

PRACTICE REVIEW BOARD

CASE HISTORIES JULY 2011 TO SEPTEMBER 2011

PRACTICE REVIEW BOARD DISCIPLINE REPORTS PREAMBLE.

The Applied Science Technologists and Technicians of British Columbia (ASTTBC) is 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, Instrumentation, 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 and steel detailing.

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 the provision of 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 In
ONSITE WASTEWATER - (September 1, 2011)**

CASE #10-12

STATEMENT OF COMPLAINT

That a ROWP maliciously reported to the Provincial Emergency Program that a property was contaminated with diesel, during an investigation by ASTTBC into other actions of the ROWP on that site.

This allegation, if found to be true, would be contrary to Principle 4 of the ASTTBC Code of Ethics.

BACKGROUND

The ROWP was retained by the complainant to plan and install an onsite system for a new home to be built on a bare property. Once in operation, this onsite system malfunctioned creating a health hazard on the property, leading to a complaint against the ROWP and an investigation by ASTTBC. During the investigation, relations between the complainant and the ROWP became very unpleasant. At this time, the ROWP reported to the Provincial Emergency Program that he believed the property was still contaminated with diesel due to observations made by the ROWP during the investigation. It should be noted that an engineering firm had previously investigated this issue and removed a large quantity of contaminated soil before the onsite system was installed.

As the ROWP was unable to provide proof of this contamination when making the report, and because of the timing of the report, the original complainant filed a second complaint against the ROWP for what was believed to be a malicious act intended to complicate the matter, and penalize the complainant for making the original complaint.

INVESTIGATION

ASTTBC staff reviewed the circumstances surrounding this complaint and contacted the ROWP in an attempt to determine by what basis the ROWP believed that further contamination was present.

The ROWP reports undertaking a site and soil assessment on the native soils of the property, prior to the sewage system being installed, and advised the complainant that odours of diesel fuel were present during the digging.

The complainant confirms the ROWP advised them of this concern; the complainant then notified the previous property owner of this condition. The previous property owner then arranged for an engineering company to attend, and at the direction of the engineering company, began excavating the soils from a large area of the property where the diesel contamination was confirmed or suspected.

After fill was brought in to replace the native soils excavated under the direction of the engineering company, the ROWP installed a sewage system, during which time the ROWP states no odours of diesel fuel were apparent.

Approximately a year after the installation was completed and the system began malfunctioning, odours of diesel fuel were noted again when excavations were made beside the field to determine the cause of the malfunction.

The ROWP brought this concern again to the attention of the complainant, but since a dispute had arisen between the ROWP and the complainant on the matter of the malfunctioning sewage system, the issue of whether the contamination removal was successful or not was only one of several items related to another investigation on this property.

The ROWP confirms contacting what was believed to be the Ministry of Environment, not the Provincial Emergency Program, for the purposes of making them aware of a possible contamination on a property. This action led to various agencies becoming involved, with both the Ministry of Environment and the Health Authority, and has resulted in confirmation that some form of residual contamination appears to be present; however, this appears related to a small section of the property that was not excavated previously and is not reflective of the area that was excavated.

Discussions between the Ministry of Environment, the engineering company and the complainant continue on this matter.

DISCUSSION

The ROWP was correct to report to the client the concerns that diesel fuel may be contaminating the soils, and was justified in doubting whether the client would be as pro-active as they were during the first site and soil assessment. In notifying other agencies and authorities of this concern, the ROWP satisfied Principal 1(b) of the Code of Ethics.

However, the delay in reporting this matter to the appropriate authorities by more than two months raises the question of whether this was done to be vindictive or malicious to the complainant, whom the ROWP was now in a dispute with, or delayed the notification so as not to exaggerate the dispute further. Although suspicious and concerning, the ASTTBC Investigator found insufficient evidence that the ROWP intentionally acted in a manner contrary to Principal 4 of the Code of Ethics.

OUTCOME

The Practice Review Board found that as there was insufficient evidence to confirm any wrongdoing on the part of the ROWP, that no further action was necessary and the file was closed.

CASE #10-32

STATEMENT OF COMPLAINT

That a ROWP planned an onsite sewage system that deviated from the Standard Practice Manual's critical standards and did so without Professional oversight or consultation.

BACKGROUND

ASTTBC staff was contacted by several ROWPs who observed the installation of an onsite sewage system in the front yard of a residence. As this system was located next to a busy municipal road, the ROWPs were able to clearly observe features of the system that appeared to be less than the required setback distances listed within the SPM. Photos were also provided as further demonstration of their concerns.

INVESTIGATION

Based on this information, ASTTBC staff attended the site and from the roadway confirmed that the concerns appeared legitimate. An excavator on the site gave a clue as to a particular ROWP involved and when contacted, the individual admitted to being the Installer, but that another individual was the ROWP Planner.

During the conversation with the Installer, ASTTBC staff was advised that several setbacks were reduced but that the site was very challenging to begin with and the Installer understood the Planner to be a Professional which was why the Installer didn't challenge the plan. A repair was necessary due to the breakout of wastewater that caused the Health Authority to issue an Order for repair; however the small lot had a well situated in manner that limited the front yard as the only area for the dispersal area.

Normally a seven and a half meter setback is required to a break-out point or downslope drainage system, but the Installer indicated it was around six to six and a half meters between the foundation of the home to the edge of the dispersal area and approximately the same distance again to the drainage ditch running along the front of the property. The Installer also mentioned the soils were clay, common for the area.

ASTTBC staff sent a letter to the ROWP Planner advising of the concerns and asking for clarification on various aspects of the planning. The ROWP Planner responded and admitted to planning the repair as a Type 2 system using a package treatment plant with a pressure distribution system, then provided details of the site conditions, soil evaluations, permeameter tests, calculations of the distribution dosing requirements, and similar information.

During a review of the information provided, several items of concern were identified. Under section 2.1.2 of the SPM, the critical setback reduction would require a Professional, or be done under the supervision of a Professional, be supported by reference to authoritative, peer-reviewed sources relevant to the climate and soils to where this system was being installed, and with the Authorized Person's assurance that the system will function within the environment equal to or better than would be achieved under the SPM. The Filing states the system was planned according to the SPM standards; there were no letters or reports by a Professional to confirm the reduction in setback was appropriate, nor any rationale explaining the reasons for this particular design.

The orifice spacings were four feet apart, double that recommended by the SPM, the squirt height should be at least five feet although the ROWP Planner indicates both three feet and elsewhere in the documents eleven feet, dosing volumes appeared much lower than they should be, no float setting or run time details are specified for dosing, and other similar items are missing as well.

The ROWP Planner was sent a letter regarding the concerns raised during the initial review. The ROWP Planner responded. Due to the clay based soils, vertical separation was limited. The wider orifice spacing was made possible using the particular package treatment plant the ROWP Planner specified and cited "thereby creating Air Return North to South between the sand particles." Further comments that "the field situated on the North side of the house which minimizes air movement from the Southeast prevailing winds. Ultra violet sunlight is also affected due to the required receiving area position." For more information, the ROWP Planner refers to a book and provides some photocopied pages for reference.

For the repair "we recommended a light tank/time dosed robust system scenario versus a heavier type 3 concrete tank or docile system based on urgency, weather and time of year."

