

Texas On-Site Wastewater Treatment Research Council



Self-Evaluation Report
September 21, 2009

Texas On-Site Wastewater Treatment Research Council

Self Evaluation Report

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TEXAS ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL

Self-Evaluation Report

I. Agency Contact Information

Texas On-Site Wastewater Treatment Research Council Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Janet Meyers, Chairman	527 Amy Jo Circle Aubrey, TX 76227	Phone: (940) 440-0750 Fax: (940) 365-2958	jd_nash@yahoo.com
Agency's Sunset Liaison	Sarah Kirksey, Council Member	3870 Eastex Freeway Beaumont, TX 77703	Phone: (409) 898-3838 Fax: (409) 899-8778	skirksey@tceq.state.tx.us

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The Texas On-site Wastewater Treatment Research Council is an agency created to award and oversee grants to public and private research entities and universities in the pursuit of improvements in residential on-site wastewater treatment technology in order to reduce the cost of those systems to the consumer and to increase the level of protection to Texas' water supply. The Council solicits proposals for applied research projects, demonstration projects, and various studies, and selects the projects that best meet the Council's objectives. The Council also provides information exchange and continuing education opportunities for the licensed on-site sewage facility (OSSF) industry at the Council's annual conference.

B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

Yes. The Council is the only publicly funded entity in Texas providing research grants specifically oriented to OSSF technology innovation that benefits the residents of Texas. Continued funding for projects is still needed because the results from these projects may ultimately be incorporated into OSSF systems to the benefit of Texas residents, and, when appropriate, may be incorporated into rules that are adopted by the Texas Commission on Environmental Quality (TCEQ). Information gathered from research funded by the Council is disseminated to the public through the Council's newsletter, website,

and annual conference. If these grants were no longer funded by the Council, new technology may not be forthcoming, resulting in a detrimental impact on the environment and the public through a decline in the rate of gains made in environmental quality and a decline in the accessibility of reasonably-priced OSSF systems to Texas consumers.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The Council has issued all allocated funds in the budget to research grants and has ongoing grant projects with encumbered funds through Fiscal Year 2010 and 2011. Grants are closely monitored to ensure monies allocated are properly utilized.

The Council has caught the attention of world-renowned scientists, such as Dr. Larry Wilding, Professor Emeritus, Texas A&M University. In FY 2008, the Council funded a research study completed by Dr. Wilding regarding treatment capabilities of caliche soils. Dr. Wilding received a Soil Science Distinguished Service Award from The Soil Science Society of America for this study, and he also received the Kubiene Medal for lifetime achievement by the International Union of Soil Scientists, which has only been awarded 7 times since 1924.

The Council has a very small budget in the scope of Texas government, but is extremely efficient in the allocation of funds. The Council has contracted with TCEQ for administrative support, allowing for reduced operating costs and leaving more money available for research.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Yes. No changes have been recommended or are needed.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

No, the Council's functions do not overlap those of other agencies.

F. In general, how do other states carry out similar functions?

Most of the surrounding states do not provide any fee funded research projects in the area of OSSF technology. North Carolina does have a system in place that works with the state universities in administering research projects in OSSF technology.

G. What key obstacles impair your agency's ability to achieve its objectives?

No obstacles impair the Council from achieving its objectives.

H. Discuss any changes that could impact your agency’s key functions in the future (e.g., changes in federal law or outstanding court cases).

There are no known changes that would impact the Council’s key functions.

I. What are your agency’s biggest opportunities for improvement in the future?

The Council hopes for the opportunity to reuse existing infrastructure from previously funded research to create economies of scale in future projects. It is the goal of the Council that more and varied proposals for studies that could have ground breaking importance in the field of OSSF technology will be submitted and funded.

J. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.

KEY PERFORMANCE:

MEASURE OF KEY PERFORMANCE:

RESEARCH

Issues RFP’S for useful projects. Evaluate proposals for efficacy, relevance to Council’s objectives, and potential impact on the state’s environmental regulations. Oversee grants and conduct post-award evaluation to identify projects that may be of continued value in the area of OSSF technology.

ACTUAL PERFORMANCE: Since 1991, there have been 54 research grants awarded for a total of \$3,359,962.

INFORMATION TRANSFER

The Council conducts information transfer by funding an OSSF-specific newsletter, a website, and an annual OSSF conference.

