



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

June 8, 2011

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA CERTIFIED MAIL 91 7190 0005 2710 0014 3662

Mr. Nick Spencer, Unit Business Leader
BP Products North America, Inc.
Whiting Business Unit
Mail Code 062
2815 Indianapolis Boulevard
Whiting, Indiana 46392

Dear Mr. Spencer:

Re: **Inspection Summary/Violation Letter**
BP Products North America Wastewater
Treatment Facility
NPDES Permit No. IN0000108
Whiting, Lake County

On April 28, 2011, a representative of the Indiana Department of Environmental Management, Northwest Regional Office, conducted an inspection of BP Products North America Wastewater Treatment Facility, located in Whiting, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Reconnaissance Inspection

Results of ☐ Violations were observed but corrected during the inspection.
Inspection: ☒ Violations were observed.
☐ Violations were observed and will be referred to the Enforcement Section.

The following violations and concerns were identified:

Due to a failure of a clarifier and wet weather, the facility began to lose bio-mass to Lake Michigan through Outfall 005.

Receiving Waters Appearance and Effluent Appearance were rated as unsatisfactory due to the dark turbidity observed in both the effluent and Lake Michigan. These were violations of the NPDES Permit, Part I. B. 1. a through Part I. B. 1. c.

Due to the failure of the clarifier, Operations was also rated as unsatisfactory as it was violation of the permit, Part II. B. 1.

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Within thirty (30) days of receipt of this letter, a written detailed response documenting correction of each of the violations listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in a referral to the Office of Water Quality's Enforcement Section. Please direct your response to this letter to the attention of Mr. Donald Daily at: Indiana Department of Environmental Management, Office of Water Quality; Mail Code 65-42; 100 North Senate Avenue; Indianapolis, IN 46204-2251. Any questions regarding this matter should be directed to Nicholas Ream at (219) 757-0284 by email to nream@idem.IN.gov. Thank you for your attention to this matter.

Sincerely,



J. Robert Simmons
Deputy Director
Northwest Regional Office

Enclosure



NPDES FACILITY NOTICE OF INSPECTION

State Form 47989 (R6 / 5-06)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Facility and Inspection Information

NPDES Permit #: IND0000107	Facility Type Code: ☐ 1 = Municipality ☒ 2 = Industry/Semi-Public ☒ Major ☐ 3 = Agricultural ☐ 4 = State/Federal ☐ Minor	Classification Per Permit: D
This is to notify you that on 4/28/11 (month, day, year) an inspection of the specified facility was conducted by the undersigned representative of the Indiana Department of Environmental Management, Office of Water Quality.		
TYPE OF INSPECTION (may include more than one): ☒ Compliance Evaluation Inspection (C) ☒ Reconnaissance Inspection (R) ☐ Industrial User Inspection (I) ☐ Sanitary Sewer Overflow Inspection (V) ☐ Complaint (J) ☐ Multi-media Screening Evaluation (M) ☐ Combined Sewer Overflow Inspection (Y) ☐ Compliance Sampling Inspection (S) ☐ Other		
Name and Location of Facility Inspected: (number, street, city, zip code) BP PRODUCTS NORTH AMERICA, INC. WAITING BUSINESS UNIT MAIL CODE 502 2215 INDIANAPOLIS BLVD WHITING, IN	Receiving Waters/POTW: (NEE MICHIGAN + LAKE CHARGE BRANCH OF THE INDIANA HARBOR	Permit Expiration Date: 7/31/12
Name(s) of On-Site Representative: VALERIE MOORE	Title(s): WATER, HEALTH, SAFETY & ENV.	Phone: (219) 473-2445 Fax: (219) 473-5374
Certified Operator: DAVE OLIN	Number: 14118	Class: D
	Renewal Effective Date: 7/1/10	Expiration Date: 6/30/12
		Hours per Week: 40+
Name and Address of Responsible Official: (number, street, city, zip code) MR. NICK SPENCER BP PRODUCTS NORTH AMERICA, INC. WAITING BUSINESS UNIT MAIL CODE 502 2215 INDIANAPOLIS BLVD WHITING, IN 46382	Title: BUSINESS UNIT LEADER	Phone: () Fax: ()
	Contacted: ☐ Yes ☒ No	Facility Design Flow: NA

Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated, NA = Not Applicable)

☒ Receiving Waters Appearance	☒ Facility/Site	☒ Self-Monitoring Program	☒ Compliance Schedules
☒ Effluent Appearance	☒ Operation	☒ Flow Measurement	☒ Pretreatment
☒ Permit	☒ Maintenance	☒ Laboratory	☒ Effluent Limits Violations
☒ CSO/SSO (Sewer Overflow)	☒ Sludge Disposal	☒ Records/Reports	Other:

Preliminary Inspection/Screening Findings*

*These findings are considered preliminary and identify specific compliance issues discovered during the above-noted inspection that the designated agent of IDEM believes may be a violation of a statute(s), rule(s) or permit(s) issued by IDEM.

SINGLE MEDIA INSPECTION:

- ☐ No violations were discovered with respect to the particular items observed during the inspection. (5)
☐ Violations were discovered but corrected during the inspection. (4)
☒ Violations were discovered and require a submittal from you and/or follow-up inspection by IDEM. (2)
☐ Violations were discovered and may subject you to an appropriate enforcement response. (1)
☐ Additional information/review is required to evaluate overall compliance. (6)
☐ Potential problems were discovered or observed. (3)

Comments Regarding Unsatisfactory Ratings - Including Rule or Permit Citation(s):

A RECONNAISSANCE INSPECTION WAS CONDUCTED DUE TO A SELF-REPORTING CALL FROM BP. THE CALLER STATED THAT, DUE TO A STRUCTURAL FAILURE IN A CLARIFIER AND WET WEATHER, THE FACILITY WAS HAVING TROUBLE TREATING WASTEWATER AS NORMAL. IT WAS OBSERVED THAT THE STILLING WELL FROM A CLARIFIER HAD TILTED INTO THE CLARIFIER AFTER THE FAILURE OF SUPPORTING BOOTS. THE STILLING WELL DAMAGED A SCUM RETURN LINE, WHICH, IN TURN, DAMAGED THE BOTTOM RAKE.

Additional Comments Regarding Unsatisfactory Ratings - Including Rule or Permit Citation(s):

ARM OF THE CLARIFIER ON 4/18/11. ALL FLOW AFTER THE AERATION TANKS WAS DIVERTED TO THE REMAINING CLARIFIER. AS THE FACILITY TREATS STORM WATER, HEAVY RAINS OVER THE NEXT WEEK CAUSED A LOSS OF BIO-MASS THROUGH OUTFALL 005 INTO LAKE MICHIGAN. BP REPRESENTATIVES STATED THEY HAVE ATTEMPTED TO REDUCE THE AMOUNT OF FLOW TO THE WASTE WATER FACILITY. ADDITIONALLY, THE FACILITY PLANS TO GENERATE A REPORT TO FIND THE SOURCE OF FAILURE.

Comments Regarding Marginal Ratings - Conclusions and Recommendations:

① THE RECEIVING WATERS APPEARANCE AND EFFLUENT APPEARANCE WERE RATED AS UNSATISFACTORY DUE TO HIGH TURBIDITY. THIS IS A VIOLATION OF THE PERMIT, PART I.B.1.a THROUGH I.B.1.c.

② OPERATIONS WAS RATED AS UNSATISFACTORY DUE TO THE FAILURE OF THE CLARIFIER WHICH IS A VIOLATION OF THE PERMIT, PART II.B.1.

A SIGNATURE WAS NOT OBTAINED AT THE TIME OF INSPECTION AS THE REPORT WAS GENERATED LATER.

Multi-Media Screening (please note that a multi-media screening is not a comprehensive evaluation of the compliance status of the facility):

- ☒ Multi-media screening not conducted. FACILITY REQUEST
☐ No violations were observed during the limited multi-media screening conducted by IDEM.
☐ Potential violations were discovered but corrected during the inspection.
☐ Potential problems were discovered and may be further investigated.

Pollution Prevention

Pollution prevention is the preferred means of environmental protection in Indiana. The goal of pollution prevention is to promote changes in business and commercial operation, especially manufacturing processes, so that Indiana businesses increase productivity, generate less environmental wastes, reduce their regulatory responsibilities and become more profitable. Your participation in Indiana's pollution prevention program is entirely voluntary. If you have any pollution prevention questions, you may contact our Office of Pollution Prevention and Technical Assistance (OPPTA) at (317) 232-8172 or (800) 988-7901, or visit OPPTA's Web site at www.idem.in.gov/oppta/p2/. Would your company like to be contacted by IDEM's Office of Pollution Prevention and Technical Assistance? Yes ☐ No ☒

Compliance Assistance

In addition to the compliance assistance offered by IDEM's individual programs, IDEM's Compliance and Technical Assistance Program (CTAP) offers free, confidential compliance assistance to regulated entities, including small businesses and municipalities, throughout Indiana. In the future, if you would like to request free, confidential compliance assistance, call (317) 232-8172 or (800) 988-7901, or visit CTAP's Web site at <http://www.idem.in.gov/ctap/>.

Summary and Correction Information

A summary of violations and concerns noted during the inspection was verbally communicated to the undersigned representative during the inspection. The facility should correct any violations noted as soon as possible. Violations identified and corrected during the inspection may still be cited as violations.

☒ A written inspection summary will be provided within 45 days.
In accordance with IC 13-14-5-4, matters not evident to IDEM at the time of the inspection might not be included in either the verbal or written inspection summary.

☐ Written report provided at the conclusion of the inspection.
If upon subsequent review, any changes to this report are deemed necessary, a revised report will be sent to the subject facility within 45 days.

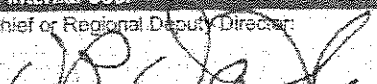
IDEM Representative:

Printed Name:	Signature:	Phone Number:	Date:	Time
NICHOLAS V. RYAN		(219) 757-0281	4/28/11	In: 11:30 am Out: 2:30 pm

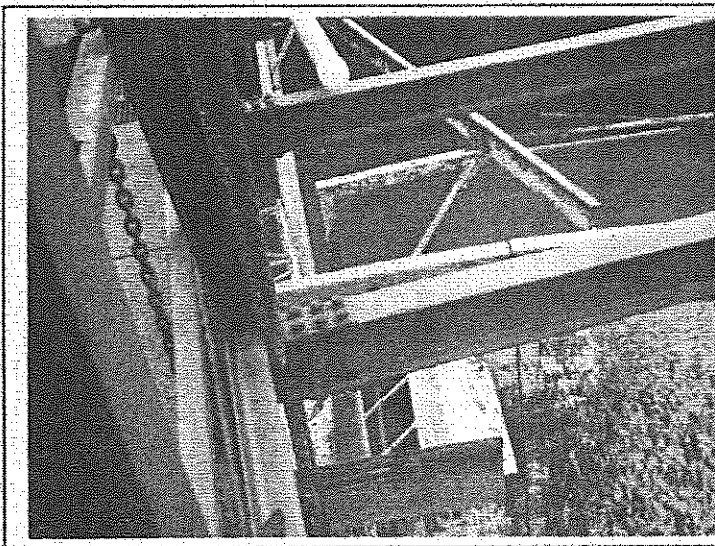
Owner/Agent Representative/Title:

Printed Name:	Signature:	Title:	Phone Number:	Date:

For IDEM Internal Use:

Section Chief or Regional Deputy Director:	Date:	For:
	6-1-11	☐ Follow-up ☐ Enforcement ☐ NPDES Permits ☐ Other

Distribution: White - IDEM Public File; Canary - OPPTA (if OPPTA assistance requested); Pink - Owner/Agent Representative; Gold - Inspector



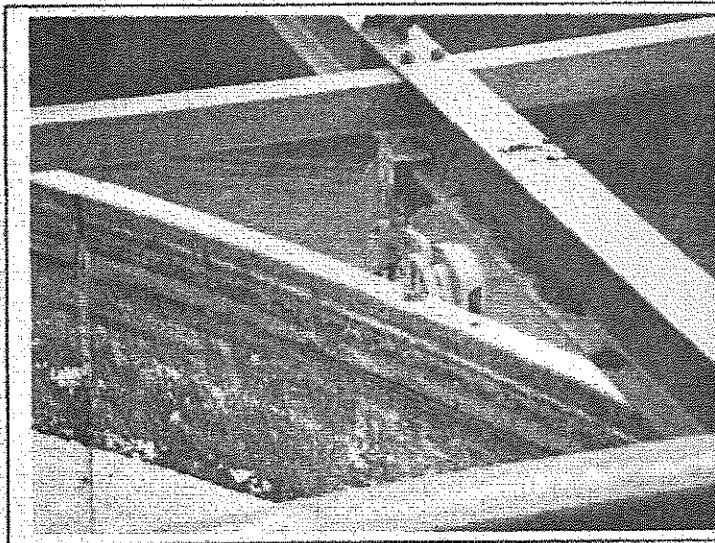
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:05 pm

Others Present: Valerie Moore

Location & Description: Down and east view of the scum return box. The return line for the box was damaged.



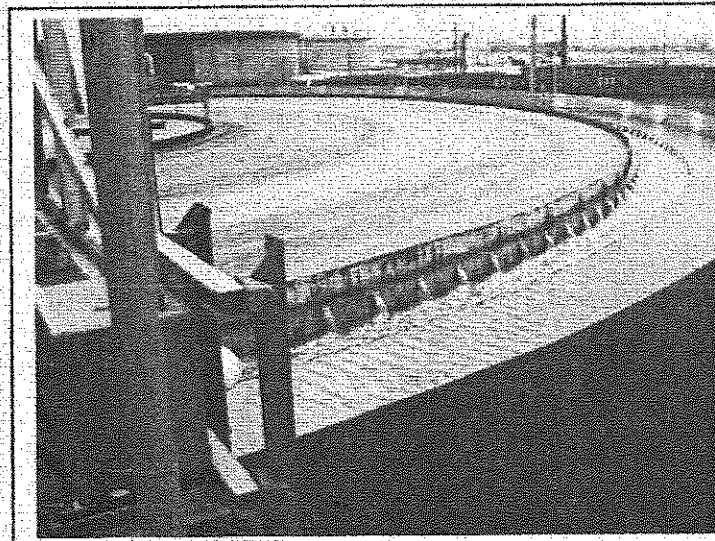
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:05 pm

Others Present: Valerie Moore

Location & Description: Down and east view of a failed bolt on the stilling well.



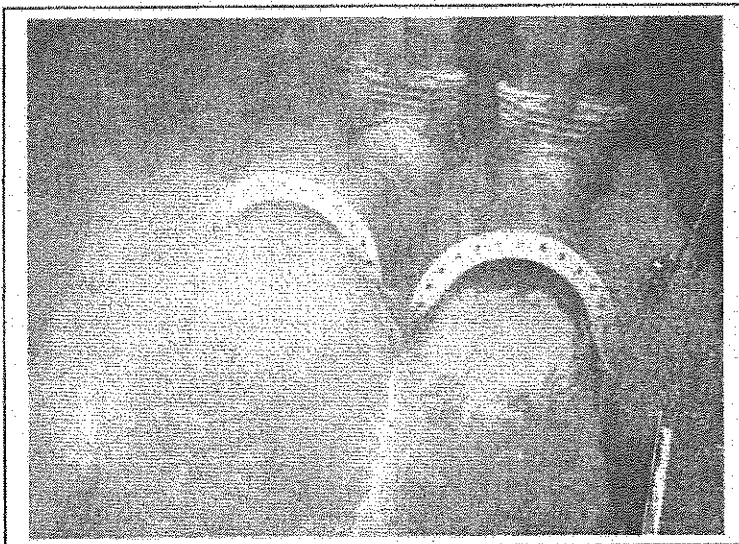
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:05 pm

Others Present: Valerie Moore

Location & Description: East view of the remaining clarifier. Heavy foam is visible on the surface of the clarifier. Solids are escaping the clarifier at the time of the photo.



