

MAINE ASSOCIATION OF SITE EVALUATORS

ARTICLES OF INCORPORATION

PERFORMANCE STANDARDS

AND

CODE OF ETHICS

January 4, 1990

PREFACE

It should be distinctly understood that the purpose of the Maine Association of Site Evaluators, here in after referred to as the Association, is not to limit practice to a chosen few, but to provide the public with a means to identify a level of competency standard to those practicing in the field. Membership and registration is offered or required essentially to prevent against the offering to practice or conveying the impression that one is a Site Evaluator unless duly licensed as such.

Site evaluation is a profession intimately concerned with the health, safety, and general welfare of the public. The safeguarding of public health has been a major concern for thousand of years, and now is of growing importance due to the increased occupation of rural lands. In an effort to prevent a situation of harmful contamination to our resources, it has become a high priority of many states to ensure that evaluation of land for its suitability for subsurface sewerage disposal and system design be entrusted only to those who are recognized for competency and to prohibit others who are unqualified from offering their services to the public.

Membership in an association of licensed professionals can never assure an absolute guarantee as to competency of the practitioner to perform tasks required by a client. However, an association is in a far better position to pass judgment than the average citizen. The Association therefore provides some measure of protection to the Public, in that all currently certified registrants have passed an exacting examination and are periodically updating their skills with what is considered "state of the art information" of their discipline.

III. STANDARDS OF PRACTICE

A. INTRODUCTION

The following standards prescribe acceptable practice for Site Evaluations performed in the State of Maine. The standards are based on commonly accepted standards of professional services, prevailing technological progress and current rules and statutes concerning the public health, safety, and general welfare.

B. GENERAL STATEMENT

The licensed Site Evaluator shall counsel with the client to determine the purpose and extent of any services. The specific purpose of work to be performed will determine, the level of accuracy required, what information is to be obtained, what information is to be provided to the client, and a sound basis of cost.

The licensed Site Evaluator shall, under his/her responsible charge, cause a site evaluation to be performed which complies with the specifications for standard practice herein promulgated. The Site Evaluator shall provide the professional expertise, trained personnel and equipment necessary to meet the specifications.

The licensed Site Evaluator shall recognize that this work is based upon a collective observation and appreciation of many circumstances associated with a given site. A Site Evaluator's personal experience is required to sort and correctly identify the many aspects of a clients situation in order to provide ones best opinion. It is therefore, inappropriate for a Site Evaluator to rely solely upon the observations and opinions of students or trainees as the basis for decision making.

The licensed Site Evaluator shall, based upon a reconnaissance of the site, an understanding of current rules and regulations as they apply to the site, and an evaluation of specific conditions existing on the site both above and below the surface of the ground, together with a reasonable understanding of the purpose of the work, render a professional opinion and provide the client with the information requested based on the scope of services agreed upon.

The licensed Site Evaluator shall utilize the following guidelines of the Association in professional service for a particular project or client as summarized in the performance standards attached. Association guidelines are minimum standards of practice and more stringent requirements may be established by local or state regulatory authority.

C. CONDITIONS OF SERVICE

The work to be performed by the Licensed Site Evaluator will fall into one of the following conditions of service depending upon the degree to which the work impacts the public health, safety, and general welfare. It is understood that there may be an instance where the work performed by the site evaluator does not fall into one of the prescribed conditions of service. In such a case the site evaluator shall use his/her best judgement in determining the methodology used in assessing the site.

CONDITIONS OF SERVICE

CONDITION 1 SITE EVALUATION

The evaluation and interpretation of site characteristics and soil profiles for the purpose of subsurface wastewater disposal for a single family residential dwelling.

CONDITION 2 SITE EVALUATION

Evaluation of site characteristics and soil profiles for the purpose of determining project density and lot layout for the subdivision of land. The goal shall be to determine the relative location for subsurface wastewater disposal on the project parcel.

CONDITION 3 SITE EVALUATION

The evaluation of site characteristics and soil profiles for the purpose of determining suitability of a land area for a centralized subsurface disposal system serving multiple users or an institutional or commercial system.

D. RESPONSIBILITIES FOR A CONDITION ONE SITE EVALUATION

a. RESPONSIBILITY FOR EVALUATION OF EXISTING CHARACTERISTICS OF PROPERTY FOR A CONDITION ONE SITE EVALUATION.

For a CONDITION 1 SITE EVALUATION, it is considered acceptable for the Site Evaluator to utilize information from the property owner supplemented by the evaluators reasonable efforts to verify the information by field observation as to location of property lines, wells, structures, etc. It is considered acceptable for the Site Evaluator to rely on information supplied by the client in regard to the use of the proposed structure that will determine design flow.

