

**AGREED BOARD ORDER NO. 17-01**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 06766**

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77 (Air Pollution Control). This Agreement is made by and between the Board and ConAgra Foods Packaged Foods, LLC (Company), a Delaware company, and is effective on the date of its adoption by the Board.

**COMPANY:** ConAgra Foods Packaged Foods, LLC  
12650 Westport Rd.  
Louisville, KY 40245

**REGULATIONS INVOLVED:**

District Regulation 5.15: Chemical Accident Prevention Provisions

**NOTICE OF VIOLATION LETTER:** No. 02628, dated October 21, 2015

**BACKGROUND AND DISCUSSION:**

ConAgra Foods Packaged Foods, LLC operates a facility employing approximately 250 full-time employees and produces frozen food products. Company is subject to the requirements of District Regulation 5.15, which implements the federal Clean Air Act Risk Management Program (RMP), and requires Company to take measures to prevent accidental releases of toxic and flammable substances. The Louisville Metro Air Pollution Control District (District) alleges that Company failed to document safety-related information, failed to certify safety-related procedures, and failed to update and maintain the RMP plan.

On September 14, 2015, a District employee and a member of the Louisville Metro Emergency Management Agency conducted an on-site inspection of Company's RMP. As a result of the inspection, the District discovered approximately 38 deficiencies including failure to provide documentation of the following: a management system to oversee the implementation of the RMP; correct data and methodology to analyze all release scenarios; all required process safety information; a system to promptly address findings of the Process Hazards Analysis; annually updated operating procedures; an employee training program; mechanical integrity

inspections and tests; deficiencies corrected after compliance audits; and contractor safety information. Company has resolved the issues documented in the Notice of Violation.

To fully address the violations of District Regulation 5.15 described above, the parties agree to this Order. On January 18, 2017, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. Company shall pay \$225,000 to the Louisville Metro Air Pollution Control District by February 17, 2017.

2. Company has reviewed this Order and consents to all its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.

3. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.

4. This Order fully resolves the violations alleged in District Incident No. 06766, and as alleged above in this Order.

5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

ConAgra Foods Packaged Foods, LLC

By: Robert W Powell  
Robert W. Powell, M.D.  
Chairman

By: Thomas J Culross  
Thomas J. Culross  
Vice President

Date: 1/18/2017

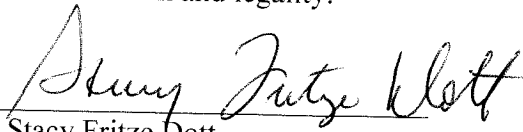
Date: 1/11/17

Louisville Metro Air Pollution Control District

By: Matt King  
Matt King, P.E.  
Compliance and Enforcement Manager

Date: 11/13/17

Approved as to form and legality:

By:   
Stacy Fritze Dott  
Assistant County Attorney