

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 13, 2015

Mr. Charles Horton
Executive Director
Texas Board of Professional Geoscientists
P.O. Box 13225
Austin, Texas 78711-3225

Re: Texas Commission on Environmental Quality and Texas Board of Professional Geoscientists Letter of Agreement on Implementation of Senate Bill 138 from the 83rd Legislative Session

Dear Mr. Horton:

The Texas Commission on Environmental Quality (TCEQ) presents this Letter of Agreement to the Texas Board of Professional Geoscientists (TBPG) to supplement the Memorandum of Agreement between the two agencies and document activities applicable to the implementation of Senate Bill (SB) 138 of the 83rd Legislative Session.

SB 138, which was passed by the 83rd Texas Legislature and signed by Governor Rick Perry, amended the Texas Geosciences Practice Act (TGPA). The legislation became effective September 1, 2013, and requires the TBPG to identify relevant state agencies and educate the identified agencies' staff on how to file a complaint with the TBPG and how the TBPG resolves a complaint. Provisions of SB 138 also require a state agency that becomes aware of a potential violation of the TGPA or rules of the TBPG to forward the information to the TBPG.

The TCEQ is an agency identified by the TBPG under the TGPA, Section 1002.206. The TCEQ and the TBPG have interacted to discuss and implement requirements of SB 138. Activities have included discussion between members of the agencies regarding the requirements of SB 138 and identification of TCEQ staff for training by the TBPG. The TBPG prepared and provided training to TCEQ staff on August 5, 2014. This training addressed the requirements of SB 138, the TBPG's complaint process and referral of information regarding potential violations of the TGPA or rules to the TBPG by state agencies. Additional training events have been discussed.

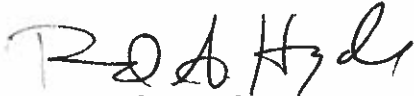
The following activities are identified as part of the continued cooperation and coordination between the two agencies in the implementation of SB 138:

- Representatives of the agencies will meet on a bi-annual, or as needed basis, to increase communication.
- The agencies will continue coordination to identify training needs and opportunities for training by the TBPG on the TBPG's complaint process and other appropriate issues.
- The TCEQ will refer information regarding potential violation of the TGPA or rules of the TBPG when the TCEQ becomes aware of potential violations.
- The TCEQ will inform the TBPG of any confidentiality provisions that apply to information and documents it forwards to the TBPG as provided in 22 Texas Administrative Code §851.157(e).

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We look forward to continuing to work with you and the staff of the TBPG in the implementation of this legislation. If you or your staff have questions relating to this matter, please contact Mr. Dale Kohler at (512)239-6636.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Hyde". The signature is written in a cursive style with a large initial "R" and "H".

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality