Exhibit 1

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

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Quarshie Awuah-Okyere, Environmental Manager
BP Products North America Inc.
quarshie.awuah-okyere@bp.com

Re: Finding of Violation
BP Products North America Inc.
Whiting, Indiana

Dear Mr. Awuah-Okyere,

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to BP Products North America Inc. (BP or you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you have violated the following requirements at your Whiting, Indiana facility: National Emission Standard for Benzene Waste Operations, codified at 40 C.F.R. Part 61, Subpart FF, and your Title V operating permit.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Constantinos Loukeris. You may call him at (312) 353-6198 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

MICHAEL HARRIS

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Date: 2020.07.10 08:52:27 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Jessica Gonzalez, BP America Inc.
Jessica.Gonzalez@bp.com

Phil Perry, Chief, IDEM
PPERRY@idem.IN.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
BP Products North America Inc.	)	**FINDING OF VIOLATION**
Whiting, Indiana	)	
	)	**EPA-5-20-IN-05**
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that BP Products North America Inc. (BP) is violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412. Specifically, BP is violating the National Emission Standard for Benzene Waste Operations (Benzene Waste NESHAP), codified at 40 C.F.R. Part 61, Subpart FF (Subpart FF). BP is also violating its Title V operating permit.

Statutory and Regulatory Authority

1. Section 112(q) of the CAA, 42 U.S.C. § 7412(q), provides, in pertinent part, that any standard under this section in effect before the date of enactment of the CAA Amendments of 1990 (November 15, 1990) shall remain in force and effect after such date.

NESHAP General Provisions

2. 40 C.F.R. § 61.05(c) requires that ninety days after the effective date of any standard, no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator under this part or under an exemption granted by the President under section 112(c)(2) of the CAA.

3. 40 C.F.R. § 61.12(a) provides that compliance with numerical emission limits shall be determined in accordance with emission tests established in 40 C.F.R. § 61.13 or as otherwise specified in an individual subpart.

4. 40 C.F.R. § 61.12(b) provides that compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.

5. 40 C.F.R. § 61.12(c) requires that the owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the source.

Benzene Waste NESHAP

6. Under Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the Benzene Waste NESHAP on March 7, 1990. *See* 55 *Fed. Reg.* 8346.

7. The Benzene Waste NESHAP, as amended pursuant to Section 112(q) of the CAA, became effective on January 7, 1993, and is codified at 40 C.F.R. Part 61, Subpart FF.

8. 40 C.F.R. § 61.340(a) states that the provisions of this subpart apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries.

9. 40 C.F.R. § 61.342(b) states that each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Megagrams per year (Mg/yr) or 11 ton/yr as determined in paragraph (a) of this section shall be in compliance with the requirements of paragraphs (c) through (h) of this section no later than 90 days following the effective date, unless a waiver of compliance has been obtained under 40 C.F.R. § 61.11, or by the initial startup for a new source with an initial startup after the effective date.

10. 40 C.F.R. § 61.341 defines "cover" as "a device or system which is placed on or over a waste placed in a waste management unit so that the entire waste surface area is enclosed and sealed to minimize air emissions. A cover may have openings necessary for operation, inspection, and maintenance of the waste management unit such as access hatches, sampling ports, and gauge wells provided that each opening is closed and sealed when not in use. Example of covers include a fixed roof installed on a tank, a lid installed on a container, and an air-supported enclosure installed over a waste management unit."

11. 40 C.F.R. § 61.341 defines "fixed roof" as "a cover that is mounted on a waste management unit in a stationary manner and that does not move with fluctuations in liquid level."

12. 40 C.F.R. § 61.341 defines "individual drain system" as "the system used to convey waste from a process unit, product storage tank, or waste management unit to a waste management unit. The term includes all process drains and common junction boxes, together with their associated sewer lines and other junction boxes, down to the receiving waste management unit."

