



**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

	)	
In re:	)	
	)	
Novartis Pharmaceuticals Corp.	)	RCRA Appeal No. 20-01
	)	
RCRA Permit No. NJD002147023	)	
	)	

**ORDER GRANTING STAY OF PROCEEDINGS**

On August 14, 2020, Novartis Pharmaceuticals Corporation petitioned the Environmental Appeals Board (“Board”) to review a Resource Conservation and Recovery Act permit issued to Novartis by U.S. EPA Region 2 (“Region”) for operations at the company’s East Hanover, New Jersey, facility.

On October 20, 2020, the Region filed a Motion for Stay of Appeal. In the motion, the Region reports that the parties discussed the issues raised in the petition in a conference call on October 15, 2020. They reached a tentative agreement in principle, subject to written memorialization and review and ratification by the parties, on revisions to the language of the permit to address the disputed issues. Motion at 2. The Region now seeks a thirty-day stay of proceedings in this case, to develop revisions to the permit that reflect the parties’ settlement negotiation. The Region states that the parties expect these revisions to resolve the issues raised in the petition. *Id.* at 2-3. Per 40 C.F.R. § 124.19(f)(2), the Region reports that Novartis supports the granting of this motion. Motion at 3.

For the reasons stated in the Region’s motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Motion to Stay Appeal. The matter will be stayed until **Monday, November 30, 2020**. The parties must file a status report

no later than **Friday, November 20, 2020**. The status report must apprise the Board of the progress of settlement negotiations, including the parties' plan and expected timeframe for concluding settlement discussions and whether it is appropriate to continue the stay, or lift the stay and establish a schedule for the Region to file a response to the petition. To the extent the parties seek a further stay beyond November 30, 2020, they must specify the length of, and the basis for, such a further stay. Alternatively, the parties will file a motion seeking dismissal of the petition.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Dated: **Oct 21 2020**

By:   
Kathie A. Stein  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Stay of Proceedings** in the matter of *Novartis Pharmaceutical Corporation*, RCRA Appeal No. 20-01, were sent to the following persons in the manner indicated:

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Date: **Oct 21 2020**

  
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Erika Durr  
Clerk of the Board