

Dickson, Laura

From: Dickson, Laura
Sent: Thursday, November 3, 2022 3:25 PM
To: Wheldon, Nathan M.; Juarez, Allie M.
Subject: RE: [EXTERNAL] 40 CFR 63 Subpart JJJJJ

Thanks for providing your analysis as well! I will include a section in the memo to summarize all of this information.

Have a nice evening,

Laura S. Dickson, P.E. | Environmental Engineer *She/her/hers*
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive | Pittsburgh, PA 15222
Phone: 412.442.4155
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From: Wheldon, Nathan M. <NMWheldon@marathonpetroleum.com>
Sent: Thursday, November 3, 2022 3:01 PM
To: Dickson, Laura <ldickson@pa.gov>; Juarez, Allie M. <AJuarez@marathonpetroleum.com>
Subject: RE: [EXTERNAL] 40 CFR 63 Subpart JJJJJ

Hi Laura, as Allie and I were looking at this regulation we came to the same conclusion, albeit from a different angle. We noticed that we do not apply from the beginning of the applicability. This rule applies to boilers and we do not meet the definition of a boiler in this rule since we do not heat water as can be seen in the excerpts below. Additionally, I do believe we meet the additional exemption of being a process heater. Anyway we look at this we are in agreement that NESHAP JJJJJ does not apply. Thank you!

40 CFR 63.11193 (NESHAP JJJJJ) Applicability:

You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler as defined in [§ 63.11237](#) that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in [§ 63.2](#), except as specified in [§ 63.11195](#).

40 CFR 63.11237 (NESHAP JJJJJ) Definition of Boiler:

Boiler means an enclosed device using controlled flame combustion in which **water** is heated to recover thermal energy in the form of **steam and/or hot water**. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or oxidizer feed rates are controlled. A device combusting solid waste, as defined in [§ 241.3](#) of this chapter, is not a boiler unless the device is exempt from the definition of a solid waste

incineration unit as provided in section 129(g)(1) of the Clean Air Act. Waste heat boilers, process heaters, and autoclaves are excluded from the definition of *Boiler*.

From: Dickson, Laura <ldickson@pa.gov>
Sent: Thursday, November 3, 2022 12:44 PM
To: Juarez, Allie M. <AJuarez@marathonpetroleum.com>; Wheldon, Nathan M. <NMWheldon@marathonpetroleum.com>
Subject: [EXTERNAL] 40 CFR 63 Subpart JJJJJ

Hi Allie and Nathan,

As a follow-up regarding 40 CFR 63 Subpart JJJJJ, per § 63.11195 gas-fired boilers are exempt from this Subpart.

Gas-fired boiler under this Subpart is defined as *“any boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment, gas supply interruption, startups, or for periodic testing, maintenance, or operator training on liquid fuel. Periodic testing, maintenance, or operator training on liquid fuel shall not exceed a combined total of 48 hours during any calendar year.”*

Regardless of if a process heater would meet the definition of a “boiler” under this subpart, as long as it is gas-fired and doesn’t combine with liquid fuel, this Subpart would not apply.

Thank you,

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