ACTUAL PERFORMANCE: Since 1991, there have been 22 grants awarded for information transfer for \$864,871, which includes website hosting, newsletter, annual conference, and the creation of a brochure for distribution to each Justice of the Peace (JP) in Texas.

The council has sponsored 17 annual conferences. The conference has grown to be one of the best and largest OSSF industry conferences in the nation. The last conference in March 2009 had 1100 attendees, 903 of whom received continuing education credits required for OSSF licenses. This conference is almost completely self-funded through attendee registration fees and vendor fees.

A brochure was created through a grant funded by the Council, which outlined the OSSF violations local JPs may encounter in their courts. This brochure explained OSSF violations, the rules and regulations

associated with the violation, and the penalties that could be assessed in the JP court. It was sent by mail to all 853 JPs in Texas.

III. History and Major Events

Provide a timeline of your agency's history and key events, including:

- the date your agency was established;
- the original purpose and responsibilities of your agency;
- major changes in responsibilities or statutory authority;
- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

Prior to the 1960s, the regulation of on-site sewage facilities (OSSFs) in Texas was administered primarily by municipal governments through local building inspection and plumbing inspection programs. There was no inspection of installations outside of municipal jurisdiction. Complaints concerning malfunctioning OSSFs were investigated by either local health agencies or the Texas Department of Health (TDH).

In the late 1960s, the Texas Legislature adopted legislation which empowered other local governmental entities, including counties, cities, river authorities, and special districts, to adopt OSSF control orders subject to approval by the Texas Water Quality Board. These approved orders gave local governments authority to permit systems, conduct inspections, collect fees, and investigate complaints. Penalties could be imposed for failure to obtain permits, or for creation of a public health nuisance.

Even though it was recognized that not all types of terrain and soils were suitable for the standard septic tank and gravel drain field, these were the most common type of OSSF system installed at that time. It was reported to the Legislature that alternative systems had not gained wide acceptance in the State and there was an unwillingness of the local permitting authorities to issue permits for alternative systems.

As a result, the Texas On-Site Wastewater Treatment Research Council was created by the Legislature in 1987. The original purpose and responsibilities of the Council were to:

- Collect a \$10 fee from permitting officials for each OSSF permit issued
- Fund research, using the collected fees, aimed at improving the quality of wastewater treatment and reducing the costs to the homeowner
- Ensure the feasibility of alternative systems
- Disseminate the information from these research projects to the permitting officials and to the OSSF industry.

The Council had a Sunset date of September 1989.

A Sunset Review in 1989 revealed that the Council had not awarded any grants for research, although it was also determined that (1) the Legislature had not appropriated any funds to the Council; (2) the Council had not been given sufficient time to accomplish their tasks; and (3) only 7 of the 11 Council members prescribed by statute had been appointed by the Governor. The review also found that there were no universities performing research at that time in the OSSF area. The Legislature, through subsequent legislation, gave the Council an extended Sunset date of September 1, 2001.

Subsequent legislation was passed over the years extending the Sunset date from 2001 to 2013.

Since 1989, the Council has awarded a total of \$4,224,833 to fund 76 contracts related to research and information transfer in the field of on-site sewage. Seventeen annual conferences for OSSF industry personnel have been hosted by the Council, which offers access to the latest research and technology in this field.

When the Council was formed, the number of permitted systems that were installed per year was approximately 15,000 statewide. That number is currently around 30,000 to 40,000 per year. The number of issues associated with OSSF technology has increased with the increased number of systems being installed. The Council funds ground breaking research projects to study the latest issues associated with the OSSF industry. Currently, a project aimed at testing the efficiency of certain types of OSSFs at removing pharmaceuticals and personal care products before these contaminants effect groundwater, is being conducted and funded through the Council.

Reports of completed research projects are placed on the Council's website to inform the public of the research that has been conducted through funds allocated by the Council. Also, all researchers with current or completed projects present their research at the annual conference.

The Council funded a grant to provide computer hardware and training for ten rural OSSF regulatory authorities. Counties that were selected could not afford technology to adequately meet TCEQ requirements and county regulations regarding maintenance-tracking of permitted OSSFs.

