

Texas Commission on Environmental Quality



DECISION OF THE COMMISSION REGARDING THE PETITION FOR RULEMAKING FILED BY DISPENSING EQUIPMENT ALLIANCE

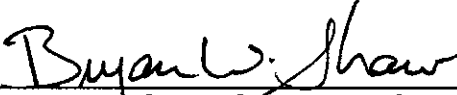
Docket No. 2017-1761-PET
Rule Project No. 2018-014-PET-NR

On February 7, 2018, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by the Dispensing Equipment Alliance (petitioner). The petitioner filed the request on December 18, 2017, with the commission and requested that the commission amend 30 TAC § 290.38(2) to modify the definition of "air gap" by using the American Society of Mechanical Engineers A112.1.3 standard.

IT IS THEREFORE ORDERED BY THE COMMISSION, pursuant to Administrative Procedure Act, Texas Government Code, § 2001.021, Texas Water Code, §5.102 and §5.103, and Texas Health and Safety Code, § 341.031 to deny the petition. The petitioner's proposed definition is not adequate to prevent contaminants from entering the distribution system, because it does not require air gaps of greater than one inch even for large diameter pipes. To protect public drinking water quality, the minimum air gap distance must be two times the diameter of the water supply outlet, but never less than one inch.

This Decision constitutes the decision of the Commission required by the Texas Government Code, § 2001.021(c).

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., P.E., Chairman

2-14-18
Date Signed