NOTE: The evaluators basis of information should be noted in field notes so that if questioned the evaluator will have justification and rationale for decisions made.

b. RESPONSIBILITY FOR ON SITE SOIL EVALUATION

For a CONDITION 1 SITE EVALUATION the site evaluator shall require that an observation hole be observed in the location of the disposal system.

The number of observation holes shall be determined by the site evaluators educated opinion as to the limits of acceptable soil.

The site evaluator shall be responsible for the accurate evaluation and recording of the soil profile in each location so that others educated in the discipline can clearly understand the profile being evaluated and so that if the evaluators work is questioned she/he will have clear documentation of his/her decision making.

c. RESPONSIBILITY FOR MEASUREMENT AND MAPPING

For a CONDITION 1 SITE EVALUATION the evaluator shall identify the proposed location of the system in the field so that it's intended location cannot be misinterpreted by the contractor or installer. Acceptable means for the identification of the disposal area in the field are wooden stakes, wire flags, flagging placed on trees, ect., set at each corner so that the orientation can not be confused. If the soil evaluation being conducted is for the purpose of a preliminary opinion as to soil suitability for subsurface disposal the evaluator shall flag and mark the location of his/her observation hole in the field and provide the client with a profile description so that the evaluator has solid documentation for his/her opinion.

The Site Evaluator also has the responsibility for providing the client via the required HHE-200 form an accurate map of the proposed disposal area location. The evaluator shall tie the location of the disposal area into any permanent land forms or structures in the area of the proposed system.

An example of an acceptable method for location of the disposal area is to take a bearing and distance measurement from an existing property pin, granite monument, or large established trees, to at least two corners of the proposed system. Trees used for location shall be flagged to assure that they are not removed before the system is installed. The orientation of the disposal area should also be made apparent by the Site Plan drawing on the HHE-200. The evaluator should show any adjacent roads, structures, land forms etc. and how they are related to the proposed system.

NOTE: The intent of this requirement is to provide the client with sufficient information to be able to re-establish the location of the disposal area, without question, if the markers should be removed between the time the site evaluator has been on site and the time the contractor is ready to install the system.

d. RESPONSIBILITY FOR ESTABLISHING VERTICAL CONTROL

For a CONDITION 1 SITE EVALUATION the evaluator shall set a benchmark (ERP) so that the contractor or installer can determine the appropriate elevation of the bottom of the disposal area. Acceptable benchmarks should be located so that they are easily accessible and so that they are not easily disturbed. A nail set and flagged in a tree adjacent to the bed is an example of an acceptable bench mark. A nail set in the foundation of a structure would also be considered acceptable. The evaluator also has the responsibility for the location of the benchmark (ERP) on the HHE 200 form so that its accurate location can not be misinterpreted.

The evaluator must also indicate on the HHE 200 form the elevation of the bottom of the disposal area so that it cannot be misinterpreted. The evaluator must be very clear as to the units of measurement used and what the reference elevation is.

E. RESPONSIBILITIES FOR A CONDITION TWO SITE EVALUATION

a. RESPONSIBILITY FOR EVALUATING EXISTING CHARACTERISTICS OF PROPERTY

For a CONDITION 2 SITE EVALUATION, the evaluator should have access to a Boundary or Topographic Survey that provides the location of property lines, structures, wells, waterbodies, watercourses, drainage swales and other pertinent information related to the location of subsurface disposal.

b. RESPONSIBILITY FOR ON SITE SOIL EVALUATION

For a CONDITION 2 SITE EVALUATION the site evaluator shall be responsible for the placing of observation holes on the project parcel at the proposed location for the disposal area based on all available information.

Soil profiles shall be observed and recorded to a depth of four feet or refusal as required by the State Plumbing Code .

The number of observation sites required shall be determined by the evaluator's educated opinion as to what is necessary to determine limits of acceptable soil.

The site evaluator shall record the soil profile at each observation site so that others educated in the discipline can clearly understand the profile being evaluated and so that if the evaluators work is questioned he/she will have clear documentation of his/her decision making.

c. RESPONSIBILITY FOR MEASUREMENT AND LOCATION

For a CONDITION 2 SITE EVALUATION it is the responsibility of the Site Evaluator to identify the location of each observation site evaluated in the field by means of a flag set with a number of the test site or the equivalent so that the location of the profile evaluated and the associated profile description can not be misinterpreted.

