



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

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NEW YORK, NY

JUN 11 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article Number: 7015 1520 0003 0791 2850**

Mr. Boyd Relac, President and Chief Operating Officer  
Geritrex, LLC, f/k/a RIJ Pharmaceutical Corporation  
40 Commercial Avenue  
Middletown, New York 10941

Re: Geritrex, LLC, f/k/a RIJ Pharmaceutical Corporation  
Docket No. ORDER CWA-02-2019-3309

Dear Mr. Relac:

Enclosed is an executed Consent Order which settles the above-referenced Administrative Complaint.

Any questions should be directed to Ms. Alia Roufaeal, Water Compliance Branch at (212) 637-3864.

Sincerely,

  
Dore LaPosta, Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Karen Maples, Regional Hearing Clerk  
Edward Hampston, Director, Bureau of Water Compliance programs, NYSDEC

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 Broadway  
New York, NY 10007-1866

2019 JUL 13 10 4:27

REGIONAL HEADQUARTERS  
CLEVELAND

**IN THE MATTER OF:**

Geritrex, LLC, f/k/a RIJ  
Pharmaceutical Corporation  
40 Commercial Avenue  
Middletown, New York 10941

**Respondent**

Proceeding pursuant to Section 309(g) of the  
Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT AND  
FINAL ORDER**

**Docket No. CWA-02-2019-3309**

**I. PRELIMINARY STATEMENT**

The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), issued a "Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing" ("Complaint") to Geritrex, LLC, f/k/a RIJ Pharmaceutical Corporation ("Respondent") on **APR 11 2019**; and

Complainant and Respondent (collectively, "the Parties"), having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CA/FO" or "Agreement") without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

**II. PROCEDURAL AND FACTUAL FINDINGS**

1. The following Procedural and Factual Findings are made pursuant to the authority vested in the Administrator of the EPA by the Clean Water Act, 33 U.S.C. § 1251 *et. seq.* ("Act"), which authority has been duly delegated to the Regional Administrator of EPA Region 2, and since further re-delegated to the Director, Division of Enforcement and Compliance Assistance, EPA Region 2.
2. EPA is concluding this proceeding for the assessment of a civil penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and 40 C.F.R. §§ 22.18(b)(2) and (3) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or



Suspension of Permits” (“CROP”), which sets forth procedures for conclusion of administrative civil penalty assessment proceedings through issuance of a consent agreement and final order.

3. EPA initiated this proceeding to achieve compliance with the Act pursuant to Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A).
4. The Complaint alleges a violation of Section 308 of the Act for failure to meet the General Pretreatment Regulation’s reporting requirements at Respondent’s facility located at 40 Commercial Avenue, Middletown, New York where it operates, among other things, pharmaceutical manufacturing operations. Specifically, Respondent is in violation of the requirements at 40 C.F.R. § 403.12(e), which was established pursuant to Section 308(a) of the Act, by failing to submit the required Periodic Reports on Continued Compliance due in June 2018 in a timely manner.
5. This action was public noticed between MAY 02 2019 and JUN 01 2019.  
No comments were filed.
6. Respondent has not filed an Answer or requested a hearing pursuant to 40 C.F.R. Part 22.
7. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint.
8. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this CA/FO.
9. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

### **III. CONSENT AGREEMENT**

1. The Paragraphs above are re-alleged and incorporated herein by reference.
2. EPA and Respondent agree that it is in the public interest to resolve the issues alleged in this Consent Agreement without further litigation and the expense and effort that litigation entails.

Based upon the foregoing and pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the CROP, it is hereby agreed by and between EPA and Respondent, and Respondent voluntarily and knowingly agrees as follows:

#### **A. SETTLEMENT TERMS**

3. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of this CA/FO and neither admits nor denies the factual allegations contained herein.
4. Respondent further waives its right to contest the allegations, at a judicial or administrative hearing, or to appeal this CA/FO.