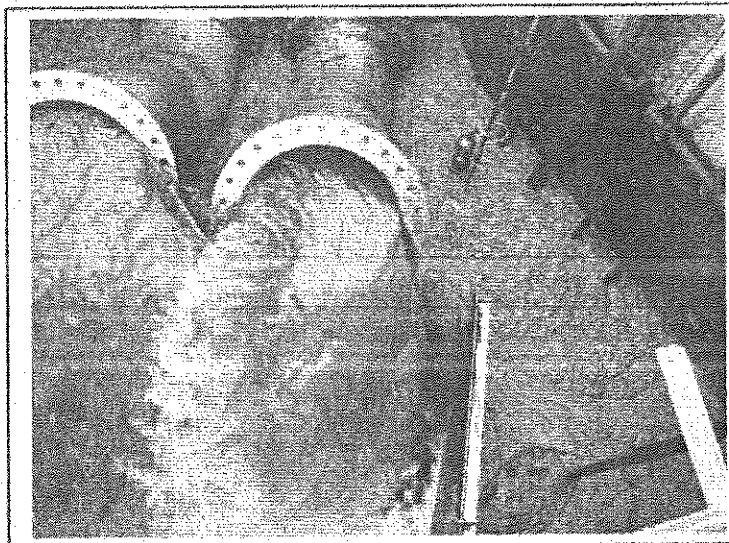
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:25 pm

Others Present: Valerie Moore

Location & Description: Down and north view of the effluent to outfall 005. The water is turbid and dark due to excessive solids and bio-mass,



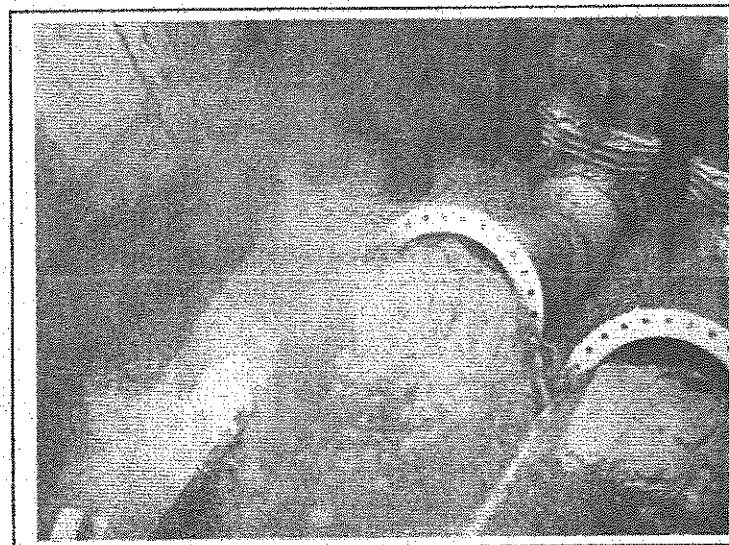
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:25 pm

Others Present: Valerie Moore

Location & Description: Down and north view of the effluent to outfall 005. The water is turbid and dark due to excessive solids and bio-mass,



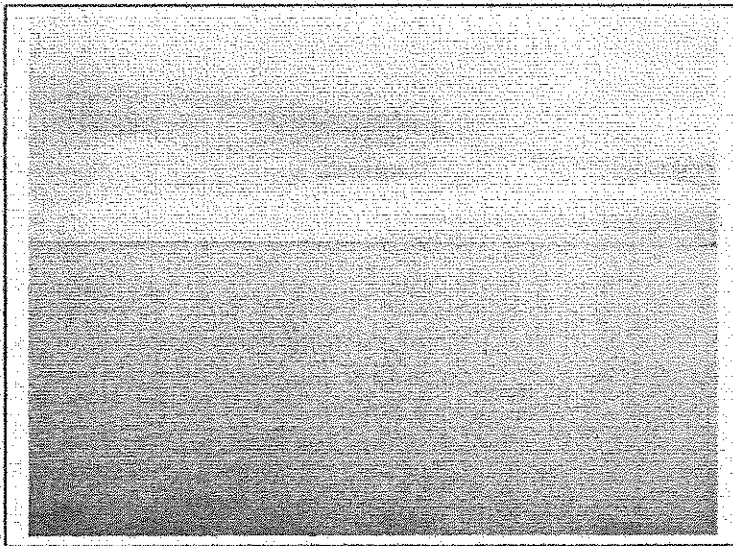
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:25 pm

Others Present: Valerie Moore

Location & Description: Down and north view of the effluent to outfall 005. The water is turbid and dark due to excessive solids and bio-mass.



