

ONSITE WASTEWATER CASE SUMMARIES 2018

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

CASE #16-12

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer and Maintenance Provider categories, conducted repairs to a sewage system without submitting the necessary Filing documents to the Health Authority as required by Section 8 of the Sewerage System Regulation (SSR).

INVESTIGATION:

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

During the course of the investigation, the Health Authority that filed the complaint advised ASTTBC that the Respondent had submitted the required documentation and the system had been certified. The Health Authority also forwarded a copy of all documentation to ASTTBC; however, the Respondent never submitted any comments on the complaint.

The PRB reviewed the complaint and finding some items in need of clarification, referred the file back to ASTTBC staff for additional information and clarification. When ASTTBC staff contacted the Health Authority for clarification on their complaint, the Environmental Health Officer (EHO), advised that an Authorized Person different from the Respondent knew about the illegal installation and alerted the Health Authority. The EHO did comment that although there was indeed a delay with the submission of documentation, the actual time lag of 10 days was fairly insignificant and as far as he was concerned, since all required documents had been submitted by the Respondent, the matter was closed.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the update on the case file and required that a letter of censure be sent by the Registrar to the Respondent reprimanding him for being in violation of ASTTBC Act & Regulation Section 5.4a), and advising him of his obligation to abide by the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

A letter of reprimand was sent by the Registrar to the Respondent. No further action was required and the file was closed.

CASE #17-06

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, prepared an inspection report for a sewage system inspection when not certified to do so, therefore working outside the scope of his certification.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 2 and 3 of the ASTTBC Code of Ethics as well as the Onsite Wastewater Certification Board Policy and Practice Guidelines.

The investigation determined that the Respondent conducted 5 to 10 sewage system inspections per year. He believed he had the suitable competency to conduct inspections, but was not aware of the requirements for writing inspection reports. He was also unaware of the ASTTBC requirement to be certified as a Private Inspector, being under the impression that a Planner and Installer could conduct inspections.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

ASTTBC's Onsite Wastewater Certification Policy requires that an individual conducting sewage system inspections be certified in the Private Inspector category. The PRB reviewed the complaint and concluded that the Respondent's actions were contrary to Principle 2 of the ASTTBC Code of Ethics as well as the Onsite Wastewater Certification Board Policy and Practice Guidelines. Therefore, the Respondent was required to submit a statement of assurance acceptable to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics, Onsite Wastewater Certification Policy and Practice Guidelines. He was also required to provide assurance that he would only work within the scope of his certification. In addition, the Respondent was levied a fine of \$250, as a deterrent to any future violations of the ASTTBC Code of Ethics and Onsite Wastewater Certification Policy and Practice Guidelines.

OUTCOME:

The Respondent accepted the PRB requirements, submitted an acceptable statement of assurance and paid the fine. No further action was required and the file was closed.

CASE #17-11**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner category for Type 1 and Type 2 systems was working outside the scope of his certification by designing sewage systems in areas where the site conditions required that they be designed by a Professional Engineer. The Complainant was also concerned about the absence of a complete set of Filing documents from the Respondent.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 2 of the ASTTBC Code of Ethics as well as the Onsite Wastewater Practice Guidelines.

The investigation findings indicated that although the system configurations proposed by the Respondent were a departure from BC Standard Practice Manual (SPM) standards for native soil vertical separation, they generally complied with 'standard practice' in the Sewerage System Regulation (SSR) context and did not pose a significant risk of health hazards or inadequate performance. However, the investigation revealed that the Respondent obtained advice from Professional Engineers verbally only and not in writing.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and found no evidence to substantiate that the Respondent had violated the ASTTBC Code of Ethics or of the Onsite Wastewater Practice Guidelines; however, the PRB did have a concern regarding the Respondent's failure to obtain and retain Professional advice in writing. The PRB therefore required that the Respondent submit a statement of assurance acceptable to the Registrar that, when departing from SPM critical standards, he would obtain a Professional's advice in writing and maintain records accordingly.

The PRB also found that the Complainant, who was a ROWP certified as a Planner, Installer and Maintenance Provider, had not stayed current with the rules and regulations relevant to the Onsite Wastewater industry, and was unfamiliar with the ASTTBC Onsite Wastewater Practice Guidelines. The PRB noted that the Complainant had failed in his obligation to first contact the Respondent directly for documentation, and further, the Complainant's inability to provide a credible reason for his complaint led the PRB to speculate that his complaint was motivated by competitive pressures. The PRB concluded that the Complainant's actions were contrary to the ASTTBC Code of Ethics and the Onsite Wastewater Practice Guidelines. The Complainant was also required to submit a statement of assurance that he had read, understood and would abide by the ASTTBC Code of Ethics and Onsite Wastewater Practice Guidelines.

OUTCOME:

The Respondent and Complainant complied with the PRB requirements, submitting acceptable statements. No further action was required and the file was closed.

