practitioner Installer, installed a system before the ROWP Planner filed the system plans.

BACKGROUND

A complaint was made to the Health Authority by an ROWP, that Mr. Norman (Ted) Walton was currently installing a system and was not a registered Installer to the ROWPs knowledge. This complaint was confirmed by the Environmental Health Officer and referred to ASTTBC for investigation.

INVESTIGATION

A letter was received by ASTTBC written by the ROWP Planner who planned the system. He explains that the homeowner contacted Mr. Norman (Ted) Walton (before he was registered) and asked that he install a replacement system as theirs was malfunctioning and causing a breakout of sewage to the surface of the ground. Mr. Norman (Ted) Walton contacted the ROWP Planner who created a plan. The Planner returned to the site and found Mr. Norman (Ted) Walton installing the system before the system plan was filed. The ROWP Planner inquired with Mr. Norman (Ted) Walton and was told that he was not yet registered, but since this situation posed a potential health hazard Mr. Norman (Ted) Walton decided to go ahead with the installation even though he was not registered and the plans had not been filed. This complaint was made before Mr. Norman (Ted) Walton was registered as an ROWP Installer with a practice restriction.

DISCUSSION

Mr. Norman (Ted) Walton prematurely anticipated his registration by ASTTBC and installed the system before the ROWP Planner submitted the Filing and before he was registered as an ROWP Installer with a practice restriction.

OUTCOME

Mr. Norman (Ted) Walton must:

- not install any systems prior to a Filing being made and accepted by the Health Authority
- ensure that all matters contained in Part 3, Section 9 of the Sewage Regulation regarding 'letter of certification' and finalizing of this system is complete
- send a copy of all final documentation submitted to the Health Authority and the Sewage System Letter of Certification, to the ASTTBC Associate Registrar
- return the Professionalism in Practice Module to the Associate Registrar

Mr. Norman (Ted) Walton had not responded to the Associate Registrar and had not fulfilled the requirements of the recommendation, therefore, his certification/registration was cancelled.

CASE #07-31

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) has refused to supply a Letter of Certification.

BACKGROUND

The property owner made a complaint to ASTTBC that an ROWP refused to supply a Letter of Certification even though the system had been completed and the ROWP paid in full. The property owner also suggested that he was unhappy with the placement of the dispersal field as he would be forced to drive over a portion of it to enter his garage.

INVESTIGATION

The ROWP claims to have discussed the location of the system with the property owner and informed him that based on several factors the only possible location for the dispersal field was in front of the garage. The property owner did not like this but agreed on the placement. There is nothing in writing to prove or disprove that this discussion took place or what had been agreed to.

There is a suggestion from the property owner that the reason the ROWP might be withholding the LOC are issues around delivery and spreading of pit run material by the ROWP. The owner does not believe that it was delivered and spread, and refused to pay the ROWP for it.

DISCUSSION

The ROWP does not have any documentation proving he reached an agreement with the property owner as to where the system would be placed. There is a legal obligation to supply the Letter of Certification and all Filing documents, regardless of whether there are monies owing on other jobs done for a client. There needs to be a clear delineation between onsite wastewater treatment system work and other site work.

OUTCOME

A letter was sent to the ROWP explaining that in future he:

- should fully discuss the proposed location of all sewage system components (ie. tanks, pump, chambers, pump lines) and sewage disposal fields and have the owner sign a copy of the plan that is submitted with the permit, indicating the owner's satisfaction with the proposed location
- is obligated as an ROWP to file a final certification on the field; he should not undertake work on a septic system with a client unless he has been assured of payment for any other service that he has done for the client, so that he does not get himself in a situation whereby he withholds services that he has a regulatory obligation to fulfill
- must send a report to the Associate Registrar, describing how in the future he will accomplish the above items

These conditions were fulfilled and the LOC was provided to the property owner. No further action was required and the file was closed.

CASE #07-34

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) has refused to supply the Letter of Certification for the system.

BACKGROUND

The property owner made a complaint to the Health Authority which was forwarded to ASTTBC for investigation.

INVESTIGATION

Based on the documents provided, the ROWP provided the property owner with a quote, which detailed labour and material costs. The ROWP was observed by the property owner to haul away unused material, which the ROWP did bill the property owner for. The property owner made out a cheque to the ROWP minus the materials hauled away by the ROWP. The ROWP then sent a letter to the property owner saying he would not complete the Filing and supply the Letter of Certification until full payment had been made.

The ROWP contacted ASTTBC and stated that he was not the Planner of the system, therefore he could not finalize the Filing or supply the Letter of Certification.

The Planner of the system was contacted by ASTTBC and required to supply the final Filing documents including the LOC and Maintenance Plan to both the property owner and ASTTBC.

