

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, August 16, 2018 7:47:33 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 15, 2018 5:22 PM
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: Kevin

Last Name: Pasternak

Title:

Organization you are affiliated with:

Email:

City: Austin

State: Texas

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

Dear TBPG and Sunset Commission,

I am writing in support of continuing the Texas Geoscience Practice Act and operation of the Texas Board of Professional Geoscientists (TBPG). I am a Texas Licensed Professional Geoscientist, grandfathered by the TBPG for licensure in 2003, and have also taken and passed the Association of State Boards of Geologist (ASBOG) licensing exams in order to become a licensed geoscientist in Arizona and Illinois. I have 20 years of professional experience in geology and hydrogeology, primarily working in groundwater and soil remediation and I would like to share some of my thoughts regarding the TBPG SAC Staff Report.

The TBPG provides public protection.

The mission of the TBPG is to protect the public health, safety, and welfare by ensuring that only qualified persons carry out the public practice of geoscience.

In my job I regularly interpret groundwater and chemical data for design and assessment of contaminated groundwater recovery systems designed to prevent contaminated groundwater from flowing off site. The public is specifically protected by this because in one example the system prevents contaminated groundwater from flowing into a drinking water aquifer, and another example where the system prevents contaminated groundwater and phase separated hydrocarbons (oil) from flowing into an ecologically sensitive surface water body. In both examples, if the geologic information were incorrectly interpreted, ecological and human exposure to hazardous materials may result.

Licensing by the TXBG assures that qualified PGs provide accurate geologic interpretations for these types of groundwater remediation systems.

Other State Agencies (RRC and TCEQ)

Over the years, I have worked on numerous studies and reports dealing with groundwater and soil contamination. Typically, the reports are submitted to TCEQ or the RRC, depending on the regulatory authority for the site, and the project manager and or project scientist at the agency performs a technical or regulatory review of the document. However, this review is not direct

oversight of the geoscience work. The agency staff may be heavily reliant on the PG submitting the report for geologic explanations and interpretations because not all of the staff are groundwater experts, for example, but may be environmental scientist and otherwise experts on TRRP, but don't have the experience and expertise of a PG. It is unreasonable to expect that the TCEQ or RRC may effectively ensure the quality of geoscience work submitted to them. Additionally, other agencies, such as groundwater conservation districts and counties, require reporting with hydrogeological interpretations. Aquifer testing for well yield for a drinking water supply is one example. Accurate and reliable groundwater yield is critical information required for water resource planning. Staff from county government and groundwater conservation districts are not in position to perform oversight of the potentially numerous hydrogeological assessment and aquifer test reports submitted to them. Consequently, many groundwater conservation districts require that hydrogeological assessments and aquifer test reports be prepared by a Texas licensed PG.

Only approximately 20 percent of current licensees have passed the ASBOG exams.

I agree, that 20 percent is low and would refer to the Sunset Licensing and Regulation Model, October 2017, Page 14, under Category Licensing, Subject Equivalency Standard "Grandfathering individuals into a practice can diminish protection to the public and should be avoided." The Regulation Model continues to state under Explanation ".....Any grandfathered individuals should be required to demonstrate competences, just as other licensees must do, to protect the public from unqualified practitioners.

Grandfathered individuals should have enough time to prepare for testing before being required to demonstrate compliance with entry-level requirements".

With this in mind, I think that the TBPG and its mission to protect public health, safety, welfare and the great State of Texas' natural resources should continue. If this requires that the approximately 80 percent of Texas licensed PGs that were grandfathered to now have to pass the ASBOG exams, so be it.

Regards

Kevin Pasternak P.G.

Any Alternative or New Recommendations on This Agency: Recommend that the TBPG not be abolished and that the TBPG propose a time frame for grandfathered individuals to demonstrate compliance with entry-level requirements.

My Comment Will Be Made Public: I agree