



TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

*P.O. Box 13225 • Austin, Texas 78711 • (512) 936-4400 • fax (512) 936-4409
www.tbpg.state.tx.us*

Advisory Opinion - AOR #5 (2011)

Is the Texas Commission on Environmental Quality (TCEQ) Petroleum Storage Tank (PST) Division contributing to violations of the Geoscience Practice Act?

No.

Also, do companies have to be Geoscience/PE Firms to perform environmental geoscience work and submit reports to the TCEQ Voluntary Cleanup Program (VCP) and Industrial Hazardous Waste – Corrective Action Program?

Not all corrective actions require geoscientific work that is regulated by the Texas Geoscience Practice Act, Texas Occupations Code 1002 (Act). Those corrective actions which constitute work that is regulated by the Texas Geoscience Practice Act would be in violation of the Act if not performed by a licensed Professional Geoscientist and/or Professional Geoscience Firm independent of and without regard to any other requirements or registrations under the Texas Commission on Environmental Quality (TCEQ). Work that is not regulated under the Texas Geoscience Practice Act is not required to be performed by a licensed P.G. and/or Professional Geoscience Firm. Work that is regulated must be submitted under seal to certify that the geoscience work has been performed by a licensed P.G. and/or Professional Geoscience Firm.

Geoscience, under the Texas Occupations Code 1002.002 (3), means “the science of the earth and its origin and history, the investigation of the earth’s environment and its constituent soils, rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the earth.”

Please also see Advisory Opinion #4 with respect to “responsible charge.”

Still what does the definition of public mean?

Texas Occupations Code 1002.002 (7) defines the public practice of geoscience as “the practice for the public of geoscientific services or work, including consulting, investigating, evaluating, analyzing, planning, mapping, and inspecting geoscientific work and the responsible supervision of those tasks.”

“Practice for the public” is further defined in the Texas Occupations Code 1002.002 (6):

“(A) means providing professional geoscientific services:

- (i) for a governmental entity in this state;
- (ii) to comply with a rule established by this state or a political subdivision of this state; or
- (iii) for the public or a firm or corporation in this state if the practitioner assumes the ultimate liability for the work product; and

(B) does not include services provided for the express use of a firm or corporation by an employee or consultant if the firm or corporation assumes the ultimate liability for the work product.”