The Council continues to fund projects that further advancement in OSSF technology. New rules and regulations have been born out of research funded through the Council, new and more cost effective technology has been discovered through these research projects. The OSSF industry has been further educated by the annual conferences hosted by the Council. The Council continues to fulfill its mission to fund research that aims at improving the quality of wastewater treatment and reducing the cost to the homeowner and to disseminate that information to industry personnel.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Council members serve for staggered two-year terms, with the terms of five members expiring September 1 of each even-numbered year and the terms of six members expiring September 1 of each odd-numbered year.

Texas On-Site Wastewater Treatment Research Council Exhibit 3: Policymaking Body			
Member Name	Term/ Appointment / Appointed by	Qualification (e.g., public member, industry representative)	City
Janet Meyers, Chair	Appointed 4-19-2004 by Governor Perry Term expires 9-1- 2010	Home Builder	Aubrey, Texas
Brian Padden, Vice Chair	Appointed 4-19-2004 by Governor Perry Term expires 9-1- 2009	Soil Scientist	Austin, Texas
Janet R. Boone	Appointed 2-9-2007 by Governor Perry Term expires 9-1- 2010	Rural Water Quality Specialist	North Zulch, Texas
Richard Gerard	Appointed 11-28-06 by Governor Perry Term expires 9-1- 2010	Regulator	Livingston, Texas
Susan R. Johnson	Appointed 1-8-2007 by Governor Perry Term expires 9-1- 2010	Texas Commission on Environmental Quality Employee	Austin, Texas
Sam Kannappan	Appointed 2-9-2007 by Governor Perry Term expires 9-1- 2010	Design Engineer	Houston, Texas
Sarah Kirksey	Appointed 3-20-2006 by Governor Perry Term expires 9-1- 2009	Texas Commission on Environmental Quality Employee	Beaumont, Texas
Carl Russell Jr.	Appointed 9-22-2008 by Governor Perry Term expires 9-1- 2009	Residential Real Estate Developer	Lubbock, Texas
William F. "Dubb" Smith	Appointed 4-17-2009 by Governor Perry Term expires 9-1- 2009	Home Builder	Dripping Springs, Texas
Al Sulak	Appointed 9-22-2008 by Governor Perry Term expires 9-1- 2009	General Public Representative	Orchard, Texas
Ronald "Ron" Suchecki, Jr.	Appointed 11-28- 2006 by Governor	Industry Installer	China Spring, Texas

	Perry Term expires 9-1-2010		
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B. Describe the primary role and responsibilities of your policymaking body.

The Council's primary role is to award grants that enhance the development of on-site sewage treatment systems, which will improve the quality of and/or reduce the cost of on-site sewage treatment.

C. How is the chair selected?

The chair and vice-chair are selected each year by majority vote of the entire Council. This is usually done at the 3rd quarter meeting held at the annual conference or at the meeting directly after the vacancy of the chair.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

There are no unique features or special circumstances.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2008? In FY 2009?

The Council generally meets quarterly. In FY08, the Council met five times, with meetings occurring on September 13, 2007, December 13, 2007, March 3, 2008, June 5, 2008, and August 21, 2008. In FY09, the Council met three times with meetings occurring on December 11, 2008, March 2, 2009, and June 11, 2009. Agendas for meetings are posted with the Secretary of State, in compliance with the Texas Open Meetings Act.

F. What type of training do members of your agency's policymaking body receive?

All members receive training on the requirements of the Texas Public Information Act and the Texas Open Meetings Act. Members are also familiar with the Council's enabling statute, Council rules, and the process of adopting rules.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

The Council's policies relating to internal agency matters are contained in its Standard Operating Procedures Manual, which provides direction to TCEQ-assigned staff in conducting Council affairs. The Council also has entered into an interagency contract with the TCEQ to provide staff and other administrative support. The duties of the administrative staff are detailed in the contract.

The chair is elected annually by the full Council. The chair presides over all meetings at which they are in attendance; is authorized by the full Council to make operational decisions; and is authorized by the full Council to make expenditures approved by the Council.