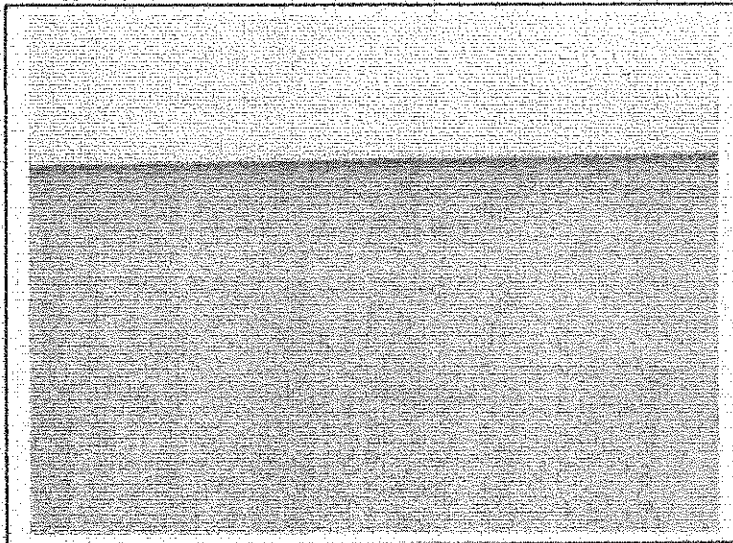
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:30 pm

Others Present: Valerie Moore

Location & Description: North view of where outfall 005 discharges over 3000 feet into Lake Michigan. Photo taken from the shoreline.



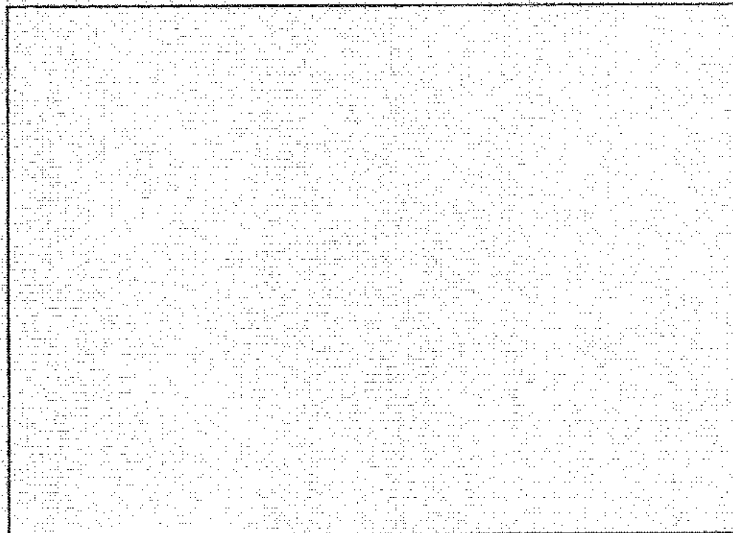
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:30 pm

Others Present: Valerie Moore

Location & Description: North view of where outfall 005 discharges over 3000 feet into Lake Michigan. Photo taken from the shoreline with maximum camera zoom. The dark material seen in the water is from the discharge from BP outfall 005.



