

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Thursday, August 16, 2018 11:34 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS BOARD PROFESSIONAL GEOSCIENTISTS TBPG

First Name: Robin

Last Name: Franks, P.G., CHMM. RSO

Title: President/CEO

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City: Houston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

I disagree with the Texas Sunset Advisory Commission staff recommendation to abolish the Texas Board of Professional Geoscientists and licensed P.G.s.

This program should be strengthened, not dissolved.

For over 30 years, I have practiced Geoscience in Texas (BS 82'/MS 88' from SFASU). In 1994 (over 24 years ago), I founded and have continually sustained in good standing, a small business in Houston – we are a professional services environmental consulting firm/Corporation - we serve clients throughout Texas (and across the U.S.). Since its inception, we have complied with the Act and (as before) we have produced quality-driven, ethical, and legally defensible work products for use by both the public and private sectors (Texas Firm Registration: 50285; Personal License 875). During this time, I have hired and our team has trained many other geologists to practice in this field with a key goal being attaining this valued credential. Our work and recognition in the industry has been strengthened by the Act; and our credentials remain non-blemished. I have seen non-qualified individuals and firms (both from and originating outside of Texas) openly practice geoscience without registration or licensure - this must stop; only strengthening the program (not eliminating it) is the answer.

As a long-credentialed Professional Geoscientist, I and others in the firm often focus on soil and groundwater characterization and clean-up - in both the energy sector as well as in the context of commercial property due diligence and redevelopment. We have performed thousands of investigations, with the primary purpose being the identification, characterization, and preparation of corrective action plans to rectify elevated risk to real property. Obviously, water as a resource in Texas is critical for not only sustaining life for all Texans but it is an economic asset that many U.S.

States do not equally enjoy. Groundwater, in particular, often requires aggressive protection across the State before further (preventable) degradation is realized. Some Texans do not understand that we Professional Geoscientists are uniquely qualified to perform vital tasks that identify, test, and monitor the quality of this resource; we perform

critical functions that we know are relied upon by the public; and we put our valued credential (and livelihood) at risk in this service. However, some individuals - even within the engineering community and from Texas or otherwise - undertake this work yet possess limited training (or none whatsoever) in geoscience. The outcome is that the public is often unaware of contingent risk and the damage that occurs - nor does the public realize their lack of reasonable recourse against the non-credentialed firm/individual.

Common findings that we identify and respond to as PGs in this field include illegal/leaking septic systems, improperly installed (orphan) wells (across industry), illegal landfills and "dump" sites (often containing hazardous wastes), leaking fuel tanks, and other sources that put soil, groundwater, surface water, and even structures (due to the hazard of vapor intrusion) at immediate risk.

As a state, we must recognize that our use (and often abuse) of groundwater outpaces recharge of consumable/usable/cost-effectively accessible water – this condition increases the ever-present risk of permeant resource loss and tangible/calculatable reduction of economic value of our lands. While they work hard with budgets allocated, environmental agencies across Texas are taxed with myriad responsibilities and insufficient resources; thankfully, these agencies and their employees currently enjoy work products produced by vetted Texas Registered Geoscience Firms that are sealed by the credentialed Texas Professional Geoscientist that represents the firm. Removing this program will reduce the effectiveness of environmental programs across the state and will ultimately cost the state and its taxpayers money.

In closing, allowing this program to sunset would be not only irresponsible but would compromise the good standing and example that Texas has set among other states in the U.S., states that followed Texas in similarly requiring licensing and credentialing of its geoscientists; and this number is growing, not shrinking. Casually ending this program also risks sending a message to the public at large that Texas has not progressed beyond its reputation as an “energy-centric state” that has little regard for its collective resources and the public health of Texas residents.

Any Alternative or New Recommendations on This Agency:

Strengthen the agency by infusing funding to support program goals and objectives. Also, strengthen the agency by encouraging (requiring) full participation across industry; include (strengthen) outreach within our state universities and respective degree programs.

The State of California controls its program more aggressively (better) by requiring state-specific directives that limit easy entry by non-state applicants. Protect the Texas small business owners of Texas with this program.

Stiffen penalties for non-compliance on behalf of the non-credentialed; identify to its peers the individual and the firm/company that fails to follow the law; and openly publish non-compliance events (and associated names, fines and penalties) for those firms/companies via a more obvious venue to discourage this activity and encourage compliance.

My Comment Will Be Made Public: I agree