

PRACTICE REVIEW BOARD

CASE HISTORIES SEPTEMBER 2008 TO APRIL 2009.

PRACTICE REVIEW BOARD DISCIPLINE REPORTS PREAMBLE.

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

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

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

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

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

Report from Practice Review Board For Complaint Cases Resolved In ONSITE WASTEWATER - (Between September, 2008 and April, 2009)

CASE #06-61

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and installed a system which does not follow the Standard Practice Manual.

BACKGROUND

A complaint was made to ASTTBC by a Health Authority regarding a Filing with incorrect or incomplete information regarding the site and soil investigation reports, system design and layout and plans and specifications.

INVESTIGATION

The investigation found that the drawing indicates four runs of unknown length and the report indicates three short runs of 27 feet. The Filing is lacking specifications for some of the components in the system. This system design does not follow the Standard Practice Manual.

Obvious design deficiencies are:

- Field size has been calculated to be 81 feet in total.
- Linear Loading Rate was incorrectly used to calculate the field size
- Hydraulic Loading Rate was calculated to be 643 & 724 L/M²/day
- Loading Rate on the record form indicates 180 gal/ft²/day
- A correct Hydraulic Loading Rate was not used to determine total field size.

DISCUSSION

The ROWP explained that he made a mistake on the Site Assessment and Design Report. He further advised that it was never installed and therefore did not pose a health risk to the public or the environment. The mistake would have been corrected in the field.

In conversation with the Environmental Health Officer, ASTTBC staff learned that the ROWP requires some guidance due to a similar incident with another Filing.

OUTCOME

The ROWP agreed to a Stipulated Order:

That the next five (5) Filings for design of sewage systems are required to be reviewed and approved by a competent professional or ROWP, prior to a Filing submission to a Health Authority. A report of the authorized person's review is to be provided to ASTTBC and failure to obtain acceptable results may result in further PRB action. The cost of having a third party review should be at the ROWP's expense.

UPDATE

During a meeting with the ROWP and ASTTBC staff, the ROWP stated that he has utilized the services of two Authorized Persons in order to meet the requirements of the Stipulated Order. The ROWP stated

he retained a professional engineer, then changed to an ROWP, due to the costs incurred by using an engineer.

Following the meeting, ASTTBC staff attended the Northern Health Authority office to review Filings associated to the ROWP. Filing #1 was for a new onsite system showing the ROWP as the planner and installer, while the Professional Engineer co-stamped with the note “reviewed by”, written next to the stamp. A review of the Filing by ASTTBC staff found that the information contained in this Filing does not meet the requirements of the SSR/SPM.

Health Authority staff located three Filings that show the ROWP as the planner and the other ROWP mentioned above as the installer, and these appear to be the Filings the ROWP stated during the meetings as being reviewed by the other ROWP listed as the Installer. However the Reviewer/Installer was not registered as a planner during this time period. A review of the Filings found significant missing or incorrect information and none of them met the full requirements of the SSR/SPM.

A letter was sent by ASTTBC to the ROWP who acted as Reviewer/Installer informing him of the list of problems with these three Filings and seeking clarification regarding his involvement in the site assessments as included within the Filings. The Reviewer/Installer ROWP responded that he was under the guidance and review of the original ROWP for planning these Filings, in order that the Reviewer/Installer ROWP could gain sufficient experience to be registered as a planner.

Health Authority staff were also able to find other Filings made by the ROWP after the Stipulated Order came into effect and these do not list any other Authorized Person. A review of these Filings found that they contain errors and do not meet the SSR/SPM, and there are several references to being a Maintenance Provider which he is not registered as.

Based on the Filings examined, there is evidence to show the ROWP has carried out the planning of onsite systems without regard to the conditions set out in the Stipulated Order and that these Filings contain inaccurate or missing information contrary to the requirements of the SPM. Further, the ROWP has undertaken a mentoring or reviewing role for another ROWP, during a period when the ROWPs own ability to plan was in question.

While the Reviewer/Installer ROWP confirms using the original ROWP to assist with obtaining Planner status, the original ROWP stated he was utilizing the Reviewer/Installer ROWP in return to satisfy the needs of the Stipulated Order. The fact that the Reviewer/Installer ROWP might not be considered technically competent because he did not have a Planner designation at that time, did not appear to be a concern to either party.

Further, the ROWP has filed plans without review by an Authorized Person for at least the last 22 months. While no time limits were imposed on the Stipulated Order, the wording clearly said “the next five Filings”. During this period, other Filings on record with the Health Authority indicate various problems with his work still exist and one particular complaint may have resulted due to the lack of appropriate review or oversight.

UPDATED OUTCOME

The ROWP is in violation of the Stipulated Order he signed therefore:

- The ROWP’s Planner status will be immediately cancelled and he will be subject to a Disciplinary Hearing

- All expenses of the Disciplinary Hearing will be borne by the ROWP should the decision of the PRB be upheld
- The ASTTBC data base will be flagged to indicate that the ROWP's Planner status has been cancelled and all inquiries must be directed to the Associate Registrar
- The local Health Authority will be notified of the ROWP's change in status.

CASE #08-01

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned and constructed three sewage disposal systems that do not meet the SPM and may cause a health hazard.

BACKGROUND

A complaint was received by ASTTBC from a Health Authority regarding the practice of an ROWP. This complaint was made up of three individual complaints which appeared to be part of a pattern of behaviour in this ROWP. Therefore, these three complaints would be addressed together.

Site 1: This lot was previously (before the Sewage System Regulation) considered by Environmental Health Inspectors to be "not developable". This was due to water table at the surface.

Site 2: Neighbours complained about the discharge from an interceptor drain onto their property. The Record of Sewerage System did not show any interceptor drains or ditches for water diversion, so a site inspection was done and the Health Inspector identified more concerns.

Site 3: Complaint by another ROWP that there is a 6 to 9 metre embankment at the property line that constitutes breakout. The seepage bed is less than the required 15 metres from breakout.

INVESTIGATION

An investigation was carried out using the Filing documents, letters of response from the ROWP and Environmental Health Officer, and photographs of the site.

DISCUSSION

In review of the Filing documents and photographs supplied, the method of constructing the onsite systems is contrary to proper practice and raises concerns about the possibility of the system malfunctioning in the future. The photos indicate work is being finished off in a manner that exhibits poor workmanship, and shows a 'soil' that appears to be high in silt content, which was very wet when applied over top of the system. This can result in a capping of the mound and receiving area, which can be severely detrimental to the operation and longevity of a system.

The mistakes in the details of the Filing, such as pipe lengths or separation, proximity to interceptor drains or potential breakout points, and numerous other features are completely unacceptable practices. In one photo it appears that an extension cord was used to provide power to a pump chamber, and the manner it is being done is contrary to Electrical Code requirements.

