

From: Enforcement_Information, BPELS@DCA
To: [Verne Ball](#)
Subject: Re: question re soils work for leach fields
Date: Friday, March 30, 2018 4:06:41 PM
Attachments: [Outlook-yj2pd3qt.png](#)
[6731.docx](#)

Dear Mr. Ball:

Thank you for your inquiry. I apologize for not responding to your message sooner.

A licensed C-42 contractor appears to be licensed to install a septic system but not determine the type of system that should be installed or provide the preliminary soils testing to determine the type of system to be used on a property. Additionally, I have read the provisions in Section 5537.2 below which specifically limits the contractor's services to those which do not require a license by an architect or a civil engineer. I agree with your opinion that this section is not broad enough to allow a contractor to practice civil engineering and our laws contain no such exemption. Additionally, licensed architects are not authorized to provide soils analysis.

Section 5537.2

This chapter shall not be construed as authorizing a licensed contractor to perform design services beyond those described in [Section 5537](#) or in Chapter 9 (commencing with Section 7000), unless those services are performed by or under the direct supervision of a person licensed to practice architecture under this chapter, or a professional or civil engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3, insofar as the professional or civil engineer practices the profession for which he or she is registered under that chapter.

However, this section does not prohibit a licensed contractor from performing any of the services permitted by Chapter 9 (commencing with Section 7000) of Division 3 within the classification for which the license is issued. Those services may include the preparation of shop and field drawings for work which he or she has contracted or offered to perform, and designing systems and facilities which are necessary to the completion of contracting services which he or she has contracted or offered to perform. However, a licensed contractor may not use the title "architect," unless he or she holds a license as required in this chapter.

The information in the first paragraph specifically states that a licensed contractor is not authorized to perform design services which require licensure as a civil engineer by our Board. The only exemption that exists is contained the Health Codes pertaining to Registered Environmental Health Specialists who are exempt from licensure as a civil engineer in order to design septic systems as long as their septic design applies to a specific site and does not involve other properties. The definition of civil engineering which I have attached clearly

includes septic design and water purification issues as requiring a civil engineering license.

it is my understanding that some county environmental health departments have systems that are approved for use in specific areas. However, these "cookie cutter" systems are approved by the licensed engineers in or for that agency and can be used by a licensed contractor without that contractor having to perform any soils analysis or septic system design work. A licensed contractor could not on their own determine the type of septic system that should be used for a project or evaluate the soils of a property to make that determination.

Let me know if you have any additional questions.

Sincerely,

SALLY STRUBINGER

Enforcement Analyst

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Be advised that as I only work part time, it may take a few days for me to respond to your messages. I will respond as soon as possible.



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From: Verne Ball <Verne.Ball@sonoma-county.org>

Sent: Friday, March 16, 2018 3:39 PM
To: Enforcement_Information, BPELS@DCA
Cc: Nathan Quarles
Subject: question re soils work for leach fields

Good afternoon,

Our county has concerns that a C-42 licensed contractor (16 CCR 832.42) typically will not have the expertise to do the soils analysis for leach field design. Our research is not complete, but we are aware of several counties that agree (e.g., Los Angeles). Soils expertise is not required for the C-42 license and State law appear to us to require that either a civil engineer or a Registered Environmental Health Specialist to perform this type of work. Sections 6731 and 6735 of the Business and Professions Code, combined especially with section 106620 of the Health and Safety Code, seem to support the conclusion that the design of "onsite septic systems" is either an engineering or a REHS discipline.

We have heard contrary arguments that a C-42 license is sufficient to do the soils analysis/design work for leach field septic systems based on Business and Professions Code section 5537.2, which is a code section in Division 3 (Professions and Vocations Generally), Chapter 3 (Architecture). Our interpretation of section 5537.2 is not that broad, as soils analysis for leach fields is not architecture.

Is it possible to get the Board's views of this, or alternatively, is there a procedure to obtain an opinion? Of course, if there is another appropriate contact please let me know. Your assistance is greatly appreciated.

The C-42 definition is below:

16 CCR § 832.42. Class C-42--Sanitation System Contractor

A sanitation system contractor fabricates and installs cesspools, septic tanks, storm drains, and other sewage disposal and drain structures. This classification includes the laying of cast-iron, steel, concrete, vitreous and nonvitreous pipe and any other hardware associated with these systems.

Best regards,

Verne Ball
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