

Alabama Licensees: Beware the “Trap” in Percolation Tests

Percolation tests, commonly known as “perc tests,” are included in the normal activities of some licensed engineers and land surveyors. Licensed geologists and soil classifiers can also do them as a part of their professional activities. Since perc tests are required for on-site sewage treatment systems, many are performed and the income potential may be tempting to a licensee that plans to use an unlicensed practitioner to actually do them.

The Board has recently levied some stiff fines for licensees sealing perc tests and we believe the problems we are seeing are just the tip of the iceberg. These problems typically deal with a licensee merely signing and sealing a perc test to make it legal but having no detailed knowledge of the test. This licensee has no actual supervision over the perc test and doesn't know what procedures were used or even where the test was located. This process is forbidden by our Rules and Regulations. Even so, some licensees inform us that “everyone's doing it” or “this is the way it has been done since....” These arguments won't wash with the Board. Read our Regulations and they will plainly state that any work under your license must be conducted under your direct control and supervision. No ifs, ands, or buts. Here's why:

The **Administrative Code of Alabama (Rules and Regulations), 330-X-11-.03** states “The seal, signature, and date of signature on a document signify that the document was prepared by the licensee and under his or her direct control and personal supervision.”

Did you meet these requirements for the perc test you have just signed and sealed?

If you want to avoid a fine, possible revocation of your license, and your good name shown in bad print for a lot of people to see, just follow simple, common-sense procedures on perc tests you don't personally do, such as:

1. Know where the test will be made.
2. Visit the site and plan the procedure with the practitioner.
3. Observe the test procedure and review the results afterward with the practitioner.
4. Keep a detailed record of each test (including notes) you have sealed.
5. Be prepared to defend your involvement in each and every test if challenged.

Also, it would be beneficial to know at least as much as the practitioner if you don't personally do the perc tests.

And finally, consider these conditions:

1. Who got the job, you or the practitioner?
2. Who did the client pay, you or the practitioner?
3. Who had primary interaction with the client, you or the practitioner?

Hopefully, the above questions can be answered by the word **“YOU.”**

Correctly meeting our Rules and Regulations may not be worth what you receive from merely sealing perc tests. If so, just refer them to licensees willing to professionally supervise the work process.