All three complaints seem to indicate poor design, non-compliance, and poor workmanship.

OUTCOME

The ROWP must, at his expense, have a Professional Engineer inspect all three job sites and either sign off on them, thereby taking responsibility for the systems or suggest corrective measures to be taken by the ROWP which the Engineer will sign off upon satisfactory completion by the ROWP.

The next five systems designed by the ROWP are to be reviewed by an Authorized Person before Filing, during and after completion and copies of all five to be confirmed with ASTTBC.

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

CASE #08-03

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) incorrectly completed a Record of Sewerage System Filing.

BACKGROUND

A complaint was made to ASTTBC by a Health Authority stating that the ROWP was contacted to design a septic field for a seasonal RV park. It started out as 20 spots, was increased to 25, then decreased to 24 spots. The Health Authority claims it was decreased to lower the DDF (Daily Design Flow) to below the limit of what a ROWP can design without involving an Engineer. The Letter of Certification had not yet been filed suggesting the system had not been completed at the time of the complaint.

INVESTIGATION

The investigation reviewed the submitted Filing and determined that it was inappropriate.

- The ROWP is restricted to gravity dispersal systems so he had another ROWP with no restriction sign off on the pressure calculations.
- Despite both ROWPs planning and reviewing the system, it was still undersized and incorrectly designed in almost all respects
- The Health Authority was of the opinion that such letters of support would have to come from Professionals who are qualified as Authorized Persons not ROWPs

DISCUSSION

The Filing created by the ROWP and reviewed by the other was found to be significantly flawed, and so both ROWPs must share responsibility. The Filing for this system must be cancelled by the ROWP and redone by an Authorized Person, qualified and competent to do so.

OUTCOME

- The ROWP must cancel his Filing for this project or submit a new and correct Filing and have it certified by an authorized person, other than the one used to originally review this Filing.
- If the ROWP does not resubmit an approved Filing he should refund the client in full for all moneys received to date.
- The next 5 Filings he submits be approved by an Authorized Person, other than the ROWP used previously and that ASTTBC be advised accordingly.

- ASTTBC sent a letter of advisement to the Health Authority as to who can certify a restricted ROWP's work.
- ASTTBC sent a strongly worded letter to the ROWP who acted as reviewer in this case to be more careful when he supplies 'letters of support' to restricted ROWPs.

CASE #08-05

STATEMENT OF COMPLAINT

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

BACKGROUND

A Filing document created by an ROWP showed a sand mound located within 50 feet / 15 meters from a small pond which eventually would reach the ocean. The Filing also contained the stamp of a Professional Engineer. Upon receipt of the Filing, the Health Authority issued a complaint to ASTTBC regarding the actions of the ROWP.

INVESTIGATION

A response letter from the ROWP explained that the pond was created during construction of the driveway and that it was supposed to have been filled in at the time of driveway construction. The sewage system was not being used as the house had not been built yet. The property owner has given assurances the small man made pond will be filled in at time of house construction.

ASTTBC staff attended the property and determined that the area where pooling water had occurred some 50 feet from the sand mound area was filled in during the excavation for the house foundation. It was also confirmed that the mound utilizes pressure distribution and not a gravity-fed dispersal method, as this would affect the setback requirements.

DISCUSSION

Instead of 50 feet / 15 metres for a gravity system, a 25 foot / 7.6 metre setback with pressure distribution is the minimum requirement under the SPM which applies in this case.

Since the area in question where pooling had apparently occurred is no longer present, a risk of contamination no longer exists. Even if the pond were to be present, the setback distance would appear to meet the SPM requirements for critical setback distances and not be considered a risk. As the Filing had expired before the system and home construction was completed, the ROWP will be resubmitting the Filing.

OUTCOME

The ROWP was required to submit a letter confirming that the pond had been filled in as per ASTTBC staff observations, which was done within the deadline. As the problem no longer exists, no further action was required and this file was closed.

CASE #08-13

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) planned an onsite system that was unnecessarily complex and more expensive than which the client was anticipating; and that the system installation was behind schedule and would be costly to maintain.

BACKGROUND

An ROWP Planner and Installer, was retained to plan a new onsite sewage system. The ROWP was hired on a 'cost plus' basis and while no written quote or fixed price was given for the project, the ROWP verbally provided a figure of around \$35,000 as being approximately the cost.

As the project continued, the client watched costs escalating well beyond the \$35,000 figure and suggests it is currently almost double that figure and the system is still not completed as of July 2008. As a result, the client filed a complaint with ASTTBC seeking assistance to resolve the matter.

INVESTIGATION

The ROWP admitted to ASTTBC staff that he stated to his client that costs of approximately \$35,000 for similar projects were common even though this comment was made before the system was designed or the treatment plant chosen. The client may have taken this statement to be more firm than it was intended to be, however, there were no further quotations or estimates provided to the client upon which he could effectively budget for this project. The client was asked to provide copies of invoices as proof of his claims that the project costs became almost double what the ROWP had suggested. To date, no proof was forwarded to ASTTBC.

A high performing Type 2 treatment plant was deemed necessary by the ROWP, but there is a question about whether this was the most appropriate and/or cost-effective option. The client was familiar with sand mounds and questioned whether one could have been installed instead. The ROWP suggests that could have been an option, however there is a difference of opinion as to whether this option was ruled out due to aesthetic reasons or not, and by whom with the client claiming the ROWP made the determination that a mound would be unsightly without his input.

A formal presentation of options was not made to the client, instead the ROWP appears to have made the choice to use a particular and less-common treatment method, for which the ROWP is also the B.C. distributor.

During the investigation, a mathematical error was discovered in the Filing created for this site by the ROWP, but whether this miscalculation by itself could create a potential health or safety hazard is very difficult to predict as the difference in numbers could conceivably fall within the safety factor.

The client requested that the ROWP provide an economical plan for maintenance of this system as the features of this system would appear to be maintenance intensive. There are few Maintenance Providers qualified to maintain such a system in B.C. so the client will be challenged in finding anyone nearby. This is a concern that may not have been properly addressed when the ROWP chose these particular components for such a system in this remote location.

DISCUSSION

The system Letter of Certification completing the installation was provided to the client by the ROWP before the Practice Review Board ruling was made for this case.

OUTCOME

The ROWP was found in contravention of the ASTTBC Codes of Ethics & Practice Guidelines.

In future, the ROWP must clearly disclose in writing to all clients:

- what options may exist for a project
- what advantages and disadvantages these options offer
- what are the realistic expected full estimated costs of a project
- whether any products specified or to be used in a project which the ROWP sells, distributes or has a vested interest in is fully disclosed to the client prior to the client accepting a proposal from the ROWP
- what are the estimated costs associated to maintain a system being proposed and ability to locate a choice of Maintenance Providers capable and competent to maintain the system being proposed

The ROWP adhered to the above conditions and this file was closed.