13. 40 C.F.R. § 61.341 defines "no detectable emissions" as "less than 500 parts per million by volume (ppmv) above background levels, as measured by a detection instrument reading in accordance with the procedures specified in § 61.355(h) of this subpart."

14. 40 C.F.R. § 61.341 defines "oil-water separator" as "a waste management unit, generally a tank or surface impoundment, used to separate oil from water. An oil-water separator consists of not only the separation unit but also the forebay and other separator basins, skimmers, weirs, grit chambers, sludge hoppers, and bar screens that are located directly after the individual drain system and prior to additional treatment units such as an air flotation unit, clarifier, or biological treatment unit. Examples of an oil-water separator include an API separator, parallel-plate interceptor, and corrugated-plate interceptor with the associated ancillary equipment."

15. 40 C.F.R. § 61.341 defines "tank" as "a stationary waste management unit that is designed to contain an accumulation of waste and is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support."

16. 40 C.F.R. § 61.341 defines "waste management unit" as "a piece of equipment, structure, or transport mechanism used in handling, storage, treatment, or disposal of waste. Examples of a waste management unit include a tank, surface impoundment, container, oil-water separator, individual drain system . . .."

17. 40 C.F.R. § 61.342(c)(1)(ii) states that for each waste stream that contains benzene, including (but not limited to) organic waste streams that contain less than 10 percent water and aqueous waste streams, even if the wastes are not discharged to an individual drain system, the owner or operator shall comply with the standards specified in 40 C.F.R. §§ 61.343 through 61.347 of this subpart for each waste management unit that receives or manages the waste stream prior to and during treatment of the waste stream in accordance with paragraph (c)(1)(i) of this section.

18. 40 C.F.R. § 61.342(c)(1)(iii) states that each waste management unit used to manage or treat waste streams that will be recycled to a process shall comply with the standards specified in 40 C.F.R. §§ 61.343 through 61.347. Once the waste stream is recycled to a process, including to a tank used for the storage of production process feed, product, or product intermediates, unless this tank is used primarily for the storage of wastes, the material is no longer subject to paragraph (c) of this section.

19. 40 C.F.R. § 61.342(e)(2)(i) states that the benzene quantity for the wastes described in paragraph (e)(2) of this section must be equal to or less than 6.0 Mg/yr (6.6 ton/yr), as determined in 40 C.F.R. § 61.355(k). Wastes as described in paragraph (e)(2) of this section that are transferred offsite shall be included in the determination of benzene quantity as provided in 40 C.F.R. § 61.355(k). The provisions of paragraph (f) of this section shall not apply to any owner or operator who elects to comply with the provisions of paragraph (e) of this section.

20. 40 C.F.R. § 61.343(a) states that except as provided in paragraph (b) of this section and in 40 C.F.R. § 61.351, the owner or operator must meet the standards in paragraph (a)(1) or (2) of this section for each tank in which the waste stream is placed in accordance with 40 C.F.R. § 61.342 (c)(1)(ii). The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering.

21. 40 C.F.R. § 61.343(a)(1) states that the owner or operator shall install, operate, and maintain a fixed-roof and closed-vent system that routes all organic vapors vented from the tank to a control device.

22. 40 C.F.R. § 61.343(a)(1)(i)(A) states, that for fixed-roof tanks, the cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 parts per million by volume (ppmv) above background, as determined initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h) of this subpart.

23. 40 C.F.R. § 61.343(b)(3) states that for each tank complying with paragraph (b) of this section, one or more devices which vent directly to the atmosphere may be used on the tank provided each device remains in a closed, sealed position during normal operations except when the device needs to open to prevent physical damage or permanent deformation of the tank or cover resulting from filling or emptying the tank, diurnal temperature changes, atmospheric pressure

changes or malfunction of the unit in accordance with good engineering and safety practices for handling flammable, explosive, or other hazardous materials.

