

15A NCAC 13C .0305 STANDARDS OF CONDUCT FOR REGISTERED ENVIRONMENTAL CONSULTANTS

- (a) The REC and its RSMs shall comply with the following standards of professional competence.
- (1) An RSM shall render a waste site cleanup activity opinion only if he or she has reviewed the work to ascertain whether the completed work complies with this Section.
 - (2) The RSM shall perform his or her services only in areas of his or her competence and shall not render a decision on any assessment, cleanup plan, or document dealing with subject matter for which he or she lacks competence by virtue of education or experience. If a site assessment or cleanup activity opinion requires expertise outside the RSM's field of expertise, the RSM shall render such an opinion relying in part upon the advice of one or more professionals having relevant competence.
- (b) The REC and its RSMs shall comply with the following standards of professional responsibility.
- (1) An REC shall at all times recognize its primary obligation is to protect public health, safety, and welfare and the environment in the performance of professional services as an REC.
 - (2) If an REC acting pursuant to this Section identifies an imminent hazard as defined under G.S. 130A-2(3) at a site at which it is providing professional services pursuant to the rules in this Section it shall, unless the REC has documentation the remediating party has provided such notice, within 24 hours of discovery, notify the Department:
 - (A) of the imminent hazard, including exposures to contaminated vapor, drinking water, and other contaminated media;
 - (B) whether the remediating party has agreed to take corrective action;
 - (C) what immediate action to reduce exposure of the imminent hazard, if any, has been taken. Such actions include providing alternate water and treatment systems for contaminated drinking water sources, removal of vessels and containers having explosive conditions, modifications to indoor ventilation systems or installation of air treatment units, stopping the on-going discharge of bulk wastes or unpermitted piped wastes entering surface water, abatement of exposed wastes on residential or school property, removal of discovered above-ground vessels storing wastes, and containment of any hazardous substance spills occurring after execution of the agreement; and
 - (D) that, if in the opinion of the REC, more extensive interim remedial action is necessary to abate an imminent hazard prior to development of a remedial action plan pursuant to Rule .0306(n) of this Section the REC shall prepare, certify, and submit an interim remedial action plan that complies with Rule .0306(o) of this Section and contains an implementation schedule.
 - (3) If an REC acting pursuant to this Section determines through data evaluation, including review of laboratory analyses, performing fate and transport calculations, or conducting computer modeling that hazardous substances at or above applicable standards have migrated from the property containing a source area to other property or determines there are sensitive environments or radioactive wastes on the site, it shall, unless the REC has documentation the remediating party has provided such notice, within 24 hours of the REC's determination, notify the Department.
 - (4) In providing professional services all RSMs shall:
 - (A) exercise independent professional judgement;
 - (B) follow the requirements and procedures set forth in applicable provisions of this Section; and
 - (C) act with reasonable care and diligence and apply the knowledge and skill ordinarily required of RSMs in good standing in the State at the time the services are performed.
 - (5) If, subsequent to the date an REC renders a waste site cleanup activity opinion, anyone employed by the REC that rendered the opinion learns that previously unconsidered facts, data, or other information support or lead to a different opinion, the REC shall notify, in writing, the remediating party and the Department.
 - (6) If, subsequent to the date of its engagement, a successor REC learns of material facts, data, or other information that existed as of the date of any predecessor REC's waste site cleanup activity opinion but was not disclosed in that opinion, the successor REC shall promptly notify, in writing, the remediating party and the Department.
 - (7) An REC shall not allow the use of its name or the names of its RSMs by, or associate in a business venture with, any person or firm that an REC knows or should know is engaging in fraudulent or

dishonest business or professional practices relating to the professional responsibilities of the REC.

- (8) The REC shall be objective and truthful in all professional reports, public statements, or testimony and shall include all information that the REC determines to be relevant and pertinent in the reports, statements, or testimony if the result of an omission would or reasonably could lead to a false conclusion.
- (9) An REC shall not falsify or permit misrepresentation of an RSM's academic or professional qualifications and shall not misrepresent or exaggerate an RSM's degree of responsibility in or for the subject matter of prior assignments.
- (10) RECs shall comply with all applicable provisions of law, rules, and regulations.
- (11) All RECs shall have knowledge of this Section.

*History Note: Authority G.S. 130A-310.12(b);
Eff. April 1, 1997;
Readopted Eff. July 1, 2020.*