CASE #08-31

STATEMENT OF COMPLAINT

An ROWP Planner permitted a property owner, who is not an Authorized Person, to install an onsite wastewater system contrary to 6(1) of the Sewerage System Regulations.

BACKGROUND

The ROWP filed the plan of the system with the Health Authority at which time staff at the Health Authority noted details within the Filing form that suggested someone other than the ROWP might have been involved in the installation. As it was not clear whether a non-Authorized Person was involved, staff at the Health Authority notified the ROWP of their concerns.

INVESTIGATION

A review by ASTTBC of the documents provided by the Health Authority confirmed their uncertainty as to the role of the homeowner during the installation.

The ROWPs response confirms he was retained by the homeowner, but the letter still did not clarify the original questions raised as to who undertook the installation. During a meeting with ASTTBC staff, the ROWP appeared unaware and unclear about the requirements for ROWP Planners to use only ROWP Installers but stated he carried out the installation for this system. A subsequent phone call to ASTTBC staff by the homeowner also confirmed that the ROWP was the installer and assumed all responsibility for the installation as well as the planning.

DISCUSSION

If the homeowner was involved with the installation of this onsite system it would appear to be only in a minor role at best and nothing more in part due to his age and physical health. Due to the agitated state the homeowner was in about this matter, no further information was forthcoming.

The ROWP appears to be the one who undertook the operation of equipment and the majority of the work for which he is signing off and accepting responsibility as the installer. The original confusion may be related to the ROWP's writing skills and manner of speaking, especially when excited or nervous, more than anything else.

Based on the most recent information from the ROWP, and supported by information from the homeowner, there is insufficient information to prove that the homeowner undertook the installation of the onsite system himself with the knowledge of the ROWP. As the ROWP has provided the Health Authority with a Letter of Certification stating he was the installer, the Health Authority was satisfied and withdrew the original complaint.

OUTCOME

A letter was sent to the ROWP reminding him that an ROWP Planner can only use an ROWP Installer for such work and that an ROWP cannot supervise the installation of a system by non-Authorized Persons as noted in the SSR. No further action was required and this file was closed.

CASE #08-32

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) did not file a Letter of Certification (LoC) for a newly constructed onsite sewage system within 30 days as required by the Sewerage System Regulation.

BACKGROUND

The ROWP was retained by the owner of a recreational property to plan a new onsite sewage treatment system. A plan for the system was made and filed with the Health Authority but construction was not completed until ten months later. The ROWP submitted the LoC weeks late, and at that time Health Authority staff noted some documentation was missing and notified the ROWP of the missing information.

The ROWP had his staff submit the required missing information. Health Authority staff notified the ROWP by phone that his late submission of the LoC was in violation of the SSR and notified ASTTBC of this matter.

INVESTIGATION

A complaint with supporting documentation from the Health Authority was received by ASTTBC confirming that the ROWP admitted being late with submitting the LoC. The explanation given cites internal office procedures mishandled the paperwork due to heavy workloads but does state the ROWP as taking full responsibility for this and has implemented measures within the office to prevent this from happening again.

During a review of the Filing, ASTTBC staff noticed that information listing the installer of the system as a business rather than an individual did not allow confirmation that an ROWP Installer was used by the ROWP. A letter from ASTTBC was subsequently sent to the ROWP requesting clarification and confirmation that an ROWP Installer was used and the ROWP responded stating in fact that the work was not undertaken by an ROWP Installer. The ROWP admitted he assumed that the company was using an ROWP Installer but had not verified this beforehand.

ASTTBC staff then received information from the ROWP that confirmed an ROWP Installer was not used during the installation but in fact the property owner and his brother were allowed to undertake this work. According to the property owner and contrary to statements made by the ROWP, the ROWP sent a field technician from his office to supervise the installation process on his behalf but the technician is not an ROWP.

When the issue of a non-ROWP installer was brought up with the ROWP, he then offered to have an engineer assess the system and sign off that the installation was completed correctly and according to the SPM and advised ASTTBC staff this was being arranged in conjunction with an ROWP Planner/Installer to undertake the excavation. Shortly after ASTTBC staff was advised of the ROWP's intention, he further advised that he was not going to provide such a letter, but would instead be using the services of the other ROWP to undertake the replacement of the recently installed system and the new system would be a Type 2 instead of a Type 1 design.

The property owner contacted ASTTBC staff after the second installation was completed and raised a number of concerns. The onsite system components are reportedly installed in a manner that places it close to the edge of a filled area where a steep slope apparently is located, therefore concern that a breakout of wastewater due to the proximity of the slope or by erosion of the fill material on a steep angle may result. Another concern was over the placement of the system in a manner that results in vehicles coming in and out of a garage to travel over pipes or come in proximity of the septic tank. Other concerns are over whether the ROWP Installer will be returning to restore the area, including a drainage ditch that was reportedly filled in during this work.

DISCUSSION

The LoC was clearly not received by the Health Authority within the time period required by the SSR and the ROWP does not dispute this. By all appearances, this is likely an honest oversight between the ROWP and his office staff.

During the original installation, the ROWP did not ensure that only an ROWP Installer was used to undertake this work as required under the Sewerage System Regulation. Further, the ROWP appears to have utilized a non-ROWP employee to supervise the installation on his behalf, which is also not permitted. A Planner must not delegate such inspections to others, ROWP or not. Whether the roles and responsibilities of the Planner and Installer were clear to the ROWP at that time is not known, but they certainly were not followed.

The subsequent replacement of the system now raises concerns by the homeowner about whether aspects of the installation could result in further problems, such as erosion of the bare soils or soil settlement, ones that may impact the system in the future. Snow covering the area makes further assessing of the site difficult at this time of year but the property owner states a Professional Engineer familiar with the site and onsite systems in general believes there is a risk. The property owner states that a report to that effect is forthcoming but was not received by ASTTBC staff.

OUTCOME

The ROWP agreed to a Stipulated Order which requires that the ROWP complete the following conditions:

i) The ROWP will voluntarily and successfully complete the WOWTC course WOWTC 101 as a review of fundamental duties and responsibilities expected of ROWPs as well as requirements of the Standard Practice Manual. Evidence of successful completion of this course to be submitted to ASTTBC.

ii) The ROWP will indicate to the Manager, Onsite Wastewater Registrations Program, how he will ensure that no erosion or settlement takes place that results in a potential breakout and/or harmful impact to the onsite sewage system. Should such conditions occur or evidence by a Professional or an Environmental Health Officer is presented to suggest such a condition may be occurring; the ROWP as well as the ROWP Installer will arrange to rectify such conditions at their expense.

iii) The ROWP will write a Letter of Assurance to the property owner advising that no damage or negative impact to the onsite system would occur with the normal expected use of the garage and driveway leading in.

CASE #08-36

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) submitted a Record of Sewerage System form with insufficient supporting documents as required by the SPM.

