U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of:	)	
	)	
Simmons Animal Nutrition, Inc.	)	**Docket No. CAA-07-2025-0212**
	)	
Respondent.	)	

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Simmons Animal Nutrition, Inc. (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, in which the first date of alleged violation occurred more than twelve months prior to the initiation of the administrative action was appropriate for administrative penalty action.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated the Chemical Accident Prevention Provisions in 40 C.F.R. Part 68, promulgated pursuant to Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and that Respondent is therefore in violation of Section 112(r) of the CAA. Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA's intent to issue an order assessing penalties for these violations.

Parties

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is Simmons Animal Nutrition, Inc., a corporation doing business in Missouri.

Statutory and Regulatory Background

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of the EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates that the Administrator promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the chemical accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances.

6. On June 20, 1996, the EPA promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). This rule requires owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and coordination of emergency response activities.

7. The regulations at 40 C.F.R. Part 68, titled Chemical Accident Prevention Provisions, set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a Risk Management Plan ("RMP") that must be submitted to the EPA.

8. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

9. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions apply to covered processes. Pursuant to 40 C.F.R. § 68.10(l), a covered process is subject to Program 3 requirements if the process does not meet the eligibility requirements of Program 1, as described in 40 C.F.R. § 68.10(j), and it either falls under a specified North American Industry Classification System code or is subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

10. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at

40 C.F.R. Part 19, increased these statutory maximum penalties to $59,114 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

Definitions

11. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines "person" to include any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

12. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), defines "accidental release" as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

13. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines "owner or operator" as any person who owns, leases, operates, controls, or supervises a stationary source.

14. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulations at 40 C.F.R. § 68.3 define "stationary source," in part, as any buildings, structures, equipment, installations or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

15. The regulations at 40 C.F.R. § 68.3 define "regulated substance" as any substance listed pursuant to Section 112(r)(3) of the CAA, in 40 C.F.R. § 68.130.

16. The regulations at 40 C.F.R. § 68.3 define "threshold quantity" as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

17. The regulations at 40 C.F.R. § 68.3 define "process" as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

General Factual Allegations

18. Respondent is a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

19. Respondent owns and operated a pet food ingredient manufacturing facility located at 832 East 3rd Street in Milan, Missouri (the Facility).

20. The Facility is a "stationary source" as defined by Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and in 40 C.F.R. § 68.3.

21. Respondent reported three accidental releases to the National Response Center prior to EPA's inspection. On January 9, 2023, Respondent reported a release of 12 pounds of anhydrous ammonia due to a safety release valve failure. On February 23, 2023, Respondent reported a release of 2 pounds of anhydrous ammonia from a pipe freezer hose that broke open. On March 18, 2024, Respondent reported a release of 221 pounds of anhydrous ammonia because a fan blade damaged evaporator coils.

22. Due to these reported releases, which involve the mechanical integrity of process equipment, EPA identified Respondent's Facility for inspection. EPA inspected Respondent's Facility on July 9 through 11, 2024, to determine compliance with Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68.

23. The EPA inspection confirmed that the reported releases described in Paragraph 21, above, did not result in any injuries, property damage, or off-site impacts.

24. At the time of the EPA inspection, Respondent had greater than 10,000 pounds of anhydrous ammonia in a process at the Facility.

25. Anhydrous ammonia is an extremely hazardous substance that is toxic, corrosive, and flammable. Exposure to anhydrous ammonia can cause serious injury or death.

26. Anhydrous ammonia is a "regulated substance" pursuant to 40 C.F.R. § 68.3. The threshold quantity for anhydrous ammonia, as listed in 40 C.F.R. § 68.130, Table 1, is 10,000 pounds.

27. Respondent is subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 because it is an owner and operator of a stationary source that has more than a threshold quantity of a regulated substance in a process.

28. Respondent is subject to Program 3 prevention program requirements because, pursuant to 40 C.F.R. § 68.10(l), the covered process at the Facility does not meet the requirements of 40 C.F.R. § 68.10(j) and is subject to the OSHA process safety management standard at 29 C.F.R. § 1910.119.

29. Respondent is required under Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), to submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with the Program 3 requirements provided at 40 C.F.R. § 68.12(d) and detailed in Subpart D.

30. During EPA's inspection, Respondent was unable to provide several requested documents relating to the Facility's risk management program. Since that time, Respondents provided requested documentation to EPA.

