

ONSITE WASTEWATER CASE SUMMARIES 2014

CASE #13-09

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Maintenance Provider category, failed to submit a Filing with the Health Authority prior to construction of a sewerage system (as required under section 8(2) of the Sewerage System Regulation), and that the Respondent failed to submit a Letter of Certification for the system (as required under Section 9 of the Sewerage System Regulation).

INVESTIGATION:

The above allegations, if found to be true, would be contrary to the ASTTBC Code of Ethics and Practice Guidelines Principles 1, 7 and 9.

The PRB investigation determined the Respondent's company had provided services for the installation of the system that included supplying the system components, and an employee to provide verbal instructions on the installation of the components. It was also determined that the Respondent did not design the system. During the investigation, there was no evidence to substantiate that the Respondent claimed to be the Designer, Installer or Authorised Person. However, it was noted during the investigation that, there was a perception on the Respondent's part that being an employee of the above-noted company somehow negated the professional responsibility as a ROWP.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB found no conclusive evidence to support the Complainant's allegations. However, given the investigation findings, the PRB recommended that a letter be sent to the Respondent, as a reminder of the obligation to abide by the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

No further action was required, and the file was closed.

CASE #13-10

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Maintenance Provider category, failed to submit a Filing with the Health Authority prior to construction of a sewerage system (as required under Section 8(2) of the Sewerage System Regulation), and that the Respondent failed to submit a Letter of Certification for the system (as required under Section 9 of the Sewerage System Regulation).

INVESTIGATION:

The above allegations, if found to be true, would be contrary to the ASTTBC Code of Ethics and Practice Guidelines Principles 1, 7 and 9.

The PRB investigation determined that the Respondent acted on instructions from the employer, to deliver product to the sewerage system site and to provide "manufacturer's instructions verbally" for the installation of the product, in addition to the written manual and guidelines. It was also determined that the Respondent did not install the system, as the Respondent's registration as a ROWP was in the Maintenance Provider category only. Through the course of the investigation, and through a series of exhibits, the date of installation of the system components relating to the substance of the complaint was established.

ASTTBC's disciplinary mechanism is applicable to active members. At the time the system was installed, the Respondent was not certified as a ROWP. The Respondent's application for certification was processed after the installation of the subject system.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that, as the Respondent was not certified as a ROWP at the time of the installation, no further action was possible.

OUTCOME:

The file was closed.

CASE #13-20

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, installed a sewage system that posed a potential health hazard.

INVESTIGATION:

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

The PRB investigation determined that the sewerage system was designed by a Professional Engineer and installed by the Respondent. When the system did not function properly and without any resolution to the matter, a complaint was submitted to ASTTBC. During the investigation, a potential health hazard created by effluent reaching the ground surface was noted and the Health Authority was promptly notified. The Health Authority confirmed there was a health hazard. The Respondent was informed of the findings and took steps to correct the situation.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that the Respondent be levied a fine of \$250, as a deterrent to future violations of the Code of Ethics. Further, the Respondent was required to provide a letter of assurance to the Registrar promising in future, to be mindful of the ethical obligation to inform appropriate authorities when a hazard was observed.

OUTCOME:

The Respondent paid the fine, and submitted the required letter to the Registrar. Since all recommendations were successfully completed, no further action was required and the file was closed.

CASE #13-23

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, was non-compliant with the BC Public Health Act, BC Sewerage System Regulation and the BC Standard Practice Manual.

INVESTIGATION:

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

Several complaints and concerns were received from multiple sources over the quality of design and installation services provided by the Respondent. The complaints cited poor quality of system design and the absence of information submitted with filings, and presented a recurrent pattern of inaccuracies, misinterpretations and overall carelessness in the organization and presentation of technical plans. A review of two new filings and one amended filing was conducted, and indicated a consistent pattern of

errors in design calculations, misinterpretation of soil test results, and frequent instances of non-compliance to the sewerage system Standard Practice Manual.

