



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
25063 CENTER RIDGE ROAD
WESTLAKE, OHIO 44145

SUBJECT: CLEAN AIR ACT INSPECTION REPORT
Dreyer's Grand Ice Cream, Fort Wayne, Indiana

FROM: Danny Nguyen, Risk Management Program (RMP) Inspector
WECAB, Multimedia Section

THRU: Mr. Brooke Furio, Section Supervisor
WECAB, Multimedia Section

TO: File

BASIC INFORMATION

Facility Name: Dreyer's Grand Ice Cream – Fort Wayne, Indiana

Facility Location: 3426 Wells Street, Fort Wayne, Indiana 46808

Date of Inspection: December 13, 2023

EPA Inspector(s):

1. Danny Nguyen, RMP Inspector, USEPA Region 5
2. Jason Schenandoah, RMP Inspector, USEPA Region 5

Other Attendees:

1. Julia Zirpoli, Factory Manager, Dreyer's Grand Ice Cream
2. Rodney Stayner, Industrial Services Manager, Dreyer's Grand Ice Cream
3. Justin Larkin, Engineering Manager, Dreyer's Grand Ice Cream
4. Ken Hughes, PSM/RMP Specialist, Dreyer's Grand Ice Cream
5. Bruce Shanabarger, Safety Specialist, Dreyer's Grand Ice Cream

Contact Email Address: julia.zirpoli@us.froneri.com

Purpose of Inspection: Compliance with the prevention of accidental release provisions found in Section 112(r) of the Clean Air Act (CAA), 42 U.S.C. §§7414(r)

Facility Type: Ice Cream and Frozen Dessert Manufacturing

Regulations Central to Inspection: The Chemical Accident Prevention Provisions at 40 C.F.R. Part 68

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Arrival Time: 8:51 AM (December 13, 2023)
Departure Time: 5:55 PM (December 13, 2023)

Inspection Type:

- ☐ Unannounced Inspection
- ☒ Announced Inspection

OPENING CONFERENCE

- ☒ Presented Credentials
- ☒ Stated authority and purpose of inspection
- ☐ Provided Small Business Resource Information Sheet
- ☒ Small Business Resource Information Sheet not provided. Reason: Not a small business
- ☒ Provided CBI warning to facility

The following information was obtained verbally from Dreyer's Grand Ice Cream's representatives unless otherwise noted.

Process Description:

The Fort Wayne facility was built in 1959 and originally owned by Boardman Dairy. Dreyer's Grand Ice Cream (Dreyer's) acquired the business in 1984 and started operating in 1985. In 2006, Nestle purchased Dreyer's Grand Ice Cream. All "Dreyer's Grand Ice Cream" facilities became wholly owned subsidiaries of Nestle and was renamed "Nestle Dreyer's Grand Ice Cream". In 2020, Froneri, out of the United Kingdom, acquired all Nestle U.S. based ice cream including all Dreyer's facilities. Froneri reverted back to "Dreyer's Grand Ice Cream" with Froneri as the parent company. The Fort Wayne facility is one of four national Dreyer's Grand Ice Cream facilities with the corporate office residing in Oakland, California. The Fort Wayne facility specializes in manufacturing of drumstick ice cream along with several other brands.

The facility has approximately 500 employees that includes a handful of temporary contractors in production, construction, and service. The facility operates production 24 hours, five days a week Monday through Friday. Production operations are conducted on Saturdays as required. Security, maintenance, and utilities personnel work on Saturdays and Sundays. Dreyer's currently operates eleven production lines at the Fort Wayne site. A new production line was added as part of an expansion in 2023.

Dreyer's reports as Program Level 3 RMP facility with ammonia (anhydrous) as the process chemical. The ammonia is used for refrigeration of ingredients and product in the warehouse, storage rooms, and hardening tunnels. Dreyer's is considered a responding stationary source with fifteen onsite trained Hazardous Materials (HAZMAT) responders.

