



EDAP OSSF Authorized Agent Designation Requirement Guidance

OFFICE: PROGRAM ADMINISTRATION AND REPORTING/LEGAL
NUMBER: TWDB-1101
RULE REFERENCES: Texas Health & Safety Code Section 366.035 and 30 TAC Chapter 285
EFFECTIVE DATE: March 12, 2013
REVIEW DATE: December 1, 2017

<p>INTRODUCTION:</p>	<p>In accordance with Texas Health and Safety Code and the above referenced rules, the following shall be the guidance of the Texas Water Development Board (TWDB) to ensure applicants meet the Texas Health and Safety Code requirements.</p> <p>Texas Health and Safety Code Section 366.035 states:</p> <p><i>“MANDATORY APPLICATION FOR AND MAINTENANCE OF DESIGNATION. A local governmental entity that applies to the Texas Water Development Board for financial assistance under a program for economically distressed areas must take all actions necessary to receive and maintain a designation as an authorized agent of the commission.”</i></p> <p>An authorized agent is responsible for the proper implementation of Texas Health and Safety Code, Chapter 366 and Texas Commission on Environmental Quality (TCEQ) rules at 30 Texas Administrative Code (TAC), Chapter 285. The agent administers its On-Site Sewage Facilities (OSSF) program according to an OSSF order issued by TCEQ.</p>
<p>GUIDANCE:</p>	<p>A governmental entity shall be required at a minimum to demonstrate submission of application to the TCEQ to become an OSSF Authorized Agent prior to a favorable staff recommendation being made to the Board for a financial commitment under the Economically Distressed Areas Program (EDAP).</p> <p>The documentation of a TCEQ application to become an OSSF Authorized Agent will not be considered in the determination of administrative completeness of the financial application.</p> <p>Any EDAP financial commitment made by the Board to a governmental entity will be conditioned to require the entity to provide documentation acceptable to the Executive Administrator indicating the entity has received the OSSF Authorized Agent designation from TCEQ prior to closing a commitment for the purpose of construction activities. (Note: the submittal of the final order is not a pre-requisite for the entity’s submittal of an application for Construction funds).</p> <p>This guidance takes effect January 1, 2012. Any financial assistance agreement with specific language relating to the OSSF Authorized Agent designation executed before January 1, 2012, will be governed by the terms of that agreement.</p>