31. On September 18, 2025, Complainant and Respondent entered into an Administrative Order for Compliance on Consent, EPA Docket No. CAA-07-2025-0031, requiring Respondent to take all necessary actions to correct, eliminate, and prevent recurrence of certain alleged violations and come into compliance with applicable requirements of Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Allegations of Violation

32. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as follows:

Count 1
Management System

33. The facts stated in Paragraphs 18 through 31 above are herein incorporated.

34. 40 C.F.R. § 68.12(d)(1) requires the owner or operator of a stationary source with a process subject to Program 3 to develop and implement a management system as provided in 40 C.F.R. § 68.15.

35. 40 C.F.R. § 68.15(a)-(c) require the owner or operator to develop a management system to oversee the implementation of the risk management program elements, including assigning a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements. When responsibility for implementing individual requirements of this part is assigned to persons other than the person with overall responsibility for the risk management program elements, the names or positions of these people shall be documented and the lines of authority defined through an organization chart or similar document.

36. Responsibility for implementing risk management program elements are assigned to different people within Respondent's organization.

37. The EPA's inspection revealed that Respondent did not document the names or positions of the people responsible and the lines of authority for the risk management program elements at the Facility.

38. Respondent's failure to comply with the management system requirements of 40 C.F.R. § 68.15(a)-(c), as required by 40 C.F.R. § 68.12(d)(1), violates Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 2
Program 3 Prevention Elements

39. The facts stated in Paragraphs 18 through 31 above are herein incorporated.

40. 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the Program 3 prevention requirements of 40 C.F.R. §§ 68.65 through 68.87.

Process Safety Information

41. 40 C.F.R. § 68.65(a) requires the owner or operator to complete a compilation of written process safety information and to keep process safety information up to date. The purpose of this information is to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by those processes involving regulated substances. This compilation shall include information pertaining to the hazards of the regulated substances used or produced by the process, the technology of the process, and the equipment in the process.

42. 40 C.F.R. § 68.65(d)(1)(i), (ii), and (iv), require the owner or operator to compile written process safety information pertaining to the equipment in the process, including: materials of construction; piping and instrument diagrams (P&ID's); relief system design and design basis, respectively.

43. The EPA inspection revealed that Respondent did not compile and keep up to date written process safety information for the equipment in the process, as documented by:

a. Respondent did not have documentation of the materials of construction for the hoses on the plate freezers.

b. There were instances where the equipment labels on process equipment in the field did not match the relevant P&ID for that equipment, including but not limited to: two pressure relief valves and a compressor, three-way valve, check valve, globe valve, and thermostatic valve.

c. Respondent did not update the safety information for the relief system design and design basis after completing updates to the relief system in 2023. Respondent's relief system design and design basis documentation was from 2021.

44. 40 C.F.R. § 68.65(d)(2) requires the owner or operator to ensure and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices (RAGAGEP).

45. RAGAGEP identified by Respondent as applicable to the Facility are the International Institute of All-Natural Refrigeration (IIAR) 9 – 2020, Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems. Section 5.1 of IIAR 9 – 2020 requires that all equipment and system components are inspected, tested, and maintained in accordance with IIAR 6 – 2019, Standards for Inspection, Testing, and Maintenance of Closed-Circuit Ammonia Refrigeration Systems. The EPA inspection revealed many instances where Respondent's anhydrous ammonia process was not designed and maintained in compliance with RAGAGEP, as described below.

46. Table 11.1 of IIAR 6 – 2019 requires regular inspections of piping for pitting or surface damage, moisture incursion, degradation of protective coating, and insulation protective jacketing. Section 11.1.1.2 requires piping that has pitting, surface damage, corrosion or a combination thereof without materially reduced wall thickness to be cleaned and recoated to avoid deterioration. Section 11.1.1.3 requires piping with pitting, surface damage, corrosion or a combination thereof with material reduced wall thickness to be assessed for suitability for continued operation, and piping at or below replacement thickness must be isolated and replaced or decommissioned. The EPA inspection revealed that Respondent did not ensure and document the process was designed and maintained in compliance with Table 11.1 of IIAR 6 – 2019, as documented by examples of pipe corrosion and instances of water under insulation on piping on the roof of the Facility creating a risk of corrosion, including:

a. Water under insulation indicated by bubbling insulation, ice against exposed insulation.

b. Pitting and general corrosion of pipes.

c. Exposed insulation on multiple sections of piping, including the high stage and high temperature recirculated suction lines.

