

Applied Science
Technologists & Technicians
of British Columbia



ROWP News Bulletin

Practice and Industry Updates for Practitioners

Issue #1
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IMPORTANT FOR ALL ROWPs

Welcome to the first issue of the ROWP News Bulletin, a regular ASTTBC publication covering important issues for Onsite Wastewater Practitioners in British Columbia. The wide range of topics covered includes Continuing Professional Development (CPD) requirements, complaints, working outside your registration/training, contracts, Letters of Certification and many more.

All are important to the Onsite Wastewater industry - please take the time to read the full document.

There is also the opportunity to improve your public profile on the Onsite Wastewater web site and to address CPD requirements.

We believe you will find the ROWP News Bulletin of value to your business and look forward to your feedback and suggestions for future content.

Ron Hein
Manager, Onsite Wastewater Registration Program
ASTTBC

REGISTRATION

Transfers under AIT/TILMA

Effective April 1, 2009, and consistent with the terms of the Agreement on Internal Trade (AIT) and the BC/AB Trade, Investment and Labour Mobility Agreement (TILMA), the ASTTBC will certify and register Onsite Wastewater Practitioners who are currently certified/registered/licensed in another jurisdiction in Canada, in accordance with the provisions of these Agreements. See the notice under How to Become an ROWP and within the Onsite Wastewater Registration Policy in the Documents section of the Onsite Wastewater website.

Registration Policies

Changes to the Onsite Wastewater Registration Board policies now require that all new applicants, as well as those wishing to add a category or remove a restriction, successfully complete the Practice Assessment Program (PAP). The results of the Practice Assessment will be submitted to the Registration Board for consideration. Further information is available from:

Karen Taylor, Coordinator, Operations & Registrations
ktaylor@asttbc.org or 604.585.2788 local 236

CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

As an ROWP, continuing to improve one's skills and knowledge to stay current and advance yourself in your field is a requirement under the Code of Ethics. At this time, the amount of CPD an ROWP must accumulate per year is not specifically defined by type or quantity and proof of completion of some form of CPD has been left to the ROWP to hold in their files. Starting June 1, ROWPs can voluntarily record their CPD through the ASTTBC website at www.asttbc.org/login1.php and mandatory reporting will be required starting June 1, 2010. If you are unable to access the website, please complete the attached form and mail back to ASTTBC as soon as possible.

ADVERTISING FOR ROWPs

Website

A number of calls have been received from the public expressing difficulty in finding ROWPs in their area. ASTTBC is updating the website to make it easier for the public to use but we also noticed how few ROWPs have provided a phone number or a brief note on the services or specialties they offer within the current website. This may have likely resulted in the loss of work opportunities for those ROWPs who did not provide contact information.

You can help by filling out the attached form that identifies the regions you work in as well as how the public can best reach you, then mail back to ASTTBC as soon as possible.

Brochures

ASTTBC has produced a brochure about the Sewerage System Regulation (SSR). This brochure can be used by ROWPs to help explain the program to their clients.

To download a copy of the brochure, go to <http://owrp.asttbc.org/uploads/OWRPBrochure2008.pdf> or to receive a complimentary copy, contact the ASTTBC directly at 604-585-2788 local 236 or email a request to techinfo@asttbc.org

PRACTICE NOTICES

Practice Assessment Program

This program assesses the general skills and abilities of an ROWP to undertake the work within a category of registration, such as the ability of a planner to fully plan, or a maintenance provider to carry out appropriate maintenance. PAP also assesses the business practices, communications and other administrative functions of an ROWP, including contracts.

The emphasis is on helping new and existing ROWPs identify their strengths and weaknesses and improve their practice. This may include suggestions to take particular courses, local workshops, seminars, night school courses in personal computers or small business skills, and many other aspects best suited to the specific ROWP. It is also a chance to receive feedback and express concerns on any aspect of the program in a confidential manner intended to provide support and assistance.

Although PAP is required for all new practitioners or where an ROWP adds or changes a category, PAP is also applied to existing ROWPs. Where an ROWP is being dealt with through the Practice Review Board (PRB), they may be required to undergo PAP as one condition of the decision imposed by the PRB. For all other ROWPs, a random selection will be contacted and required to complete PAP each year, possibly resulting in all ROWPs completing one assessment within a 4 to 5 year period.