BACKGROUND

An ROWP was hired by the property owners to undertake a repair of an existing onsite sewage system. The ROWP submitted to Health Authority staff two pages of information, one being the RSS form and the other a general plan of the site showing the location of components but no other supporting documents. Due to the minimal amount of information contained within the Filing, Health Authority staff contacted ASTTBC and forwarded a copy of the Filing for review.

INVESTIGATION

A review of the Filing confirmed that not only were a significant amount of supporting documents and information missing, some details within the documents provided were unclear. The RSS lists a pump as being used but the plans do not show a pump chamber installed. For site information, the forms state the distance to the well for this property and the neighbouring property as >15 metres while the SPM requires >30 metres by an ROWP.

The ROWP responded, admitting several errors were made and some details not included, therefore he would submit a corrected interim Filing to address these concerns. During a phone call with the ROWP he admitted to being rushed with the paperwork and submitting fewer documents than required which he accepted full responsibility for. Since the project was almost completed, the ROWP stated he would provide the corrected Filing for review, including an as-built plan and an O&M Plan.

DISCUSSION

The ROWP provided ASTTBC staff with the documents as promised which, upon review, were found to be very thorough and complete in all respects. The ROWP has stated repeatedly that he regrets his lapse, recognizes that heavy workload does not excuse his actions, and that he will not repeat this mistake.

Health Authority staff were contacted, confirmed receipt of the new Filing documents, and acknowledged this resolves their concerns.

OUTCOME

A letter was sent to the ROWP cautioning him to remain vigilant with the documents contained in every filing. No further action was required and this file was closed.

CASE #08-42

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) conducted an inspection and produced a subsequent report containing inaccurate information.

BACKGROUND

A property owner wishing to replace an existing structure with another one was required by the regional district to have the onsite system inspected and an assessment report made. The ROWP was retained by the property owner to conduct an inspection of the site, which was carried out with a subsequent stamped report. The report states “I found the tank to be in good working order...” and “the field is working fine” but no examination of the field portion was carried out. There is also no information contained in the report to suggest the system was suitable or not for the proposed change in use or even details on what changes are being proposed for the property.

The property owner provided this report to the Regional District along with an application to remove an existing 2 bedroom home and replace it with a 3 bedroom mobile home. During the application process, the property owner was required to post details of the change of use on the property and a neighbour passing by took notice of the posted details. The neighbour contacted the regional district making a challenge to the application based in part on the location of the onsite system in relation to the neighbour’s well.

The Health Authority was contacted and looked into this matter. Records on file from 1979 suggested the system was intended to serve a 2 bedroom home only but the neighbour challenging the application informed the Health Authority that the property owners installed a newer onsite system while the neighbour was away. Details of the reportedly newer system did not match the records on file with the Health Authority.

An EHO along with another ROWP attended the property and confirmed that the onsite system found did not match the information on file with the Health Authority and that the system was not functioning properly. The distance to the neighbouring well was also confirmed to be less than the required 30 metres for such a system.

The Health Authority subsequently advised the regional district that the application for change in land use will require that a new onsite system be designed and installed for the intended mobile and that if the existing home was not being replaced, the current onsite system would still need to be corrected.

The property owner making the application then sought legal council to challenge the decision of the Health Authority and further complications to resolve the matter have evolved due to a change in ownership of the property.

As a result of the incorrect and/or missing information from the letter written by the ROWP, Health Authority staff laid a complaint to ASTTBC providing considerable background information and documents related to the complaint.

INVESTIGATION

ASTTBC staff engaged in extensive discussions with Health Authority staff while reviewing the documents before the complaint was filed.

The ROWP responded and confirmed he wrote the compliance letter even though he did not expose, test or confirm the location of any components beyond the septic tank and that the inspection of the tank itself was cursory. The ROWP claims that he was never told that the existing mobile was to be replaced, and he evidently did not attempt to determine the purpose of the inspection.

The ROWP states in his letter to ASTTBC that to do an in-depth inspection would require the use of an excavator but he admits that he did not advise the property owner of this in writing. More importantly, he decided to write the compliance letter without fully completing the inspection as a cost-saving measure.

DISCUSSION

It is imperative that an ROWP do their professional due diligence in accurately reporting site conditions in all reports to be filed with third parties or authorities having jurisdiction. This letter was intended to serve as verification of compliance for a change in use of the property, namely replacing a smaller mobile with a larger one, and both the regional district, as well as the Health Authority, rely on the accuracy of such information to make their respective decisions.

When doing inspections of onsite systems it is inappropriate practice for ROWPs to provide a report without completing sufficient examination and testing to verify the information provided. Failure to provide due diligence can lead to situations that directly affect the health and welfare of the public, thus potentially violating Principle 1 of the Code of Ethics. By the ROWP's own admission, he wrote the letter knowing he did not have sufficient information to do so and this is a serious breach of the Code of Ethics.

It is noted that the ROWP is not certified as an ROWP Private Inspector (Planner and Installer only). No ROWP should undertake work for which they are insufficiently trained or do not understand what is required of them. To work beyond the scope of one's knowledge and ability substantially increases the liability for the practitioner and risk to the public.

OUTCOME

The ROWP must immediately cease and desist from providing work and services related to inspections until such time as he becomes trained and registered as a ROWP Private Inspector.

The ROWP is also to complete the WOWTC course WOWTC101 (classroom, not home study/fast track) as a review of fundamental duties and responsibilities expected of all ROWPs in their respective categories of registration as well as the requirements of the Standard Practice Manual. Evidence of successful completion is to be submitted to ASTTBC.

Further, that the Health Authority and Regional District be informed of the PRB decision prohibiting the ROWP from providing work and services related to inspections until such time as he becomes trained and registered as a ROWP Private Inspector.

CASE #08-43

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) filed insufficient information about a system.

BACKGROUND

During a random check of Filings at a Health Authority office, ASTTBC staff noted a Filing with minimal information attached. The Filing suggested that an onsite system was planned and installed by a ROWP with the onsite system located under a B.C. Hydro right-of-way associated to this property. Details about system usage were not found with the Filing. There was also no confirmation that permission for the use of the hydro right-of-way was obtained prior to construction.

The Ministry of Health's (MoH) Standard Practice Manual (SPM) sets out minimum requirements of content within a Filing. In order to determine the expected daily design flows, or whether high-flows or high-strength wastewater might be generated from a facility, details on the number of people, type of use, and other features or requirements of the facility need to be known and considered before a proper plan can be created.

Where the wastewater will be dispersed after treatment also needs to be confirmed to ensure the location within the property is suitable and allowable. Such details were found to be missing and a source of concern for ASTTBC staff during the review.