CASE #17-17**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer, Maintenance Provider and Private Inspector (Residential) categories was rude and unprofessional in his behavior towards the Complainant.

INVESTIGATION:

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

The investigation determined that during the course of a sewage system assessment on the Complainant's neighbour's property, the Respondent had to communicate with the Complainant who found the interaction with him to be rude and unprofessional, and subsequently filed a complaint with ASTTBC.

The investigation found no credible evidence to support the allegations, however during the course of the investigation, it was determined that although the Respondent found sewage effluent at the ground surface during the assessment of the sewage system, he did not report the potential health hazard to the Health Authority as is required practice for a ROWP.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and noted the lack of evidence to support the allegations. However, the Respondent's omission to alert the Health Authority of the potential health hazard raised a concern with the PRB. Therefore, the PRB concluded that although there was insufficient evidence to support the allegations within the complaint, there was sufficient evidence to substantiate a violation of Principles 1 and 9 of the ASTTBC Code of Ethics and Practice Guidelines. Therefore, the Respondent was required to submit a statement of assurance to the Registrar that he would abide by the ASTTBC Code of Ethics and Onsite Wastewater Practice Guidelines with particular attention to the reporting of potential health hazards to Health Authorities. He was also levied a fine of \$250, as a deterrent to future violations of the ASTTBC Code of Ethics and Onsite Wastewater Practice Guidelines.

OUTCOME:

The Respondent submitted the required statement of assurance, which the Registrar found to be acceptable. He also paid the fine. No further action was required and the file was closed.

CASE #17-24**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) certified in the Planner and Installer categories, undertook an inspection of an onsite sewage system serving a commercial facility in a manner contrary to the ASTTBC Onsite Wastewater Certification Board Policies & Guidelines.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1, 2 and 3 of the ASTTBC Code of Ethics and Practice Guidelines.

The investigation determined that at the time of the inspection, the Respondent was certified in the Planning and Installation categories only. To undertake the assessment of the sewage system at the property that was the subject of the complaint, he would need to be certified as a ROWP Private Inspector – Commercial.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and concluded that the Respondent's actions had been contrary to Principles 1, 2 and 3 of the ASTTBC Code of Ethics as well as the Onsite Wastewater Certification Board Policy and Practice Guidelines. Therefore, the Respondent was required to submit a statement of assurance acceptable to the Registrar that he had read, understood and would abide by the ASTTBC Code of Ethics, Onsite Wastewater Certification Policy and Practice Guidelines, and further, that he would only work within the scope of his certification. The Respondent was also levied a fine of \$250 as a deterrent to any future violations of the ASTTBC Code of Ethics and Onsite Wastewater Certification Policy and Practice Guidelines.

Since the sewage system had been inspected by a ROWP not certified in the Inspector category, the PRB also required that the Authorities Having Jurisdiction (AHJ) be advised regarding the outcome of this complaint.

OUTCOME:

The Respondent accepted the PRB requirements. He submitted an acceptable statement of assurance and also paid the fine.

The AHJ was notified as required. Furthermore, the AHJ was provided a link to ASTTBC's online register of ROWPs that includes information on their specialty, to advise the property management to consider having the sewage system inspected by a ROWP certified to do so.

No further action was required and the file was closed.

CASE #18-04**STATEMENT OF COMPLAINT:**

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) certified in the Planner and Installer categories, was incompetent in his role as a ROWP Planner of onsite sewage systems.

INVESTIGATION:

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

The Complainant was a homeowner in the process of building a new home in a subdivision, and contracted the Respondent to design a septic system for the proposed residence. The property selected for constructing the house had a covenant whereby a specific area of the property was to be used solely for the installation of a septic system. The Complainant wanted to build his house exactly on the covenant area and provided the Respondent with the plot plan for the house showing the placement on the covenant area. Further, when providing specifications for the system design, he provided the Respondent with 12-year old test pit investigation reports from the time the subdivision was created.

The Complainant claimed that the Respondent did not read the title document, did not suggest the possibility of obtaining a discharge of the covenant and did not use the historical test pit information.

The investigation found that the Respondent was practicing in compliance with the ASTTBC Code of Ethics and Onsite Wastewater (OW) Practice Guidelines. Declining to use outdated information, he carried out his own test pit and percolation tests. His documentation was compliant with the BC Sewerage System Regulation Standard Practice Manual, and he had exercised sound judgment by carrying out his own percolation tests and not relying on outdated test pit results provided by the Complainant. Further, as required by the OW Practice Guidelines, he had clearly defined his scope of work, and was also clear in providing his findings and design solutions to his client. With respect to discharging the covenant, the investigation found that the Respondent did address the matter in his communications with the

Complainant, whose allegation regarding the Respondent's lack of due diligence was not supported by the evidence.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and found no evidence to substantiate a violation of the ASTTBC Code of Ethics, and/or the Onsite Wastewater Practice Guidelines on the part of the Respondent.

OUTCOME:

No further action was required and the file was closed.