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

In the Matter of	)	
	)	
Moxba Innovations LLC,	)	**Docket No. CAA-07-2026-0062**
	)	
Respondent.	)	

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Moxba Innovations LLC, formerly Catalytic Innovations, LLC (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 the EPA.

4. Respondent is Moxba Innovations LLC, a limited liability corporation in good standing under the laws of the state of Missouri, which owns and operates a recycling and

innovative solutions company, with its relevant process utilizing anhydrous ammonia to manufacture liquid fertilizer, located at 11601 Twitty Drive in Rolla, Missouri (Respondent's Facility).

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, as amended, 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(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.

13. 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.

14. 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, as amended, in 40 C.F.R. § 68.130.

15. 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, as amended, 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.

16. 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.

Factual Allegations

17. Respondent is, and at all times referred to herein was, a "person" as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

18. Respondent owns and operates a recycling and innovative solutions facility, with its relevant process utilizing anhydrous ammonia to manufacture liquid fertilizer, located at 11601 Twitty Drive, Rolla, Missouri (the Facility).

19. 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.

20. 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, is 10,000 pounds.

21. On or about September 18, 2024, a representative of the EPA conducted an inspection of Respondent's Facility to determine compliance with Section 112(r) of the CAA and 40 C.F.R. Part 68.

22. Information gathered during the EPA inspection revealed that Respondent had greater than 10,000 pounds of anhydrous ammonia in a process at its facility.

23. Information gathered during the EPA inspection revealed that Respondent stores and utilizes anhydrous ammonia to raise the pH of the fertilizer solution at its facility and therefore is engaged in a process at its facility.

24. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was 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 was an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

25. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was subject to Program 3 prevention program requirements because pursuant to 40 C.F.R. § 68.10(l), the covered process at its facility did not meet the eligibility requirements of Program 1 and was subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

26. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was 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.

Allegations of Violation

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

Count 1 – Hazard Assessment

28. The facts stated in Paragraphs 17 through 26 above are herein incorporated.

29. The regulation at 40 C.F.R. § 68.12(d)(2) requires the owner or operator of a stationary source subject to the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, with a process subject to Program 3, to conduct a hazard assessment as provided in 40 C.F.R. §§ 68.20 through 68.42.

30. The EPA inspection revealed that Respondent failed to accurately conduct a Program 3 hazard assessment requirements of 40 C.F.R. §§ 68.20 to 68.42. Specifically:

(a) Respondent did not use the endpoints provided in 40 C.F.R. Part 68, Appendix A, for its offsite consequences analysis, as required by 40 C.F.R. § 68.22(a), and did not use wind speed/atmospheric stability class or ambient temperature/humidity to determine its worst-case scenario, as required by 40 C.F.R. § 68.22(b)-(c);

(b) Respondent did not report a worst-case scenario under worst-case conditions in the risk management plan (RMP), as required by 40 C.F.R. § 68.25(a)(2)(i), and for its worst-case scenario, assumed the whole quantity of the vessel would be released over one (1) minute rather than over ten (10) minutes, as required by 40 C.F.R. § 68.25(c)(1); and

(c) Respondent did not estimate a population within a radius determined by distance to endpoint, as required by 40 C.F.R. § 68.30(a).

31. Respondent's failures to comply with the hazard assessment requirements pursuant to 40 C.F.R. §§ 68.20 through 68.42, as required by 40 C.F.R. § 68.12(d)(2), violate of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Counts 2-4 – Program 3 Prevention Requirements

32. The facts stated in Paragraphs 17 through 26 above are herein incorporated.

33. The regulation at 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 prevention requirements of 40 C.F.R. §§ 68.65 through 68.87.

34. The EPA inspection revealed that Respondent failed to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87. Specifically:

(a) Respondent failed to compile written process safety information pertaining to the equipment in the covered process, and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d). Specifically, Respondent did not maintain compliance with recognized and generally accepted good engineering practices, as evidenced by:

(i) Lack of suitable barriers to prevent damage by trucks or other vehicles for numerous anhydrous ammonia containers and piping.

(ii) Lack of adequate horizontal distance between anhydrous ammonia containers.