INVESTIGATION

In his response, the ROWP admits he is not sure why more detail was not included in the Filing but that he did follow the guidelines giving reference to where he sought information on determining the appropriate wastewater flows for this facility. The ROWP also admits that his source of information concerning the right-of-way was verbal from the property owner but he did not verify for himself the accuracy of such information nor was such information obtained for the Filing. As he understood, structures such as buildings were not permitted within the ROW.

DISCUSSION

As a result of the letter from ASTTBC, the ROWP advises he has provided further information to the client about the onsite system and is working to improve his Filings overall. This is encouraging and certainly a positive step, however, B.C. Hydro does not appear to be aware of this onsite system within the ROW. Whether B.C. Hydro will consider this onsite system as an in-ground structure with the same concerns as an above ground structure is not clear at this time but at very least Hydro should be informed of the existence of the system within the ROW. A letter of acknowledgement and consent should be obtained with a copy provided to the client as well as one copy included with the Filing registered at the Health Authority office.

OUTCOME

The ROWP was reprimanded and advised that he must ensure all future Filings contain full information as required by the SPM including land title information showing details of covenants, easements or right-of-way information. In addition, the ROWP must contact B.C. Hydro with details of the onsite system location and features within the ROW and obtain from B.C. Hydro a letter of acknowledgement and consent with one copy provided to the client, one included in the original Filing registered with the Health

Authority, and one forwarded to ASTTBC. No further action is required and this file is closed. Staff will monitor that the BC Hydro letter is received.

CASE #08-44

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) conducted a site assessment of a property on behalf of a client for the purposes of subdividing a property and the results of the assessment lead to the granting of the subdivision. Subsequent information by others determined the assessment contained incorrect information, which caused the Health Authority to rescind the approval.

BACKGROUND

An ROWP was hired by the property owners to assist with subdivision of the property. He attended and carried out soil assessments and permeameter testing on each of the proposed lots within the subdivision, recording this information.

Site plans for each lot indicate slopes of approximately 20% were typically found where the test pits were dug and these assessments were conducted towards the middle portions of the lots. Several site plans had areas defined by the ROWP as being “big enough for two fields” and were shown to be on the east sides of the lots with slopes of 15% being common. These plans only showed the test pits and permeameter tests conducted further to the west, well outside the areas marked as suitable for the septic fields.

Information contained in the soils log, along with the results of permeameter testing, indicates that soil characteristics vary across all lots with some noted as having permeameter rates over 5,000 Kfs. Such highly permeable soils are noted in the SPM as requiring a professional to be involved with the design of onsite systems.

The site assessment report by the ROWP was provided to the Health Authority on or about who granted approval to the subdivision application based on the favourable conditions reportedly found on this property. Ministry of Transportation was then notified by the Health Authority of this approval, at which point they continued with the application review.

A land surveyor, familiar with onsite systems, attended the site to establish the official property lines and reviewed the details within the site plan as produced by the ROWP. The surveyor found that the areas where the septic fields were to be located had slopes exceeding 30%, more than double that reported by the ROWP. After completing his work, the surveyor informed the Health Authority that this inaccurate information might affect the suitability of the onsite systems for these properties.

The Health Authority reviewed the new information provided by the surveyor and notified MoT that “Health Authority is not recommending the approval of the proposed subdivision unless the following conditions are met.

- (1) The maximum slope for consideration is 24%; steeper slopes will require evaluation by a soils expert (e.g., hydrologist, or geotechnical engineer) as to whether disposal of Type 1 effluent can safely occur. Further, Health will require that the sewerage disposal system be designed by a qualified professional (engineer).
- (2) A 100% replacement sewerage disposal system discharge area (i.e., replacement field) must be identified for both lots. Health instituted this policy to ensure that any parcel created is capable of providing sustainable disposal of sewage effluent.”

The Health Authority informed the property owners of this change in the application with an additional requirement that “satisfaction of the requirements of the Public Health Officer” be included.

No further information from the property owners or ROWP was received by the Health Authority since this notification was made but the file remained open. During a visit by ASTTBC staff to the Health Authority office, this matter was brought forward causing ASTTBC to investigate.

INVESTIGATION

The ROWP was asked for an explanation of the circumstances surrounding this matter. A response was received which stated the ROWP thought there was a suitable bench on this sloping property upon which the septic fields could be located and believed the slopes were approximately 15% but admitted to making “some bad measurement” and apologized for doing so.

A follow-up discussion by phone with ASTTBC staff confirmed that the ROWP used an inaccurate method for assessing the grade, which was compounded by his lack of knowledge regarding the use of a tape measure and a hand level for the task. The ROWP also confirmed that he was carrying out this subdivision work on his own with no guidance or direction from a professional or other qualified person familiar with subdivision processes and was under the impression that the Health Authority would make the final decision on suitability, not himself. The ROWP apologized again and stated he would have refunded the fees to the property owners if they had made any complaints to him, and has not heard from them since.

DISCUSSION

The site plans and soils logs for the various lots on this subdivision application were very neatly done and in good detail by the ROWP, however, the locations on the lots where soil logging and assessments were carried out do not relate to the areas selected by the ROWP as suitable for the dispersal area. With soil conditions varying throughout the lots, it cannot be assumed that what was found in the testing area would exactly apply 30 or more metres away as was the case on these lots. There is also concern that within some of the areas tested and found to have favourable conditions were others that had extremely fast percolating qualities, which would require a professional be involved with the design of the onsite system. Reliance on the test results from one area for another could have resulted in serious consequences through insufficient or inappropriate design and construction of a dispersal area had the systems been constructed.

The slopes on the lots are another concern since the ROWP did not appear to notice that the percent being measured by his methods did not appear significantly incorrect.

The difference in the slope measurements should have been obvious and concerning to the ROWP since the actual steepness found would require a professional be involved with the design for this reason as well. Inappropriate methods of measurement were used due to lack of suitable equipment and knowledge.

There is also a lack of understanding by the ROWP about how the subdivision process works with the belief that the onus rests with the Health Authority to a higher degree while it is actually the Planner/Designer that must be fully aware of the requirements and expectations to undertake such work. Since conditions for subdivisions vary considerably around the province it is incumbent on the ROWP to become familiar with the requirements applicable to an area and understand when site conditions or constraints exist that require the ROWP to pass off the work to a professional.

To what degree the ROWP’s lack of experience or training resulted in the events surrounding this complaint is not clear, but an insufficient and inaccurate site assessment did occur.

OUTCOME

The ROWP must not undertake further subdivision assessment work unless working under the guidance and direction of an Authorized Person qualified and competent to do such work. Immediately upon completion of the next site assessment and related planning work for a subdivision, the ROWP is to submit all related documentation to the Manager, Onsite Wastewater Registration Program for review.

The ROWP is further required to submit the next five Filings for any onsite system he plans, to be reviewed by the Manager, Onsite Wastewater Registration Program.

CASE #08-48

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) registered a Filing with a Health Authority containing significantly less information than required under the Standard Practice Manual.

