



Kyle Kromer
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July 3, 2025

Kelly Keel
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Petition for Rulemaking — Require All Potable Water Storage Tanks to Be Leak-Free

Dear Ms. Keel:

Pursuant to 30 TAC §20.15, Tank Builders, Inc., a Texas-based business entity, respectfully submits this petition requesting a revision to TCEQ rules to ensure that **all potable water storage tanks meet a zero-leakage requirement**, consistent with the language and intent of 30 TAC §290.43(c)(6).

1. Name and Address of Petitioner

Tank Builders, Inc.
2101 Golden Heights Road
Fort Worth, TX 76177

2. Explanation of Proposed Rule

We request clarification and reinforcement of the current rule to ensure that all potable water storage tanks, regardless of design or material, must meet a zero-leakage performance requirement. Specifically, this would eliminate allowances for leakage found in certain tank design standards, such as AWWA D-110.

3. Text of Proposed Rule

Proposed clarification to 30 TAC §290.43(c)(6):

“Clearwells and potable water storage tanks shall be **constructed and tested to be thoroughly tight** against leakage, shall be located above the groundwater table, and shall have no walls in common with any other plant units containing water in the process of treatment. All associated appurtenances including valves, pipes, and fittings shall be tight against leakage.

This requirement shall apply to all tank types and materials, including but not limited to concrete, steel, and composite construction, regardless of referenced design standard or manufacturer. Any tank specification or testing method that permits leakage shall not be accepted as compliant with this section. This includes, but is not limited to, any provision allowing measurable or calculated leakage during hydrostatic or performance testing.”

4. Authority for the Rule

This petition is submitted pursuant to the **Texas Administrative Procedure Act (Texas Government Code §2001.021)** and **30 TAC §20.15**, which authorize any interested person to petition a state agency to adopt a rule. The Texas Commission on Environmental Quality has clear authority to adopt the proposed rule under the following statutes:

- **Texas Water Code §5.102** – Grants the Commission general jurisdiction over the state's water resources and authorizes it to perform acts necessary to carry out its powers and duties.
- **Texas Water Code §5.103** – Empowers the Commission to adopt rules necessary to carry out its responsibilities and ensure safe water systems.
- **Texas Water Code §5.105** – Allows the Commission to adopt reasonable rules for the performance of its duties under the law.
- **Texas Health and Safety Code §341.031** – Requires public drinking water to be safe and empowers the Commission to establish and enforce minimum standards for drinking water systems, including storage facilities.

These statutory provisions provide clear and sufficient authority for TCEQ to revise and enforce performance standards related to leakage in potable water storage tanks. The proposed rule falls squarely within the Commission's jurisdiction to protect public health, prevent water loss, and ensure consistent standards across all tank types and materials.

5. Statement of Injury or Inequity

Under AWWA D-110, prestressed concrete tanks may leak up to 0.05 of 1 percent of the tank capacity —up to 5,000 gallons per day for a 10-million-gallon tank. This allowance directly conflicts with 30 TAC §290.43(c)(6), which states that potable water tanks must be leak-free. Such leakage poses potential environmental concerns, undermines public confidence in water system integrity, and places unequal performance expectations on different tank types. Welded steel tanks must pass rigorous zero-leakage hydrostatic testing, while concrete tanks are often accepted despite known leakage rates that often exceed the allowable leakage rates.

This regulatory inconsistency creates both a public health vulnerability and a competitive disadvantage. We respectfully ask the Commission to initiate rulemaking to close this gap and ensure consistent enforcement of performance standards.

Sincerely,



Kyle Kromer
Vice President
Tank Builders, Inc.