



tank builders, inc.

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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 NSF/ANSI 61 and NSF/ANSI/CAN 600 Certification for All Potable Water Storage Tanks

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 the TCEQ rules to ensure that all potable water storage tanks, regardless of material or construction type, be required to comply with NSF/ANSI 61 and NSF/ANSI/CAN 600 certification.

1. Name and Address of Petitioner

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

2. Explanation of Proposed Rule

We request a rule revision to require that all potable water storage tanks used in public water systems in Texas be constructed with materials or coatings certified to NSF/ANSI 61 and NSF/ANSI/CAN 600. This would apply uniformly to all tank types, including concrete (AWWA D-110), welded steel (AWWA D-100), and composite materials.

3. Text of Proposed Rule

Proposed addition to 30 TAC §290.43(c)(8):

“All clearwells, ground storage tanks, standpipes, and elevated tanks shall be painted, disinfected, and maintained in strict accordance with current AWWA standards. However, no temporary coatings, wax grease coatings, or coating materials containing lead will be allowed. No other coatings will be allowed which are not approved for use (as a contact surface with potable water) by the United States Environmental Protection Agency, NSF International (NSF), or United States Food and Drug Administration. All newly installed coatings must conform to **NSF/ANSI Standard 61** and **NSF/ANSI/CAN Standard 600** and must be certified by an organization accredited by ANSI.

This requirement shall apply to all tank types and construction materials, including but not limited to concrete, steel, and composite structures, regardless of referenced design standard or manufacturer. Compliance with NSF/ANSI 61 and NSF/ANSI/CAN 600 may be achieved through certified coatings or, in the case of concrete tanks, through the use of NSF/ANSI 61-certified concrete materials. No exceptions to these certification requirements shall be permitted based on the material of tank construction.”

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 statutory authority to adopt the proposed rule under:

- **Texas Water Code §5.102** – Grants TCEQ the general authority to perform all actions necessary to carry out its duties related to the state’s water resources.
- **Texas Water Code §5.103** – Authorizes the Commission to adopt rules necessary to carry out its responsibilities.
- **Texas Water Code §5.105** – Permits TCEQ to adopt reasonable rules for the performance of its duties.
- **Texas Health and Safety Code §341.031 and §341.0315** – Direct TCEQ to adopt and enforce minimum standards for public drinking water systems to ensure water is safe, potable, and protective of public health.

These statutory provisions provide the necessary legal authority for TCEQ to require that all potable water storage tanks use materials, coatings, and construction methods certified under **NSF/ANSI 61 and NSF/ANSI/CAN 600**, which are nationally recognized health-effect standards for drinking water system components.

5. Statement of Injury or Inequity

Current TCEQ rules are enforced inconsistently across different tank types. While steel tanks must be painted with coatings meeting NSF/ANSI 61 and NSF/ANSI/CAN 600, concrete tanks (e.g., AWWA D-110) are not uniformly held to this standard. The porous nature of concrete introduces potential risks of chemical leaching—such as calcium hydroxide, alkalis, and trace heavy metals—as well as increased microbial activity in uncoated tanks. These risks, along with the unequal regulatory burden placed on tank manufacturers, create both a public health concern and an inequity in enforcement.

We respectfully urge the Commission to consider this petition and initiate rulemaking to close this regulatory gap.

Sincerely,



Kyle Kromer
Vice President
Tank Builders, Inc.