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Data Collected and Observations:

The following observations were made during the records review process:

RMP:

- Dreyer's reported total quantity of ammonia (anhydrous) in the RMP that was less than the actual amount at the facility.

Incident Investigation:

- Mr. Nguyen reviewed a May 2023 incident report that involved an ammonia leak and two employees who sought medical attention because of the incident.
- Mr. Nguyen reviewed the facility's checklist form that is initiated after an incident occurs. It was observed there is not a field on the form for investigation start time to ensure investigations are initiated as promptly as possible, but no later than 48-hours after the incident.

Compliance Audit (CA):

- TJW, a third party contractor, conducted the last two compliance audits in 2020 and 2022. The audit reports only included TJW participants in the process and did not list anyone who is knowledgeable in the process as part of the compliance audit. Mr. Stayner stated operators participated in the process and the report should have included their names.

Process Hazard Analysis (PHA):

- An initial PHA on the covered process could not be found either in electronic or hard copy. Mr. Stayner stated the original PHA was conducted under previous Nestle ownership and could have been lost in transfer of ownership.
- Dreyer's did not provide a written schedule or documented actions from the 2018 PHA to ensure PHA team findings and recommendations were promptly addressed.

Hazard Assessment (HA):

- HA did not include documentation review of identification of environmental receptors within the Offsite Consequence distance to endpoint calculation.

Process Safety Information (PSI):

- There was no documentation or certification that equipment complies with recognized and generally accepted good engineering practices.

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Operating Procedures (OPs):

- OPs did not describe conditions under which emergency shutdown is required.

Pre-Startup Safety Review (PSSR):

- The PSSR form did not confirm training was completed for each employee involved in operating a process.

Hot Work Permit:

- The November 2023 hot work permit had 'Not Applicable' selected for permit question "has the area and all surfaces been cleaned of combustible materials?". The surfaces are not always being cleaned of combustible materials.

Emergency Response (ER):

- The facility's ER plan has triggers for plan review but does not specify procedures for reviewing and updating the plan. Additionally, the plan did not have procedures for informing employees of changes to the ER plan.

TOUR INFORMATION

EPA Tour of the Facility: Yes

Photos and/or Videos: were taken during the inspection.

Field Measurements: were not taken during this inspection.

Tour observations:

- In the warehouse machine room, there were two 55-gallon oil drums and a forklift getting charged partially obstructing path to the only emergency exit.
- In the warehouse machine room, an overhead water pipe was observed to be excessively swaying and causing adjacent pipes containing ammonia to also sway.
- Fire extinguisher inspection frequency in the rooms is inconsistent. Some extinguishers were inspected monthly and other extinguishers were inspected quarterly.
- There were 3-4 ammonia sensors with April 2023 tags for last calibration date. Several sensors did not have calibration tags on them.
- Pressure relief valve in the machine room was frozen over. Mr. Larkin stated that specific relief valve does not pop up for pressure relief. It is a hydrostatic relief valve.
- Number of windsocks for emergency egress needs to be evaluated. During the walkthrough, only two windsocks were difficult to view from all process areas and one of the windsocks was in degraded condition.

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- The far south main egress door in the process engine room did not have panic hardware installed. The door had a turn knob.
- Some compressors appeared to have oil levels outside the normal operating range. Dryer's personnel stated that the oil is checked when the compressor is off and that shutting down the unit would bring the oil level up into the correct range.
- The old boiler room within the process engine room had a single egress door and did not have panic hardware and ammonia warning signs.