When ASTTBC received the first complaint the PRB informed the Respondent of the lack of attention to detail and the seriousness of making errors when planning onsite wastewater systems. During practice assessments, which were recommended by the PRB as a corrective measure, improvements in the accuracy and quality of the Respondent's planning practices were observed. However, when the monitoring of those practices ended, the complaints against the Respondent reoccurred. The pattern of improved work during practice assessments followed by inferior planning and absence of duty of care when not under supervision placed into question the Respondent's professionalism or capability of self-regulating practice in compliance with the Code of Ethics and industry-related standards.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and recommended that, based on information from a technical review of three recent filings by the Respondent, a potential health hazard may exist on the properties where the systems had been installed and the Health Authority was to be notified. The PRB recommended that the Respondent voluntarily suspend registration as a ROWP Planner. Reinstatement of Planner certification was subject to a satisfactory evaluation of the Respondent's competencies by the OWRB. Failure to voluntarily resign Planner status would result in the PRB invoking Section 4.7d) of the ASTTBC Act & Regulations, which would effectively result in a temporary suspension and proceed to a Disciplinary Hearing. The Respondent retained the ROWP Installer status thus requiring any future systems installed by the Respondent would be planned, designed and supervised by an Authorized Person. In addition, the Respondent was required to study and successfully complete the ASTTBC Professionalism in Practice and Ethics (PP&E) course and examination. The Respondent was levied a fine of \$1,500, as a deterrent to future violations of the Code of Ethics.

OUTCOME:

The Health Authority was notified immediately as required. The Respondent accepted the PRB recommendations, successfully completed the Professionalism in Practice & Ethics (PP&E) exam, and paid the fine. The Respondent's Planner status was removed and the stamp returned to the Registrar as the PRB had requested. Health Authorities were notified accordingly regarding the removal of Planner status.

Three filings submitted by the Respondent as part of the application for reinstatement of the Planner category were reviewed. The recommendation by the OWRB was that the examples submitted did not demonstrate an ability to plan onsite wastewater systems in compliance with the Standard Practice Manual and did not meet the ASTTBC criteria for certification as a ROWP Planner.

When asked to resubmit plans for review, the Respondent expressed a concern that the sewage system plans related to Filings prepared under the supervision of a Professional Engineer (P.Eng.) and hence the setback reductions were acceptable. While such plans were permissible for Filings submitted by a P.Eng., as long as the reductions were justified in writing, they were not within a ROWP's scope of practice. Therefore, the Respondent was provided with 2 options towards reinstatement of the Planner category: a) submit 3 sewage plans covering a range of site conditions, that did not require a Professional to be involved, or b) ASTTBC would prepare 3 case study exams, with different site conditions and background for each case study, and the Respondent would be required to complete the case study exams in a supervised exam setting.

The Respondent chose to write the 3 case study exams. The concealed identity exam answer sheets were reviewed by an independent subject matter expert and the results were forwarded to the OWRB for their concurrence and endorsement.

The OWRB approved the reinstatement of the Respondent's ROWP Planner category, for Type 1 and Type 2 systems and the Respondent's Planner registration was reinstated. Since all recommendations were successfully completed, no further action was required and the file was closed.

CASE #13-26

STATEMENT OF COMPLAINT:

That the Respondent, registered with ASTTBC as an Applied Science Technologist (AScT) in the Civil discipline, designed a sewage system that malfunctioned, causing a potential health hazard and premature replacement. Further, that the system as installed did not match the as-built drawings.

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 PRB investigation noted that the Respondent was also registered with the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) as an Eng.L. The investigation determined that the design of the sewage system was done by the Respondent and that a Professional Engineer signed off on the work. Installation was carried out by a third party and some maintenance work was done by another (fourth) party. The Filing registered with the Health Authority was stamped and signed by the Professional. The Respondent undertook site and soil assessments of the property, as well as some supervision of the installation, which was taking place while the home was still under construction. The Respondent also compiled an Operation & Maintenance Plan for the sewage system and reportedly provided it to the property owner of the day.