47. Section 5.6.8 of IIAR 6 – 2019 requires equipment and piping to be kept free from excessive ice buildup, and Section 5.6.8.2 provides that ice accumulation shall not displace components. Further, Table 9.1 of IIAR 6 – 2019 requires that evaporators are inspected for excessive ice buildup. There was excessive ice buildup in the freezers and on evaporators in the Facility documented during the EPA inspection, including:

a. Excessive ice buildup on the floors.

b. Ice buildup on the evaporators in two freezers.

c. Ice buildup on the electrical conduit, which was disconnected from the ammonia alarm in a freezer.

48. Section 7.2.12.1 of IIAR 9 – 2020 requires guarding or barricading of ammonia containing equipment installed in a location subject to physical damage. The EPA inspection revealed that Respondent failed to protect evaporators in a cooler in anhydrous ammonia service from impacts from forklifts.

49. Section 7.3.9.2 of IIAR 9 - 2020 requires that machinery room doors shall be self-closing and tight fitting. The EPA inspection revealed that Respondent did not ensure that all doors to the machine room were tight fitting and sealed, and documented cracks in a door where light was getting through and doors that did not fully seal.

50. Section 7.2.9.1.1 of IIAR 9 – 2020 requires buildings and facilities with ammonia refrigeration systems to be marked with placards in accordance with National Fire Protection Association (NFPA) 704: Standard System for the Identification of the Hazards of Materials for

Emergency Response. Appendix D.7.1 of IIAR 9 – 2020 specifies that the appropriate NFPA diamond for indoor ammonia refrigeration equipment is 3-3-0. The EPA inspection revealed that Respondent did not label machine room doors with NFPA diamonds accurately portraying the hazards of the anhydrous ammonia in the room.

51. Section 7.2.7.1 of IIAR 9 – 2020 requires that piping shall be supported to prevent excess vibration and movement. The EPA inspection revealed piping near a condenser on the roof was not adequately supported and was observed to be vibrating during the inspection.

52. Table 13 of IIAR 6 – 2019 requires pressure relief valves to be replaced five years from the installation date or when lifted. The EPA inspection revealed that, based on Respondent's tracking data, Respondent had not replaced pressure relief valves or safety relief valves at the interval required by RAGAGEP.

Mechanical Integrity

53. 40 C.F.R. § 68.73 sets forth mechanical integrity requirements, and 40 C.F.R. § 68.73(d)(4) requires the owner or operator to document each inspection and test that has been performed on process equipment.

54. The EPA inspection revealed that Respondent did not document all inspections and tests performed on process equipment as required by 40 C.F.R. Part 68, including but not limited to: the most recent inspection of the evaporator that occurred before the March 2024 release and ammonia sensor calibration records, which test to see if ammonia sensors correctly detect levels ammonia at specified concentrations.

Management of Change

55. 40 C.F.R. § 68.75 sets forth requirements for establishing and maintaining written procedures to manage changes to process chemicals, technology, equipment and procedures; and, changes to stationary sources that affect a covered process.

56. 40 C.F.R. § 68.75(b) requires the owner or operator to assure that the following considerations are addressed prior to any change: (1) the technical basis for the proposed change; (2) impact of the change on safety and health; (3) modifications to operating procedures; (4) necessary time period for the change; and (5) authorization requirements for the proposed change.

57. The EPA inspection revealed that Respondent did not complete the management of change considerations of 40 C.F.R. § 68.75(b) prior to relabeling and changing the names of process equipment.

Count 3
Emergency Response

58. The facts stated in Paragraphs 18 through 31 above are herein incorporated.

59. 40 C.F.R. § 68.12(d)(5) requires the owner or operator of a stationary source with a process subject to Program 3 to develop and implement an emergency response program, and conduct exercises, as provided in §§ 68.90 to 68.96. 40 C.F.R. § 68.95 requires the owner or operator to develop and implement an emergency response program to protect public health and the environment. 40 C.F.R. § 68.95(a)(4) requires procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes.

60. The EPA inspection revealed that Respondent did not have procedures for reviewing and updating the Facility's hazard material response document (emergency response plan) to reflect changes and ensure that employees are informed of changes to the document.