RECORDS REVIEW

The following records were provided by the Facility representatives electronically to USEPA prior to the inspection and are filed on a secure One Drive folder provided by EPA Inspector Danny Nguyen under the folder "Dreyer's Grand Ice Cream – Fort Wayne Document Folder":

1.1 Vol 01A Tab 01 Section 01 Employee Participation Program.pdf
1.2 Vol 01A Tab 05 Appendix 01D PSM RMP Responsibility Chart.pdf 1.3 Vol 01A Tab 05 Appendix 01D-1 PSM RMP Organizational Chart.pdf
2.1 Vol 10 RMP Submittal-2022.pdf
3.1. Vol 01A Tab 47 Airgas SDS for Ammonia.pdf
3.2a. DRE100-RP-BFD.dwg.pdf
3.2b. DRE200-RW-BFD1.dwg.pdf
3.2c. DRE200-RW-BFD2.dwg.pdf
3.3a. DRE100-Process Flow Schematics.dwg.pdf
3.3b. DRE200-Warehouse Flow Schematics.dwg.pdf
3.4 Vol 01C Tab 19 Appendix 02T P & W Process Chemistry & Narrative Description.pdf
3.5a. Vol 01C Tab 01 Appendix 02A NH3 Inventory Calculation-Process Facility.pdf
3.5b. Vol 01C Tab 02 Appendix 02B NH3 Inventory Calculation-Warehouse Facility.pdf
3.8. Vol 01C Tab 05 Appendix 02E Design Specifications.pdf
3.9a. DRE100-P01-142 Process P&IDs.pdf
3.9b. DRE200-P01-P81 Warehouse P&IDs.dwg.pdf
3.11. Vol 1B Tab 20 RV Header 20-PL14-PL15-FZR-BL1-2-3-Drawing R12M.srv.pdf
3.12a. Vol 01C Tab 11 Appendix 02K PSM Process Ventilation Worksheet.pdf
3.12b. Vol 01C Tab 08 Appendix 02H-1 PSM Warehouse ER1 Ventilation.xlsx.pdf
3.12c. Vol 01C Tab 08 Appendix 02H-2 PSM Warehouse ER2
3.13. Vol 01C Tab 05 Appendix 02E Design Specifications.pdf
3.14a. Vol 01C Tab 06 Appendix 02F Process Material and Energy Balance.pdf
3.14b. Vol 01C Tab 07 Appendix 02G Warehouse Material and Energy Balance.pdf
3.15. Vol 01C Tab 13 Appendix 02M Safety System Information.pdf
4.1 2018 PHA 5 Year Revalidation Report-Warehouse.pdf
4.2 2021 Process PHA MOC 2020-012 Addendum Report.pdf
4.3 2022 Process PHA MOC 2022-002-003-004-011 Addendum Report.pdf
5.1 Vol 04A Tab 17 SOP LC-04 Compressor.pdf
5.2 Vol 04B Tab 03 SOP LA-01 Vessel.pdf
5.3 Vol 04C Tab 01 SOP PL21-FZR-BL3 Heat Exchanger.pdf

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5.4 Vol 04E Tab 01 SOP AHU-07 Air Unit.pdf
5.5 Vol 04E Tab 12 SOP EC-09 Condenser.pdf
5.6 Vol 04E Tab 22 SOP AP-01 Purger.pdf
6.1 Lockout Tagout.pdf
7.1 Example Ammonia Operators Training.pdf
7.2 Process_Safety_Management_Training_Presentation.pdf
8.1 Vol 01A Tab 27 Section 12 Mechanical Integrity Program.pdf
8.2 Vol 01A Tab 31 Appendix 12D Piping and Vessel Mechanical Integrity Inspection Procedure.pdf
8.3 2020 5 Year Mechanical Integrity Inspection Report-Process.pdf
9.1 Vol 01A Tab 18 Section 07 Management of Change.pdf
9.2 2022 MOC Log.pdf
9.3 2023 MOC Log.pdf
MOC 2022-010.pdf
10.1 PSSR GHX-01.pdf
10.2 PSSR WHC-14.pdf
11.1 2019 FINAL NUSA PSM-RMP Audit Fort Wayne RDC.xls.pdf
11.2 2019 FINAL NUSA PSM-RMP Audit Fort Wayne Factory.xls.pdf
11.4 2022 Compliance Audit Report.pdf
2019 RMP.pdf
12.1 Warehouse Incident Investigation-Dreyers Report-05172022.pdf
12.2 Warehouse Incident Investigation-TJW Report-05172022.pdf
13.1 Vol 01A Tab 01 Section 01 Employee Participation Program.pdf
14.1 Hot Work.pdf
15.1 Contractors procedures_Forms.pdf
16.1 Emergency Response.pdf
16.2 Annual coordination activities with the local Fire Department.pdf