From the information gathered during the investigation, the cause of the malfunctioning sewage system appeared to be due to insufficient maintenance of the system. While an Authorized Person can provide a property owner with an Operation & Maintenance Plan, whether or not the plan is followed by the property owner is beyond what an Authorized Person can enforce.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that there was insufficient evidence that the Respondent had breached the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

No further action was required and the file was closed.

CASE #13-31

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, planned and installed a sewage system that was undersized for serving a six bedroom home.

INVESTIGATION:

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

The Respondent, ROWP 'A' planned and installed an alteration to the Complainant's existing onsite sewage system to serve additional bedrooms. During a pre-purchase inspection, a second ROWP (ROWP 'B') determined that the sewage system for the home was undersize. Subsequent ROWPs (ROWP 'C' and 'D') confirmed the initial findings, and in addition found that the drinking water well serving the home was located within the minimum setback distance of 30 meters resulting in a potential health hazard. Recommendations were provided by yet another ROWP 'E' for sewage system upgrades, at which time the Complainants filed the complaint with ASTTBC. The PRB investigation determined that

there was no Property Owner's Declaration regarding expected usage as required under the BC Standard Practice Manual (SPM). In addition, many details were missing in the Respondent ROWP A's as-built plan, including the location of the well, and the plan did not meet the requirements specified in the SPM.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that the Respondent be levied a fine of \$500 as a deterrent to future violations of the Code of Ethics. The Respondent was also required to provide an acceptable written explanation to the Registrar, of the importance and use of a Property Owner Declaration form when planning onsite wastewater systems.

OUTCOME:

The Respondent paid the fine and submitted the required letter to the Registrar regarding the use of a Property Owner Declaration form and also advised that this form had now been implemented in the Respondent's practice. Since all recommendations were successfully completed, no further action was required and the file was closed.

CASE #13-33

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, planned and supervised the construction of a sewage system in a manner that was not compliant with the BC Sewerage System Regulation and the Standard Practice Manual (SPM).

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principle 1 (c) of the ASTTBC Code of Ethics.

When the Respondent failed to resolve problems with a system, a complaint was filed with ASTTBC. The Complainant informed ASTTBC of a suspected presence of effluent on the ground surface hence the ASTTBC staff notified the Health Authority of the potential health hazard. The PRB investigation determined that the Respondent planned a sewage system to serve a new secondary (mobile) home, and supervised an unregistered individual to carry out the installation. The Respondent was unable to provide documentary proof of the supervisory activities, which suggested that important installation actions were completed and backfilled before the Respondent's arrival at the site. Furthermore, the septic system was being used before the installation was completed. As a result, the PRB developed concerns regarding the thoroughness of the supervision and the quality of the work done.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that the Respondent be levied a fine of \$500, as a deterrent to future violations of the Code of Ethics. In addition, given that the Respondent was under an existing PRB restriction on supervision, a written explanation acceptable to the Registrar was to be submitted by the Respondent, describing the documentation that would be used in supervision of any future sewage system installations. This was subject to the preexisting requirements as per the previous PRB file.

OUTCOME:

Upon receipt of the PRB recommendations, the Respondent requested that the file be held in abeyance, as the matter was before the courts. The request was reviewed by the PRB and denied, and the previous recommendations still remained, with only the deadline for completion extended. The Respondent then paid the fine, and also submitted an acceptable statement describing the documentation that would be used in supervision of any future sewage system installations. Since all recommendations were successfully completed, no further action was required and the file was closed.

CASE #13-37

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, installed 2 septic systems that did not meet BC Standard Practice Manual guidelines. In addition, the Respondent constructed a retaining wall that subsequently collapsed, sending large boulders down slope onto a neighbouring property and a beach.

INVESTIGATION:

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

The Complainant hired an engineering firm to design sewage systems for 2 homes on the Complainant's property. The Respondent attended the site with a representative of the engineering firm, assisted the representative with the site assessment and later was contracted to install the 2 systems to serve the homes as per the design produced by the engineering firm.

