



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 13 2008

(AR-18J)

Matthew Stuckey, Chief
Permits Branch
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 61-53, Room 1003
Indianapolis, Indiana 46204-2251

Dear Mr. Stuckey:

The U.S. Environmental Protection Agency has completed its review of the proposed Title V operating permit modification, permit number 089-25488-00453, for BP Products North America Inc. – Whiting Business Unit in Lake County, Indiana. The Indiana Department of Environmental Management (IDEM) submitted this proposed Title V operating permit to EPA on May 1, 2008. I am pleased to note that EPA and IDEM staff have worked closely over the last several months to resolve various issues. EPA has reviewed the proposed Title V operating permit, comparing the permit to issues raised in our March 21, 2008, comment letter to you on the draft construction permit, as well as issues raised by the public. As a result, EPA concludes that IDEM has adequately addressed the issues raised in our March 21, 2008, letter. We have no further comments on the proposed Title V operating permit.

As you know, EPA alleged violations at the BP Whiting refinery in a November 2007 Notice of Violation (NOV). We note that the language of the permit prevents the shield from applying to emission units or matters addressed in the NOV. Additionally, you have provided in the permit that it may need to be reopened at a future time to incorporate a compliance schedule upon an affirmative finding through the enforcement process that the facility is in noncompliance.

As we have discussed, on April 30, 2008, EPA signed a final rule, “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.” The rule will become effective upon publication in the Federal Register. This rule, which will be codified at 40 C.F.R. Part 60, Subpart Ja, affects some units that are part of the BP project. Once this rule becomes effective, IDEM must incorporate the applicable provisions into BP's Title V permit within 18 months of promulgation, as required by 40 C.F.R. § 70.7(f)(1)(i). As you are also aware, BP will be subject to the provisions of Subpart Ja according to the dates specified in the final rule, regardless of when IDEM incorporates these provisions into the source's Title V permit.

If you have any further questions, please feel free to contact me or have your staff contact Constantine Blathras at (312) 886-0671 or Sam Portanova at (312) 886-3189.

Sincerely yours,

A handwritten signature in black ink that reads "Pamela Blakley". The signature is written in a cursive, flowing style.

Pamela Blakley, Chief
Air Permits Section