BACKGROUND

The Filing was registered with the Health Authority where staff noted minimal information was provided. Health Authority staff then contacted ASTTBC staff for further discussion and forwarded a copy of the Filing in question.

INVESTIGATION

The Filing did not contain Land Title information, a site assessment, the client's requirements, or means by which the particular size or features of this system were selected. The Environmental Health Officer, being familiar with this site, was also concerned that the soil and groundwater conditions might require a Type 2 method of treatment. There was no overview plan showing features of the property or a scaled plot plan of how this system was located within the property itself, no O & M plan, and information on the Filing is a mix of imperial and metric measurements. In review of the documents contained in the Filing, it did not meet the requirements as set out in the SSR and SPM.

The ROWP provided further details about the site including the rationale behind the design. In a follow-up conversation with ASTTBC staff, the ROWP stated he does not regularly provide more details than was submitted to the Health Authority as their staff do not look at the Filings and advised him they do not consider themselves to be the retainer of Filings. This is apparently to be the function of the ROWP. There is no suggestion that the ROWP intends to alter his position in any way.

DISCUSSION

Based on the requirements of the SSR and SPM, the original Filing was confirmed to be missing assorted information and the EHO from the Health Authority was correct in his concern when the Filing came to his attention. The drawing included in the Filing is still missing details including the setbacks to water lines or well which was the initial concern by the EHO.

When the ROWP was advised of the missing information, most of the details were readily provided to ASTTBC, however the position that the ROWP takes that minimal information should be filed with a Health Authority is a concern. If an ROWP is to be the single repository of critical information then there is no means to access this information in the future if the ROWP should change occupations, die, or the records are lost or damaged. While the ROWP keeps field notes, calculations, spreadsheets, etc., the

intent is that a full copy of the Filing is held with an agency that provides ready access to other Authorized Persons, agencies, etc., at any time in the future. As stated in the SPM:

Design documents should include enough information that an Authorized Person of equal knowledge/skill level can understand the design concept and application, and should provide the information needed for installation of the design.

Under the Sewerage System Regulation, Filings are to be registered at the local Health Authority. As noted above, the minimum requirements of a Filing are also clearly defined, and it is ASTTBC's policy that ROWPs must adhere to the requirements of the SPM. The only deviations permitted are non-critical standards as defined in the SPM and only to the extent necessary specific to the matter at hand.

It is also irrelevant whether any particular staff member of a Health Authority allows less than the requirements of the SSR and SPM or doesn't check the details within the Filing at the time of registering as the responsibility rests entirely with the ROWP.

OUTCOME

The ROWP must provide to the satisfaction of the Manager, OWRP a copy of the next five Filings registered with any Health Authority which must fully meet all requirements as listed within the SPM.

CASE #08-50

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) incorrectly installed a septic tank leading to odours, and that the ROWP did not provide information to the property owner regarding the maintenance needed for his system.

BACKGROUND

During the first year of operation, sewage odours were noted intermittently coming from the area of the septic tank. The property owner contacted the ROWP about this problem and was told to check the plumbing vent at the home to ensure it was working properly.

Further intermittent odours were noted causing a complaint to be registered by the property owner with the Health Authority who forwarded the information to ASTTBC staff to investigate.

INVESTIGATION

In a discussion by phone with the property owner, ASTTBC staff determined that odours were coming from the area of two plastic access lids over the septic tank that apparently were not secured tightly to the tank nor could they be when the property owner attempted to do so. When the lids were removed, the property owner described the seating rings upon which the lids are secured were warped preventing the lids from being properly attached.

Under a second lid was an effluent filter attached to the outlet pipe, which was described as being on an unusual angle that prevented the filter from being pulled out of the outlet pipe baffle. The property owner was not aware of what the filter device was nor the requirement to maintain it, so was unfamiliar with the filter until ASTTBC staff walked through the process by phone. Based on these observations, ASTTBC staff became concerned that the plastic septic tank may be buckling or collapsing, which would require immediate corrective action.

The ROWP was advised by letter to attend and determine if a problem with the septic tank has occurred along with measures to correct the problem. The ROWP responded that a riser was found to have shifted and that the outlet pipe was out of position due to settlement. These items were corrected by the ROWP immediately.

In a phone conversation with the property owner, ASTTBC staff confirmed that the ROWP had attended and made adjustments that permitted the lids to be properly secured and no further odours were noted. During this process the tank was found to be in good condition with no signs of damage.

DISCUSSION

Settling of tanks, chambers or pipes can occur after construction but the degree of settling should be minimal if proper measures are taking during the backfilling portion of the installation work. Some components, such as plastic or fiberglass tanks, are at higher risk of damage due to improper installation than concrete tanks, which is why the manufacturer's installation procedures must be followed carefully.

ASTTBC staff contacted the manufacturer of the plastic septic tank that was installed to determine possible reasons for the warped access lid rings. The main cause for this was identified as improper installation that could result in buckling or collapse of the tank, especially if no water was added to the tank during backfilling. Since the property owner was not present during the installation work, he could not provide any comment on how this work might have been done but did state he did not believe the well was working at that time and therefore any water added to the tank would have to be brought in by the ROWP during the installation work.

During the first complaint of odours by the property owner to the ROWP, the ROWP reportedly made suggestions over the phone. He should have attended to check the system to see if problems were evident to explain the odours and that visit would have confirmed the problems at that time. However, property owner did not advise the ROWP when the odours returned again the following year so the ROWP would not have had an opportunity to respond and offer corrective action. It should be noted that the ROWP did respond quickly once he was made aware of the problem and the property owner is very satisfied with the efforts of the ROWP to correct the problems.

The item of concern that remains is that the property owner was not clearly aware of the need for regular maintenance of some components within the system such as the effluent filter within the septic tank. The property owner recalls receiving some documents from the ROWP after the installation but was not specifically shown any maintenance plan or walked through and advised of the system components and any maintenance needs for them.

OUTCOME

The ROWP must ensure all future clients are provided with a full Operation & Maintenance Plan that meets the requirements under section 3.3.3.4 version 2 of the SPM, further that the ROWP should attend the Westcoast Onsite Wastewater Training Center's (WOWTC) PLAN 207 – Writing an Operation & Maintenance Plan course or take such remedial mentoring as is determined appropriate and sufficient by the Manager, Onsite Wastewater Program.

CASE #08-51

STATEMENT OF COMPLAINT

That Mr. Jorg Art Kowasch, a Registered Onsite Wastewater Practitioner (ROWP), conducted a site assessment of a property and submitted a plan for an onsite system for a new home when Mr. Kowasch was registered as an Installer only. A subsequent visit to the property by ASTTBC staff determined that soil and site conditions were either significantly different from the documentation or were incorrect.

