

RULES FOR SITE EVALUATORS OF SUBSURFACE WASTEWATER DISPOSAL SYSTEMS

10-144 CMR 245



Code of Ethics

200. CODE OF ETHICS

☉ **Summary:** Whereas the Site Evaluators' Licensing Program was established to ensure that Site Evaluators have and hold high standards in their practice, the Department has promulgated this Code of Ethics to assist in the protection of the public welfare and to safeguard life, health, property, and environment in the practices of Site Evaluation. Each Site Evaluator is expected to place these protections and safeguards first in their consideration when practicing their profession. The Code sets forth the principles and practices necessary for the ethical conduct of Site Evaluators.



A. GENERAL PRINCIPLES

- ⌘ 1. When the profession of site evaluation is practiced, it requires professional ethical conduct and professional responsibility as well as scientific knowledge on the part of the practitioner.
- ⌘ 2. A site evaluator shall be guided by the **highest standards** of ethics, personal honor, and professional conduct.



B. RELATIONS OF SITE EVALUATOR TO THE PUBLIC

- ⌘ **1.** A site evaluator shall avoid and discourage sensational, exaggerated and unwarranted statements regarding their work or the product of their work
- ⌘ **5.** A site evaluator shall not give a professional opinion or submit a report without being as thoroughly informed as what might be reasonably expected, considering the purpose for which the opinion or report is requested.



C. RELATION OF SITE EVALUATORS TO EMPLOYER AND CLIENT

- ⌘ **1.** A site evaluator shall protect, to the fullest possible extent, the interest of his or her employer or client so far as is consistent with the law and the site evaluator's professional obligations and ethics.
- ⌘ **6.** A site evaluator shall not divulge information given or obtained in confidence.
- ⌘ **9.** A site evaluator shall issue professional advice primarily within the site evaluator's expertise. An employer or client shall be notified if any professional advice outside the site evaluator's expertise is needed or required.



D. RELATIONS OF SITE EVALUATORS TO EACH OTHER

- ⌘ **2.** A site evaluator shall give credit for work done by others and shall refrain from plagiarism in oral and written communications and shall not knowingly accept credit for work performed by another.
- ⌘ **4.** A site evaluator shall cooperate with others in the profession and encourage the ethical dissemination of site evaluator knowledge.



E. DUTY TO THE PROFESSION OF SITE EVALUATOR

- ⌘ **1.** Every site evaluator shall seek to discourage the licensure of those who have not followed these standards of ethics, or who do not have the required education and experience.
- ⌘ **2.** It shall be the duty and professional responsibility of a site evaluator not only to uphold these standards of ethics by their conduct and example but to also encourage and advise other site evaluators to adhere to the ethical standards.



WHAT WOULD YOU Do?

- ⌘ Your client has purchased a small undeveloped lot. The client requests that you site your disposal area in such a manner that the client can locate their well so that it potentially limits development on an abutting lot. The soils are consistently suitable throughout your site and you are able to locate your proposed system so that it will not provide a setback issue for any abutting lots.



WHAT WOULD YOU Do?

- ⌘ You perform a site evaluation for a client who thinks himself as a “jack-of-all-trades” and intends to install his septic system by himself. You happen to pass this client’s site on your way to another job and it is obvious to you that the landowner is not constructing the system per your design. This property is located in a municipality with notoriously “hands-off” Code Enforcement personnel, and you feel it unlikely that the system will ever be given a final inspection.



WHAT WOULD YOU Do?

- ¢ A potential client asks why she should hire you to provide her with a septic design rather than some other designers in the area.



WHAT WOULD YOU Do?

- ⌘ Your years of experience have caused you to believe that a particular proprietary leaching device is superior to all others. Your client requests that you employ a different (though equivalent per the *Maine Subsurface Wastewater Disposal Rules*) type of disposal area.



WHAT WOULD YOU Do?

- ⌘ While performing a wetland delineation for your client, you discover that another site evaluator has proposed a septic system to be located within the wetland area that you have been charged to delineate.



WHAT WOULD YOU Do?

- ⌘ In order to avoid the appearance of a conflict-of-interest, you refuse to provide a septic design for your brother-in-law. Instead you furnish him with the names of some other site evaluators in his area. In time, you have occasion to review the design that you did not feel comfortable completing. You disagree with the other site evaluator's findings and believe that the system will be overly expensive to install.



WHAT WOULD YOU Do?

- ⌘ Early in your career, you tended to be overly conservative in your interpretation of depth to seasonal high groundwater table. You walked away from several sites due to this issue. Years later, you have an opportunity to assess a site for a first-time system that you did not feel comfortable about years ago. You fully realize that in the past some of your interpretations were too limiting.



WHAT WOULD YOU Do?

- ¢ You are performing a site evaluation for your client and you notice that there is an obviously malfunctioning septic system on the adjacent lot.



WHAT WOULD YOU Do?

- ⌘ You have visited a site and you did not feel comfortable designing a first-time system. After a change in the minimum permitting conditions for first-time systems, you revisit the site and again walk away without providing a design. As you are passing this site one day, you notice that a house is being constructed, and that a septic system has already been built, but not in the original locations that you tested.



WHAT WOULD YOU Do?

- ⌘ You attend the annual MASE meeting at which several of your peers complain about the poor work product and, in their opinion, dishonest business practices of a fellow site evaluator. They present a large amount of evidence to this effect and bemoan the fact that “nothing ever happens” this individual.



WHAT WOULD YOU Do?

- ¢ You are asked to visit a site to assess whether or not your client can locate a first-time system on their lot. The client says that they can only pay if you return a favorable answer.



WHAT WOULD YOU Do?

- ⌘ You are working on a challenging site. You have labored for hours to find an area of passing soils that will support your client's desire to construct a very large dwelling. Your client is inflexible in terms of number of bedrooms. You are finally able to locate one very small area of suitable soils and your client asks you not to dig any more test pits for fear of having to revise their plans.

