

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

- and -

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

CONSENT ORDER

Dated for reference May 25, 2010.

WHEREAS Joseph Bonaventure Thorburn, P.Eng. ("Mr. Thorburn"), was served with a Further Revised Notice of Inquiry dated July 20, 2009 that contained the following allegations:

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 on [REDACTED] 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 WHEREAS on April 13, 2010 Mr. Thorburn, a delegate of the Association's Registrar, and a representative from the Association's Discipline Committee together with their lawyers, met with a mediator, in an informal alternative complaint resolution process.

AND WHEREAS an agreement was reached at the informal alternative complaint resolution meeting between Mr. Thorburn and the Discipline Committee regarding all of the matters to be dealt with at a hearing into the Further Revised Notice of Inquiry.

THEREFORE the Association's Discipline Committee proposes, pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 as amended ("*Act*"), specifically s. 32.1, a Consent Order as follows:

1. Mr. Thorburn admits his unprofessional conduct, as alleged in the Further Revised Notice of Inquiry subsections (c), (e), (f), and (i), specifically:
 - (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;

- (e) inadequate soils and water table investigation and reporting in accordance with 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 the SPM; and
- (i) the use of bark mulch in the dispersal area contrary to the SPM,

the other subsections in the Further Revised Notice of Inquiry, specifically, (a), (b), (d), (g), (h), (j) and (k), are withdrawn.

2. Mr. Thorburn's penalty for this unprofessional conduct is as follows:

- (a) Mr. Thorburn is reprimanded; and
- (b) Within 30 days of the date of this Order, Mr. Thorburn shall arrange to have his current ongoing and future Type 3 and/or vegetative tertiary filter sewerage treatment systems engineering work peer reviewed by a professional engineer who is independent of his firm, approved in writing and in advance by the Registrar of the Association in accordance with the Council policy on *Discipline Committee Ordered Peer Reviews*.

The reviews of Type 3 and/or vegetative tertiary filter sewerage treatment system engineering work shall be conducted prior to Mr. Thorburn making any filings with a Health Authority or the Ministry of Environment.

The requirement for peer reviews shall continue for at least a period of twelve months from the date of the approval of the peer reviewer. The cost of the peer reviewers shall be borne by Mr. Thorburn.


The peer reviewer(s) will report on their reviews every three months in writing to the Registrar of the Association and will report in writing to the Registrar of the Association at the conclusion of the twelve month period providing an opinion on whether Mr. Thorburn's Type 3 and/or vegetative tertiary filter sewerage treatment system engineering work requires continuing peer reviews and for how long.

The cost for all reviews and reports will be borne by Mr. Thorburn

3. This Consent Order has the same force and effect as an order made under section 33 of the *Act*.

This Consent Order is approved and consented to by Mr. Thorburn and a member of


the Discipline Committee and is dated for reference May 25, 2016.



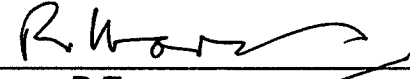
Witness



Joseph Bonaventure Thorburn, P.Eng.



Witness



Roy Wares, P.Eng.
Chair, Discipline Committee