"Regarding Vertical Separation-We have never believed in covering topsoil to meet the SPM or to develop property. As per Design Specification Note 4 and grading note below Bed Section up to 45 cm topsoil and soil were removed to provide a positive grade."

The "Residual 3 Feet" information on the squirt height was an oversight and admits this error as was volume per dose, however the ROWP Planner points out that the actual dose volume size "is set by the Treatment Plant Manufacturer" and is not a volume that the ROWP Planner can or does adjust specific to the SPM requirements. The addition of a trash tank, not shown on the original plan, was also an oversight but would be added to the as-built drawings.

Upon further review of these new comments by the ROWP Planner, several concerns surfaced. The rationale behind the wider orifice spacing is highly unusual and contrary to planning course content and concepts being taught. The comments about Vertical Separation ignore the definition and purpose of this concept, suggesting a lack of understanding. Suggesting the appropriate dosing of the dispersal system needs to be set around what the treatment plant's manufacturer product produces rather than what the dispersal system requires is also contrary to the SPM and training provided to ROWPs. Even suggesting

that the historical use of the treatment plant and no past history of problems with the ROWP's design of seepage bed dispersal areas, as sufficient for ignoring the SPM, is concerning. Further, the ROWP Planner provided no further comments on the issues regarding critical setbacks not being met.

ASTTBC staff contacted the Installer to arrange for a visit to the site with the homeowner's consent. During the visit, the Installer explained, in detail, aspects behind the design that were still unclear after reviewing the ROWP Planner's most recent response. The Installer confirmed that the dispersal area is a cross between a mound and a seepage bed with the bottom (basal) area having topsoil removed as per the ROWP Planner's description. Underlying soils were very much a silt/clay type with poor drainage qualities based on what the Installer has seen elsewhere through the area after installing other systems in the past.

Sand used to create the bed tapers towards the home on the south and the drainage ditch to the north. From the nearest edge of the trench walls, the distance to either breakout point is almost exactly six meters, not the seven and a half meter minimum requirement. The amount of sand was at least two feet deep but there was little "soil" before reaching a limiting or restrictive layer.

One particular item of concern, noted during the visit, was a drainage pipe crossing underneath a portion of the dispersal area and discharging to the drainage ditch along the road. New drain rock was noted in a trench running south of the dispersal area, parallel to the west side of the home. When the Installer was asked about this drainage system, it was confirmed that a perforated pipe surrounded by drain rock was present to pick up surface water from the rear and west side of the property. The section traveling under the dispersal area is also a perforated pipe with new drain rock surrounding it. This pipe was checked and cleaned, then re-bedded in fresh drain rock with the reported knowledge and consent of the ROWP Planner.

The ROWP Planner claims to not be aware that perforated pipe and drain rock was used under the dispersal area and did not direct the Installer to do so. The ROWP Planner then attended the site with the Installer and was directing corrective action to abandon the existing drainage pipe and have a new non-perforated pipe system installed around one side of the dispersal area along with other measures to prevent the capture of water within the dispersal area.

DISCUSSION

The ROWP Planner's Filing contains a variety of errors in calculations and admits to those when they are pointed out. More concerning are aspects of planning related to duties, limitations and some fundamental understanding of the SPM and the role of a Planner. The explanation that the ROWP Planner could deviate on critical standards without the involvement of a Professional was based on the belief that this was permitted because of what was said during a seminar on using version 2 of the SPM.

The ROWP Planner describes the planning of dosing for dispersal systems by the volume per dose from the treatment plant. This suggests a misunderstanding regarding dosing. Flow rates, orifice spacing and even sizing of the dispersal area are in question with this system. There is also no design rationale to help understand why a particular system type and size was selected even though it is expected as described under the administrative section of the SPM. There are also a number of terms used throughout the ROWP Planner's correspondence that are not common to the SPM or training programs within BC and make most of the documentation confusing and difficult to understand.

Re-attending courses would appear the most appropriate step to ensure a solid foundation of planning skills is in place as well as describing soils in more accurate detail. As for the existing system with reduced critical setbacks, a Professional should be retained by the ROWP Planner to review all details of the system design and a signed report advising that the system will not cause or contribute to a health

hazard should be attached to the Filing held by the Health Authority as well as a copy provided to ASTTBC for review.

OUTCOME

The Practice Review Board required the ROWP to:

- successfully complete the WOWTC courses PLAN201 and PLAN 204 (or equivalent acceptable to the Manager, OWRP) as a review of fundamental duties and responsibilities expected of all planners, and
- arrange at the ROWPs expense for a qualified Professional to review the entire design of the onsite sewage system and provide verification by letter that the system will not cause, or contribute to, a health hazard.

The ROWP agreed to this.

UPDATE

After several attempts, the ROWP was unable to locate a Professional who was willing to accept responsibility for the ROWPs actions in deviating from critical setback distances specified within the Standard Practice Manual. In recognition of this, and in discussions with the Registrar and the Manager, OWRB, it was agreed that the ROWP create a letter taking responsibility for the deviation from the critical setbacks, as well as the institution of a monitoring program to ensure that if the system develops a health hazard, the ROWP will be informed of it, and will take all actions necessary to correct it at the ROWP's cost. This letter was filed with the Health Authority, ASTTBC and the property owner. As the intent of the PRB decision was met, no further action was required and the file was closed.

CASE #10-70

STATEMENT OF COMPLAINT

That a ROWP planned an onsite sewage system next to a property line where flooding into the crawlspace of a neighbouring home later occurred. The Health Officer attending the site was concerned that insufficient site and soil assessments were carried out prior to a Filing being registered with the Health Authority, and the installation itself was undertaken by a non-Authorized Person who was not supervised.

These allegations, if found to be true, would be contrary to Principle 4 of the ASTTBC Code of Ethics.

BACKGROUND

A ROWP Planner and Installer was hired by a contractor and former ROWP, to plan a new sewage system on a property where the contractor was carrying out site preparation work on behalf of the property owner.

The ROWP completed the plans and registered the Filing with the Health Authority, and allowed the contractor to construct the sand mound system under the belief that he was still a ROWP Installer. The installation began on a Friday and when the ROWP returned the following Monday, the contractor had completed the installation fully. A Letter of Certification was registered with the Health Authority, and the ROWP heard nothing more about this site.

During the winter, water began seeping into the crawlspace of a home on a neighbouring property immediately adjacent to the sand mound. The neighbour reported noting water pooling half way up the sides of the sand mound, and was not clear whether the source of the water was from the mound entering his property and potentially containing effluent, or not.

The neighbour reportedly made attempts to contact the owner of the property where the sand mound was constructed, but had no response, nor did he observe corrective action taken. With the beginning of another wet season and water backing up once again, the neighbour contacted the Health Authority for assistance.

An Environmental Health Officer attended the property to review the conditions, as well as the Filing registered for the property with the new sand mound. The EHO confirmed water was pooling and seeping into the crawlspace as the complainant stated, but was unable to confirm that the water contained effluent or that the source was the mound.

During the investigation, the EHO became aware that a non-Authorized Person was involved with the construction of the sewage system and questioned if the Filing contained accurate details about the soils and site assessment for this site.