The PRB investigation was put into abeyance at the Respondent's request, due to a civil legal action by the Complainant. ASTTBC was subsequently provided with a copy of the Court settlement agreement, at which time the investigation resumed. The investigation determined that, while the Respondent's work on the retaining wall was unrelated to the Sewerage System Regulation and registration with ASTTBC, the integrity of the wall had a direct impact on the sewage system installed behind it. With respect to the retaining wall, the Respondent was aware of the requirement to involve a Professional when a retaining wall reached a particular height. In subsequent correspondence, the Respondent admitted to having been unaware of proper construction practice, but still proceeded to carry out the work without contacting an appropriate specialist. In addition, the Respondent repeatedly attempted to place the responsibility for the wall collapse on the Complainant, citing email correspondence with the Complainant regarding its placement and choice of material used. The Respondent disregarded their obligations and carried out work without appropriate Professional design and oversight. The collapse of the retaining wall posed a safety hazard to occupants on the Complainant's property and to the neighbouring properties.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that the Respondent be levied a fine of \$250 as a deterrent to future violations of the Code of Ethics. The PRB recommendation was made within the context of other penalties resulting from Civil Court decision.

OUTCOME:

The Respondent paid the fine. Since the PRB recommendation was completed, no further action was required and the file was closed.

CASE #13-43

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer and Private Inspector (Residential) categories, planned and installed a sewage system that was not compliant with the BC Sewerage System Regulation and the 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 Respondent did not provide any response or comments on the complaint. The PRB investigation determined that the Filing documents submitted by the Respondent contained inaccurate information regarding the soil and water table conditions thus resulting in a malfunctioning sewage system.

At the time of the system installation, the Respondent was a ROWP certified as a Planner (restricted), Installer and Private Inspector (Residential). Due to a prior PRB matter, the Respondent had voluntarily surrendered the Private Inspector certification. In addition, at the time of the complaint investigation the Planner status had been temporarily suspended. Health Authorities were notified of the suspension.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that the Respondent's suspension as a Planner remain in effect until the Respondent complied with the PRB recommendations for the previous and the present complaint. The ASTTBC database was flagged accordingly.

OUTCOME:

No further action was possible at the time and the file was closed.

CASE #13-44

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in Planner and Installer categories, planned and installed an onsite sewage system for the house purchased by the Complainant. When the system experienced several alarms the Respondent did not respond in a timely manner.

INVESTIGATION:

The above allegations, if found to be true, would be contrary to Principles 1 and 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The PRB investigation found that landscaping work carried out by another company after the sewage system was installed caused surface water, from in-ground irrigation and other sources, to pool around the electrical junction box housing the pump, float control and alarm panel connections. Seepage had occasionally occurred which caused the alarm to sound intermittently. The PRB noted that once the landscaping was re-contoured, the problem was resolved and the Complainant was satisfied with the system.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that there was no evidence to substantiate that the Respondent had breached the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

No further action was required and the file was closed.

CASE #13-46

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, designed and installed a septic system which was not compliant with the SPM, was too close to a property line and was not as described in the documents filed with the Health Authority.

INVESTIGATION:

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

During the PRB investigation, the Respondent suggested that ASTTBC should not be investigating this matter, since a Professional was now involved with a subsequent amendment to the Filing. The PRB considered the suggestion irrelevant and the investigation focused on the Respondent's actions or lack of

action prior to the Professional becoming involved and was based on the concerns raised by the Complainant.

A review of the Respondent's planning documentation revealed that many details were lacking in the original filing and in the subsequent amended Filing. This was contrary to the BC Standard Practice Manual (SPM). The Complainant's concern that the site drawing in the Filing did not accurately convey the location of the home in relation to the property lines was also found to be correct. The investigation noted that the Respondent did not submit an amended Filing until a Health Officer requested it, and in addition, determined that there was sufficient evidence to show that the Respondent's planning skills and documentation were less than specified in the SPM.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that the Respondent had breached Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines and recommended that the Respondent voluntarily submit to a Practice Assessment, at the Respondent's cost. In addition, a fine of \$250 was levied, as a deterrent to future violations of the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

The Respondent accepted the recommendations, and paid the fine. Since the Respondent had agreed to comply with the PRB recommendations, no further action was required and the file was closed. ASTTBC staff continued to monitor the file to ensure that all conditions are successfully completed.