Any ROWP can volunteer for a Practice Assessment. ROWPs wishing to go through PAP should contact Ron Hein, Manager Onsite Wastewater Registration Program at 604-585-2788 local 231 for more details.

BC Standard Practice Manual (SPM)

During recent reviews of Filings around the province, ASTTBC staff found a surprising number of ROWPs not using or aware of Version 2 of the SPM. A copy can be downloaded from www.hls.gov.bc.ca/protect/lup_standards.html or a hardcopy purchased from the Queens Printer or the BC Onsite Sewage Association. ROWPs are reminded they are to be following the SPM.

ROWP DISCIPLINE

Complaints Against ROWPs

The number of complaints against ROWPs has grown to very concerning levels over the past year. In response to this, ASTTBC has become highly pro-active since the fall of 2008 by undertaking random visits to Health Authority offices to carry out reviews of Filings for quality control purposes. If necessary, ASTTBC will generate a complaint against the ROWP through the Practice Review Board and this may include an assessment of the onsite system to facilitate the investigation.

Most Common Problem

One of the most frequently encountered problems is a significant lack of information submitted with a Filing, such as lack of rationale behind the choice of system selected, poor drawings, minimal or poor soil details, lack of calculations for the design, poor O&M plans or none at all, and numerous other items missing or contrary to what is set out within the SSR/SPM.

Not Following The SPM

Some ROWPs are under the impression that they do not have to include the list of items for submission in the Filing as set out in the SPM, on the basis that the SPM is only a "guide." As set out in ASTTBC policy, an ROWP MUST follow standard practice and the SPM is the recognized standard in this province. Unlike a Professional who may step outside this standard, an ROWP should only focus on non-critical requirements and within the limits set out within the SPM. The more an ROWP steps away from the SPM, the greater the potential liability to them.

Health Authorities Didn't Require It

Around the province, Health Authorities use different forms with varying amounts of required information. Some ROWPs believe this is all they need to provide and do not include other details as specified in the SPM. The form from a health office is the minimum the Health Authority requires but an ROWP is also to provide the information as listed within the SSR/SPM.

No or Inadequate Contracts

ROWPs are frequently undertaking projects with little to no contract in writing. This has led to numerous complaints by consumers to ASTTBC about problems with ROWPs. Often, misunderstandings between both parties started due to poorly written or non-existent contracts and insufficient time spent with the client ensuring their needs are addressed beyond the onsite system.

Restoration of the site after completion, lack of discussion of system options, or hidden "extras" are just some of the issues that have repeatedly occurred. Other misunderstandings include the client not being aware of what a mound will look like, where vent or exhaust pipes from treatment plants or other features of a system will be located, etc. leading to complaints of the component being unsightly or odorous.

Regardless of your past business practices, don't rely on hand shakes and make sure that for every job you have a clear contract in writing that is understood and agreed upon by both parties before starting any work. Don't deviate from that contract without clearly putting reasons in writing and getting all parties to sign-off on changes before they are made.

Letter of Certification Not Provided Due to Contract Dispute

When disputes have occurred, some ROWPs have refused to provide a Letter of Certification until payment was received. ROWPs have an obligation to complete the project and settle any differences by various legal options open to them, but holding a client "hostage" is not an acceptable practice. Set out progress payments within the contract based on achieving fixed goals or various other standard business contract practices to avoid this problem entirely.

Installers Not Providing LoC To Planners

All Installers are expected to provide a stamped and signed Letter of Certification for their work as an Installer to the Planner or Designer who in turn provides a copy to both the homeowner, the filing agency, and for the Planner's records. The Installer is also to keep a copy within their own file.

ROWPs Working On Native Land

For those ROWPs involved with onsite systems on native land, they are still required to conduct themselves as per ASTTBC policies and the Code of Ethics. Whether on native land or working in another province, the ASTTBC policies and Code of Ethics applies to that member.

Subdivisions

Around the province, ROWPs are becoming involved with subdivision work as it relates to the onsite sewage system. Recent PRB cases against ROWPs found they did not have sufficient skills and training to undertake such work and were unfamiliar with the processes through Health Authorities or Regional Districts.

