

By: Hernandez

H.B. No. 3809

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of petroleum coke storage and transport.

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

SECTION 1. Chapter 341, Health and Safety Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REGULATION OF PETROLEUM COKE STORAGE AND TRANSPORT

Sec. 341.101. DEFINITIONS. In this subchapter:

(1) "Fugitive dust" means any solid particulate matter that becomes airborne by natural or human activity. The term does not include exhaust from a combustion engine or particulate matter emitted from a properly permitted exhaust stack equipped with a functioning pollution control device.

(2) "Petroleum coke" means a solid, carbonaceous residue produced from a coker after cracking and distillation in a petroleum refining operation, including a residue produced by petroleum upgrading.

(3) "Political subdivision" means a municipality, county, or special district.

Sec. 341.102. REGULATION BY POLITICAL SUBDIVISION. (a) To prevent fugitive dust from petroleum coke, a political subdivision may adopt regulations governing petroleum coke storage or transport in the jurisdiction of the political subdivision.

(b) Regulations under this section may provide for:

(1) storage facility setback requirements;

1 (2) fugitive dust control measures, including
2 enclosure requirements; and

3 (3) penalty provisions for noncompliance with
4 regulations.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.