The vice-chair is also elected annually. The vice-chair will perform the duties of the chair in the vent of the chair's absence. If the chair position becomes vacant, the vice chair will serve until a successor is elected.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

A quarterly Executive Summary is presented at every meeting by the TCEQ administrative support staff. This report outlines the expenditures for the fiscal year and where the budget stands. The report outlines the revenue received, the revenue outstanding, estimated budget vs. actual expenditures, and a summary of the Council-funded projects and their status. Other quarterly presentations may include website statistics, newsletter readership, periodic reports and final results from funded research projects, committee updates, etc.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

A public comment period is included on every Council meeting agenda. These agendas are posted on the Secretary of State's open meetings website to satisfy the requirements of the open meeting laws, and are posted on the Council's website. The Council holds an annual OSSF industry conference, open to the public. Council members attend this conference and conduct a Council meeting during the conference, which allows members of the public, including industry personnel, ease of access to the Council for public comment. The public can also access the Council through contact information listed on the Council's website at <http://www.towtrc.state.tx.us/>. Information received from the public may be incorporated into Council operations, depending on the applicability of that input, by amending Council rules, contracts, or the operating procedures manual, or by addressing applicable issues under a future meeting agenda.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

Texas On-Site Wastewater Research Council Exhibit 4: FY09 and FY10 Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Conference Committee	5 members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee oversees the development and production of the annual conference for the On-Site Sewage Facility (OSSF) Industry in Texas.	Texas Health and Safety Code Chapter 367
Technical Committee	4-5 members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee reviews submitted grant proposals and recommends to the general Council to fund those projects that best meet the mission of the Council. This subcommittee also reviews current and finished projects for completeness, accuracy, and scientific merit.	Texas Health and Safety Code Chapter 367
Speakers Committee	Three members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee contacts potential presenters for the annual conference. They determine topics, speakers, and subject tracks for OSSF industry personnel to attend.	Texas Health and Safety Code Chapter 367
Web Site Committee	Five members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee reviews the Council's website and negotiates with the website contractor.	Texas Health and Safety Code Chapter 367
JP Educational Brochure Committee	Two members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee was responsible for overseeing the development of a Justice of the Peace brochure on potential OSSF violations. This committee disseminated this information and will continue to update it as needed.	Texas Health and Safety Code Chapter 367
Sunset Committee	Three members of the Council volunteer for this committee. A Chairman is elected by the committee.	This committee will gather and develop all information for the Sunset Review.	Texas Health and Safety Code Chapter 367

V. Funding

A. Provide a brief description of your agency's funding.

In accordance with Chapter 367 of the Health and Safety Code, each on-site sewage facility (OSSF) permitting authority in the State collects ten-dollars (\$10.00) for each OSSF permit processed. The Texas Commission on Environmental Quality (TCEQ) uses the billing process to collect the fees from the 364 local entities that currently process the permits. The TOWTRC budget was allocated by the Legislature from fees collected.

During the 74th session of the Legislature (May, 1995), the Legislature passed House Bill 3050, which removed the statutory dedication on the use of many fee funds to support various programs across the state. The TOWTRC fee was one of those dedicated funds removed, although the dedication is still mentioned in the Council's enabling statute. Today, the fees collected are deposited into the General Fund. The Legislature then appropriates funds to the Council through a rider in the TCEQ's appropriations. Historically, the fees collected and placed in the General Fund have exceeded the amount of funds appropriated to the Council.

B. List all riders that significantly impact your agency's budget.

In compliance with an administrative support agreement, the TCEQ includes the TOWTRC appropriations request as a part of the TCEQ Legislative Appropriations Request. Within TCEQ Legislative Appropriations Request for 2008-2009, rider number twenty-seven (27) applies to the TOWTRC.

The rider states:

Included in amounts appropriated above in Strategy A.1.2, Water Assessment and Planning, is an amount not to exceed \$330,000 in each fiscal year of the biennium from fees collected and deposited to the General Revenue Fund pursuant to Health and Safety Code, Chapter 367, for costs relating to the On-Site Wastewater Treatment Research Council.

C. Show your agency's expenditures by strategy.

TOWTRC Exhibit 5: Expenditures by Strategy FY 2008 (Actual)		
Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount
Goal: Technology Transfer	\$200,802.30	Website, Newsletter, JP Brochure, Conference
Goal: Research and Demonstration Projects	\$134,416.37	TTU and Baylor Grants

GRAND TOTAL:	\$335,218.67	
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D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2009-2010.

