

# Title V/Clean Air Act: Petition to Object Filed Addressing Lake County, Indiana, Refinery



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

08/24/2021

The Environmental Integrity Project and Sierra Club (collectively “Petitioners”) filed a July 22nd Title V Petition to Object (“Petition”) before the United States Environmental Protection Agency (“EPA”) Administrator related to BP Products North America, Inc. (“BP”).

The Title V Petition objects to the Indiana Department of Environmental Management (“IDEM”) issuance of a Title V Significant Permit Modification (“Modification”) to BP’s Whiting Refinery (“Refinery”) in Lake County, Indiana.

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 in a single document all the requirements which 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(v)(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 under the Clean Air Act.

If EPA does not object to a permit, Section 505(v)(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 Refinery is described in the Petition as one of the largest oil and gas refineries in the United States. It is stated to include five industrial boilers equipped with their own flue gas stack, fired by a combination of refinery gas and natural gas. The boilers are stated to have been modified to equip each with a direct-fired duct burner device to reduce emissions of nitrogen dioxide.

Petitioners objections generally include issues such as:

- Alleged failure to include certain state implementation requirements limiting PM10 emissions from certain stacks
- Alleged problem with the rolling 12-month PM10 limit
- Methodology used to quantify PM10 emissions from certain boilers are alleged to be flawed and understate actual emissions measured through stack testing
- Certain stack testing is stated to allegedly not be required to be conducted under representative testing conditions

A copy of the Petition can be downloaded [here](#).