DISCUSSION

The ROWP appears to have threatened his client with the withholding of the final Filing documents when he was not in a position to do so, being the Installer only, in an effort to force his client to pay the entire invoice. As the installation has been completed, it would be up to the ROWP to go through small claims court to receive any remaining monies he might feel are owing to him.

OUTCOME

A letter was sent to the ROWP reminding him of his obligations under Part 3, Section 9 of the Sewage System Regulation, he is obligated to File the as-built information and certification and provide the owners with copies of this information and a copy of the maintenance plan when he acts as a system Planner.

The actual Planner of the onsite wastewater treatment system in question submitted a copy of the LoC and final Filing documents to the property owner and ASTTBC. As the complaint made by the property owner was based on receipt of the final Filing documents and the installation of the system was completed to the satisfaction of the property owner, no further action was required and the file was closed.

CASE #07-35

STATEMENT OF COMPLAINT

Two Registered Onsite Wastewater Practitioners (ROWPs) are accusing the other of improper business conduct and practice that was contrary to standard practice.

BACKGROUND

This is a question of principle #7 of the ASTTBC code of ethics – professional conduct of the members towards each other.

INVESTIGATION

Both sets of plans for the specific site in question were reviewed, and there were numerous errors found in both their plans. The site assessment results, as documented by both ROWPs, are substantially the same, with the differences arising in the system plans to meet the site requirements.

DISCUSSION

Ultimately, both system plans would result in under-sized systems based on incorrect determinations. The site conditions require a pressure distribution system not a gravity system as was planned by both ROWPs.

The evidence supplied by both parties of disrespectful actions against the other are nearing violation of principle 7 of the ASTTBC code of ethics.

OUTCOME

A letter of reprimand was sent to both parties advising that:

- there are issues with the designs of both parties in that they do not follow the Standard Practice Manual
- their conduct is bordering on violation of Principle #7 of the Code of Ethics
- both parties will send a letter to the Associate Registrar in which they will advise how they intend to ensure all future work will be in compliance with the Standard Practice Manual and that they will cease and desist all disrespectful activity towards each other with regard to their conduct and professionalism

The conditions were met, no further action was required and the file was closed.

CASE #07-36

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and installed an onsite sewage treatment system with poor workmanship, and lacked respect and integrity throughout.

BACKGROUND

A complaint was received by ASTTBC from a Health Authority together with the property owner/client of an ROWP. The property owner contacted the Health Authority who attended the site.

INVESTIGATION

There was no written contract between the property owner and the ROWP beyond an estimate for installation of the system. This quote did not detail what was or was not included in the price.

The ROWP and property owner made conflicting claims regarding what was to be done, by whom, and at what cost.

Photographs of the site illustrate that the tanks were partially backfilled with rocky material and large boulders on one side and left open to the air on the other with unsupported piping in clear contravention of installation practice. This could lead to future problems such as damaged tanks or pipes resulting in effluent break out and a health hazard. The ROWP claims he had no choice but to leave one side of the tanks bare as the property owner would not allow him to remove adjacent trees. The ROWP also claims that the property owner's preferred location of the tanks would have required blasting, which the property owner was not prepared to pay for.

DISCUSSION

As there was no written detailed contract between the property owner and the ROWP, there is no way to confirm what was or was not agreed upon, however, the glaring deficiencies in the installation require immediate corrective action.

OUTCOME

The ROWP adhered to the following conditions of a Stipulated Order:

- 1) The ROWP should, at his expense, reinstall the tanks in a manner which will not cause a health problem by providing proper bedding for the tanks and pipes with proper backfill material. If this cannot be accomplished with an excavator, then it would be permissible to negotiate with the property owner for the additional cost. Verification of the completion of this work is to be provided to ASTTBC.
- 2) The ROWP is to provide an acceptable report to the Practice Review Board that will demonstrate how he will in the future ensure that he has appropriate contracts in place prior to commencing with any onsite wastewater services.

The conditions were met, no further action was required and the file was closed.

CASE #08-02

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) under-represented the slopes on the property and misidentified the soil type.

BACKGROUND

The ROWP did a site investigation for subdivision approval and an Environmental Health Officer did a follow up on this review at the site. The EHO determined that the ROWP had made mistakes in the site assessment and issued a complaint to ASTTBC.

INVESTIGATION

Both parties' reports were reviewed during the investigation, but ASTTBC did not carry out an on site review. Based on the reports and documentation, the EHO's description of the slope in the area was incorrect; he picked the wrong area, as substantiated by pictures. The soil analysis could not be determined from the information provided. The ROWP was asked to supply the results of a laboratory analysis of the soils in question. The ROWP did so and the results substantiated the ROWP's determination of the soil type.