On-Site Wastewater Treatment Research Council Exhibit 6: Objects of Expense by Program or Function – Fiscal Year 2009						
OOE	OOE Title	Strategy	Strategy Name	AGY Fund	2009 Budget	2010 Budget
1002	OTHER PERSONNEL COSTS	10102	WATER ASSESSMENT AND PLANNING	0001	1,590.00	1,590.00
2001	PROFESSIONAL FEES AND SERVICES	10102	WATER ASSESSMENT AND PLANNING	0001	99,110.00	99,110.00
2005	TRAVEL	10102	WATER ASSESSMENT AND PLANNING	0001	8,000.00	8,000.00
2009	OTHER OPERATING EXPENSE	10102	WATER ASSESSMENT AND PLANNING	0001	300	300
4000	GRANTS	10102	WATER ASSESSMENT AND PLANNING	0001	221,000.00	221,000.00
				Total	330,000.00	330,000.00

E. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

On-Site Wastewater Treatment Research Council Exhibit 7: Sources of Revenue – Fiscal Year 2008 (Actual)	
Source	Amount
Fees	\$391,931.00
Conference Revenue	\$147,108.77
TOTAL	\$539,039.77

F. If you receive funds from multiple federal programs, show the types of federal funding sources.

Texas On-Site Wastewater Treatment Research Council Exhibit 8: Federal Funds – Fiscal Year 2008 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding

NA				
TOTAL				

G. If applicable, provide detailed information on fees collected by your agency.

On-Site Wastewater Treatment Research Council Exhibit 9: Fee Revenue – Fiscal Year 2008				
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
On-Site Wastewater Treatment Research Council Fee (WTR)- Health and Safety 367.010	\$10/permit for an on-site septic facility	364	\$391,931	General Revenue Fund

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.

The Texas On-Site Wastewater Treatment Research Council is composed of eleven members appointed by the Governor. There is one chair and one vice-chair. There are no full-time employees on the Council. Administrative services are provided by the Texas Commission on Environmental Quality through an interagency agreement with the Council.

B. If applicable, fill in the chart below listing field or regional offices.

Not Applicable

C. What are your agency's FTE caps for fiscal years 2008-2011?

Not Applicable

D. How many temporary or contract employees did your agency have as of August 31, 2008?

Not Applicable

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

Not Applicable

VII. Guide to Agency Programs

A. Provide the following information at the beginning of each program description.	
Name of Program or Function	NA
Location/Division	NA
Contact Name	NA
Actual Expenditures, FY 2008	NA
Number of FTEs as of August 31, 2008	NA
B. What is the objective of this program or function? Describe the major activities performed under this program.	

Not Applicable

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.
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Not Applicable

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.
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Not Applicable

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Not Applicable

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.
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Not Applicable

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).
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Not Applicable

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Not Applicable

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not Applicable

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Not Applicable

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2008;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Not Applicable

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Not Applicable

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Not Applicable

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not Applicable

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas On-Site Wastewater Treatment Research Council		
Exhibit 12: Information on Complaints Against Regulated Persons or Entities		
Fiscal Years 2007 and 2008		
	FY 2007	FY 2008
Total number of regulated persons	0	0
Total number of regulated entities	0	0
Total number of entities inspected	0	0
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	0	0
Average number of days for complaint resolution	0	0
Complaints resulting in disciplinary action:	NA	NA
administrative penalty	0	0
reprimand	0	0
probation	0	0
suspension	0	0
revocation	0	0
other	0	0

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2005 – 2009, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas On-Site Wastewater Treatment Research Council Exhibit 13: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Texas Health and Safety Code Chapter 367	This chapter creates the Texas On-Site Wastewater Treatment Research Council and gives the Council the authority to award grants and contracts and to adopt rules. See Attachment 1
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
DM-001	This opinion was issued in 1991. It addressed the scope of the Council's grant-awarding authority and the Council's statutory authority to contract with a state agency for administrative services. At the time of the opinion, it was the Department of Health. Now the interagency agreement is with the Texas Commission on Environmental Quality. See Attachment 21

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format.

Texas On-Site Wastewater Treatment Research Council Exhibit 14: 81st Legislative Session Chart		
Legislation Enacted – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions
SB 2	Hegar Hinojosa	Moved Sunset Review date from 2013 to 2011
Legislation Not Passed – 81st Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
NA	NA	NA

IX. Policy Issues

A. Brief Description of Issue

No policy issues at this time.