CLOSING CONFERENCE

☒ Provided U.S. EPA point of contact to the facility

Areas of Concern:

- All observations identified above in the 'Data Collected and Observations' section.
- In the warehouse machine room, there were two 55-gallon oil drums and a forklift getting charged partially obstructing path to the only emergency exit.
- In the warehouse machine room, an overhead water pipe was observed to be excessively swaying and causing adjacent pipes containing ammonia to also sway.
- Fire extinguisher inspection frequency in the rooms is inconsistent. Some extinguishers were inspected monthly and other extinguishers were inspected quarterly.
- There were 3-4 ammonia sensors with April 2023 tags for last calibration date. Several sensors did not have calibration tags on them.
- The far south main egress door in the process engine room did not have panic hardware installed. The door had a turn knob.

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- The old boiler room within the process engine room had a single egress door and did not have panic hardware and ammonia warning signs.

POST INSPECTION DOCUMENTS

The following documents were provided by the Facility representatives electronically (uploaded to OneDrive folder) to USEPA after the inspection:

2013 Fort Wayne DC PHA Tracking Report.xlsx (uploaded by Mr. Stayner 12/21/23)
Fort Wayne DC 2013 PHA Report.docx (uploaded by Mr. Stayner 12/21/23)
Eyewash Weekly WOs - Random.pdf (uploaded by Mr. Stayner 12/21/23)
201273 Warehouse Eng Room Calibration Reports 112720.pdf (uploaded by Mr. Stayner 12/21/23)
201274 Process Eng Room Calibration Reports 112820.pdf (uploaded by Mr. Stayner 12/21/23)
211402 211403 Scanned Calibration Documents 2021 Nh3 Detector Calibration.pdf (uploaded by Mr. Stayner 12/21/23)
Bump Tests - NH3 Detectors - Work Orders.pdf (uploaded by Mr. Stayner 12/21/23)
Calibrations - NH3 Detectors - Work Orders.pdf (uploaded by Mr. Stayner 12/21/23)
EDYS Process Engine Room Calibration and Service Report Scanned 12122022.pdf (Certification Sheet).pdf (uploaded by Mr. Stayner 12/21/23)
Ken Hughes RETA Certification.pdf (uploaded by Mr. Stayner 12/21/23)
Matt Hayes RETA Certification.pdf (uploaded by Mr. Stayner 12/21/23)
RMP.RPSTAYNER.100000067848 (3).pdf (uploaded by Mr. Stayner 12/21/23)
Vol 01A Tab 33 Appendix 13A Nuisance and Incident Investigation Form.docx (uploaded by Mr. Stayner 12/21/23)
WORK ORDER.pdf (uploaded by Mr. Stayner 12/21/23)

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POST INSPECTON COMMUNICATION

Communication Log (Post Inspection):

- 12-21-23 Email: Mr. Rodney Stayner stated requested documents were uploaded to the OneDrive folder. Additionally, he stated the ammonia leak incident investigation form had date and time of investigation start and the facility updated their RMP to reflect the most current ammonia inventory quantity.
- 12-29-23 Email: Mr. Rodney Stayner provided update of panic hardware installed on the south exit door in the process control room (photo provided).
- 1-4-2024 Email: Mr. Rodney Stayner provided update of installing braces for the vibrating water line in the warehouse machine room (photos provided).
- 1-9-2024 Email: Mr. Rodney Stayner provided update of remove exit door to old boiler room and including the room into the ventilation calculation in the process engine room.
- 2-6-2024 Email: Ms. Julia Zirpoli provided clarification of history of Dreyer's Grand Ice Cream name and parent companies.

