

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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*Juliann Sum, Chief*

February 20, 2015

John Chien, P.E.
San Jose-Santa Clara Regional Wastewater Facility
700 Los Esteros Road
San Jose, CA 95134
john.chien@sanjoseca.gov

Re: Title 8 Section 5157 Confined Space Clarification

Dear Mr. Chien;

This letter is provided in response to your inquiry to the Division of Occupational Safety and Health (Cal/OSHA) on February 9, 2015 regarding classification of a confined space. The content and conclusions of this letter are based only on the facts described below and responsive only to the initial requester. They may not be construed as a statement of general Division policy or general interpretation of the regulations referenced in this letter

Question:

Will the ferric chloride feed station under design be considered a confined space?

Response:

The ferric chloride feed station was described as a 5.5 feet high secondary containment wall built around four 11,000 gallon ferric chloride storage tanks (compartment 1) and three ferric chloride feed pump skids (compartment 2). Each compartment is provided with two standard 3-foot wide fiberglass reinforced plastic (FRP) stairways for entry and exit.

A confined space is defined in California Code of Regulations, Title 8, General Industry Safety Orders, section 5157(b):

Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and
- (3) Is not designed for continuous employee occupancy

In addition, the employer is responsible for determining if any permit-required confined spaces are present at the worksite pursuant to section 5157(c)(1):

The employer shall evaluate the workplace to determine if any spaces are permit-required confined spaces.

This letter does not alleviate the employer's responsibility in determining the existence of confined spaces at the worksite. Based on the description of the ferric chloride feed station provided, it may not be considered a confined space, pursuant to section 5157(b) if the employer can demonstrate:

- 1) The ferric chloride feed station is designed for continuous employee occupancy or
- 2) The ferric chloride feed station does not have a restricted means of entry or exit.
 - a) Fixed stairs that meet Title 8 standards are not considered a limited or restricted means of exit if there are no conditions or physical characteristics of the space, in light of the hazards present in it, which would interfere with the entrant's ability to exit or be rescued in a hazardous situation and
 - b) In addition, fixed stairs are not considered a limited or restricted means of exit only if the stairs are located such that the distance to an exit from anywhere in the space is not excessive. For example, if employees are likely to be overcome by ferric chloride in the event of a release from a tank before they could reach the stairs, then the space is considered to have limited means of exit.

Regardless of the confined space determination, the employer must address hazards to employees within the ferric chloride station. In addition, there may be other spaces within the new ferric chloride feed station that are confined spaces and some of them may be Permit-Required Confined Spaces subject to Title 8 section 5157. It is the employer's responsibility to assess the dangers posed by confined spaces at the worksite on an ongoing basis and to take appropriate action to protect employees.

To help you understand the confined space regulations better, we have included links for the Federal OSHA's Frequently Asked Questions on Permit-Required Confined Space Standard and OSHA Confined Space Advisor:

<https://www.osha.gov/html/faq-confinedspaces.html>

<http://www.dol.gov/elaws/confined.htm>

We hope this provides you with information you need. If you have any further questions regarding this or related safety concerns, please contact me at 925-270-9791 or eberg@dir.ca.gov.

Sincerely,



Eric Berg
Principal Safety Engineer