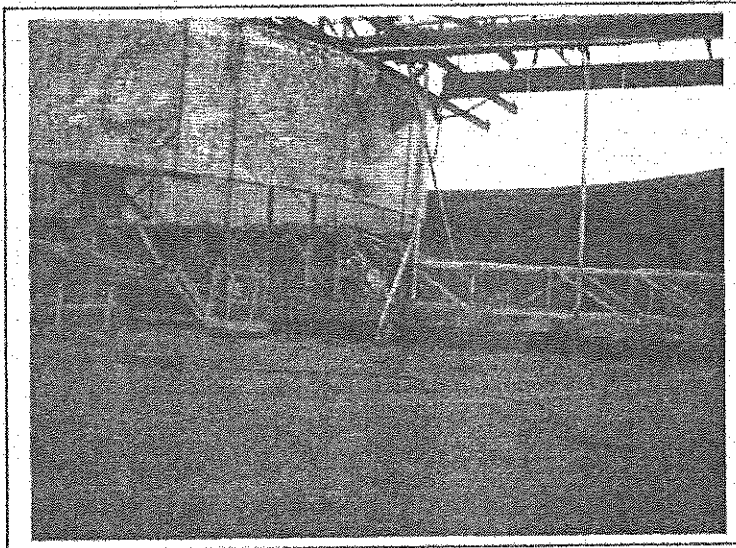
Facility Name:

Photographer:

Date & Time:

Others Present:

Location & Description:



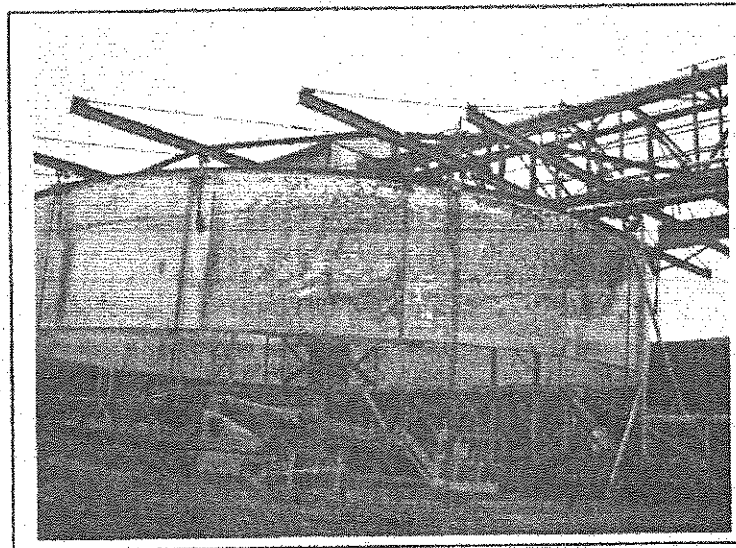
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:00 pm

Others Present: Valerie Moore

Location & Description: Interior northern view of the northern clarifier. A bent white pipe with a "U" shape on the end can be seen on the bottom rake. This is a return line for the tank which was damaged when the stilling well tipped.



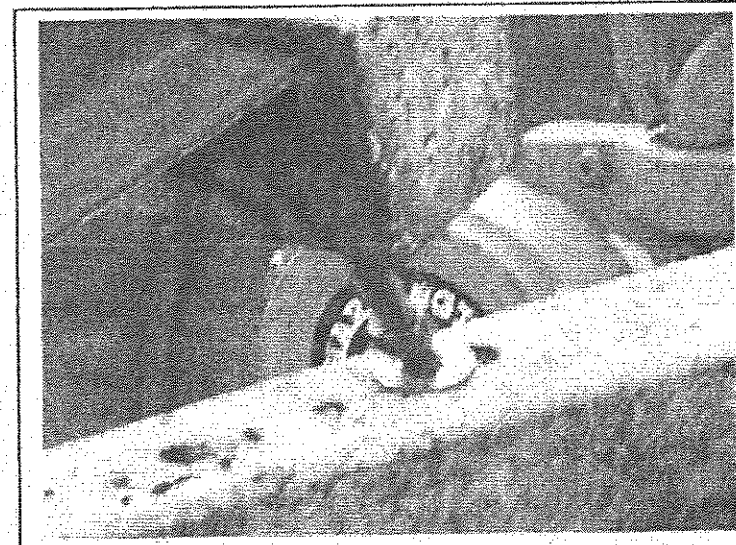
Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:00 pm

Others Present: Valerie Moore

Location & Description: Interior northern view of the northern clarifier. The stilling well is being reconnected. The chains at the top are holding the failed portion in place.