INVESTIGATION

ASTTBC forwarded a copy of the complaint to the ROWP and received a written response that caused staff to ask for additional details on this matter. The ROWP stated particular point on the property was chosen as it had the best soil conditions with the least indication of past disturbances. No soils log was provided in any of the correspondence but the Filing indicates a singular soil horizon existed that had a twenty minute percolation rate before reaching a water table at sixty centimeters below the surface. No details on mottles, roots, colour or other horizons are given that could provide clues as to higher seasonal water levels.

The plan on file also did not show where test pits or percolation tests were carried out in relation to the proposed sand mound, nor was a design rationale attached to the Filing that might be of further help. There was also a discrepancy in the location and layout of the system within the Filing.

The ROWP also advises that the neighbour with the wet crawlspace has installed perimeter drainage around his home and this has eliminated the problem. The ROWP reportedly offered to install a swale along the property line as a further measure; however the neighbour had hired another contractor and completed this work as well.

During the discussion with ASTTBC staff, the ROWP became aware that the Filing documents do not meet the requirements set out under the Standard Practice Manual.

DISCUSSION

No evidence was provided by the Health Officer to show a health hazard had occurred, nor did site visits confirm the source of the water as being from the sand mound itself. Due to the minor slope of the land, it is possible that surface and groundwater water became trapped between the home and the sand mound during the wetter months of the year, and the lack of drainage around the neighbouring home compounded the problem.

Corrective actions taken by the property owner appear to have resolved this issue and the ROWP's offers to assist were not taken. Enquires were made with the Health Officer to see if any further problems remained with this site and no information was received by ASTTBC staff to indicate concerns still exist.

As a side note to the investigation, the Planner has become aware that the contractor was no longer a ROWP and has stated he will not be involved any further with him in the future. The Planner states he did carry out tests of the sewage system and found all aspects working properly, from squirt heights to length of the dispersal pipes, and has no concerns with what he has found.

Regarding his planning work, the member should make efforts to bring his documentation in line with requirements of the Standard Practice Manual, from better drawings to soils log and design rationale.

OUTCOME

The Practice Review Board required that the ROWP undertake, through courses, workshops, mentoring or other means, to improve all planning documentation to meet the requirements of the Standard Practice Manual. This is to include improvements to site and construction drawings, writing a design rationale, site investigation and soils log, and a more thorough operation and maintenance plan. An acceptable continuing professional development plan for completion of this requirement is required from the ROWP. The ROWP was also to demonstrate this improvement by providing a copy of the next system plan to the Manager, Onsite Wastewater Registration Program for review. The ROWP completed this requirement and provided more than one acceptable system plan. No further action was required and the file was closed.

CASE #10-81

STATEMENT OF COMPLAINT

That a ROWP Planner supervised the installation of an onsite sewage system by a non-authorized person and submitted a Letter of Certification without being, or in consultation with, the original ROWP Planner who registered the Filing.

If true, the ROWP would be in violation of principles #2 and #4 of the ASTTBC Code of Ethics.

BACKGROUND

The Manager, Onsite Wastewater Registration Program was contacted by staff from the Health Authority when a suspicious Letter of Certification (LoC) was submitted by a ROWP. Staff noticed that the Filing associated to this LoC was registered by a different ROWP Planner, and upon checking the ROWP's status, found that the ROWP is not registered by ASTTBC as an Installer. As a result, the LoC was refused and ASTTBC contacted for advice.

INVESTIGATION

The Manager was advised by an Administrative Clerk, who was handling the documents, that the ROWP implied to her that the original ROWP Planner, would be willing to stamp the LoC, and this was apparently agreed to by both parties. As the original ROWP Planner was expected to drop by the Health Authority office shortly, the clerk advised the ROWP that the LoC would be passed over to the original ROWP for stamping and signing and the LoC was held by the clerk. When the original ROWP did drop into the office that day, the original ROWP advised the clerk that the ROWP had not made contact, no agreement had been made, the original ROWP did not even know that the system had been installed and would not sign the LoC. The Manager contacted the original ROWP and confirmed the statements of the clerk.

The ROWP contacted the Manager and admitted to being aware of the problem at the Health Authority and the LoC being refused. The ROWP described being approached by several homeowners wanting to install systems for their properties using their own contractor, not themselves, and purchasing the materials from whichever supplier they chose. According to the ROWP, a number of Installers in the area are substantially marking up materials in their quotes to a client and charging steep rates to undertake the work. The ROWP was trying to offer an alternative based on the recent changes to the Sewerage System Regulations that would allow a homeowner to undertake the installation of systems on their property as a cost saving measure.

The ROWP then described having sought advice from a representative of a well known industry association, who stated that since the Order in Council change indicates ‘an authorized person’ can undertake such work, and the ROWP is an authorized person, the ROWP therefore is able to supervise the installation for these homeowners. The Manager explained to the ROWP that while the Order in Council does mention authorized person in a general manner, the Sewerage System Regulation names ASTTBC as the body that registers ROWPs and it is our registration policies that dictate what categories of registration a person holds. The granting of a category of registration is based on education and experience that is intended to demonstrate competency and, since the ROWP has not applied for the Installer category, ASTTBC is unable to confirm the ROWP is competent to undertake such work.

The ROWP now understands this, but complained that it is a bureaucratic process that does not help the homeowner. The ROWP reportedly tried to become registered as an Installer years ago but became frustrated and did not pursue it further. The Manager reviewed the application file and found that the ROWP was denied Installer status as the references only were able to provide information relating to a product distribution business, with associated customer service related to the product. Even the references in support of the Planner registration were limited and only to gravity systems, which the ROWP was restricted to.

The ROWP acknowledged that it would not be possible to obtain assistance from another ROWP Installer since that would require the Installer to make false statements about the person who actually installed the system and place that ROWP Installer in a position of violating the Code of Ethics. The ROWP saw that seeking assistance from a Professional was the only option available to him and the Manager agreed that would be the most likely step to take at this point.

DISCUSSION

The ROWP is now fully aware that a Planner cannot sign off for the installation of a system, whether done by a homeowner or any other non-authorized person. The ROWP is seeking the assistance of a Professional to review and sign off the installation of both the system planned by the original ROWP as well as another system that was planned by the ROWP. The ROWP understands that the costs associated to having a Professional complete this work could be substantial and that this must be out of the ROWP’s pocket, but has agreed to carry this out. The ROWP is also aware that Health Authority staff have revoked the Letter of Certification until such time as the ROWP can provide a new LoC from a Professional.

OUTCOME

As required by the Practice Review Board, the ROWP was able to locate a Professional who was willing to accept responsibility for the ROWP’s actions in allowing a property owner to install their sewage system without appropriate supervision. This work was done at the ROWP’s expense. The Professional has completed the Filing documents. The original system Planner, property owners and Health Authority have been provided with the verification letter from the Professional, as well as all other supporting documentation. No further action was required and the file was closed.

CASE #10-84

STATEMENT OF COMPLAINT

That a ROWP provided a contract for constructing an onsite sewage system to a property owner and, after receiving a deposit to commence the work, the ROWP then subcontracted portions of the planning work to a company that provides proprietary treatment systems, as well as to a Professional to stamp the plans.

