

New York State Department of Environmental Conservation

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2048 • Fax: (518) 357-2087

Website: www.dec.ny.gov



Joe Martens
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7013 1090 0002 3365 0668

October 6, 2014

Mr. Benjamin Seisler
Sr. Corporate Counsel
AMRI Rensselaer, Inc
33 Riverside Avenue
Rensselaer, New York 12144

Re: Order of Consent
R4-2014-0917-153

Dear Mr. Siesler:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$45,000 the civil penalty pursuant to Paragraph I.

Sincerely,

Richard Ostrov
Regional Attorney
Region 4

Enclosure

cc: D. Welsted

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 19
of the Environmental
Conservation Law of the State of
New York and Title 6 of the Official
Compilation of the Codes, Rules and
Regulations of the State of New York

DEC CASE NO.
R4-2014-0917-153

ORDER ON CONSENT

AMRI Rensselaer, Inc. (“AMRI”)
33 Riverside Avenue
Rensselaer, New York 12144

Respondent.

Jurisdiction

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency with jurisdiction over the environmental law and policy of the State pursuant to § 3-0301 of the Environmental Conservation Law (ECL). In particular, DEC is and has been responsible for the protection of air resources of the State pursuant to ECL Article 19 and the rules and regulations promulgated there under.

Respondent

2. Respondent, AMRI, operates a pharmaceutical manufacturing facility at 33 Riverside Avenue, Rensselaer, New York pursuant to a Title V permit (#4-3814-00016/00247) (“permit”).

Facts

3. By letter dated, December 12, 2013, Respondent was ordered to stack test emission unit U-00003, Process 318, Source ID 33SO2 and Emission Point 33037 (“emission unit”).

4. On June 17, 2014, Respondent’s stack test consultant performed a stack test of the emission unit. A wet scrubber is the air pollution control equipment for the removal of Toluene from the production process.

Applicable Regulations

5. Regulations at 6 NYCRR 201-6.5(a) (2) provides that: “The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application”.

Violations

6. Permit Item 48.1 sets an hourly Toluene emissions rate for the wet scrubber. The July 17, 2014 stack test consisted of three separate 60-minute runs with emission results demonstrating an average emission rate exceeding permitted limited.
7. Respondent's failure to comply with the 0.46 pound per hour emission rate for Toluene is a violation of permit Item 48.1 and 6 NYCRR 201-6.5(a) (2).

CIVIL PENALTIES

8. ECL Section 71-2103 provides that any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto; or any order except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty not less than three hundred seventy-five dollars nor more than fifteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues.... In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

WAIVER OF HEARING

9. Respondent has affirmatively waived the right to notice and hearing in the manner provided by law and has consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained therein.

NOW, having considered this matter and being duly advised, it is ORDERED THAT:

I. Civil Penalty

Respondent is hereby assessed a civil penalty in the amount of FORTY FIVE THOUSAND DOLLARS (\$45,000). The civil penalty shall be paid to the Department of Environmental Conservation by certified check with the return of the signed and executed Order.

II. Settlement

Timely payment of the civil penalty and full compliance with the terms and conditions of this Order and Schedule of Compliance including the Schedule of Compliance is accepted as full settlement of the violations described above.

III. Schedule of Compliance

Respondent shall comply with the attached Schedule of Compliance which is incorporated into the Order on Consent.

IV. Communications

Department -- DEC Region 4, 1130 North Westcott Road, Schenectady, NY 12306, Attn: Regional Engineer;

Respondent – AMRI Rensselaer, Inc., 33 Riverside Avenue, Renessalaer, New York 12144: Attention –Plant Manager.

V. Access

Respondent shall allow duly authorized representatives of DEC access to the facility referred to in this Order without prior notice, at such times as may be desirable or necessary in order for DEC to inspect and determine the status of Respondent's compliance with this Order or the ECL. The Department monitor shall have, at his discretion, full and unrestricted access to Respondent's records, and employees to discuss or inquire about all state, federal and Order on Consent compliance matters, and complaints.

VI. Summary Abatement

This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VII. Indemnification

Respondent shall indemnify and hold DEC, New York State, and their representatives and employees harmless for all claims, suits, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

VIII. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

IX. Document Reviews

1. All documents which Respondent must submit pursuant to this Order are subject to Department approval.

2. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.

3. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accept such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

c. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

X. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

XI. Termination Date

This Order shall terminate upon the Respondent's compliance with all the terms, conditions and provisions of this Order and Schedule of Compliance.

DATED: Rotterdam, New York

DATED: Rotterdam, New York
October 6 2014

Joseph J. Martens
Commissioner
New York State Department of
Environmental Conservation

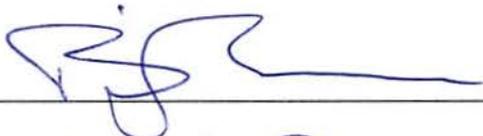
BY:



Keith Goertz
Acting Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order on Consent, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: 

TITLE: SENIOR VICE PRESIDENT HUMAN RESOURCES

DATE: 10/2/14

STATE OF NEW YORK)
) ss.:
COUNTY OF Albany)

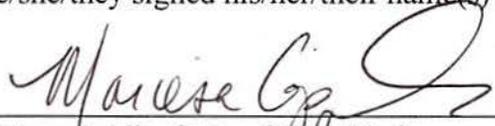
On the 2nd day of October in the year 2014, before me, the undersigned,
personally appeared 
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at
26 Corporate Circle, Albany New York
(Full mailing address)

and that he/she/they is (are) the Senior Vice President
(President or other officer or director or attorney in fact duly appointed)

of the AMRI Rensselaer, Inc.
(Full legal name of corporation)

the limited partnership described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said .


Notary Public, State of New York

MARIESA COPPOLA
NOTARY PUBLIC - STATE OF NEW YORK
NO. 02CO6208904
QUALIFIED IN SARATOGA COUNTY
COMMISSION EXPIRES AUGUST 3, 2017

SCHEDULE OF COMPLIANCE

1. Within 90 days of the recommencing Process 318, Respondent shall stack test the emission unit using the same Test Protocol in the August 12, 2014 “Toluene Compliance Testing” report and submit the stack test report to the Department.