CASE #13-48

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer, Maintenance Provider and Private Inspector (Residential) categories, acted in an aggressive, threatening and unprofessional manner towards staff at a BC Ministry of Health Regional office.

INVESTIGATION:

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

In response to the complaint the Respondent denied any unprofessional behaviour had occurred. During the PRB investigation, the description of events given by various witnesses was consistent and did not match the description of events and actions presented by the Respondent. The seriousness of the incident led to a WorkSafeBC mandated internal investigation that was independent of the ASTTBC investigation. The PRB also noted that this was not the Respondent's first altercation with staff at the regional office of the Health Authority.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB recommended that, since there was evidence to substantiate a violation of Principle 7 of the ASTTBC Code of Ethics, the Respondent be levied a fine of \$250 as a deterrent to future violations of the Code of Ethics.

OUTCOME:

The Respondent paid the fine. Since the PRB recommendation was completed, no further action was required and the file was closed.

CASE #13-51

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 comply with the BC Sewerage System Regulation and the 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 PRB investigation identified several concerns with the quality of the Respondent's documentation. An opportunity was provided to the Respondent to submit revised Filing documents to ASTTBC for review, including as-built drawings and a maintenance plan; however, none of the requested documents were provided. According to the Health Hazard Communication Guidelines published by the Ministry of Health, Filings that contain inaccurate and incomplete information are considered to pose a health hazard and this was the case with this complaint. The investigation concluded that the Respondent's planning skills fell below minimum standards of the SPM and the ASTTBC certification requirements to become a ROWP.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB determined that the Respondent had breached Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines, and raised serious concerns about the Respondent's competency as a Planner. The PRB recommended that the Respondent submit the Filing that led to this complaint to ASTTBC for an independent technical review, to demonstrate competency to plan onsite wastewater systems in compliance with the SPM, or show corrective action to make it so. The Respondent was also required to make arrangements with ASTTBC for a Practice Assessment. Further, a fine of \$250 was levied, as a deterrent to future violations of the ASTTBC Code of Ethics.

OUTCOME:

All recommendations were subsequently accepted by the Respondent. The technical review was conducted and the Respondent was found to be non-compliant with the SSR, SPM, OWRP Policies and the ASTTBC Code of Ethics. Therefore, an immediate Practice Assessment Review (PAR) was considered necessary to determine if the non-compliance was a single occurrence specific only to the above Filing, or a general indication of the Respondent's practice. ASTTBC staff continued to monitor the file to ensure the PAR was completed.

CASE #13-55**STATEMENT OF COMPLAINT:**

That the Respondent, an Environmental Health Officer (who was also a ROWP) maliciously damaged the character of the Complainant in correspondence with other staff members of a BC Ministry of Health Regional office and that the complaint filed with ASTTBC was based on personal bias.

INVESTIGATION:

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

The Complainant had previously been involved in a PRB case in which the Respondent in this Case #13-55 was the Complainant in Case # 13-48. The PRB investigation noted that the Respondent had filed the complaint with ASTTBC on behalf of a co-worker, after an incident had occurred involving the Complainant and the front counter staff at a regional Health Authority office. The incident occurred when the Complainant went to a Health Authority office to file a Letter of Certification for a sewage system. In order to accept the document, the Health Authority staff was required to find the previously filed Record of Sewerage System form that pertained to the same sewage system, but was unable to do so. Therefore the Complainant in case 13-48 alleged that the Respondent had demonstrated "aggressive and threatening behaviour" that frightened and upset the staff member of the Health Authority.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB determined that the Respondent's wording in the letters to ASTTBC, and the actions in forwarding information to support the internal investigation were not malicious and were, in fact, part of the required duty as an EHO in charge at the Health office and as a ROWP.