During subsequent meetings to develop an actual plan for a system on their property, the owners became unclear as to the actual role, duties and responsibilities of the ROWP and those that the ROWP

subcontracted the project to. When concerns were raised over aspects of the plans reportedly not meeting the requirements of the Standard Practice Manual and the appropriateness of the system for that property, the owners terminated their contract.

If the allegations are true, the ROWP's failure to ensure the contract with the client was judiciously administered would be contrary to Principle 4 of the ASTTBC Code of Ethics.

BACKGROUND

The property owners retained the services of the ROWP to plan a system on a property where a new home was to be constructed. The contract specified a list of particular components and features of the system including an exact price to install, but makes no reference to other Authorized Persons or other parties required in the planning and installation process. The contract states it would be a Type 2 system using a package treatment plant and pressure distribution "field" covered in sixteen inches of C-33 sand. No drawing or sketch was provided as to where the components would be located at this point. On the same page of the contract was additional information stating a Type 3 dispersal area with an additional price to that of the Type 2 system, but no details are given on why these two types of systems were listed on the contract.

After the contract was signed and a deposit for work provided, the ROWP undertook the site and soil assessments, and retained the services of another company to plan a proprietary treatment and dispersal system along with a Professional to stamp and sign the Filing documents. In email correspondence to the owner by the building contractor, the owner became aware that a Professional was being used for the onsite sewage system project instead of the ROWP.

A meeting was scheduled with the owner that included the ROWP and various employees of the company supplying the proprietary treatment system, but neither the plans nor the Professional were present during the meeting. Setbacks to property lines and the house itself were also discussed, but no clear idea was given as to when the plans would be ready.

Another meeting was held on the property several months later, at which time the owner asked where the soil samples were taken from and two different answers were given. The owner then asked where the perc tests were conducted and found no appearance of a disturbance in those areas. During the discussion, the owner described becoming confused over the answers given and the ROWP abruptly terminated the meeting and walked off the site.

The next day another meeting was held with a different Authorized Person, where two options for systems were presented with details on the costs for both. As a result, the owners decided to cancel the contract with the ROWP and the ROWP's numerous associates.

INVESTIGATION

The property owner provided very precise details to ASTTBC staff including dates of meetings, phone calls, discussions held and which parties were present. Copies of the contracts, email correspondence, the Filing itself and associated documents in support of the allegations were also supplied.

A copy of the complaint was provided to the ROWP, who described having been contacted by the general contractor to provide an estimate for the planning and installation of an onsite sewage system. While walking around the site, the ROWP believed that either a Type 2 or a Type 3 system would be necessary and gave a quotation for both types. Reportedly, the general contractor wanted to use a Type 3 system and the ROWP provided him with "information and pamphlets about such a system." The ROWP was then given a deposit and advised to proceed with the work.

The ROWP then states it was the general contractor who was dealing with both the supplier of the proprietary treatment system as well as the Professional required to sign documents for the Type 3 system. The ROWP admits that the owner was becoming confused and distrustful and also admits to leaving the site frustrated.

The next month, the ROWP became aware the owners had filed a complaint against the Professional and, following a discussion with the Professional and the suppliers of the proprietary equipment, all parties decided to reimburse the owners their deposit in full.

The owner also confirmed with ASTTBC staff that the ROWP's offer will be accepted; however the owner is still concerned about the ROWP's business practices and ethics, believing these still need to be addressed.

DISCUSSION

The owners became confused and frustrated after signing the contract with the ROWP. The owners were led to believe the original contract was for an appropriately planned system with an exact cost when in fact the ROWP had not even started the site and soils assessment or percolation tests on the property. This would happen almost a month after the contract was signed, yet the Filing documents show a single soil sample was submitted to a lab for analysis the day before the ROWP reportedly conducted percolation tests on the property. There are no details on soils to indicate structure, texture, consistence, presence of roots or mottles, soil horizons, limiting layers or other items as required by the Standard Practice Manual.

The estimate form from the ROWPs business clearly states "For Quotation" before listing components by size, breaking down the price to a dollar and cents value giving the appearance these are highly accurate quotes for the work. It also gives a reference to "16 inches of C-33 sand to entire field site area to 100% completion as per HA Regulations", suggesting that the Health Authority sets the standard that would be used to construct the dispersal field/mound rather than the Standard Practice Manual. Overall, the contract is very poorly crafted and has no detail on cancellation fees or process, which would become an issue when the owners terminated the contract.

In review of the Filing documents, it becomes even more unclear as to who is actually in charge of the work and the roles each party played during the design work. No design rationale is present but the daily usage calculations and sizing of the system is listed on the letterhead of the proprietary equipment supplier without any indication of an Authorized Person having carried out the work. The only point where the Professional has stamped any document within the Filing is on the Record of Sewerage System form itself.

This matter primarily is focused on the business practices and duties of the ROWP to the clients and the problems that can emerge when clients are unclear on roles, responsibilities, use of third parties to assist or passing over duties to a third party without the client being informed in clear and concise ways why this is necessary. For this reason, the ROWP should demonstrate typical business practices to ASTTBC and determine means to improve them to prevent such events in the future.

ASTTBC staff have repeatedly attempted to conduct a Practice Assessment; however the ROWP has requested delays due to a vacation as well as a death in the family. Therefore, the ROWP should be advised to fully supply ASTTBC with required documents for each category of registration held and to ensure these documents are delivered to ASTTBC for a review and assessment prior to any further visit being considered or arranged for a Practice Assessment.

OUTCOME

The Practice Review Board required the ROWP to:

- provide the Manager, Onsite Wastewater Registration Program, full documents for both the planning and installation work carried out on the last five systems. These documents are to contain, but not limited to, full site assessment and soil logs, design rationale, calculations, drawings, photos, homeowner declaration of usage, land title, contracts, Operation & Maintenance Plans, Letters of Certification, as-built drawings, and related documents. A determination will then be made whether additional Practice Assessment measures appear warranted.
- Further, that the ROWP submit a letter of at least five hundred words to the satisfaction of the Registrar explaining (a) duties and responsibilities to a client, (b) actions that will be taken to improve communication with clients and prevent this from occurring in the future, (c) business practice measures that will be taken to ensure clients have proper contracts, Final Filing documentation including an Operation & Maintenance Plan specific to each site and system installed, and (d) that the ROWP will not provide specific system details and costs before starting a site and soil assessment. The ROWP is also reminded of the obligations under the ASTTBC Code of Ethics and cautioned against operating the business in a manner that appears to be a “loss leader.”
- In addition, the ROWP is required to refund the \$5,000.00 to the complainant as per the ROWPs offer.

The ROWP has refunded the monies to the complainant and supplied an acceptable letter. However, the ROWP was unsuccessful during the Practice Assessment and has elected to voluntarily resign the Planner registration as a result. No further action was necessary at this time and the file was closed.

CASE #10-86

STATEMENT OF COMPLAINT

That a ROWP planned and installed an onsite sewage system, which subsequently malfunctioned after it was put into operation. Upon being informed of the malfunction, the ROWP refused to investigate the cause, nor offer assistance to correct the malfunction.

If the allegations are found to be true, these would be contrary to Principle 1 of the ASTTBC Code of Ethics.

BACKGROUND

The ROWP was hired by the complainant to plan and install an onsite sewage system for a new home. The sewage system was installed by October, and the occupancy permit was received in mid October. The complainant and family had been living in the home for almost one year when the system was found to be malfunctioning as sewage began backing up downstairs.

