



Railroad Commission of Texas

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TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS

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Memorandum of Agreement between the Texas Board of Professional Geoscientists (TBPG) and the Railroad Commission of Texas (RRC) Regarding Professional Geoscience.

(a) Purpose.

The purpose of this Memorandum of Agreement (MOA) is to coordinate the respective responsibilities and duties of the TBPG and the RRC in the regulation of professional geoscience in accordance with the Texas Occupations Code, Chapter 1002. The intent of this MOA is to protect the public from adverse environmental impacts that could result from the improper public practice of geoscience associated with activities regulated by the RRC.

(b) Definitions.

The words and terms used in this MOA shall have the same meaning as defined in Chapter 1002 of the Texas Occupations Code (TOC), unless the context clearly indicates otherwise.

(c) General Jurisdiction.

- (1) RRC jurisdiction. The RRC is the state agency with primary regulatory jurisdiction over the oil and natural gas industry, pipeline transporters, natural gas and hazardous liquid pipeline industry, natural gas utilities, the liquefied petroleum (LP) gas industry, and coal and uranium surface mining operations. The RRC also is responsible for research and education to promote the use of LP-gas as an alternative fuel in Texas. The RRC exercises its statutory responsibilities under provisions of the Texas Constitution, the Texas Natural Resources Code, the Texas Water Code, the Texas Health and Safety Code, the Texas Utilities Code, the Coal and Uranium Surface Mining and Reclamation Acts, and the Pipeline Safety Acts. The RRC also has regulatory and enforcement responsibilities under federal law including the Surface Coal Mining Control and Reclamation Act, the Safe Drinking Water Act, the Pipeline Safety Acts, the Resource Conservation Recovery Act, and the Clean Water Act.
- (2) TBPG jurisdiction. The TBPG is the state agency with regulatory jurisdiction over the public practice of professional geoscience authorized by Chapter 1002 of the TOC. TBPG has the authority to adopt and enforce rules consistent with TOC Chapter 1002 relating to Geoscientists, and necessary for the performance of its duties. These Rules are identified in Title 22, Part 39, Chapter 850 and Chapter 851 of the Texas Administrative Code (TAC).

(d) Coordination of Activities.

The TBPG and the RRC agree to coordinate with each other in the following activities:

- (1) The RRC and the TBPG each agree to work together to ensure that complete regulation is maintained for the public practice of professional geoscience associated with oil and gas exploration, development, and production operations and surface mining or other activities under the jurisdiction of the RRC.
- (2) The RRC agrees to consult with the TBPG on issues that involve the public practice of professional geoscience in connection with activities under the jurisdiction of the RRC.
- (3) The TBPG and the RRC each agree to have agency representatives meet bi-annually, or as needed, to encourage increased communication between the agencies and discuss possible changes in this MOA as needed.

(e) Coordination of Complaints.

- (1) The RRC agrees to advise the TBPG of any information that may indicate a violation of Chapter 1002, relating to Professional Geoscientists, or rules adopted under that chapter by the TBPG.
- (2) In accordance with TOC section 1002.154, relating to Complaints and Disciplinary Actions, the RRC will make any complaint in writing on the current TBPG complaint form. The RRC staff person initiating the complaint and the RRC's Chief Geologist shall complete and file the form with the TBPG Secretary-Treasurer Deputy in Austin, Texas.
- (3) When deemed appropriate by both agencies, the RRC and the TBPG may cooperate on enforcement actions. Each agency shall retain the authority to undertake separate enforcement or legal actions.

(e) Miscellaneous.

- (1) Nothing in this MOA shall be construed to reduce the statutory jurisdiction of either agency.
- (2) Agency representatives shall meet bi-annually, or as needed, to discuss possible changes in this MOA, encourage increased communication between the agencies, and increase public protection through effective use of the public protection mechanism of Professional Geoscience licensure and regulation.
- (3) If any provision of this MOA is held to be invalid, the remaining provisions shall not be affected thereby.

(f) Effective Date.

This MOA will take effect after approval by both agency Executive Directors. This MOA will remain in effect until rescinded by either agency by board or commission action taken in accordance with the terminating agency's procedures.



JOHN TINTERA, PG
Executive Director
Railroad Commission of Texas

11/14/11

Date



MICHAEL D. HESS
Executive Director
Texas Board of Professional Geoscientists

05 JAN 2011

Date