BACKGROUND

Mr. Kowasch was hired to plan an onsite system for a home to be constructed. The ROWP could not complete the installation but did provide a plan that was filed by him with the Health Authority. The system proposed was a simple Type 1 gravity system using existing native soils.

The client located another ROWP to complete the installation and who reviewed the Filing that Mr. Kowasch made and conducted his own site assessment.

Unlike the original plan, the second ROWP determined that a sand mound with pressure distribution was required and that system would cost considerably more than the client was first lead to believe would be necessary. Subsequent problems with the second ROWP caused ASTTBC staff to investigate the matter during which concerns were identified over the initial site assessment details and original Filing conducted by the first ROWP, Mr. Kowasch .

INVESTIGATION

A review of the original Filing document made by Mr. Kowasch found significant differences in soil type and depth present than was found during the site visit by ASTTBC staff. The slope of the site was also contrary to what the gravity-based pipes are permitted to be installed across and could have risked causing a breakout if it had been installed as per the plan.

A review of Mr. Kowasch's file with ASTTBC indicates he is registered as an Installer only. The work he has undertaken at this site, as noted by his signature and stamp on the Filing documents, would not be permitted.

Health Authority staff were asked to check records in the area for any other Filings submitted by Mr. Kowasch and none were found, however, information from other ROWPs indicate Mr. Kowasch had moved to a neighbouring area.

DISCUSSION

Numerous attempts by phone and mail were made to contact Mr. Kowasch to no avail. It was unclear if the client was the only one that the ROWP planned an onsite system for or if other consumers were potentially affected in a similar manner. If similar mistakes as those noted during a review of this Filing has or is occurring elsewhere, there is cause for concern that a potential health hazard may occur.

Mr. Kowasch's failure to respond to requests by ASTTBC further raises concern that a breach of the Code of Ethics has or is occurring.

OUTCOME

Mr. Jorg Art Kowasch's registration was removed effective immediately and reinstatement only considered upon his responding to the complaint to the satisfaction of the Practice Review Board. Further,

that all Health Authorities throughout B.C. be informed of the PRB decision that he is no longer an ROWP.

UPDATE

With assistance from the Health Authority, a full records search was completed and 15 Filings were found indicating Mr. Kowasch signed-off as the planner as well as the installer of onsite systems. Most of these Filings are in a particular area and all provide a similar level of detail as was found in this Filing.

A later complaint against another ROWP led to the location of Mr. Kowasch. When questioned, he stated that as the Health Authority accepted his Filings and as he met with Health Officers on several occasions, they explicitly sanctioned his work as a Planner. He has made no attempt to reinstate his registration to date.

CASE #08-55

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) conducted a site assessment of a property on behalf of a client for the purposes of subdividing a property. A subsequent visit to the property by Health Authority staff determined that soil and site conditions were significantly different or incorrect.

BACKGROUND

An ROWP was retained by a property owner to assist with an application to have 4 homes situated on a 10 acre property through a strata arrangement subdivision. The ROWP attended this property and carried out a site assessment before registering the Filing with the Health Authority.

The Health Authority was contacted by the District to review a subdivision application for this property. Upon arrival, the Environmental Health Officer noted that the Filing associated to this property previously submitted by the ROWP contained significantly different details and inaccuracies. As a result of their site visit, Health Authority staff lodged a complaint with ASTTBC against the ROWP concerning the inaccuracies of the Filing documents.

INVESTIGATION

According to the ROWP, when some 6 months had passed without confirmation from the property owner to start constructing any onsite systems, The ROWP contacted the property owner to advise that the Filing expires after one year, he then learned that some road building was being carried out to improve access. The ROWP contacted the property owner again after a year had passed and the Filing had expired (exact timeframe is not clear) only to learn that the foundation for one home had already been built and the location of the home is in an area that the ROWP intended to use for the onsite system. Another area where a system was intended was noted to have become a roadway and another suitable location was not likely.

Because the ROWP did not receive a request to start work on any of the systems and seeing that the several areas he had identified as best locations were no longer available due to roadways and home construction, the ROWP was not expecting to and did not want to be further involved with this project.

The ROWP admits he was unfamiliar with the subdivision process and consulted with an Environmental Health Officer on the proper procedures and information to include within the Filing prior to attending the

site. The ROWP admits no soils log or site assessment was done stating that he didn't believe it was required at that time and is under the impression that the strata building proposal is not a subdivision proposal.

In review of the Filing document made by the ROWP, there is no information stating whether this is a new system, a repair or alteration, it lists the system is for a single family home of 3 bedrooms but no reference to other homes intended for this property, has ticked off "no" to the question of restrictive covenants or easements that may affect the property now or in the future, only a rough sketch with minimal details was included, and no overview describing what the proposed subdivision work was projected to be. The first page of the Filing does not provide clues that more than one home would be on this property and it is only on the sketch that references to proposed buildings are made but no details are provided on size or number of bedrooms proposed.

The Environmental Health Officer was contacted by ASTTBC staff and stated that he does not recall any discussions with the ROWP on this property and only became aware of it once a request for comment and approval for a subdivision was sent to the Health Authority by the District where the application was made. The request was received by another EHO, who had attended the property and had serious concerns at which time both EHOs attended the property together on the second visit taking photos and documenting the site conditions. As a result of the second site visit, the EHOs decided to file a complaint with ASTTBC against the ROWP.

DISCUSSION

The subdivision of a property can be complex with varying procedures required by different city, municipal or regional districts. The process typically involves permits and approval that can include planning and engineering departments, Ministry of Transportation, local health authorities, and others, but this is outside the scope of the Sewerage System Regulations and not a component of the training an ROWP receives. For this reason, the ROWP's lack of knowledge on the process is not uncommon and those who do such work have to conduct their own research and training which often comes by experience only or assistance by others familiar with such work. It is incumbent on the ROWP to become familiar with the requirements applicable to an area and understand when site conditions or constraints exist that requires the ROWP to pass off the work to a professional.

In discussions with the EHO, ASTTBC staff were clearly informed of this subdivision process and the role that the Health Authority plays within the application. If the ROWP had consulted with the EHO then he would have been aware that the application process must be done through the District and his client should have been informed accordingly; as it was not the ROWP who was making the application but assisting the property owner with one part of the application process.

ASTTBC staff did identify a possible miss-step within the District as they are unclear on the role of Health Authorities verses the roles of ROWPs. It is possible that the building permit issued through the District that the property owner appears to have used to start the home construction was based on evidence of the Filing made on the property, but this is difficult to confirm at this time. ASTTBC staff are aware that staff at other building departments and regional districts have asked for clarification on Filings, the Sewerage System Regulations and roles of ROWPs due to a lack of understanding or misinformation related to the wastewater industry and efforts are being considered on ASTTBCs part to resolve that in the future.

Beyond the lack of understanding related to subdivisions, the Filing that the ROWP registered was missing essential details required under the SSR and SPM or poorly prepared as noted in the drawing on file.