DIGITAL SIGNATURES

Report Author: **DANNY NGUYEN**  Digitally signed by DANNY NGUYEN
Date: 2024.02.09 10:16:18 -05'00'

Section Supervisor: **BROOKE FURIO**  Digitally signed by BROOKE FURIO
Date: 2024.02.09 11:39:38 -05'00'

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Appendices and Attachments

Appendix A: Participant List

Appendix B: Digital Image Log

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APPENDIX B: PARTICIPANT LIST

MEETING SIGN-IN SHEET			
Project:	DREYER'S GRAND ICE CREAM	Meeting Date:	DEC 13, 2023
Lead Inspector:	DANNY NGUYEN	Address:	
Name	Title	Phone	E-Mail
RODNEY STAYNER	INDUSTRIAL SERVICES MANAGER	260-239-2509	rodney.stayner@us.froneri.com
Ken Hughes	PSM/RMP Specialist	260-446-2501	Ken.hughes@tjw industrial.com
JUSTIN LARKIN	ENGINEERING MGR.	614-783-1815	JUSTIN.LARKIN@US.FRONERI.COM
JULIA ZIRPOLI	FACTORY MGR.	260-385-1285	julia.zirpoli@us.froneri.com
Bruce Shanabarger	Safety Specialist	260-609-3861	Robert.Shanabarger@us.Froneri.com
Jason Schenandoah	Environmental Engineer	312-886-9506	Schenandoah.jason@epa.gov
DANNY NGUYEN	ENVIRONMENTAL ENGINEER	440-250-1709	nguyen.danny@epa.gov

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APPENDIX B: DIGITAL IMAGE LOG

1. Inspector Name: Danny Nguyen	2. Archival Record Location: <i>OneDrive/Desktop/Multi Media Section/112(r)/Inspections/Dreyer's Grand Ice Cream 13 Dec 2023/Photos</i>
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Image Number	File Name	Date and Time (incl. Time zone and DST)	Description of Image
1	DSCN0455.jpg	12/13/2023 / 3:13PM Eastern	Vibrating water line next to ammonia line in warehouse machine room
2	DSCN0456.jpg	12/13/2023 / 3:24PM Eastern	Ice on pressure relief valve on recirculation vessel CA-1
3	DSCN0457.jpg	12/13/2023 / 3:27PM Eastern	South exit door in process control room with turn handle and no panic hardware
4	DSCN0458.jpg	12/13/2023 / 3:31PM Eastern	Entry and Exit door from to boiler room to process engine room with no ammonia warning signs and no panic hardware
5	DSCN0459.jpg	12/13/2023 / 3:32PM Eastern	Old boiler room used as workspace and storage room

The following digital images were provided by the facility post inspection:

1. Inspector Name: Danny Nguyen	2. Archival Record Location: <i>OneDrive/Dreyer's Grand Ice Cream Document Folder/Non-CBI Documents/Requested Documents 12212023</i>
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Image Number	File Name	Date and Time (incl. Time zone and DST)	Description of Image
1	Process Engine Room Door.jpg	Uploaded 12/21/2023	Crash bar added to process engine room door that leads into production hallway
2	Waterline1.jpg	Uploaded 1/04/2024	Additional bracing installed on water line that ran across warehouse engine room
3	Waterline2.jpg	Uploaded 1/04/2024	Additional bracing installed on water line that ran across warehouse engine room
4	Waterline3.jpg	Uploaded 1/04/2024	Additional bracing installed on water line that ran across warehouse engine room
5	Old Boiler Room Door.jpg	Uploaded 1/09/2024	Doorway to old boiler room removed

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