During the following several days, the complainant noted the septic tank and pump chamber were backed up, yet the high-level alarm did not sound. The electrical panel was checked and a breaker connected to the pump was tripped, which was later determined to be due to the pump having seized. Upon attempting to fix the pump, the discharge pipe from the pump to the dispersal field was found to be broken.

The complainant immediately contacted the ROWP about the problems and was advised the ROWP would attend the following day. The ROWP repeatedly canceled each day, promising to come out the

next, until finally arriving a week later. The ROWP confirmed the system was malfunctioning, then proceeded to blame the homeowner for how the system was being used, and the location of the system on the property, until the complainant pointed out that the system's condition was not the result of the actions of the complainant.

The ROWP then suggested that an artesian well was located underneath the dispersal field and the system would need to be relocated. The ROWP stated that before work began a new contract would need to be signed and that prices had increased over what was previously charged. When the complainant enquired what warranty or measures the ROWP would provide to cover the costs of the replacement system, the ROWP stated there was none. During this discussion, the complainant noticed a strong odour of alcohol from the ROWP and an appearance of being under the influence. The complainant then contacted ASTTBC for assistance.

INVESTIGATION

As part of the complaint, the complainant supplied an inspection report produced by another ROWP after a review of the installation. This report notes numerous installation deficiencies and inappropriate items, such as an alarm panel installed inside the pump chamber. The quality of soil fill brought to the site was also a concern.

A copy of the complaint was forwarded to the ROWP for review and comment. The response, although delayed in coming to ASTTBC, describes that the complainant made the ROWP install the system in a location that was not ideal, that the soil was "poor with slow percolation. A large amount of clay was removed and replaced with pit-run gravel mixed with existing overburden." The ROWP does not accept responsibility for any of the problems or allow that the ROWP's actions may have contributed to them.

The ROWP indicates an out-of-court settlement was reached with the complainant, and the complainant confirmed with the ASTTBC Investigator that this was the case.

DISCUSSION

During the investigation of this complaint, the ROWP voluntarily relinquished both the Planner and Installer registrations as a result of another PRB complaint. Although the ROWP stated to ASTTBC that all outstanding matters would be resolved, including agreeing to a Practice Assessment as one condition, the ROWP has not renewed membership or contacted ASTTBC further.

The complainant in this case has confirmed that a settlement was reached, however, that amounted to only a small portion of the money lost by the complainant, as a new system was required to be installed and was entirely paid for by the complainant. The complainant was of the opinion that the ROWP did not have sufficient funds to compensate the complainant for the entire loss. The actions of the ROWP are contrary to Principle 1 of the Code of Ethics.

OUTCOME

The Practice Review Board found that as the ROWP is no longer a ROWP, no further action is possible at this time and the file was closed. Also, that the membership database was flagged and if this individual applies for reinstatement, that the file will be reopened and the individual must then satisfy the PRB that all future practice will adhere to SSR and SPM requirements.

CASE #10-88

STATEMENT OF COMPLAINT

That a ROWP carried out the planning and installation of an onsite sewage system on a residential property being developed for a new home and in close proximity to an open-faced rock retaining wall. This potential breakout point was not clearly identified on the plan submitted within a Filing to a Health Authority and became a concern to a Health Officer who attended the site. If wastewater from the system were to escape to the surface by means of this breakout point, this could result in a health hazard.

This allegation, if found to be true, would be contrary to Principle 1 of the ASTTBC Code of Ethics.

BACKGROUND

An Environmental Health Officer contacted ASTTBC with a concern about the Filing and Letter of Certification for an installation of an onsite sewage system by a ROWP.

According to the EHO, the Filing for this system shows a site plan where a “field” is located near the “top of bank” but there are no details to indicate that a loose rock retaining wall exists along this bank. When using the scale on the site plan, the distance from the bank to the nearest point of the “field” is less than two meters and not close to the minimum seven and a half meters as required under Table 2-6 of the Standard Practice Manual.

The Filing also had minimal details on the native soils that caused the Health Officer to wonder if this actually was native soil or fill material as there appears to be no horizons found within the soil description. The Filing mentions that the dispersal area would use a bed, yet elsewhere in the documents there is a suggestion that C-33 sand may be used in some manner, but again no details to confirm how and where this might be used.

Based on the preliminary information from the Health Officer, there was reason to believe a system was installed without regard to the requirements of the Standard Practice Manual. It would appear that critical setbacks to a breakout point have not been met and information contained within the Filing was insufficient to determine the level of risk this would pose. The Health Officer attended the site but was unable to clearly determine setback distances using the information in the Filing. The Health Officer did note that the steep bank leads down to a marsh area that could be a riparian zone and no details of this were in the Filing. During the visit, no evidence of sewage escaping from system was found, however it was also unclear if and for how long the home might be occupied as it appeared it was still under construction.

INVESTIGATION

The ASTTBC investigator examined the Filing on record with the Health Authority for this site and confirmed the Health Officers concerns.

The Filing states on the Record of Sewerage System form that the system would be a Type 1, yet details on a package treatment plant suggests this would be a Type 2 system. The site information section asks for the distance to a breakout and the form shows “n/a” for this. The section asking whether any covenants or easements are present that will affect the design or location of the sewerage system is marked as “no”.

A document within the Filing states the soil as “sandy gravel to shale rock” for both test holes carried out, yet the Hydraulic Loading Rate listed is ten liters more per day than that stated within Table 2-8 of the SPM for a Type 2 system with pressure distribution. There is also no reference as to where other requirements under the SPM were carried out including where the test holes or percolation tests were

done on the property in relation to the dispersal area and the perc test results do not indicate how many tests per hole were done or if pre-soaking the holes was carried out.

Also missing was information on how the Area of Infiltration, Linear Loading Rate, pump dosing, size of pumps or setting of floats or other associated calculations were done as these are missing from the documents. There is also no rationale for the design or mention of particular concerns with this site that required particular attention for type and placement of components.

In review of the site plan, minimal details are provided. No indication of slope direction or degree, especially in relation to the “top of bank” reference. Dashed lines are shown running through the width of the property in the area of the sewage system but no details are provided to describe what these lines represent.

A letter was sent to the ROWP advising of the complaint and posing questions about this system and the Filing documents. In a response letter, the ROWP claims that the system was built using soil native to the lot, that a package treatment plant had been installed and that the ROWP was involved along with Department of Fisheries and Oceans and Ministry of Environment staff in a two year study involving septic system sites and riparian zones on this and the neighbouring lots. The ROWP also states that twenty-three inches of C-33 sand was added to the native soils and the field located within the zone mapped out during the study. The ROWP described that the rock wall was constructed by another contractor after the septic system was completed and was designed by an engineering firm. The contractor contacted the ROWP because they would be “encroaching” on the septic system, and after a discussion between the ROWP, the contractor and the engineering firm, a barrier of “delta drain” was installed between the system and the rock wall which then runs five feet in depth and the full length of the lot. The ROWP claims that the drawing provided to ASTTBC by the Health Officer was the proposed drawing, not the as-built which was filed with the Letter of Certification.