Facility Name: BP

Photographer: Nick Ream

Date & Time: 4/28/11 ~1:05 pm

Others Present: Valerie Moore

Location & Description: Down and southerly view of bolts which had held the stilling well in place. Approximately 4 of these bolts failed, allowing the stilling well to tip into the tank, damaging a return line, which, in turn, damaged the bottom rake.

IDEM WASTEWATER PRE-INSPECTION CHECKLIST

Name and Location of Facility to be Inspected:	NPDES Permit #:	GPS Coordinates Recorded:	Date to be Inspected:	Inspector:
Name: BP North America, INC. Town/City: Whiting County: Lake	IN0000108	N/A	4.28/11	NKR

1.	REVIEW RELEVANT PROGRAM PERMIT AND PERMIT APPLICATIONS	CHECK ONE:		
		YES	☒ NO	N/A
IF NO, N/A, N/E:	Provide explanation or description why: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/ Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

2.	REVIEW PRIOR INSPECTION HISTORY & REPORTS RELEVANT TO THE PROGRAM INSPECTION, PARTICULARLY ANY OUTSTANDING OR UNRESOLVED ISSUES.	CHECK ONE:		
		YES	☒ NO	N/A
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

3.	REVIEW PRIOR COMPLIANCE AND ENFORCEMENT HISTORY RELEVANT TO PROGRAM INSPECTION, PARTICULARLY: WARNINGS AND MINOR VIOLATIONS, FORMAL ACTIONS (OE &/OR EPA)	CHECK ONE:		
		YES	☒ NO	N/A
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

4.	REVIEW FACILITY RESPONSES TO ALL OF THE ABOVE.	CHECK ONE:		
		YES	☒ NO	N/A
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

5.	REVIEW FACILITY RECORDS, REPORTS, SELF-MONITORING DATA CURRENTLY AVAILABLE.	CHECK ONE: YES ☐ NO ☒ N/A ☐ N/E ☐		
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

6.	REVIEW MAPS SHOWING FACILITY LAYOUT AND WASTE MANAGEMENT/ DISCHARGE SITES.	CHECK ONE: YES ☐ NO ☒ N/A ☐ N/E ☐		
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

7.	REVIEW RECORDS OF CITIZEN'S COMPLAINTS.	CHECK ONE: YES ☐ NO ☒ N/A ☐ N/E ☐		
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

8.	REVIEW ANY PROCESS INFORMATION.	CHECK ONE: YES ☐ NO ☒ N/A ☐ N/E ☐		
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

9.	REVIEW AND DETERMINE APPLICABLE REQUIREMENTS.	CHECK ONE: YES ☐ NO ☒ N/A ☐ N/E ☐		
IF NO, N/A, N/E:	Explanation: Please see additional comments at the bottom of page 2.			
IF YES:	Info Source/Location/Date Reviewed	Inspector Notations Pertinent to Upcoming Inspection:		

ADDITIONAL COMMENTS:

The inspection was conducted on an emergency basis. No preparation of the inspection could be completed.

McNeil, Tammie

From: DoNotReply@pb.com
Sent: Friday, June 10, 2011 11:45 PM
To: McNeil, Tammie
Subject: Package Delivery Notification: Carrier = POST, TrackingNr = 9171900005271000143662

This delivery notification is to alert you that a package was delivered to:

Mr Nick Spencer Unit Business Leade
Attn: BP Products North America, Inc
2815 Indianapolis Blvd
Whiting Business Unit Mail Cód
Whiting, IN 463942197 US

The package was delivery on 6/10/2011 7:55:00 AM

Package Detail:

TrackingNr: 9171900005271000143662
Service: 2PM
Weight: 0.056
Pieces: 1
BillNr: Z900000106440

Your package can be tracked from URL:

<http://trkcnfrml.smi.usps.com/PTSInternetWeb/InterLabelInquiry.do?origTrackNum=9171900005271000143662>