WOWTC courses taken to become an ROWP do not include any training towards subdivision work, as it does not fall within the scope of the Sewerage System Regulation. Therefore, an ROWP should only undertake such work where they have appropriate skills and training from other sources or are working in conjunction with a qualified professional. Subdivision work can be complex and mistakes are very expensive, including the risk of litigation due to errors or omissions. A mistake can quickly expand and affect the entire subdivision, potentially costing the client heavily in time and money. All ROWPs should have E&O insurance for general practice, and certainly when involved with larger projects where errors can quickly lead to bankruptcy.

Working Outside Your Registration And/Or Training

ROWPs can only undertake work they are confirmed to be qualified for by virtue of training and experience, such as by being registered in a particular category.

An Installer is not to undertake Planning work unless they are doing so through a mentor and even then must utilize the full review and co-stamping to prove oversight.

This issue is also showing up where ROWPs are carrying out inspections of existing systems, often for real estate deals, or for building departments as a subject to building permits being issued for workshops, swimming pools, additions to homes, etc.

Without having the skills or training, ROWPs have provided letters in support of permits that have later turned out to be based on incorrect information. Systems were found to be in different locations, malfunctioning, or having other problems that caused building permits to be retracted. In some cases lawsuits occurred. It is vital that ROWPs do not carry out any work outside of their training and registration.

Not Having Or Using Equipment Necessary To Properly Carry Out a Function

Appropriate equipment is essential to undertake the work you are doing. A coat hanger or similar item used to “witch or divine” is NOT an acceptable locating device under any circumstances. Electronic tracing or tracking devices exist and are highly accurate tools for the job, just as inclinometers or distance measuring devices are essential for Planners during the site assessment. If you don’t have the right equipment, DO NOT attempt to do the job. In one example, a system was “located” using a coat hanger only to be found later in a completely different location, much smaller than was suggested, and breaking out to the surface. This inaccurate work cost the property owner in the tens of thousands of dollars and a lawsuit did occur to recoup the loss.

Relying On The Accuracy Of Paperwork Supplied By Another Party Without Verification

Whether using old permits, details on new Filings or information from the property owner, do not assume that the information contained in the documents is accurate without verifying for yourself. In two instances, this took the form of an Installer asking a Planner to sign off on systems where the Installer had apparently carried out site assessments, soil testing and created a plan for a new system. Unfortunately, the Planner did not obtain supporting documentation nor carried out any verification of the site assessment, expected usage of facility by the property owners, land title information that showed covenants, and similar information. This put liability onto the Planner for signing off on a Filing that had incorrect and misleading information.

Failing To Respond To Client’s Calls For Assistance In A Timely Fashion

Even if you is busy, when a client calls and reports some form of potential problem with their system, do not delay in responding. Serious conditions, including sewage backing up into the home, have occurred due to delays caused by ROWPs not getting back to clients. Affected homeowners have contacted ASTTBC for assistance, resulting in PRB files being opened on these ROWPs. As a further note, when an ROWP fails to respond to ASTTBC staff investigating a PRB complaint, the ROWP can have their registration revoked and Health Authorities across the province are notified that the person is no longer an ROWP.

Practice Review Board Results

Results of Practice Review Board decisions are posted on the ASTTBC website to show both ROWPs and the public that complaints are investigated by ASTTBC and what the outcomes are. While an ROWP's name is not posted under normal circumstances, those who have had their registration revoked due to serious breaches of the Code of Ethics will have their names posted on the ASTTBC website. <http://owrp.asttbc.org/complaints.html>

MANAGER'S NOTE

During my first year as Manager of the Onsite Wastewater Registration Program at ASTTBC, I have met with many of you either in person or over the phone, and have been consistently impressed with your determination to improve practices and provide quality services to the public.

The Sewerage System Regulation requires far more work and responsibility from Practitioners than any previous regulation, and the switch from a permit process to "professional reliance" with all of you accepting the responsibility and liability that comes with it, is not a simple or easy one. We have experienced some confusion over roles and responsibilities and best practices, but I am seeing those wrinkles being worked out of the program and Practitioners coming up to speed. The Practice Assessment Program and other assistance mechanisms in the works are invaluable to help all of you ensure that you stay current with industry changes and improvements.

There are many challenges ahead, but let's not forget how much this industry has achieved so far. You are technical specialists, registered with a professional association, and now held to a higher standard. Be proud of what you have accomplished.

Thanks to all those practitioners that have contacted me, and I welcome the chance to talk with all of you at any time.

Ron Hein
Manager, Onsite Wastewater Registration Program
ASTTBC