24. 40 C.F.R. § 61.344(a)(1) states that the owner or operator shall meet the following standard for each surface impoundment in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: The owner or operator shall install, operate, and maintain on each surface impoundment a cover (e.g., air-supported structure or rigid cover) and closed-vent system that routes all organic vapors vented from the surface impoundment to a control device.

25. 40 C.F.R. § 61.344(a)(1)(i)(A) states that the cover and all openings on each surface impoundment (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h) of this subpart.

26. 40 C.F.R. § 61.344(a)(1)(i)(B) states that each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that waste is in the surface impoundment except when it is necessary to use the opening for waste sampling or removal, or for equipment inspection, maintenance, or repair.

27. 40 C.F.R. § 61.346(a)(1) states that except as provided in paragraph (b) of this section, the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: The owner or operator shall install, operate, and maintain on each drain system opening a cover and closed-vent system that routes all organic vapors vented from the drain system to a control device.

28. 40 C.F.R. § 61.346(a)(1)(i)(A) states that except as provided in paragraph (b) of this section, the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: The cover and all openings (e.g., access hatches, sampling ports) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h) of this subpart.

29. 40 C.F.R. § 61.346(a)(1)(i)(B) states that except as provided in paragraph (b) of this section, the owner or operator shall meet the following standards for each individual drain system in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: Each opening shall be maintained in a closed, sealed position (e.g., covered by a lid that is gasketed and latched) at all times that waste is in the drain system except when it is necessary to use the opening for waste sampling or removal, or for equipment inspection, maintenance, or repair.

30. 40 C.F.R. § 61.347(a)(1) states that except as provided in 40 C.F.R. § 61.352 of this subpart, the owner or operator shall meet the following standards for each oil-water separator in which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: The owner or operator shall install, operate, and maintain a fixed-roof and closed-vent system that routes all organic vapors vented from the oil-water separator to a control device.

31. 40 C.F.R. § 61.347(a)(1)(i)(A) states that except as provided in 40 C.F.R. § 61.352 of this subpart, the owner or operator shall meet the following standards for each oil-water separator in

which waste is placed in accordance with 40 C.F.R. § 61.342(c)(1)(ii) of this subpart: The cover and all openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in 40 C.F.R. § 61.355(h) of this subpart.

32. 40 C.F.R. § 61.350(a) states that delay of repair of facilities or units that are subject to the provisions of this subpart will be allowed if the repair is technically impossible without a complete or partial facility or unit shutdown.

33. 40 C.F.R. § 61.355(h)(1) states that an owner or operator shall test equipment for compliance with no detectable emissions as required in 40 C.F.R. §§ 61.343 through 61.347, and 40 C.F.R. § 61.349 of this subpart in accordance with the following requirements: Monitoring shall comply with Method 21 from appendix A of 40 C.F.R. part 60.

34. 40 C.F.R. § 61.355(k) requires that "[a]n owner or operator shall determine the benzene quantity for the purposes of the calculation required by 40 C.F.R. § 61.342(e)(2) by the following procedure: (1) For each waste stream that is not controlled for air emissions in accordance with 40 C.F.R. §§ 61.343. 61.344, 61.345, 61.346, 61.347, or 61.348(a), as applicable to the waste management unit that manages the waste, the benzene quantity shall be determined as specified in paragraph (a) of this section, except that paragraph (b)(4) of this section shall not apply, i.e., the waste quantity for process unit turnaround waste is not annualized but shall be included in the determination of benzene quantity for the year in which the waste is generated for the purposes of the calculation required by 40 C.F.R. § 61.342(e)(2)."

35. 40 C.F.R. § 61.356(d) states that an owner or operator using control equipment in accordance with 40 C.F.R. §§ 61.343 through 61.347 shall maintain engineering design documentation for all control equipment that is installed on the waste management unit. The documentation shall be retained for the life of the control equipment. If a control device is used, then the owner or operator shall maintain the control device records required by paragraph (f) of this section.

36. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V operating permit after the effective date of any permit program approved or promulgated under Title V of the CAA. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. *See* 57 *Fed. Reg.* 32295; 40 C.F.R. Part 70. EPA promulgated regulations governing the federal operating permit program on July 1, 1996. *See* 61 *Fed. Reg.* 34228; 40 C.F.R. Part 70.

37. EPA promulgated interim approval of the Indiana Title V program on November 14, 1995. *See* 60 *Fed. Reg*. 57188 (effective on December 14, 1995). EPA fully approved the Indiana Title V program on December 4, 2001. *See* 66 *Fed. Reg.* 62969 (effective on November 30, 2001). The Indiana regulations governing the Title V permit program are codified at 326 Indiana Administrative Code 2-7 and are federally enforceable pursuant to Section 113(a)(3) of the CAA.

38. On December 8, 2014, the State of Indiana issued Title V operating permit # 089-30396-00453 to BP for its Whiting refinery.

39. On September 20, 2019, the State of Indiana issued Title V operating permit # 089-40517-00453 to BP for its Whiting refinery.

Factual Background

40. BP owns and operates a petroleum refinery at 2815 Indianapolis Boulevard, Whiting, Indiana 46394.

41. BP's Whiting, Indiana refinery is subject to requirements at Subpart FF.

42. BP is a facility with a total annual benzene quantity of greater than 10 Mg/yr since at least 2001.

43. EPA conducted an on-site Subpart FF inspection on October 29, 2019 (October 2019 Inspection) at BP's Lakefront wastewater treatment plant (Lakefront WWTP).

44. The Lakefront WWTP consists of, at a minimum, junction boxes, bar screens, oil-water separators, manhole covers, and wastewater conveyances used to control their total annual benzene quantity in accordance with 40 C.F.R. § 61.342(e) (i.e., 6 Mg/yr).

45. BP reported the following total annual benzene quantity controlled and uncontrolled in Mg/yr for the listed calendar years:

a. 2018: Controlled - 331, Uncontrolled – 0.544
b. 2017: Controlled - 204, Uncontrolled – 0.53
c. 2016: Controlled - 296, Uncontrolled – 1.22

46. BP only requires up to three of its four dissolved nitrogen flotation (DNFs) oil-water separators to be in service during normal operations.

47. The table below summarizes the various leaks, including detectable emissions, that EPA discovered during its October 2019 Inspection:

Component ID	Equipment Type	EPA's Reading (ppm)	BP's Reading (ppm)	Additional Notes
COB#4	Vacuum Breaker	750	975	None
Manhole 211	Manhole	4,100	1,500	None
Ground Rod 2-4	South Cement Cover	1,500	960	Not part of the sewer system
CCV-02	Vacuum Breaker	10,000	5,572	None
Ground 2-4	North Cement Cover	26,000	12,000	Not part of the sewer system
424995	Bolted hinge and seams nearby bar screen	1,210	1,235	Sealing caulk warped on seams
424981	Cover of bar screen bypass	18,000	Confirmed	Sealing caulk warped
424978	Seam near bar screen outlet	4,900	596	Sealing caulk warped
Bar screen	Bar screen trap door closure	26,400	Confirmed	Visible emissions were seen through

