Requesting an Exception to the Self-Contained Breathing Apparatus Requirement

Exposure to chlorine gas has been determined as immediately dangerous to life or health. See <https://www.cdc.gov/niosh/idlh/7782505.html>. When chlorine gas is used, the requirements in Title 30 of the Texas Administrative Code (30 TAC) §290.42(e) and §290.42(k)(1) apply:

§290.42(e)(4) - Systems that use chlorine gas must ensure that the risks associated with its use are limited as follows.

§290.42(e)(4)A) - When chlorine gas is used, a full-face self-contained breathing apparatus (SCBA) or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage shall be readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency.

§290.42(k)(1) - Safety equipment for all chemicals used in water treatment shall meet applicable standards established by the OSHA or Texas Hazard Communication Act, Texas Health and Safety Code, Chapter 502i.

Some public water systems (PWSs) have multiple remotely located chlorine gas injection sites, and the requirement to have SCBA at *each* site may be cost-prohibitive. PWSs can request an exception to the requirement by completing an Exception Request form (obtained from our website1) and sending the form along with the information listed below via email to PTRS@tceq.texas.gov or by mail to:

Technical Review and Oversight Team (MC 159)

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, TX 78711-3087

**Please provide as much of the following *for each treatment plant* as possible:**

* Documentation such as photos or reports that a chlorine gas leak detector is installed and is regularly tested to ensure that it is in working condition. This documentation is required for each site where chlorine gas is used.
* Documentation describing the location of the SCBA unit(s), the staff to be assigned to each unit, and how each SCBA unit will be accessed during an emergency. The documentation must also include how and when guidance or training is provided to staff.
* A statement that acknowledges the PWS complies with 30 TAC §290.42(k)(1) by meeting the applicable OSHA standards. The OSHA respiratory protection standards are found in Title 29 of the Code of Federal Regulations (29 CFR), Subtitle B, Chapter XVII, Part 1910, § 1910.134[[1]](#endnote-1)i. This includes maintaining documentation that the SCBA unit(s) are NIOSH-certified (reference 29 CFR § 1910.134(d)).
* A statement that acknowledges that the standard operating procedure (SOP) that is to be followed in the event of an emergency involving the chlorine gas remains current, is provided to all staff, and includes a list of emergency telephone numbers for local authorities (poison control, fire and emergency personnel, and the system’s emergency personnel contact).

For assistance in completing an exception request, you may call 512-239-4691 or email PTRS@tceq.texas.gov and ask to speak to a member of the Technical Review and Oversight Team.

1. <https://www.tceq.texas.gov/drinkingwater/trot/exception>

ii <https://www.dshs.texas.gov/hazcom/faq.aspx>

iii <https://www.ecfr.gov/> [↑](#endnote-ref-1)