

**IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT
R.S.B.C. 1996, CHAPTER 116 as amended**

and

IN THE MATTER OF JOSEPH BONAVENTURE THORBURN, P.Eng.

FURTHER REVISED NOTICE OF INQUIRY

TO: Joseph Bonaventure Thorburn, P.Eng.
C12, Site 160, RR#1
Bowser BC V0R 1G0

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of British Columbia (the "Association"), will meet at Suite 3000, 1055 West Georgia Street, in the City of Vancouver, in the Province of British Columbia on the ____ day of _____, 2009, at the hour of 9:30 in the forenoon for the purpose of taking evidence or otherwise causing an inquiry to be made with respect to the allegation herein pursuant to the **Engineers and Geoscientists Act**, R.S.B.C. 1996, Chapter 116, as amended (the "**Act**").

AND TAKE NOTICE that the allegation against you is that contrary to the **Act**, you have demonstrated unprofessional conduct by your signed and sealed March 13, 2008, revised on March 27, 2008, filing with the Vancouver Island Health Authority for a Type 3 sewerage system for a property at 5729 Van Koy Road, Duncan, B.C., ("filing") which filing did not meet the requirements of the B.C. Sewerage Regulation (326/2004). In particular, the filing was not compliant in one or more of the following areas:

- (a) failing to design a treatment system to achieve Type 3 effluent, contrary to appropriate practice and/or the Sewerage System Standard Practice Manual ("SPM");
- (b) failing to provide design information on the planned system dispersal field on the site plan and failing to identify that the dispersal field encroached upon the SPM critical horizontal separation standard to existing wells;
- (c) failing to obtain a supporting report by a professional engineer or professional geoscientist with appropriate training and experience in hydrogeology or geotechnical engineering when your designed dispersal field encroached upon the SPM critical horizontal separation standard to existing wells;
- (d) the sewerage system if operated at full design flow and/or residential occupancy would result in surfacing of effluent on and around the perimeter of the in-ground container referred to as the Vegetative Tertiary Filter ("VTF"), especially under wet season conditions;
- (e) inadequate soils and water table investigation and reporting in accordance with appropriate practice and/or the SPM;
- (f) not providing a minimum of 60 cm of unsaturated, suitable soil between the interface of the

effluent distribution system and the restrictive layer in accordance with appropriate practice and/or the SPM;

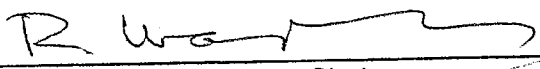
- (g) the Type 3 sewerage system did not have a pressure distribution system contrary to appropriate practice and/or the SPM;
- (h) inadequate infiltration area outside of the VTF contrary to appropriate practice and/or the SPM;
- (i) use of bark mulch in the dispersal area contrary to appropriate practice and/or the SPM;
- (j) failing to maintain the set back between the dispersal field and the property line contrary to appropriate practice and/or the SPM; or
- (k) failing to properly consider the "Hydraulic Loading Rate" and "Linear Loading Rate" of the filed system contrary to appropriate practice and/or the SPM.

AND FURTHER TAKE NOTICE that you, Joseph Bonaventure Thorburn, P.Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee and you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegation.

AND FURTHER TAKE NOTICE that in the event of your non-attendance at the inquiry, the Panel of the Discipline Committee may, upon proof of service of this Notice of Hearing upon you, proceed with the taking of evidence or otherwise ascertaining the facts concerning the allegation, despite your absence, and may make its findings on the facts and its decision without further notice to you.

DATED at the City of Vancouver, Province of British Columbia, this 20th day of July, 2009.

The Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia.


 Per: Roy Wares, P.Eng., Chair
 Discipline Committee