				the closure and cracks on closure piece
Manhole 5	Plate cover under valve 427214	1,578	2,471	None
Manhole 5	Southeast Corner of small plate cover & on big plate cover	1,473	2,085	None
Manhole 5	Northwest corner of small plate cover	1,938	10,000	None
Manhole 6	Upper Level and North seams on cover	1,800	1,946	Various spots for this portion of the cover found with >500 ppm
Manhole 6	Upper Level and North seams on cover	680	5,316	Various spots for this portion of the cover found with >500 ppm
Manhole 6	Upper Level and North seams on cover	35,000	>10,000	Various spots for this portion of the cover found with >500 ppm
Manhole 6	Upper Level and North seams on cover	3,800	2,395	Various spots for this portion of the cover found with >500 ppm
Manhole 6	Lower Level and North seams on cover	3,800	Confirmed	Various spots for this portion of the cover found with >500 ppm
Manhole 6	Lower Level and North seams on cover	5,600	Confirmed	Various spots for this portion of the cover found with >500 ppm
DNF 320	Southwest corner	10,400	6,546	Various spots on the bolts.
DNF 330	Southeast corner (piece of wood caulked in, with “LEAK” written on the wood)	13,000	Confirmed	BP has this DNF placed on delay of repair
DNF 340	Various seams throughout the DNF	>10,000	Confirmed	BP has this DNF placed on delay of repair
Tank 562	Vacuum Breaker	424	Not Confirmed	None

Tank 562	Agitator/Mixer	34,000	Not Confirmed	Not part of BP's Subpart FF monitoring program
Tank 5051	Vacuum Breaker	FLIR® GF-320 hydrocarbon leak imaged	Confirmed	None

48. BP operates a bar screen and junction boxes that are surface impoundments.

49. Manholes 5, 6, and 211 are manholes named in conjunction with an associated area of underground piping that manage wastewater in conveyances between waste management equipment at the Lakefront WWTP.

50. At the time of EPA's October 2019 Inspection, BP had DNF tanks 320, 330, and 340 placed on the delay of repair list.

51. BP operates Tank 562 located at the Lakefront WWTP that is used to manage organic benzene waste streams.

52. EPA identified an agitator on Tank 562 that is not part of BP's Subpart FF program.

53. Based on the records provided by BP in follow-up to the October 2019 Inspection, leaks identified by BP above 500 ppm and therefore not meeting the no detectable emissions requirements for certain equipment located at the Lakefront WWTP, that include:

Equipment	**Months (Highest Screening Value) that Leaks were found in 2017**	**Months (Highest Screening Value) that Leaks were found in 2018**	**Months (Highest Screening Value) that Leaks were found in 2019**
DNF Tank 310	8/2017 (1,981 ppm) and 11/2017 (4,188 ppm)	5/2018 (3,939 ppm)	N/A
DNF Tank 320	8/2017 (99,999 ppm), 9/2017 (99,999 ppm), 10/2017 (18,968 ppm), 11/2017 (18,485 ppm), and 12/2017 (12,227 ppm)	1/2018 (16,880 ppm), 2/2018 (16,072 ppm), 3/2018 (3,697 ppm), 4/2018 (17,860 ppm), 5/2018 (25,116 ppm), 6/2018 (14,147 ppm), 7/2018 (99,999 ppm), 8/2018 (1,867 ppm), 9/2018 (8,359 ppm), and 10/2018 (1,718 ppm)	2/2019 (12,172 ppm), 3/2019 (9,222 ppm), 4/2019 (99,999 ppm), 5/2019 (36,587 ppm), 8/2019 (38,902 ppm), 9/2019 (25,196 ppm), and 10/2019 (10,703 ppm)
DNF Tank 330	11/2017 (14,675 ppm)	2/2018 (2,623 ppm), 5/2018 (10,899 ppm), 8/2018 (7,262 ppm),	5/2019 (5,232 ppm), 8/2019 (19,794 ppm), 9/2019 (1,818

		and 10/2018 (99,999 ppm)	ppm), and 10/2019 (1,244 ppm)
DNF Tank 340	8/2017 (1,626 ppm)	2/2018 (884 ppm), 5/2018 (14,429 ppm), 8/2018 (6,377 ppm), and 10/2018 (4,792 ppm)	2/2019 (2,841 ppm), 5/2019 (6,585 ppm), 8/2019 (99,999 ppm), 9/2019 (6,802 ppm), and 10/2019 (14,509 ppm)
Bar screen	2/2017 (28,680 ppm), 5/2017 (99,999 ppm), 8/2017 (99,999 ppm), 11/2017 (45,749 ppm)	2/2018 (1,126 ppm), 5/2018 (50,652 ppm), 8/2018 46,872 ppm), and 10/2018 (71,324 ppm)	2/2019 (38,563 ppm), 5/2019 (6,206 ppm), 8/2019 (41,719 ppm), and 10/2019 (100,000 ppm)

