

By: Hernandez

H.B. No. 2824

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of certain facilities that store and  
3 distribute benzene or another volatile organic compound; creating a  
4 criminal offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 382.017, Health and Safety Code, is  
7 amended by adding Subsection (g) to read as follows:

8 (g) The commission shall review and update any rules adopted  
9 under this subchapter related to emissions of benzene at least once  
10 every five years.

11 SECTION 2. Chapter 382, Health and Safety Code, is amended  
12 by adding Subchapter M to read as follows:

13 SUBCHAPTER M. REGULATION OF CERTAIN CHEMICAL DISTRIBUTION

14 FACILITIES

15 Sec. 382.601. DEFINITION. In this subchapter, "chemical  
16 distribution facility" means a facility that:

17 (1) stores and distributes a substance that is  
18 classified by the United States Environmental Protection Agency as  
19 a volatile organic compound, including benzene, for the purposes of  
20 the state implementation plan; and

21 (2) is subject to a permit requirement under this  
22 chapter.

23 Sec. 382.602. EMISSION CONTROL DEVICES. The commission by  
24 rule shall require each chemical distribution facility to be

1 equipped with state-of-the-art emission control devices, such as  
2 thermal oxidizers and carbon absorption systems, designed to  
3 effectively capture and treat benzene and other types of volatile  
4 organic compounds.

5 Sec. 382.603. CONTINUOUS AIR QUALITY MONITORING STATIONS IN  
6 CERTAIN COMMUNITIES. (a) The commission by rule shall require an  
7 owner or operator of a chemical distribution facility to install  
8 and maintain continuous ambient air quality monitors in the  
9 communities adjacent to the chemical distribution facility, as  
10 determined by the commission, to collect data on the ambient  
11 concentration of benzene and other types of volatile organic  
12 compounds in those communities.

13 (b) The rules must require that the owner or operator of the  
14 facility provide data from each monitor installed by the owner or  
15 operator to the commission in real time. The commission shall make  
16 available in real time on its Internet website data received from  
17 each monitor.

18 Sec. 382.604. INSPECTION AND MAINTENANCE SCHEDULE. The  
19 commission by rule shall require regular emissions-related  
20 inspections and maintenance of a chemical distribution facility,  
21 including:

22 (1) quarterly visual inspections;

23 (2) annual inspections to ensure the facility is  
24 operated with no detectable emissions of regulated volatile organic  
25 compounds; and

26 (3) the immediate repair of any issues identified by  
27 the commission, including unlatched hatches, damaged seals, and

1 leaks.

2 Sec. 382.605. COMPLIANCE AUDIT. The commission shall  
3 conduct quarterly audits of each chemical distribution facility to  
4 determine compliance with this subchapter.

5 Sec. 382.606. VIOLATION OF SUBCHAPTER. (a) A violation of  
6 a provision of or rule adopted under this subchapter is punishable  
7 as an offense under Section 7.181, Water Code.

8 (b) A penalty collected under this section must be deposited  
9 to the credit of the community environmental remediation fund  
10 created under Section 382.607.

11 Sec. 382.607. COMMUNITY ENVIRONMENTAL REMEDIATION FUND;  
12 GRANT PROGRAM. (a) The community environmental remediation fund  
13 is created as a special fund in the state treasury outside the  
14 general revenue fund. The fund consists of money deposited to the  
15 credit of the fund under Section 382.606. Money in the fund may be  
16 appropriated only to the commission for purposes of the grant  
17 program established under Subsection (b).

18 (b) From money appropriated from the community  
19 environmental remediation fund for that purpose, the commission  
20 shall establish and administer a grant program to provide financial  
21 assistance to counties and municipalities for environmental  
22 remediation projects conducted in communities affected by a  
23 violation of this subchapter or another provision of this chapter  
24 that applies to chemical distribution facilities.

25 (c) The commission shall adopt rules to implement the  
26 program established under Subsection (b), including rules  
27 establishing:

- 1           (1) eligibility criteria for grant applicants and  
2 community environmental remediation projects;
- 3           (2) grant application procedures;
- 4           (3) criteria for evaluating grant applications and  
5 awarding grants;
- 6           (4) guidelines related to grant amounts; and
- 7           (5) procedures for monitoring the use of a grant  
8 awarded under Subsection (b) and ensuring compliance with any  
9 conditions of the grant.

10           SECTION 3. This Act takes effect September 1, 2025.