DISCUSSION

The concerns of the Environmental Health Officer in regards to the slope and the soil type were found to be unsubstantiated.

OUTCOME

As the investigation has confirmed the ROWP's original findings, no further action was required and this file was closed.

CASE #08-04

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) failed to submit seven Letters of Certification within the thirty day time limit as set out by the Sewerage System Regulation.

BACKGROUND

The Health Authority noted that Letters of Certification for seven systems planned by the ROWP were not submitted within the time limit and issued a complaint to ASTTBC. They also contacted the ROWP and reminded him of his legal obligations under the Sewerage System Regulation.

INVESTIGATION

A response letter from the ROWP explained that he had discussed the situation with the Environmental Health Officer and was now fully aware of the importance of filing a Letter of Certification on time. He also stated that he would comply with this requirement in all future Filings.

DISCUSSION

The ROWP has been made aware of the importance of the LoC and he has repeatedly stated to ASTTBC and the Health Authority that he will comply in the future. All outstanding LoCs were filed with the Health Authority.

OUTCOME

The ROWP was required to submit a letter confirming his future compliance, which was done within the deadline provided. No further action was required and this file was closed.

CASE #08-06

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned a system which would be located too close to the ocean in contravention of the Standard Practice Manual.

BACKGROUND

A Filing document created by an ROWP showed a sand mound located within 3.5 meters from the ocean. The Filing also contained the stamp of a Professional Engineer. Upon receipt of the Filing, the Health Authority issued a complaint to ASTTBC regarding the actions of the ROWP.

INVESTIGATION

An environmental Health Officer visited the site to confirm the location of the sand mound and relayed the information to ASTTBC. A response letter from the ROWP explained that he did much of the site investigation work for the Professional Engineer and inadvertently stamped and signed the Filing in the space provided for the Authorized Person. He pointed out that the Engineer had also sealed and signed the Filing. The ROWP was aware that the Engineer must take responsibility for the system and this situation was simply a misunderstanding that he and the Professional Engineer were in the process of rectifying.

DISCUSSION

As these set backs can only be signed off by a Professional Engineer, the EHO suggested to the ROWP that if the Filing was resubmitted with only the Professional Engineer's seal and signature on it, the EHO would accept it. There is no evidence that the ROWP deliberately contravened the Standard Practice Manual, and as the Professional Engineer did seal and sign the original Filing along with the ROWP, it is very likely, as suggested by the ROWP, that this was a simple mistake.

OUTCOME

The ROWP was required to submit a copy of the final Filing to ASTTBC with only the Professional Engineer's seal and signature, which was done within the deadline. No further action was required and this file was closed.

CASE #08-09

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned a system and allowed the property owner (not an ROWP Installer) to install the system. As well, the Letter of Certification was supplied not by the ROWP, but by a professional engineer.

BACKGROUND

A Filing document created by a ROWP did not list a ROWP Installer as the installer for this system. This information was noted by Health Authority staff who filed a complaint with ASTTBC.

INVESTIGATION

As the property owner wanted to install the system, the ROWP arranged to have a professional engineer make an amendment to the Filing taking responsibility for both the planning and installation of the onsite system. The professional engineer submitted the Letter of Certification for the system.

DISCUSSION

An ROWP Planner must use an ROWP Installer to install a system, but a professional engineer may supervise the work of a non-ROWP carrying out an installation. By providing the Letter of Certification and amended Filing, the professional engineer has assumed all responsibility for the system in question including the quality and correctness of the installation. Any deficiencies found in the Filing or installation must be addressed to the professional engineer or the Association of Professional Engineers and Geoscientists of BC.

OUTCOME

Since the ROWP has no responsibility for this project because it has been taken over by a Professional Engineer, no further action was required and this file was closed.

CASE #08-11

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned a system that was inappropriate for the property resulting in it being too close to a 'lot well' and a 'dug well'.

BACKGROUND

The complainant was advised by a 'bank's adviser that *"the lot was 'unbuildable' until serviced by a municipal sewer"*. He then noted that the lot was sold and the new owner planned to build a home on it. The complainant felt that the "type 2" system planned and filed by the ROWP was too close to his well and would not meet setback requirements.

INVESTIGATION

In his response to this complaint, the ROWP advised that a "type 2" system appeared to fit in the property and a "type 2" system was filed with the Health Authority. The ROWP was advised by another ROWP (who knows the complainant) that he had made a mistake because the south property line was not where the stakes were. The ROWP realized that if this was the case the system would not work and he contacted the owner and requested a site survey of the property. The property owner according to the ROWP took responsibility for the mistake. When the property was surveyed the ROWP realized that a "type 2" system would not work and he contacted the Health Authority to cancel the Filing and also advised that an engineer would be contacted to install a "type 3" system. The ROWP faxed a copy of the new Filing by the Engineer to ASTTBC, thus removing himself from responsibility for this installation.

