August 31, 2022

Greg Kester, Director of Renewable Resource Programs
California Association of Sanitation Agencies
925 L Street, Suite 200
Sacramento, CA 95814

Subject: CalOSHA Process Safety Management Applicability to Publicly Owned Wastewater Treatment Plants

Dear Mr. Kester:

As discussed in various meetings with you and your members, the California Division of Occupational Safety and Health (CalOSHA) is articulating below the applicability and exemption criteria for the Process Safety Management (PSM) regulations as they pertain to wastewater treatment plants (POTWs) injecting biomethane into the common carrier pipeline. POTWs employ anaerobic digestion as an integral part of their solids treatment process which produces biogas (roughly 60% methane). If a POTW utilizes all of their biogas on-site for their own power and heating needs, they are exempt from PSM regulations. If a POTW injects a portion of their biomethane into the common carrier pipeline, they are exempt from PSM regulations under the two scenarios described below:

Scenario 1: POTW X generates biogas via anaerobic digestion and uses much of it for its own on-site energy and/or heating consumption and injects a portion into the common carrier pipeline. It should be noted that the mass of biogas injected is measured from the point where a valve redirects methane from the POTW to the point of injection, in the common carrier pipeline, so includes all gas in piping and any storage units or treatment units along the way. This is an instantaneous measurement of the mass of biomethane which could be in all units and is not a limit on throughput. As long as the mass in all units from the valve to the point of interconnection would be less than 10,000 pounds at any one time the Exceptions in Section 5189 of T8 of the California Code of Regulations would apply and the POTW would be exempt from PSM regulations.

Scenario 2: POTW Y generates biogas via anaerobic digestion and 51% of it is sold via the retail market (small volume users such as vehicles) and 49% is sold on the wholesale market. Since more than 50% of the biogas is sold on the retail market, the Section 5189(b) exemption for retail sale would apply and the POTW is exempt from PSM regulations. This facility could also use, for example 90% for energy or heating needs on-site, sell 5.1% via the retail market and 4.9% via the wholesale market and retain the exemption.

Please contact me with any questions.

Sincerely,

Clyde Trombettas

Clyde Trombettas
Program Manager, Cal/OSHA Process Safety Management Unit