A letter was sent by ASTTBC staff to the ROWP asking for a copy of the study report mentioned in the response letter, as well as clarification on a number of issues including the missing design rationale, missing construction details, missing soils log, along with specific questions regarding the details of the system, the retaining wall and the barrier. The ROWP did send a copy of the study report, but did not respond to the other questions. ASTTBC provided a copy of the study report to the Health Authority for inclusion in the Filing for this site. The Health Officer confirmed that the report did not address their concerns with the Filing.

Another letter was sent by ASTTBC staff, but no response was ever received and the ROWP has not contacted ASTTBC.

DISCUSSION

Regardless of whether the drawing is the as-built or not, it is still missing significant details that are required to be included as per the Standard Practice Manual. Upon review of the photographs of the site, the extent of the detail missing from both the drawing and the Filing becomes very clear. Even if the rock retaining wall had not been installed, the system would appear to violate the setbacks to a breakout point on the slope, which is a critical standard within the Standard Practice Manual. The Health Officer did not note a health hazard/breakout, but also pointed out that the system had not been in use for very long and that the only occupant was a single man who works full time. This type of usage would put little strain on the operation of the system, and there is no way of knowing when or if sewage may break out, even if the usage increases.

Without the information that is missing from the Filing, it would appear that the ROWP did not exercise sufficient diligence in obtaining fundamental information about the site and other essential details prior to planning the system. The lack of documentation is contrary to the Standard Practice Manual.

In review of the lot size and the nearby slope and surface water, it is possible that the ROWP was acting outside of the limitations placed upon ROWP practice. If this is the case, the ROWP should have either referred the entire project to a Professional or had the system plan reviewed and approved by a Professional.

OUTCOME

The Practice Review Board required that the ROWP:

- Undertake through courses, workshops, mentoring or other means, to improve the planning documentation to meet the requirements of the Standard Practice Manual. This is to include improvements to site and construction drawings, writing a design rationale, site investigation and soils log, and a thorough operation and maintenance plan. This improvement is to be demonstrated through a full Filing example to be provided within 60 days of receipt of the PRB decision.
- Immediately provide a letter to the Registrar swearing affirmation that this onsite sewage system meets the critical horizontal setback distances as set out in Table 2-6 of the SPM. This includes both the retaining wall and any downslope drainage system behind the retaining wall. If this distance is less than the critical standards, the ROWP is to arrange with a Professional to provide a letter to ASTTBC and the Health Authority attesting that the onsite sewage system as installed will not cause or contribute to a health hazard.

The ROWP agreed to this, and as part of the corrective action, the ROWP has installed a monitoring well as per the recommendations of a Professional that was retained to review this matter. This monitoring well is to provide assurance that a health hazard is not being created in areas down slope of the sewage system.

The ROWP has also modified the Operation & Maintenance Plan to state that regular sampling is to be carried out on a yearly basis by a Maintenance Provider, as part of the overall maintenance of the sewage system. If monitoring determines the presence of fecal matter, the ROWP will correct this issue at the ROWPs cost. This new O&M Plan was signed by the homeowner and a copy was registered with the Health Authority. No further action was required and the file was closed.

CASE #11-04

STATEMENT OF COMPLAINT

That a ROWP Installer constructed an onsite sewage system prior to registering a Filing with a Health Authority and the system was not designed by a ROWP Planner or a qualified Professional.

These allegations, if found to be true, would be contrary to Principles 1, 2 & 4 of the ASTTBC Code of Ethics.

BACKGROUND

An Environmental Health Officer contacted ASTTBC staff with a concern about the installation of an onsite sewage system by a ROWP. The EHO became aware of a sewage system being installed on a property by the homeowner.

The homeowner became concerned when the ROWP was constructing the dispersal field and observed ponding water in the trenches as the work proceeded. The homeowner phoned the EHO raising a concern about the installation and the EHO advised the homeowner that standing water in the trenches was not

appropriate construction practice. Upon checking records in the office, the EHO found no Filings were registered for this property causing the Health Officer to investigate further.

The EHO reportedly contacted the ROWP and confirmed that a replacement of the system was being made by the ROWP and that no Filing was registered before the work commenced. Further, no planning work was carried out by a ROWP Planner or a Professional and the ROWP confirmed registration as an Installer only. The EHO advised the ROWP that an Authorized Person qualified to undertake the planning of the system was required immediately before further work progresses and that the incident would be reported to ASTTBC for appropriate action.

INVESTIGATION

ASTTBC staff contacted the ROWP and received a written response soon after that was followed up with a phone call to confirm details about this matter.

The ROWP did have a contract with the homeowner to plan and install a new sewage system to accommodate an addition to the existing home. The ROWP was using an ROWP Planner as a mentor in order to gain experience with planning to obtain a Planner registration in the future and has to date completed all planning courses except the soils course.

Upon learning that the homeowner had an existing dispute with the planning mentor and would not be able to use him for this project, The ROWP decided to proceed with planning and installation of the system without filing documents with the Health Authority and locate another Planner to check the work while the project was being carried out. The ROWP also felt pressure to complete the project as quickly as possible as the move-in date was nearing and some disturbance to the original system had occurred during the excavation for the addition.

The ROWP states that “unique” and “unexpected” soil and water conditions arose that resulted in a seasonal water table being substantially higher than anticipated, which is the reason water was ponding in the trenches where the dispersal pipes were being laid.

DISCUSSION

When a sewage system is not constructed with regard to the Sewerage System Regulation and the Standard Practice Manual, it increases the risk of a health hazard being created and that is also expected to be covered within the first courses a ROWP takes. Principle 1 of the Code of Ethics applies in such cases.

The ROWP admits to making a mistake and should not have installed the system before a Filing was registered with the Health Authority as well as the planning work being carried out at least under the supervision of a ROWP Planner or a Professional. If the ROWP had completed training in soils, it is possible the ROWP might have identified the potential problems with the soils and seasonal water table, but that is no excuse, as the ROWP has sufficient planning knowledge to know that insufficient information had been gathered to actually design a system in the first place. The ROWPs training to date provided the ROWP with the ability to determine when conditions are within his abilities and when they are not. Principle 2 of the Code of Ethics applies here as well.

The Installer needed to inform the client of his limitations of the registration. The need to arrange for a Planner or Designer of sewage systems to assist because of a dispute with the ROWPs planning mentor is understandably an awkward situation, but for the ROWP to continue with installing the system when groundwater conditions were obvious enough that the client sought the opinion of a Health Officer is unfathomable. As an Installer, the ROWP should not have continued constructing the system when obvious problems were apparent even to a lay-person. Principle 4 of the Code of Ethics would apply here.

Although the ROWP has since offered to arrange for a Planner to become involved with a redesign of the system, the homeowner wishes no further involvement with the ROWP. The homeowner is now employing another Authorized Person to take over the project.

OUTCOME

The Practice Review Board required the ROWP to immediately submit to a Practice Assessment and to pay a fine of \$500.00 as a deterrent to further violations of the Code of Ethics. The ROWP paid the fine and successfully completed the Practice Assessment. No further action was required and the file was closed.

CASE #11-05

STATEMENT OF COMPLAINT

That a ROWP carried out the planning and installation of an onsite sewage system on a commercial property where more than one water well was present, and the setback distances were either not shown on the plan submitted within a Filing to a Health Authority, or the distance was incorrectly stated and less than the setback distance required under the Standard Practice Manual. Further, details on the use of the site and method used to calculate the Daily Design Flow, may be incorrectly stated within the Filing.

