

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP 10 2010

ENTERED DIRECTOR'S JOURNAL

In the matter of:

Boehringer Ingelheim Roxane Inc.  
1809 Wilson Road  
P.O. Box 16532  
Columbus, Ohio 43216

: Director's Final Findings and  
: Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

**PREAMBLE**

It is agreed by the parties hereto as follows:

*[Signature]* Date: 9/10/2010

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Boehringer Ingelheim Roxane Inc. ("Boehringer") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Boehringer and successors in interest liable under Ohio law. No change in the composition of Boehringer or the ownership or operation of the disposal system shall in any way alter Boehringer's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Boehringer owns and operates a facility at 1809 Wilson Road, Columbus, Ohio, consisting of a laboratory, manufacturing and office complex that employs approximately 1000 people. The facility engages in research, manufacturing and packaging of medications.
2. Ohio Administrative Code ("OAC") Rule 3745-42-02 requires the Director's issuance of a PTI prior to the installation of a new "disposal system," or the modification of a "disposal system" as such term is defined in ORC Section 6111.01 (G).

3. On July 20 and 24, 2007, Boehringer submitted a permit to install application (No. 615880), detail plans and permit application fee to Ohio EPA for the replacement and relocation of an existing sanitary sewer (the "Project"). The Project was necessitated by a request by the City of Columbus to Boehringer to widen Wilson Road.
4. In October, 2007, Boehringer was advised by its consulting engineer that the installation of the sanitary sewer could legally be initiated. Thereafter, in October-November, 2007, the new sanitary sewer was installed, although not placed into operation.
5. Boehringer provided complete as-built plans of the sewer to Ohio EPA in June, 2009, which Ohio EPA has determined meet all applicable standards and are approvable.
6. In June, 2008, the new sanitary sewer line was placed into service.
7. Ohio EPA has not issued a permit to install nor formally approved plans for the Project.
8. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.
9. Prior to the date of effective date of these Findings and Orders, Boehringer made the payment called for by these Orders.

#### **V. ORDERS**

Boehringer shall pay to the amount of two thousand five hundred dollars (\$2,500.00) by official check in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Chapter 6111 of the Ohio Revised Code.

#### **VI. TERMINATION**

Boehringer's obligations under these Orders shall terminate upon Ohio EPA's receipt of the check required by Section V of these Orders.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders.

#### **VIII. OTHER APPLICABLE LAWS**

These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

**IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. RESERVATION OF RIGHTS**

Ohio EPA and Boehringer each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

**XI. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Boehringer consents to the issuance of these Orders. Compliance with these Orders shall be a full accord and satisfaction of Boehringer's liability for the violations specifically cited herein.

Boehringer hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders; and hereby waives any and all rights it may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Boehringer agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Boehringer retains the right to intervene and participate in such appeal.

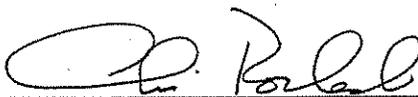
**XII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIII. SIGNATORY AUTHORITY**

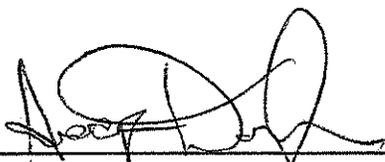
Each undersigned representative or party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**  
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Chris Korleski, Director

9/8/10  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**  
**Boehringer Ingelheim Roxane Inc.**



Signature

GEORGE DOYKO

Printed or Typed Name

PRESIDENT & CEO, BIR

Title

JULY 30, 2010

Date