

**AGREED BOARD ORDER NO. 06-06**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 04179**

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes, Chapter 77 (Air Pollution Control).

**COMPANY:** Ralcorp Frozen Bakery Products, Inc.  
d/b/a Bakery Chef, Inc.  
12650 Westport Road  
Louisville, Kentucky 40245

**REGULATIONS INVOLVED:** 1.09 (Prohibition of Air Pollution)

**NOTICE OF VIOLATION LETTER:** No. 01783, dated May 22, 2006

**BACKGROUND AND DISCUSSION:**

The Company prepares frozen bakery products at its facility located in Jefferson County, Kentucky and uses ammonia for refrigeration purposes. The Company is required to submit a risk management plan, pursuant to District Regulation 5.15 and 42 U.S.C. §7412(r), that thoroughly identifies hazards which may result in accidental chemical releases, and take preventative measures to avoid such releases.

On May 31, 2004, a security guard at the Company smelled an ammonia odor and made notification to the Worthington Fire Department. The Worthington Fire Department, Emergency Management Agency (EMA), HazMat team and Metropolitan Sewer District (MSD) responded to the scene. An ammonia release was discovered from a relief valve on a buttermilk tank located on the southeast side of the building. EMA was informed by plant personnel that a power outage caused compressors to go offline, which led to a pressure buildup in the system and subsequent ammonia release.

Approximately one year later, on July 19, 2005, a 911 call was placed by a Company employee regarding another ammonia release. The Worthington Fire Department, EMA, HazMat team, Louisville Metro Police Department (LMPD) and several other agencies responded to the scene. Upon arrival, Worthington Fire Department Chief Gary Yurt observed a large ammonia cloud on the west side of the building. The white cloud was approximately ten feet tall and thirty feet wide and moving toward the residential neighborhood. Chief Yurt ordered a Level 3 HazMat response. Plant personnel informed Chief Yurt that the ammonia release was estimated at 1,000 pounds. Initially, the Company believed a power outage had occurred again, but later reported that a compressor fault caused a pressure buildup in the system.

During the time of the incident, approximately 250 residents within a two block radius were advised by LMPD to shut all windows and doors and stay indoors. Bakery Chef employees were

evacuated from the facility and nearby businesses were advised to shut down or shelter in place. The nearby Ford plant was temporarily shut down and all employees were brought into the building. CSX Railroad shut down rail traffic past the facility and air traffic was restricted by the Federal Aviation Authority (FAA).

At approximately 12:00 midnight, Bakery Chef personnel and the HazMat team entered the plant and manually closed off the liquid ammonia line. Monitoring conducted within the plant shortly thereafter confirmed that the ammonia had been contained. EMA advised that there was no leak on the ground and issued an all-clear to residents at approximately 1:30 a.m.

After the incident, the Company submitted a revised process hazard analysis in order to more fully identify hazards that may lead to a chemical release. In addition, the Company has committed to install a cascade pressure stabilization system by December 31, 2006 as an additional safety precaution. To fully resolve the violations alleged above of District Regulation 1.09, the parties agree to this Order assessing against the Company an administrative settlement of \$10,000.

On October 18, 2006, a public hearing was held before the Board on the proposed settlement. Based upon the evidence presented at that hearing, the Board determined that the proposed resolution and requirements were reasonable under the circumstances.

**NOW THEREFORE, BE IT ORDERED THAT:**

1. The Company has paid \$10,000 to the Louisville Metro Air Pollution Control District.
2. The Company shall install a cascade pressure stabilization system by December 31, 2006.
3. The Company has reviewed this Order and consents to all its requirements and obligations. Further, the Company agrees to pay the cost of publishing legal notice of the public hearing.
4. In the event that it is necessary for the District to seek a court order to enforce this Order, the Company agrees to pay filing fees and costs of such action.
5. This Order fully resolves the violations alleged against the Company in District Incident No. 04179 and as alleged above in this Order.
6. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing.

Dated this 18th day of October, 2006.

LOUISVILLE METRO AIR POLLUTION  
CONTROL BOARD

By: \_\_\_\_\_  
Karen A. Cassidy  
Chair

RALCORP FROZEN BAKERY  
PRODUCTS, INC. d/b/a BAKERY CHEF,  
INC.

By: \_\_\_\_\_  
Alvin Corbett  
Director of Operations

LOUISVILLE METRO AIR POLLUTION  
CONTROL DISTRICT

By: \_\_\_\_\_  
Jesse Goldsmith, P.E.  
Engineering/Enforcement Manager

APPROVED AS TO FORM AND  
LEGALITY:

By: \_\_\_\_\_  
Lauren Anderson  
Assistant County Attorney