B. Discussion

Not applicable

C. Possible Solutions and Impact

Not applicable

X. Other Contacts

A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

Texas On-Site Wastewater Treatment Research Council Exhibit 15: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
National On-Site Wastewater Recycling Association (NOWRA) Jerry Stonebridge, PhD	NOWRA PO Box 9309 Tacoma, WA 98490	(800) 966-2942	info@nowra.org
Texas On-Site Wastewater Association (TOWA) Tim Taylor	Texas Onsite Wastewater Association 3205 N. University Drive, Suite D P.M.D. 411 Nacogdoches, Texas 75965	(888) 398-7188	ttaylor1@msn.com
On-Site Sewage Facility Authorized Agents	364 Contacts		
Texas AgriLife Extension Service Dr. Bruce Lesikar	Texas AgriLife Extension Service TAMU Mail Stop 2117 College Station, Texas 77843-2117	(979) 862-3442	b-lesikar@tamu.edu
NSF David Jumper, Test Facility Manager	NSF 1147 Treatment Plant Rd Waco, TX 76706	(254) 662-3788	djumper@nsf.org
NSF David Jumper, Test Facility Manager	NSF 1147 Treatment Plant Rd Waco, TX 76706	(254) 662-3788	djumper@nsf.org

National Environmental Health Association	NEHA 720 S. Colorado Blvd. Suite 1000-N Denver, CO 80246	(866) 956 2258	staff@neha.org
Texas Environmental Health Association Elston Johnston Kelly Kirkpatrick-Stockberger	TEHA PO Box 860099 Plano, TX 75086-0099	(972) 461-9644	kbfss@sbcglobal.net
Consortium of Institutes for Decentralized Wastewater John Buchanan	CIDWT		jbuchan7@utk.edu

LIAISONS AT OTHER STATE AGENCIES

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
Office of the Attorney General Melissa Juarez, Assistant Attorney General, Legal Services	Office of the Attorney General PO Box 12548 Austin, TX 78711-2548	(512) 463-2100	melissa.juarez@oag.state.tx.us
Texas Commission on Environmental Quality Linda Flores, Chief Financial Officer	Texas Commission on Environmental Quality PO Box 13087 12100 Park 35 Circle Austin, TX 78753	(512) 239-0291	lflores@tceq.state.tx.us
Texas Commission on Environmental Quality Cassandra Derrick, Administrative Support	Texas Commission on Environmental Quality PO Box 13087 12100 Park 35 Circle Austin, TX 78753	(512) 239-5304	cderrick@tceq.state.tx.us

XI. Additional Information

A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Texas On-Site Wastewater Treatment Research Council Exhibit 16: Complaints Against the Agency – Fiscal Years 2007 and 2008		
	FY 2007	FY 2008
Number of complaints received	0	0
Number of complaints resolved	NA	NA
Number of complaints dropped/found to be without merit	NA	NA
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	NA	NA

B. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases.

Texas On-Site Wastewater Treatment Research Council Exhibit 17: Purchases from HUBs				
FISCAL YEAR 2006				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%
Professional Services				20.0%
Other Services	\$272,049	\$95,356	35.1%	33.0%
Commodities				12.6%
TOTAL				

FISCAL YEAR 2007				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%
Professional Services				20.0%
Other Services	\$283,293	\$95,665	33.8%	33.0%
Commodities				12.6%
TOTAL				
FISCAL YEAR 2008				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction				11.9%
Building Construction				26.1%
Special Trade				57.2%
Professional Services				20.0%
Other Services	\$224,628	\$97,603	43.5%	33.0%
Commodities				12.6%
TOTAL				

C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

The TOWTRC receives contract support through an interagency contract with TCEQ and follows the guidelines set out in the TCEQ HUB policy.

D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

The TOWTRC receives contract support through an interagency contract with TCEQ and follows the guidelines set out in the TCEQ HUB policy.

E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

	Response / Agency Contact
1. Do you have a HUB coordinator? (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)	NA
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)	NA
3. Has your agency developed a mentor-protegee program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)	NA

F. Fill in the chart below detailing your agency’s Equal Employment Opportunity (EEO) statistics.¹

Not applicable. The TOWTRC has no employees. All administrative support is provided through an interagency contract with the TCEQ.

G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Not applicable. The TOWTRC has no employees. All administrative support is provided through an interagency contract with the TCEQ.

XII. Agency Comments

The Texas On-Site Wastewater Treatment Research Council would be pleased to provide any additional information to assist the Sunset Commission in its review. The Council looks forward to the opportunity to discuss the Council’s operations and grants program with the Sunset Commission throughout the process.