The PRB recommended that there was no evidence to substantiate that the Respondent had breached the ASTTBC Code of Ethics and Practice Guidelines.

OUTCOME:

No further action was required and the file was closed.

CASE #13-57

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer, Maintenance Provider, Private Inspector (Residential) and Private Inspector (Commercial) categories, failed to accurately identify and report the existence of drinking water wells relative to the onsite wastewater system components of a planned sewerage system, thus not satisfying the intent of section 3.1 of the 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 PRB investigation determined that, upon conducting a site assessment and observing site constraints which required a Professional to be involved, the Respondent contracted a P.Eng. The Respondent then proceeded to conduct the site and soil assessment. A review of the Respondent's documentation revealed significant omissions and inconsistencies. In addition, the documents did not identify and report nearby wells relevant to the site assessment and design thus constituting a departure from the SPM. The PRB determined that the Respondent's assertion that the documents were not expected to be included in the Filing submitted by the Professional and the Respondent's insistence that all responsibility rests with the P.Eng. did not absolve the Respondent of the responsibility to ensure due diligence in carrying out the agreed upon work.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that the Respondent had breached Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines, and recommended that the Respondent submit to the Registrar, an acceptable written statement showing an understanding of the Code of Ethics and Practice Guidelines, especially Principle 1, and also provide assurance of abiding by the Code of Ethics and Practice Guidelines in the future. A fine of \$250 was levied, as a deterrent to future violations of the ASTTBC Code of Ethics.

OUTCOME:

The Respondent paid the fine, and submitted an acceptable statement promising to abide by the Code of Ethics in the future. Since all PRB recommendations were completed, no further action was required and the file was closed.

CASE #14-05

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner, Installer and Maintenance Provider categories, installed a sewage system that included an effluent transport impermeable pipe on an adjacent property, in a manner contrary to Sewerage System Regulations. The Complainant also alleged that during the installation of the pipe the Respondent trespassed on the Complainant's property.

INVESTIGATION:

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

The PRB investigation noted that there is no relevant regulation or standard that stipulates a specific setback distance from a property line to an impermeable effluent pipe. The location of the effluent pipe was compliant with the Sewerage System Regulation, and the Standard Practice Manual.

As any violations of the Trespass Act in British Columbia fall under the jurisdiction of civil authorities, this issue was outside ASTTBC's mandate for investigation.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB found no evidence to substantiate that the Respondent had breached the ASTTBC Code of Ethics or Standards of Practice.

OUTCOME:

No further action was required and the file was closed.

CASE #14-08

STATEMENT OF COMPLAINT:

That the Respondent, a Registered Onsite Wastewater Practitioner (ROWP) in the Planner and Installer categories, designed a sewerage system that included specifications for a "chopper pump" to transfer effluent from a holding tank to a septic tank at a higher elevation. The pump that was installed was inadequate and malfunctioned.

INVESTIGATION:

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

The PRB investigation determined that the Respondent's selection and installation of a pump different from what was specified in the planning document was driven by cost, and while not contravening any SPM standard, did not meet commonly accepted best practices. The same was also found to be true of the sewerage system configuration selected in the Respondent's design. Concerns were raised about inadequate supervision during the installation, as well as the Respondent's documentation, wherein errors indicated a significant competency gap relative to the SPM.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB concluded that a breach of Principle 1 of the ASTTBC Code of Ethics and Practice Guidelines had occurred, and also raised concerns with regards to the Respondent's competency as a ROWP. Therefore the PRB recommended that the Respondent voluntarily submit to a Practice Review, with the Respondent's portion of the cost being a maximum of \$500.

OUTCOME:

The Respondent accepted the recommendations and made arrangements with ASTTBC to begin the review process. Since the Respondent agreed to comply with the PRB recommendations, no further action was required and the file was closed. ASTTBC staff continued to monitor the file to ensure that all conditions were successfully completed.