

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO: 20260309 – IN0000108 – F
DATE OF NOTICE: March 9, 2026

The Office of Water Quality has issued the following **FINAL NPDES PERMIT**:

MAJOR– RENEWAL NPDES Permit with SMV and 316(a) Thermal Variance:

BP PRODUCTS NORTH AMERICA INC. – WHITING REFINERY, NPDES Permit No. IN0000108, LAKE COUNTY, 2815 Indianapolis Blvd, Whiting, Indiana 46394. This major industrial facility is a petroleum refinery, which discharges to Lake Michigan and the Lake George Branch of the Indiana Harbor Ship Canal via existing permitted outfalls. The discharges consist of 18 million gallons daily of non-contact cooling water, treated process wastewaters, and stormwater. The facility withdraws its water from Lake Michigan. In addition to renewing the NPDES permit, IDEM has renewed the permittee's Streamlined Mercury Variance (SMV) under the requirements of 327 IAC 5-3.5. The permit renewal includes the requirements of the applicant's Pollutant Minimization Program Plan and an interim discharge limit for mercury calculated based on the procedures of 327 IAC 5-3.5-8. The SMV will remain in effect until the NPDES permit expires under IC 13-14-8-9. IDEM has also approved the permittee's request for a 316(a) thermal variance.

IDEM public noticed the draft permit on March 17, 2025 and held a public hearing regarding this draft renewal of the permit on April 22, 2025. During the official public notice comment period, we received comment letters as well as oral comments at the public hearing. Please refer to the Post Public Notice Addendum which can be found on pages 83 through 227 of the fact sheet where these comments are itemized and responses provided. The final NPDES permit renewal, the fact sheet and all related documents are available online by going to IDEM's virtual file cabinet at <https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/>. Using the quick search function, search for content ID 83691284. This link will bring up both the application and the final NPDES permit document and related files. Permit Manager: Jodi Wray, 317/234-9739, jwray@idem.in.gov. Posted online at <https://www.in.gov/idem/public-notices/>.

Notice of Right to Administrative Review

If you wish to challenge this Permit, you must file a Petition for Administrative Review with the Office of Administrative Law Proceedings (OALP) and serve a copy of the Petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the OALP within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
100 North Senate Avenue - Suite N802
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue - Room 1301
Indianapolis, Indiana 46204

The Petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the Permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed.
 - b. aggrieved or adversely affected by the Permit.
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the Permit. The Permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
7. The identity of any persons represented by the petitioner.
8. The identity of the person against whom administrative review is sought.
9. A copy of the Permit that is the basis of the petition.
10. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the Permit. Examples are:

1. Failure to file a Petition by the applicable deadline.
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a Permit stayed during the Administrative Review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OALP will provide all parties with Notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to Notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OALP at the address above. More information on the appeal review process is available on the website for the Office of Administrative Law Proceedings at <https://www.in.gov/oalp/>.