



**Public Meeting Thursday February 22nd – East Chicago Central High School**

# BP Whiting Refinery Air Permit Renewal

The BP petroleum refinery in Whiting, Indiana is one of the largest in the country, with dozens of separate emission sources. The refinery's draft Clean Air Act Title V renewal permit (Permit) is nearly 2,500 pages long and filled with complex technical information. The Environmental Integrity Project and Environmental Law & Policy Center reviewed the draft permit to the extent practicable and identified **numerous serious defects**, summarized below. With respect to some defects, we suggest questions that could be asked at the public meeting.



## Issues & Questions for the Proposed Permit

### High Emissions Limits & Poor Monitoring

**Inadequate limits at steam plant boilers:** Emission limits for fine particulate matter (PM<sub>10</sub>) at each of the five boiler stacks at the refinery's 3SPS steam plant are too high. The permit should impose the stricter limits required by Indiana's State Implementation Plan (SIP) and account for all emissions released from these stacks.

**Insufficient and unspecified monitoring and reporting at boiler stacks and other emissions sources:** IDEM's methods for quantifying PM<sub>10</sub> emissions from the boiler stacks is unsupportable, and significantly undercounts the actual emissions that are measured during the stack test. Furthermore, the Permit fails to describe how BP is supposed to monitor its compliance with numerous pollutant limits (including for PM, PM<sub>10</sub>, VOCs, NO<sub>x</sub>, and CO) at numerous emissions units other than the boiler stacks, as well as how BP is supposed to record and report monitoring results.

**Failure to include fenceline monitoring:** Given BP's history of noncompliance and the size of the refinery, IDEM can and should require BP to make its current mobile and/or stationary air monitor equipment data available and install a comprehensive network of fenceline monitoring devices with real-time data reporting on a public-facing web platform.

- Does IDEM intend to require additional monitoring data disclosure or installation of additional monitoring at the refinery beyond those in the Permit?

*Public Meeting  
Feb 22nd, 2024  
6pm CT (7pm EST)  
Calumet College of  
St. Joseph - Rm 200*

### Violations & Repeat Incidents

**BP has failed to comply with emissions limits** for PM released from the refinery's large catalytic cracker (FCU 500), based on stack testing conducted in 2022 and 2023. Neither EPA nor IDEM have taken any enforcement action in response to these violations. Relatedly, neither BP nor IDEM have identified the emissions released during the refinery's recent power outage or tank leakage, and IDEM has not disclosed what, if any, steps the agency is requiring BP to take to prevent these accidents from recurring, or whether it will impose any penalties on BP for exposing its downwind neighbors to unlawful pollution.

- Is IDEM investigating these incidents and, if so, when it will share the results with the public?





### Key Documents Missing – Necessary to Ensure Compliance

The Permit fails to include several documents necessary to ensure compliance with permit terms and conditions. These documents are **particularly vital in light of BP's recent spate of accidents**, which implicate emergency response, risk management, and (in one case) leak detection, and may have resulted from inadequate preventative maintenance.

These missing documents include: Leak Detection & Response Plan, Preventative Maintenance Plan, Emergency Reduction Plan(s), Risk Management Plan, Compliance Schedule (for remedying ongoing noncompliance with permit limits and a court-ordered consent decree)

- Questions (for each missing document): Has BP prepared one? Has it been submitted to IDEM? Has IDEM approved it? Will IDEM release it and allow at least 60 days for public comment before issuing the permit?

### Failure to Consider Environmental Justice

According to U.S. EPA's EJScreen tool, 80% of the population within a 5-mile radius of the BP refinery are people of color, and **the area is heavily overburdened** with air pollution and other environmental hazards, creating widespread public health problems. The Permit, however, does not include an environmental justice analysis. IDEM should remedy this failure and perform (and release for public comment) an environmental justice analysis that evaluates environmental, demographic, and public health data, as well as BP's compliance record, and identifies opportunities to mitigate impacts.

- Has IDEM prepared an environmental justice analysis related to this permit renewal? If yes, will you commit to releasing it to the public for comment? If no, will you commit to preparing one and incorporating it into the permit? By what date? What other steps will IDEM take to protect local communities from disproportionate harm?

### Failure to Identify Bases for Permit Conditions

Clean Air Act regulations require permits to identify the legal authority for each permit condition. This is essential for regulators and the public to evaluate the adequacy of permit conditions as well as the facility's compliance with them. The BP Permit violates this requirement by failing to identify the legal basis for numerous conditions, including limits on equipment leaks for VOCs.

- What will you do to correct this error and provide more transparency and accountability?

**Submit public comment by Monday February 26th**

**Email IDEM's Doug Logan [dalogan@idem.in.gov](mailto:dalogan@idem.in.gov)**