OUTCOME

The ROWP must not undertake further subdivision assessment work unless working under the guidance and direction of an Authorized Person qualified and competent to do such work. Immediately upon completion of the next site assessment and related planning work for a subdivision, the ROWP is to submit all related documentation to the Manager, Onsite Wastewater Registration Program for review.

The ROWP is further required to submit the next five Filings for any onsite system he plans, to be reviewed by the Manager, Onsite Wastewater Registration Program. Further, the ROWP should attend the Westcoast Onsite Wastewater Training Center's (WOWTC) PLAN 201 – Planning Trickle Gravity Discharge Area Systems course or take such remedial mentoring as is determined appropriate and sufficient by the Manager, Onsite Wastewater Program.

CASE #08-56

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) inspected a system and made incorrect statements to his client about the quality of work done by a tank cleaning service.

BACKGROUND

A tank cleaning company was hired by the homeowner to pump out her septic tank and pump chamber.

A month later, a prospective property buyer hired an ROWP Installer to assist her with locating the onsite system on the above noted property that she was considering to buy. During his visit to the property, the tank service representative claims that the ROWP told the buyer and the homeowner that the tank and filter had been improperly cleaned which caused the homeowner to contact the tank cleaning service to re-attend and clean the tank again.

The tank cleaning operator attending the second time reported back to the tank service representative that the tank had been properly cleaned the first time and took pictures to support his claims. The tank service representative attempted to obtain a copy of an inspection report by the ROWP in order to verify the information relayed verbally by the homeowner but was unable to do so from any parties involved.

INVESTIGATION

A response from the ROWP stated he was on the property on behalf of the buyer but was not conducting an inspection. The buyer wanted to section off an area of the property for her horses and asked the ROWP to identify a safe location after determining where the onsite system was located. In the process, the ROWP noted conditions within the septic tank and pump chamber and claimed all appeared fine but the effluent filter was dirtier than expected if it was recently cleaned. Since the buyer is a long-time friend of the ROWP, she asked for his advice primarily on locating the onsite system and was not asking that an inspection be carried out, therefore no report or other written information is available to any party.

In a phone conversation with the buyer by ASTTBC staff, she confirmed that an inspection was not carried out, that the purpose was to identify a safe area for horse pastures, and that no comments were made by the ROWP about the cleaning of the septic tank other than the filter was dirtier than would be expected, and that the comments were made verbally while the ROWP was looking at the septic tank. No report of any sort was made nor requested.

ASTTBC staff also contacted the realtor involved in the transaction, who stated he was not on the property during the visit by the ROWP so his only information came second or third hand and no written comments or report came to his attention. Several attempts were made to contact the homeowner by ASTTBC staff, but were not successful.

DISCUSSION

Without further information to verify the claims, ASTTBC staff were unable to continue the investigation and there is insufficient evidence to confirm that the ROWP made any comments injurious to the reputation of the tank cleaning service.

OUTCOME

Due to insufficient evidence to support the complaint, no further action could be taken and this file was closed.

CASE #09-11

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) submitted numerous plans to a Health Authority for Filing which contained insufficient and incorrect information.

BACKGROUND

While conducting random check of Filings, ASTTBC staff discovered six Filings by the ROWP during the 2006 period alone and found both the amount of information contained in the Filings was substantially less than set out under the SSR and SPM as well as plans that may not be suited to the site conditions. Following a meeting between the Health Authority and ASTTBC staff, Health Authority staff found six additional Filings that were also insufficient in content, may contain incorrect information, and/or had very concerning planning details.

INVESTIGATION

Concerns with the Filings included plans showing laterals set down a slope and in proximity to banks where a breakout could result. The addition of another mobile home to the system already serving a newer mobile home with no information to suggest the additional mobile could be supported by the system. Information on distances to wells, water lines or similar critical setback requirements were missing. Rationale, dosing calculations, pump details, Operation & Maintenance plans, soil logs and other information is also missing.

A check with the status of the ROWPs registration indicates that he did not renew his membership with ASTTBC and is currently removed from the registry. The ROWP stamp was not returned to date.

DISCUSSION

The number of Filings of concern span from when the ROWP first commenced work as an ROWP Planner and Installer until the time he allowed his membership to lapse. These Filings are of concern with several that appear to have the potential to cause or contribute to a health hazard due to overloading or site location conditions.

OUTCOME

Prior to reinstatement the ROWP must send written and signed confirmation acceptable to the Registrar advising that he will successfully complete the WOWTC course PLAN 201 as a review of fundamental duties and responsibilities expected of all planners as well as course PLAN 202 as a review of planning for pump based dispersal systems. Evidence of successful completion is to be submitted to ASTTBC.

The ROWP is further required to submit the next five Filings for any onsite system he plans, to be reviewed by the Manager, Onsite Wastewater Registration Program.

Once acceptable written confirmation is received, the ROWP may proceed with his reinstatement application in the normal process.

Since the ROWP has confirmed he will comply with the conditions of the PRB recommendation, he may now apply for reinstatement of his membership. Staff to monitor to ensure conditions are met.

CASE #09-12

STATEMENT OF COMPLAINT

That a Registered Onsite Wastewater Practitioner (ROWP) submitted numerous plans to a Health Authority for Filing which contained insufficient and incorrect information.

BACKGROUND

While conducting random check of Filings, ASTTBC staff discovered 5 Filings by the ROWP during the 2006-2007 period and found both the amount of information contained in the Filings was substantially less than set out under the SSR and SPM as well as plans that may not be suited to the site conditions.

INVESTIGATION

Concerns with the Filings included plans with minimal details and on sites that the systems might not be best suited for. Missing critical details on size of home, number of bedrooms, estimated daily design flow rates, distances to wells or water lines, soil conditions, and numerous other items are frequently missing in all files.

A check with the status of the ROWP's registration indicates that in 2007 he did not renew his membership with ASTTBC and is currently removed from the registry. The ROWP stamp was not returned to date.

DISCUSSION

The number of Filings of concern span from when the ROWP first commenced work as an ROWP Planner and Installer until the time he allowed his membership to lapse. These Filings are of concern with several that appear to have the potential to cause or contribute to a health hazard due to overloading or site location conditions.

OUTCOME

Prior to reinstatement the ROWP must send written and signed confirmation acceptable to the Registrar advising that he will successfully complete the WOWTC course PLAN 201 as a review of fundamental

duties and responsibilities expected of all planners as well as course PLAN 202 as a review of planning for pump based dispersal systems. Evidence of successful completion is to be submitted to ASTTBC.

The ROWP is further required to submit the next five Filings for any onsite system he plans, to be reviewed by the Manager, Onsite Wastewater Registration Program.

Completion of both conditions will meet the concerns of the PRB. Staff will monitor in the event he wishes to reinstate his membership.