(iii) Lack of adequate distance (less than 18 inches) between the lowest point and the ground for numerous anhydrous ammonia containers.

(iv) Numerous examples of corrosion on exposed piping.

(v) Combustible materials, such as grass and weeds, within a 10 ft area of anhydrous ammonia containers.

(b) Respondent failed to establish a findings document system to address the findings and recommendations of the process hazard analysis and update the PHA every five (5) years, as required by 40 C.F.R. § 68.67(e) and (f). Respondent did not develop a system to address any findings or recommendations. Additionally, more than five (5) years had lapsed between the 2016 and 2022 PHAs.

(c) Respondent failed to certify annual operating procedures of the covered process are current and accurate, as required by 40 C.F.R. § 68.69(c). Respondent's standard operating procedures for ammonia tanker unloading and ammoniating process had not been certified. Facility representatives confirmed that no SOP certification documentation was available.

35. Respondent's failures to comply with Program 3 prevention requirements of 40 C.F.R. §§ 68.65 through 68.87, as required by 40 C.F.R. § 68.12(d)(3), violate Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

Count 5 – Emergency Response

36. The facts stated in Paragraphs 17 through 26 above are herein incorporated.

37. The regulation at 40 C.F.R. § 68.12(d)(4) requires the owner or operator of a stationary source with a process subject to Program 3 to coordinate response actions with local emergency planning and response agencies, as provided in 40 C.F.R. § 68.93.

38. The EPA inspection revealed that Respondent failed to coordinate response actions with local emergency planning and response agencies. Facility representatives confirmed during the inspection that the emergency response plan, such as the Facility's Emergency Ammonia Release Response Plan, had not been submitted to local emergency responders.

39. Respondent's failures to comply with the emergency response coordination requirements of 40 C.F.R. § 68.93, as required by 40 C.F.R. § 68.12(d)(4), violate Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

CONSENT AGREEMENT

40. 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.

41. 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.

42. 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.

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

44. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: vetterick.kate@epa.gov (for Complainant) and robert@brundagelawfirm.com (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

Penalty Payment

45. The EPA has considered the appropriateness of the penalty pursuant to Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1), and has determined that based on substantiated ability to pay information, the appropriate penalty for the violations is $81,306.65 to be paid in installments. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of eighty thousand dollars ($80,000), plus interest of one thousand three

hundred six dollars and sixty-five cents ($1,306.65) over a period of five (5) months for a total payment of eighty-one thousand three hundred six dollars and sixty-five cents ($81,306.65). The total payment shall be paid in monthly payments of sixteen thousand two hundred sixty-one dollars and thirty-three cents ($16,261.33). The first payment must be received within thirty (30) days of the effective date of the Final Order. Each subsequent payment shall be paid thirty (30) days after the previous payment. Each 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.

46. Confirmation of payment shall simultaneously be sent to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Kate Vetterick, Attorney
vetterick.kate@epa.gov.

47. 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).

48. 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." The 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 the 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

49. 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.

50. 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.

51. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of the CAA and its implementing regulations.

52. 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.

53. 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).

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

General Provisions

55. 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.

56. 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.

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

58. 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:
MOXBA INNOVATIONS LLC

Date: 01/14/2026

Signature

Daniel Breitenman

Name

General Manager

Title

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

VEDA HAKAMI STOY
Digitally signed by VEDA HAKAMI STOY
Date: 2026.01.20 14:54:05 -06'00'

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date: _____

KATE VETTERICK
Digitally signed by KATE VETTERICK
Date: 2026.01.20 10:04:41 -06'00'

Kate Vetterick
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: 2026.01.21 16:01:54 -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:

Kate Vetterick, vetterick.kate@epa.gov,

Diana Chaney, chaney.diana@epa.gov,

Alyse Stoy, stoy.alyse@epa.gov,

Carrie Venerable, venerable.carrie@epa.gov.

Copy via E-mail to Respondent:

Robert Brundage, robert@brundagelawfirm.com.

Dated this _____ day of _____, _____.

AMY GONZALES Digitally signed by AMY GONZALES
Date: 2026.01.22 07:28:32 -06'00'

Signed