



## **TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS**

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### **Memorandum of Agreement between the Texas Board of Professional Geoscientists (TBPG) And the Texas Commission on Environmental Quality (TCEQ) regarding Professional Geoscience**

#### **(a) Purpose.**

The purpose of this Memorandum of Agreement (MOA) is to coordinate the respective responsibilities and duties of TBPG and TCEQ in the regulation of professional geoscience in accordance with the Texas Occupations Code, Chapter 1002 (the Texas Geoscience Practice Act or TGPA).

#### **(b) Definitions.**

The words and terms used in this MOA shall have the same meaning as defined in the Texas Geoscience Practice Act and associated rules passed by the TBPG at Title 22, Part 39, Chapter 850 and Chapter 851 of the Texas Administrative Code unless the context clearly indicates otherwise.

The TCEQ is an agency identified by the TBPG under the Texas Geoscience Practice Act, Section 1002.206.

#### **(c) General Jurisdiction.**

- (1) TCEQ jurisdiction. The TCEQ is the environmental agency for the State of Texas, given primary responsibility for implementing the constitution and laws of this state relating to the conservation of natural resources and the protection of the environment. The TCEQ exercises its statutory responsibilities under provisions of the Texas Constitution, the Texas Natural Resources Code, the Texas Water Code and the Texas Health and Safety Code. The TCEQ also has regulatory and enforcement responsibilities under federal law including the Safe Drinking Water Act, the Resource Conservation Recovery Act, the Clean Air Act, the Clean Water Act and the Atomic Energy Act.
- (2) TBPG jurisdiction. The TBPG is the state agency with regulatory jurisdiction over the public practice of professional geoscience authorized by the TGPA. The TBPG licenses Professional Geoscientists, registers Geoscience Firms, and certifies Geoscientists-in-Training. The TBPG's mission is to protect public health, safety, welfare and the state's natural resources by ensuring that only qualified persons carry out the public practice of geoscience and enforcing the Code of Professional Conduct the Board has established for its licensees. TBPG has the authority to adopt and enforce rules consistent with TGPA relating to Geoscientists, and necessary for the performance of its duties. These TBPG 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 TCEQ agree to coordinate with each other in the following activities:

- (1) The TBPG agrees to consult with the TCEQ on issues that involve the TCEQ in connection with activities under the jurisdiction or review of the TBPG.

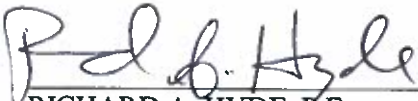
- (2) The TBPG and the TCEQ agree to designate a liaison or representative to facilitate communication and coordination between the TCEQ and the TBPG.
- (a) Agency representatives shall meet bi-annually, or as needed to discuss:
- (i) possible changes in this MOA;
  - (ii) to encourage increased communication between the agencies; and
  - (iii) to increase public protection through effective implementation of the TGPA.
- (3) Coordination Regarding Potential Violations of the TGPA.
- (a) As provided in Section 1002.207 of the TGPA and 22 Texas Administrative Code (TAC) §851.157(a) the TCEQ shall forward information of a potential violation of the Act or rules of the TBPG to the TBPG.
- (b) As provided in 22 TAC §851.157(e) a state agency is responsible for informing the TBPG of any confidentiality provisions that apply to information and documents it forwards to the TBPG.
- (c) The TBPG is responsible for taking appropriate actions, including consulting with TCEQ as needed to ensure any applicable confidentiality provisions are maintained.
- (d) Upon the identification by the TBPG of a potential issue of concern to the TCEQ, the TBPG agrees to forward any information related to the potential issue to the TCEQ.
- (e) When deemed appropriate by both agencies, the TCEQ 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) The TBPG agrees to educate TCEQ employees regarding the procedures by which complaints are filed with, and resolved by, the TBPG.
- (3) If any provision of this MOA is held to be invalid, the remaining provisions shall not be affected thereby.

**(g) Effective Date.**

This MOA will take effect upon 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.

  
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RICHARD A. HYDE, P.E.  
Executive Director  
Texas Commission on Environmental Quality

8-13-15  
Date

  
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CHARLES HORTON  
Executive Director  
Texas Board of Professional Geoscientists

8-10-2015  
Date