Title V/Clean Air Act: Environmental Law & Policy Center Petition to Object Filed Addressing Whiting, Indiana Refinery



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The Environmental Law & Policy Center ("ELPC") along with 5 other organizations filed a Title V Petition to Object ("Petition") before the United State Environmental Protection Agency ("EPA") related to the BP Products North America, Inc. ("BP") refinery.

The refinery is located in Whiting, Indiana.

A Title V renewal permit is stated to have been issued by the Indiana Department of Environmental Management ("IDEM").

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize into a single document all of the requirements that apply to the Permit holder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed Permit (and all necessary supporting information) if the agency determines it is not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition the EPA Administrator within 60 days of the expiration of the 45-day review period to object to the Permit.

The BP (Whiting Refinery) is stated to have operated since 1889 and is the largest such facility in the Midwest. It is stated to process up to 440,000 barrels of crude oil every day, producing:

- 10 million gallons of gasoline.
- 4 million gallons of diesel.
- 2 million gallons of jet fuel.
- 7% of all asphalt in the U.S.

The refinery is stated to be composed of multiple emission units and associated equipment.

ELPC argues that the EPA must object to the renewed Title V Permit because it fails to include and/or assure compliance with all requirements of the Clean Air Act. The arguments include:

- Fails to include the PM10 limit contained in 326 IAC 6.8-2-6(a) of the Indiana State Implementation Plan, which is an applicable requirement that applies to all PM10 emissions from each boiler stack;
- Fails to include the required Preventive Maintenance Plan; and
- Fails to include adequate monitoring, recordkeeping, or reporting requirements for NOx for No. 11 Pipe Still.

A copy of the Petition can be found here.