These allegations, if found to be true, would be contrary to Principle 1, 2 & 4 of the ASTTBC Code of Ethics.

BACKGROUND

An Environmental Health Officer contacted ASTTBC with a concern over the Filing and Letter of Certification for an installation of an onsite sewage system by a ROWP.

According to the EHO, the Filing for the system has two different site plans included, one showing the dispersal field directly north of a proposed new greenhouse, and the other showing it to the northeast. Both plans indicate a “failed well” is present, however, no details within the Filing indicate if this well is being used or will be decommissioned, nor any design rationale provided to indicate why the dispersal system was located within several meters of this well.

Further review of the Filing shows the system is to be at least fifty-five meters from a well on this property, eighty meters to a well on a neighbouring property, and eight hundred meters to a domestic water source. The Filing indicates the new sewage system is to serve a “commercial greenhouse with two toilets”, but does not indicate for how many employees this system was designed, nor does it include any reference to the retail store operation associated to the greenhouse.

Upon further checking the status of this well with Ministry of Environment staff, the EHO was advised that the property may have a total of four water wells but the plans do not show these other wells.

Based on the preliminary information from the Health Officer, there was reason to believe a system was installed without regard to the requirements of the Sewerage System Regulation and the Standard Practice Manual. Critical setbacks to wells may not be met and information contained within the Filing was insufficient to determine the level of risk this would pose to the employees of the facility, or the public visiting the site.

INVESTIGATION

The ROWP confirmed that a well was located close to the new sand mound, but being a “failed” well, didn’t think anything of it. This well is reportedly scheduled to be decommissioned this spring as soon as it is dry enough for equipment to drive up to it.

The ROWP also admits the owner advised of the other wells but was unsure of where these wells were located, and, both being reportedly abandoned and possibly outside the thirty meter setback to the sewage system, the ROWP didn’t consider it important to include any comment or reference within this Filing. In reflection, the ROWP admits several things should have been done differently with reporting this information, including making it more clear on the plan which of the wells is the functioning water source.

The ROWP also provided a rationale for the design that addresses the site conditions, client’s needs, how the system sizing was selected and the reasons for repositioning the mound than on the original plan. In review of the information provided, there is still missing information on soils logs, construction details of the mound, pump dose settings selected, hydraulic and linear loading rates, AIS calculations and other details a planner should be able to demonstrate and is set out within the Standard Practice Manual as being expected of them.

DISCUSSION

No evidence was provided from the Health Officer to show a health hazard had occurred, but Ministry of Environment staff are also reviewing this matter to determine what and where other wells may be located on the property and ensure decommissioning of abandoned wells is carried out.

A lack of diligence in obtaining fundamental information about a site, a client’s needs, or other essential details prior to planning a system appears to be occurring. Site and soil assessment information is lacking, drawings have minimal amounts of detail, and the rationale for the design was only provided when requested and likely did not exist previously.

The ROWP admits improvements to paperwork can be made and, as noted in a previous PRB matter, recommendations were made that the ROWP demonstrate work that falls in line with requirements of the Standard Practice Manual, from better drawings to soils log and rationale.

OUTCOME

The Practice Review Board required the ROWP to:

- Undertake through courses, workshops, mentoring or other means, to improve planning documentation to meet the requirements of the Standard Practice Manual. This is to include improvements to site and construction drawings, writing a design rationale, site investigation and soils log, and a more thorough operation and maintenance plan. An acceptable continuing professional development plan for completion of this requirement is required from the ROWP.
- Immediately arrange with the Manager, Onsite Wastewater Registration Program to complete a Practice Assessment.

The ROWP has fully complied with the Practice Review Board decision, and as part of this, has successfully completed a Practice Assessment. The ROWP has also taken steps to improve aspects of practice not part of this investigation, and has requested that the ASTTBC Investigator continue to review examples of planning work to assist with this.

CASE #11-15

STATEMENT OF COMPLAINT

That two ROWPs, one of which is identified as ROWP A, carried out an inspection of an older onsite sewage system for a prospective buyer of a property and issued a report that was substantially less than required by the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems. Further, that ROWP A did not carry out an inspection of sufficient thoroughness to conclusively determine that the system was in need of replacement, which was their recommendation.

These allegations, if found to be true, would be contrary to Principles 3 and 6 of the ASTTBC Code of Ethics.

BACKGROUND

ROWP A, a ROWP Maintenance Provider and Private Inspector Residential, along with ROWP B, also a ROWP Maintenance Provider and Private Inspector Residential, working under a single company (found in a second separate report), were retained by the property owner to pump out the septic tank and by the prospective buyer of the property, to inspect the onsite sewage system. The pump-out and inspection were completed and a single page report was issued to the buyer.

The complainant, the property owner, received a copy of the report just before the purchaser backed out of the deal, reportedly due to the inspection findings. The complainant then filed a formal complaint with ASTTBC. Both ROWPs signed/stamped the report which is why they are both part of the complaint. Within the complaint, the complainant notes the following among other items:

"They pumped the tank, it was apparently a hard pump, and they determined it was a 750 gallon tank by viewing only, no measurements were taken. They used a chisel and hammer and were trying to chip a hole. I asked why and was told they were trying to get access to the outlet port, they could not so they dug outside the tank, as they dug they were talking to one another, there was 2 of them their names are on the inspection report. Within 5 minutes they said: "it's done", I said "good", "done already?" They looked at me and said, No, your septic system is "done", no good.

This is a list of concerns that I(homeowner) have about this inspection:

1. Not a through inspection, very quick to condemn the system. I dug out more after they left and found poly and drain rock. I did not disturb it. Our septic has never given us any problems, ever.

2. They drew a diagram of the house and the septic system showing the Inlet pipe, septic tank, outlet pipe, drain field with "D" box, this without digging up the whole backyard, they did not inspect the inlet pipe.

3. I did not notice water draining back into the tank; this was stated on their report.

4. Professionalism: I should have not been told my system was "done". The septic report was for the buyer, not myself.

An engineer did look at this system, he determined it is working. Probably needs repair and or proper inspection eg: outlet pipe, a proper inspection could determine this. The yard looked good to him, no sewage seeping and drainage looked good.

We did lose the sale of our house due to the septic. I believe the inspection was not through. As I stated I dug a bit more and found plastic covering drain rock, also improper map of the system,

condemning the field and piping. When they do not even know where it is.”

INVESTIGATION

The ASTTBC Investigator reviewed the complaint letter along with the copy of the inspection report and the response letter from the ROWPs. The response from the ROWPs included the following excerpts:

“After we opened all the lids on this 2-chamber 750 IG septic tank, and dug up the inlet lid, which had not been previously exposed by (the homeowner), we discovered that the matter in the septic tank was overly thick. We then explained to (the homeowner) that there would be an extra charge (hence, the additional \$30.00) for the time and labor it would take to add water enough to break up and liquefy the solids and remove them from the tank. We reamed out the inlet pipe to clear all accumulated matter within it, and then emptied the septic tank. When the matter in the tank was lowered, and the outlet pipe was exposed, we placed our fresh water hose, running at a rate of approximately 4 GPM, into this pipe. Within 60 seconds of our having done so, we got runback from the dispersal field at about the same 4 GPM rate at which we had the water running into it. This runback consisted of pressurized black anaerobic matter, consistent with that which is found in a failed dispersal field. Additionally, the outlet pipe itself appeared to be filled with these suspended, inky solids.