61. Respondent's failure to comply with the emergency response program requirements of 40 C.F.R. § 68.95, as required by 40 C.F.R. § 68.12(d)(5), violates Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

Count 4
Risk Management Plan

62. The facts stated in Paragraphs 18 through 31 above are herein incorporated.

63. 40 C.F.R. § 68.165 sets forth requirements for the offsite consequence analysis, and 40 C.F.R. § 68.165(a)(2) requires, for Program 3 processes, the owner or operator to submit information on one alternative release scenario for each regulated toxic substance held above the threshold quantity. Further, 40 C.F.R. § 68.165(b)(12) requires the owner or operator to submit in the RMP data on public and environmental receptors within the distance to endpoint of the alternative release scenarios in the RMP. *See also* 40 C.F.R. § 68.30(b).

64. The EPA inspection revealed that Respondent did not submit all public receptors within the distance to endpoint of the alternative release scenario. Specifically, the alternative release scenario map provided by Respondent shows a commercial facility/public receptor within the distance to endpoint of the alternative release scenario, but the Facility's RMP does not identify any commercial/industrial facilities present within alternative release scenario distance to endpoint.

65. Respondent's failure to identify all public receptors within the distance to endpoint of the alternative release scenario in the RMP, as required by 40 C.F.R. § 68.165(b)(12), violates Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

66. 40 C.F.R § 68.195(b) requires the owner or operator to correct the RMP within one month of any change in emergency contact information.

67. The EPA inspection revealed that Respondent updated the 24-hour emergency contact information six months after a change in personnel.

68. Respondent's failure to correct the RMP emergency contact within one month of a change, as required by 40 C.F.R. § 68.195(b), violates Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7).

CONSENT AGREEMENT

69. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

(a) admits the jurisdictional allegations set forth herein;

(b) neither admits nor denies the specific factual allegations stated herein;

(c) consents to the assessment of a civil penalty, as stated herein;

(d) consents to the issuance of any specified compliance or corrective action order;

(e) consents to any conditions specified herein;

(f) consents to any stated Permit Action;

(g) waives any right to contest the allegations set forth herein; and

(h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

70. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

71. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

72. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

73. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: barton.kasey@epa.gov (for Complainant) and nelson.jackson@simfoods.com and karl.kumli@jacksonlewis.com (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

Penalty Payment

74. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of $176,654, as set forth below.

75. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be made using any payment method provided at http://www.epa.gov/financial/makepayment. For instructions for wire transfers and additional information, see https://www.epa.gov/financial/additional-instructions-making-payments-epa.

76. Confirmation of payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Kasey Barton, Attorney
barton.kasey@epa.gov.

77. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge on a per year, compounded annually basis will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

78. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, $50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to provide IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent herein agrees that:

(a) Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

(b) Respondent shall certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

(c) Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

(d) In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

Effect of Settlement and Reservation of Rights

79. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

80. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in the paragraph directly below.

81. Respondent certifies by the signing of this Consent Agreement that it is in compliance with EPA's Administrative Order for Compliance on Consent, Docket No. CAA-07-2025-0031, which is intended to bring the Facility into compliance with the requirements of Section 112(r)(7) of the CAA and 40 C.F.R. Part 68, and Respondent certifies that it is otherwise in compliance with Section 112(r)(7) of the CAA and 40 C.F.R. Part 68. Respondent currently plans to cease operations and sell the Facility; in the event that occurs, Respondent shall provide a copy of the Order to any purchaser of the Facility if Respondent's obligations under the Order are not yet met.

82. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and regulations promulgated thereunder.

83. This Consent Agreement and Final Order constitutes an "enforcement response" as that term is used in EPA's *Clean Air Act Combined Enforcement Response Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

84. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

General Provisions

85. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and have the legal capacity to bind the party they represent to this Consent Agreement.

86. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

87. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, or local taxes.

88. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

RESPONDENT:
SIMMONS ANIMAL NUTRITION, INC.

Date: Feb. 2, 2026

Signature

Mark A. Gaither

Name

Vice President of Operations

Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

VEDA HAKAMI STOY
Digitally signed by VEDA HAKAMI STOY
Date: 2026.02.10 12:24:39 -06'00'

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date: _____

KASEY BARTON
Digitally signed by KASEY BARTON
Date: 2026.02.03 09:33:55 -06'00'

Kasey Barton
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 7

FINAL ORDER

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

KARINA BORROMEO Digitally signed by KARINA BORROMEO Date: 2026.02.10 13:50:50 -06'00'

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
(to be completed by EPA)

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

Kasey Barton, EPA, barton.kasey@epa.gov

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Dated this _____ day of _____, _____.

AMY GONZALES

Digitally signed by AMY GONZALES
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Signed