A Site Evaluator may locate observation holes off existing survey established control or a survey established base line. It becomes the responsibility of the evaluator to determine to what point he/she is willing to certify the location of the observation sites and associated soil unit on the project parcel. Each project parcel will provide a varied degree of available solid site information. It is considered the responsibility of the site evaluator to request survey assistance for location of observation holes in a situation where he/she is not willing to certify the location of the profiles observed.

It should be noted that if a Site Evaluator does use his signature and license number to certify a plan for acceptable soils on a project parcel he/she does assume full responsibility for the actual location of those soils as noted.

d. RESPONSIBILITY FOR ESTABLISHING VERTICAL CONTROL

For a CONDITION 2 SITE EVALUATION, the evaluation of soil profiles and site characteristics for the subdivision of land, the evaluator would not be required to establish vertical control until such time that the actual disposal systems are to be installed. At that time the evaluator would have the same responsibility as the requirements of a CONDITION 1 SITE EVALUATION for establishing vertical control.

F. RESPONSIBILITIES FOR A CONDITION THREE SITE EVALUATION

a. RESPONSIBILITY FOR EVALUATING THE EXISTING CHARACTERISTICS PROPERTY

For a CONDITION 3 SITE EVALUATION, it is considered essential that the site evaluator have access to accurate site information. A site base plan of existing conditions and structures, a Boundary or Topographic Survey that provides information as to location of important surface features, existing topography and locations of all utilities shall be required.

NOTE: It is the intention of this document and the Association to convey the message that the discipline of Site Evaluation does not certify the accurate and precise location of land forms, soil units, etc. on the face of the earth. It is thus considered the responsibility of each Site Evaluator to assess each particular situation carefully and request accurate survey assistance where necessary. It is considered especially important where the possible harm to the public health and welfare is great such as with the installation of large cluster systems or commercial systems.

b. RESPONSIBILITY FOR ON SITE SOIL EVALUATION

For a CONDITION 3 SITE EVALUATION the Soil Evaluator shall require that a sufficient number of observation sites be evaluated to determine limits of acceptable soil for a centralized disposal system. The Site Evaluator shall record each profile to a depth of four feet or refusal.

The Site Evaluator shall take full responsibility for the accurate evaluation and recording of the soil profile so that others educated in the discipline can clearly understand the profile being evaluated.

C. RESPONSIBILITY FOR MEASUREMENT AND LOCATION

For a **CONDITION 3 SITE EVALUATION** it is considered the responsibility of the Site Evaluator to mark and number the observation holes in the field so that their actual location can not be confused.

It is also the responsibility of the Site Evaluator to assure the accurate location of the soil observed. In a situation where the possible harm to the "Health, Safety, and General Welfare" of the public is great, such as with the inaccurate location of a large cluster system, it is considered essential that the evaluator assure the accurate location of the system. If there is even the smallest margin of doubt the evaluator shall request survey assistance especially in determining setbacks from wells and water bodies.

d. RESPONSIBILITY FOR ESTABLISHING VERTICAL CONTROL

For a **CONDITION 3 SITE EVALUATION**, the evaluation of soil profiles and site characteristics for the purpose of a centralized system or a commercial system, the evaluator should require that the proposed system elevation be tied into existing survey vertical control for the project so that there will be minimal possibility for establishing the bottom of the bed at an incorrect elevation which could cause considerable harm to the public health, safety, and general welfare.

G. RESPONSIBILITIES FOR A PRELIMINARY SITE EVALUATION

a. RESPONSIBILITY FOR EVALUATING EXISTING CHARACTERISTICS OF PROPERTY

For a **PRELIMINARY SITE EVALUATION**, the evaluator should have the most accurate survey information available indicating the location of property lines, structures, wells, waterbodies, water courses, drainage swales, and any other site information that may be useful in the location of subsurface disposal. It shall be the responsibility of each Site Evaluator to use his/her best judgement in requesting sufficient site information for the purpose of a preliminary site evaluation. The degree of accuracy should be consistent with the potential impact that the proposed system could have on public health, safety, and welfare.

b. RESPONSIBILITY FOR ON SITE SOIL EVALUATION

For a **PRELIMINARY SITE EVALUATION** the site evaluator shall require that an observation hole be observed in the location of the proposed disposal system.

The number of observation holes shall be determined by the site evaluators educated opinion as to the limits of acceptable soil.