DISCUSSION

The ROWP was unaware of the actual property line when he planned and filed the onsite system. Upon being informed of this, he immediately canceled the Filing and arranged for a Professional Engineer to design a more advanced system suitable for the site. As the stakes showing the property line as set by the property owner were incorrectly located, the ROWP did not know of the error until it was brought to his attention and the property owner took responsibility for this mistake.

OUTCOME

Since the ROWP has no responsibility for this project because it has been taken over by a Professional Engineer, no further action is required and this file is closed.

CASE #08-12

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and constructed two inadequately sized sewerage systems.

BACKGROUND

The Health Authority contacted ASTTBC with a complaint against an ROWP who had filed and constructed onsite systems for a ten unit complex that were sized for four 1 bedroom units of employee housing.

INVESTIGATION

The ROWP responded to the complaint with a letter explaining that he was informed by his clients that there were to be two four bedroom units that had 2000 square feet of living space each. Due to access issues, these septic systems were installed prior to the construction of the units. Once construction had started, his client decided to expand his project to two levels instead of one, thus doubling the size. Now the septic systems were not of adequate size. Upon receipt of a letter from the Health Authority, the ROWP contacted his client who assured him that he is now going to hook up to the municipal sewer system which is expanding right across the street in the next few months before the completion of the construction of the units.

DISCUSSION

The ROWP was unaware of his clients change in plans until this complaint was lodged, and had planned and installed an appropriate system for what he was led to believe would be the final needs of the buildings. Based on this information, there has not been a breach of the ASTTBC Codes of Ethics & Practice.

OUTCOME

No action was required and this file was closed.

CASE #08-19

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned a high strength wastewater system contrary to the Standard Practice Manual.

BACKGROUND

An ROWP planned a system for a building that is a residence in combination with a restaurant. When the Filing paperwork was submitted to the Health Authority, staff noted that the ROWP has planned a system for a “high strength” application, which is limited to professionals. The Health Authority then supplied the information and a complaint to ASTTBC for investigation.

INVESTIGATION

The ROWP responded to the complaint and explained that his interpretation of the Standard Practice Manual was that he “should” consult with a professional, not that he must. As a result of this complaint, the ROWP contacted a professional, who reviewed the Filing documents and sealed the Filing.

DISCUSSION

As the ROWP has not received training on the impact of high strength wastewater and the specific requirements for treatment, and is not an applicable registered professional, he MUST have all plans as a minimum, reviewed and sealed by a professional. The professional then assumes all responsibility and liability for the ROWPs work.

OUTCOME

A letter was sent to the ROWP advising that since he has consulted with a professional engineer in this matter and has taken the necessary steps to correct the situation, no further action is required and this file is closed.

CASE #08-23

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) stamped and signed an inaccurate site plan and filed it with the municipality to support a development proposal.

BACKGROUND

During the ROWPs inspection of the site it was revealed that there was a second dwelling and septic system on the property, that the home owner stated he was going to remove. The ROWP elected to ignore this system in his reporting and instead used a home owner’s supplied site plan for the septic location as part of his Filing for the municipality.

INVESTIGATION

A plan was provided by the complainant indicating the discrepancy of what had been filled by the ROWP, as compared to the actual site location for the system. In his reply to the complaint, the ROWP admitted to the background facts of this case, which were further supported by a letter from the homeowner.

DISCUSSION

It is imperative that a Registered Onsite Wastewater Practitioner do their professional due diligence in accurately reporting of site conditions in all reports to be filed with third parties or authorities having jurisdiction.

When doing site inspections it is inappropriate practice for ROWPs to take the word, or plans, from the home owner without completing sufficient checks to verify the information provided. Failure to provide due diligence best practices can lead to situations that directly affect the health and welfare of the public, thus potentially violating Principle 1 of the Code of Ethics.

It is noted that this ROWP is not certified as an ROWP Private Inspector (Planner and Installer only). Due to a shortage of certified/registered ROWP Private Inspectors, the municipality in question has been accepting the recommendations of Planners in site assessments for development.

There is a concern that the ROWP does not understand the importance of providing due diligence best practices and the Practice Review Board has previously considered the need for appropriate due diligence as a serious matter. Failure to ensure accurate inspection reporting is problematic for the property owner and a risk to public health and welfare. There is also a substantial risk of liability for the practitioner.

OUTCOME

The ROWP must refrain from providing work and services related to inspections until such time as he becomes certified and registered as a ROWP Private Inspector. The municipality was informed of the PRB decision requiring that the ROWP not provide work and services related to inspections until such time as he becomes certified and registered as a ROWP Private Inspector.