At this point, it was apparent to us that this dispersal field was not in normal operating condition. We did not feel it was appropriate to further invade a dispersal field that was so obviously under pressure, thereby creating breakout points that could in and of themselves constitute a health hazard. While (the homeowner) was not our customer for the septic system inspection, he was certainly our customer for the purposes of the pump-out, and thereby was entitled to know if we had observed any incipient or advanced problems with his system, just as all of our pump-out customers are so entitled. It was in that spirit that we let him know that we believed his dispersal field was no longer functioning properly. (the homeowner) was not given a copy of, or an opportunity to read, the report that we prepared for (the buyer).”

The response from the ROWPs was passed onto the complainant for comment. An excerpt follows:

“We have received the reply letter from (the ROWPs). I would like to first comment; I liked the two fellows that did this inspection, and they were likable and explained everything that they were doing.

There is one comment on their report in which I would like clarification. They reported they flushed the outlet pipe with water, and then watched it drain back. I did not see an outlet pipe, nor did the two companies that came to price out a new septic system; this is why one engineer asked if I had any reports on this system. He did not see any obvious sign of field saturation, and I explained to him we did not ever have problems with our septic system.

(The ROWPs) also claims the outlet pipe appeared to be filled with inky solids. (The ROWPs) were trying to chip a hole in the tank, I asked what they were doing, they explained they were trying to get access to the outlet pipe; they couldn't, the cement was too thick, so they dug on the outside edge of the tank, I helped dig; there was no pipe visible, they were done their inspection shortly after.

This is not a case of: "shooting the messenger", I have two very different reports on this system; I have two companies that did not see an outlet pipe. I have a septic system that works flawlessly, yet is condemned by inspection.

I feel my concern is more than justifiable. Our house did not sell because of this report; the

buyer's collapsed the deal.

... we had full intentions to install a new septic system after this report, but too many issues were brought to my attention while doing so. Thus I started this inquiry; we are not on a "shoot the messenger" mission. We did everything right when buying this house; we would like to know what went wrong when trying to sell."

Upon examination of the one page report produced by the ROWPs, the Investigator noted that among many other issues, the report does not use the required performance terminology, is co-signed/stamped by both ROWPs, does not explain the inspection findings, and does not provide adequate information for the needs of the client. The report fails to meet basic reporting standards as set out in the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems.

Based on the information provided by all parties, it would appear that an insufficient level of inspection was carried out to arrive at the conclusion that the system needs to be replaced. If the ROWPs did run water into the outlet pipe of the septic tank and observed the backflow as described, that would be an indication of a problem; however, without further examination to determine the cause of the backflow, it is premature to suggest that the system needs to be replaced. A simple bow or pinch in the outlet pipe can trap solids and liquids, roots infiltrating pipes can cause a restriction, or various other reasons can all cause water to flow back into the septic tank. Maintenance related work, such as cleaning pipes, or even minor repairs may have been sufficient, but this can only be determined when a sufficient level of inspection is conducted.

During communications between the Investigator and ROWP A, it was confirmed that ROWP A is not familiar with the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems, that the Private Inspector course completed by ROWP A was prior to the Guidelines coming into effect, and there has been no effort to keep current with inspection standards. The Investigator discussed the differences between the report and the Guideline requirements with ROWP A, and the ROWP recognized that what they have produced is not acceptable and wish to make the effort to improve.

DISCUSSION

Based on the explanation provided by the ROWPs along with the copy of the inspection report, the inspection and subsequent report fail to meet basic inspection requirements under the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems, found in Appendix G of the Onsite Wastewater Registration Program Policy.

While it is not the PI's role in such inspections to definitively determine the causes of the malfunction, the PI is expected to offer possible reasons and potential solutions in order that their client be informed of what steps should be taken or at least considered. This can assist with moving negotiations forward during real estate transactions, even when serious, expensive problems are found.

The ROWP's described that they stopped the inspection to avoid making the problem worse, which is appropriate under Principle 4 of the Code of Ethics; however, there is an obligation to undertake work with sufficient diligence to ensure it is accurate as well as understandable to a non-technical audience. If the ROWP is advised to stop the work before the inspection is sufficiently completed, or prevented from completing a report with sufficient diligence, the ROWP would be expected to follow Principle 8 and advise the client of the consequences for doing so.

The actions of ROWP A were contrary to the ASTTBC Code of Ethics Principles 3 and 6.

It should be noted that the ROWPs requested a meeting with the Manager of the Onsite Wastewater Registration Program to review the errors made in this case, with the goal of improving their inspection

techniques and reports. They conveyed a willingness to immediately improve all aspects of their work and were highly cooperative through the investigation. The Manager, OWRP, was prepared to act as a mentor as well, if they wish.

OUTCOME

The Practice Review Board required ROWP A to:

- undertake through courses, workshops, mentoring or other means, to improve his inspection skills and reporting to meet the requirements of the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems. This improvement is to be demonstrated through a complete inspection file example, including site documentation and the report, to be provided to the Manager, Onsite Wastewater Registration Program within 60 days of receipt of the PRB decision.

ROWP A has agreed to comply with this decision and has begun a Practice Assessment. No further action was required and the file was closed. Staff will continue to monitor to ensure that all conditions are successfully completed. The matter dealing with ROWP B was handled as a separate complaint file (#11-16).

CASE #11-16

STATEMENT OF COMPLAINT

That two ROWPs, one of which is identified as ROWP B, carried out an inspection of an older onsite sewage system for a prospective buyer of a property and issued a report that was substantially less than required by the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems. Further, that ROWP B did not carry out an inspection of sufficient thoroughness to conclusively determine that the system was in need of replacement, which was their recommendation.

These allegations, if found to be true, would be contrary to Principles 3 and 6 of the ASTTBC Code of Ethics.

BACKGROUND

For a description of the background to this complaint, please see case #11-15.

INVESTIGATION

For a description of the investigation into this complaint, please see case #11-15.

During communications between the Investigator and ROWP B, it was confirmed that ROWP B is not familiar with the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems, that the Private Inspector course completed by ROWP B was prior to the Guidelines coming into effect, and there has been no effort to keep current with inspection standards. The Investigator discussed the differences between the report and the Guideline requirements with ROWP B, and the ROWP recognized that what they have produced is not acceptable and wish to make the effort to improve.

DISCUSSION

For the discussion of this complaint, please see case #11-15.

OUTCOME

The Practice Review Board required ROWP B to:

- refund the \$30.00 extra charge back to the client

- undertake through courses, workshops, mentoring or other means, to improve his inspection skills and reporting to meet the requirements of the ASTTBC Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems. This improvement is to be demonstrated through a complete inspection file example, including site documentation and the report, to be provided to the Manager, Onsite Wastewater Registration Program within 60 days of receipt of the PRB decision.

ROWP B has agreed to comply with this decision and has begun a Practice Assessment. No further action was required and the file was closed. Staff will continue to monitor to ensure that all conditions are successfully completed.