The site evaluator shall be responsible for the accurate evaluation and recording of the soil profile in each location so that others educated in the discipline can clearly understand the profile being evaluated and so that if the evaluators work is questioned she/he will have clear documentation of his/her decision making.

c. RESPONSIBILITY FOR MEASUREMENT AND LOCATION

The site evaluator shall number and flag all preliminary observation sites in the field so that they can be relocated easily. The site evaluator shall provide the client with a log of the observation hole profile and a map of the observation holes relative location to other features of the property.

d. RESPONSIBILITY FOR ESTABLISHING VERTICAL CONTROL

It is not considered necessary to establish vertical control for a preliminary site evaluation.

H. REPORTING

The Site Evaluator shall formally report the result of his work in a clear and professional manner in the form agreed upon by the Site Evaluator and client.

The Site Evaluator has the responsibility for making the findings of the investigation conducted apparent to anyone that may read the report presented.

I. RECORDS

a. The Site Evaluator shall keep records of work performed:

b. The Site Evaluator shall be responsible for keeping a complete copy of all notes taken in the field so that they can be retrieved at any time should they be requested.

c. The evaluator shall keep the original of all drawings and copies of all written reports. The evaluator shall also keep project-related notes, correspondence and calculations, as well as financial accounting.

d. Project-related notes correspondence and calculations are considered the property of the evaluator, as are his field books.

e. Documents prepared for the client are considered the property of the client once they are paid for. The Site Evaluator shall release copies of client documents to persons other than the client only with the clients written permission, except as required by law.

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IV. CODE OF ETHICS

PREAMBLE

The Site Evaluator, to uphold and advance the honor and dignity of the profession and in keeping with high standards of ethical conduct:

- o Will be honest and impartial, and will serve with devotion his employer, his clients, and the public;
- o Will strive to increase the competence and prestige of the profession;

o Will use his knowledge and skill for the advancement of human welfare

Article I. GENERAL PRINCIPLES

1. The privilege of professional practice imposes obligations of morality and responsibilities as well as professional knowledge.
2. Each Licensed Site Evaluator agrees to be guided by the highest standards of ethics, personal honor, and professional conduct.

Article II. RELATION OF PROFESSIONAL TO THE PUBLIC

1. A Licensed Site Evaluator shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.
2. A Licensed Site Evaluator shall not knowingly permit the publication of his report or other documents for any unsound or illegitimate undertaking.
3. A Site Evaluator shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired; and the degree of completeness of information upon which it is based should be made clear.
4. A Site Evaluator may publish dignified business, professional, or announcement cards, but shall not advertise his work or accomplishments in a self-laudatory, exaggerated, or unduly conspicuous manner.
5. A Site Evaluator shall not issue a false statement or false information even though asked to do so by employer or client.

Article III. RELATION OF SITE EVALUATOR TO EMPLOYER OR CLIENT

1. A Site Evaluator shall protect, to the fullest extent possible, the interest of his employer or client insofar as such interest is consistent with the law and his professional obligations and ethics.

2. A Site Evaluator who finds that his obligations to his employer or client conflict with his/her professional obligation or ethics should have such objectionable conditions corrected or resign.

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3. A Site Evaluator shall not use, directly or indirectly, any employer's or client's information in any way which would violate the confidence or the employer or the client.

4. A Site Evaluator who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted, or until it is clear that there can no longer be a conflict of interest with the original employer or client.

5. A Site Evaluator shall not divulge any information that was given to him/her in confidence.

6. A Site Evaluator shall engage or advise his employer to engage, and cooperate with, other experts and specialists.

7. A Site Evaluator shall not accept a concealed fee for referring a client or employer to a specialist or for recommending professional service other than his/her own.

Article IV. RELATION OF SITE EVALUATORS TO OTHER PROFESSIONALS

1. A Site Evaluator shall not falsely or maliciously attempt to injure the reputation of another.

2. A Site evaluator shall freely give credit for work done by others to whom the credit is due and shall refrain from plagiarism in oral and written communications, and not knowingly accept credit rightfully due another person.

3. A Site Evaluator shall not use the advantages of salaried employment to compete unfairly with another member of his profession.

4. A Site Evaluator shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

5. A Site Evaluator having knowledge of unethical practices of another Site Evaluator shall avoid association with that Site Evaluator in professional work.

Article V. DUTY TO THE PROFESSION

1. A Site Evaluator shall aid in the exclusion from certification those who lack moral character, who have not followed this Code of Ethics, or who do not have the required education and experience.

2. A Site Evaluator shall uphold this Code of Ethics by precept and example and encourage, by counsel and advise, other Site Evaluators to do the same.

3. A Site Evaluator having positive knowledge of deviation from this Code by another Site Evaluator shall bring such deviation to the attention of the Association.

REF. NOTE: The Code of Ethics has been modeled after that of the ARCPACS.