



# **TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS**

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## **Compliance and Enforcement Committee Meeting Minutes**

August 12, 2010 Meeting

333 Guadalupe, Tower 1, Room 1264  
William P. Hobby Building, Austin, Texas

- A.** The Compliance and Enforcement Committee (CE) meeting was called to order at 2:50 PM, roll was called and a CE quorum was established. Members present were Glenn Lowenstein, PG, Committee Chair, Dr. Thomas Hallmark, PG, Y. Lynn Clark, PG, Kelly Krenz-Doe, PG, Michael Hess, Executive Director, Charles Horton, Deputy Executive Director, George Dunfield, Lead Investigator, Alberto Jimenez, Investigator, Molly Roman, Operations Manager, and Jeanne Nguyen, Administrative Assistant.
- B.** The minutes from the May 10, 2010 CE meeting were approved, as edited.
- C.** Public comment: An e-mail received from Matthew Cowan, PG regarding the agency's proposed rules stating that the Texas Association of Professional Geoscientists (TAPG) has no overall objections to these proposals but recommends that several sections, including 851.30(c)(2), 851.156(f)(3)(g), 851.156(f)(3)(j), and 851.157, be further clarified (comments provided).
- D.** The CE reviewed the comments from Matthew Cowan (representing TAPG) and additional clarification proposed by Member Lowenstein related to the proposed Board Rule amendments. The CE recommends the following:
  - a. Regarding §851.30, "Authorized Official of the Firm" designation and responsibility, the CE recommended additional language be forwarded to the Board for consideration at the September 24, 2010 Board meeting, and that further clarification be handled through an enhanced "Frequently Asked Question" (FAQ) section of the Board's web page;
  - b. Regarding §851.156 (f)(3)(g), the CE concurs with comment that original documents must be signed and sealed as originals but that copies of the original documents can subsequently be made. This question should also be clarified on the Board's FAQ weblink;
  - c. Related to §851.156(j), the CE recommends that the General Issues Committee consider this section and provide further clarification; and
  - d. Related to §851.157, the CE agrees with the comment, however, the CE believes the wording of the section allows the Board to exercise its judicial discretion in accepting substantive complaints for good cause.
- E.** Enforcement program progress report on new initiatives:
  - a. At the last board meeting there were 14 open enforcement cases and one additional case was submitted to the Board subsequent to the Board meeting. On June 24, 2010 11 cases were closed and on August 11, 2010 the remaining 4 were resolved eliminating the Board's complaint backlog;
  - b. In addition to TCEQ/RRC/TxDOT joint compliance efforts, it was recommended that cooperative outreach efforts continue at the County, City and Municipal government levels;

- c. Review of the original Corrective Action Specialist (CAS) list showed that of the 131 individual cases that were evaluated 3 cases needed additional review for possible violation of the Texas Geoscience Practice Act (TGPA). All entities offering geoscience services at the TCEQ trade fair were reviewed with no violations being identified during the compliance evaluation;
  - d. The Board staff continues to request and receive CVs of individuals who are willing to serve as subject matter experts.
- F. Board Member Ulmer is creating a matrix of questions that may be used to determine whether an oil/gas exemption applies in a given circumstance to address jurisdiction questions relating to §1002.252(3) of the TGPA.
- G. CE future outreach should include:
  - a. Outreach to individuals, firms and governmental agencies (including County, City and Municipal government levels);
  - b. Outreach to universities, government procurement, and industry; and
  - c. Outreach regarding GIT program.
- H. Additional discussion of CE committee outreach was deferred.
- I. Committee assignments:
  - a. Staff to write up proposed Rule comment responses for presentation to the Board on September 24, 2010; and
  - b. Agenda Item D(2) – Consideration of Authorized Official of Firm designation and responsibilities was referred to the General Issues Committee
- J. The next CE meeting scheduled for 1:00 PM on November 4, 2010. The CE adjourned at 5:15 PM