54. BP has incorporated the applicability of Subpart FF into its Title V operating permits.

55. Condition G.3 of BP's 2014 Title V operating permit # 089-30396-00453, states that BP shall comply with the applicable provisions of Subpart FF for its individual drain systems, oil-water separators, tanks, containers, treatment processes, and closed-vent systems.

56. BP's 2014 Title V operating permit # 089-30396-00453, was amended on various dates thereafter.

57. Conditions E.3.1 and E.3.2 of BP's 2019 Title V operating permit # 089-40517-00453, states that BP shall comply with the applicable provisions of Subpart FF for its individual drain systems, oil-water separators, tanks, containers, treatment processes, and closed-vent systems.

Violations

58. Based on the leak imaged using a FLIR GF-320 of Tank 5051's vacuum breaker, BP failed to control emissions during normal operation as required by 40 C.F.R. § 61.343(b)(3) and its Title V operating permits.

59. BP failed to identify and monitor Tank 562's agitator as subject to Subpart FF and to annual monitoring for no detectable emissions as required by 40 C.F.R. §§ 61.343(a)(1)(i)(A) and 61.355(h) and its Title V operating permits.

60. Based on the leak found on the agitator of Tank 562, BP failed to design to operate all openings on a fixed roof tank to no detectable emissions as required by 40 C.F.R. § 61.343(a)(1)(i)(A) and its Title V operating permits.

61. BP failed to create or maintain engineering design documentation when using control equipment in accordance with 40 C.F.R. §§ 61.343 through 61.347 that is installed on the waste management unit as required by 40 C.F.R. § 61.356(d), and its Title V operating permits.

62. Based on the leaks identified by EPA during the October 2019 Inspection, BP failed to design to operate all covers and openings with no detectable emissions for the following waste management units: tanks, surface impoundments, individual drain system, and oil-water separators, as required by 40 C.F.R. §§ 61.343(a)(1)(i)(A), 61.344(a)(1)(i)(A), 61. 344(a)(1)(i)(B), 61.346(a)(1)(i)(A), 61.346(a)(1)(i)(B) and 61.347(a)(1)(i)(A), and its Title V operating permits.

63. Based on leaks identified during the October 2019 Inspection and leaks identified by BP above detectable emissions levels, for at least the period of 2017 through the present, for each waste management unit of the controlled sewer system located at the Lakefront WWTP, BP failed to comply with the 6 Mg/yr control option as required by 40 C.F.R. §§ 61.342(e) and 61.342(e)(2)(i) and its Title V operating permits.

64. By not designing and/or operating each waste management unit to no detectable emissions, BP failed to route all emissions to a closed-vent system as required by 40 C.F.R. §§ § 61.343(a)(1), 61.344(a)(1), 61.346(a)(1), and 61.347(a)(1) and its Title V operating permits.

65. By placing multiple DNFs on delay of repair when only three out of four DNFs are needed to operate the facility, BP did not take one of the DNFs out of service for repair and thus failed to comply with the delay of repair provisions as required by 40 C.F.R. § 61.350(a) and its Title V operating permits.

66. By identifying leaks above the no detectable emissions standard for waste management units and not calculating a benzene quantity uncontrolled for those leaks, BP failed to demonstrate compliance with the uncontrolled emissions level as required by 40 C.F.R. §§ 61.355(k) and 61.342(e)(2)(i), and its Title V operating permits.

MICHAEL HARRIS

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Date: 2020.07.10 08:53:29 -05'00'

Date

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division