

2 October 2020

Clerk of Environmental Appeals Board
U.S. Environmental Protection Agency
Ariel Rios Building (MC-1103M)
1200 Pennsylvania Avenue, NW
Washington D.C. 20460-0001



Re: Response to Order Directing Clarification of Service or New Service and Directing
Response to Petition
Novartis Pharmaceuticals Corporation
EPA Identification No.: NJD002147023
RCRA Appeal No. 20-01

On behalf of Novartis Pharmaceuticals Corporation (Novartis), Environmental Resources Management Inc. (ERM) is submitting this response to the Order Directing Clarification of Service or New Service and Directing Response to Petition (the, Order) issued by the Environmental Appeals Board (the, Board) on September 17, 2020.

In the Order, the Board indicates that the Region 2 personnel purportedly copied on the August 14, 2020 Petition for Review (the, Petition) in respect to EPA's July 15, 2020 Notice of Issuance of Final HSWA Permit Renewal did not receive the submission and directs Novartis to confirm the date as well as the methods and addresses or other contact information it used to serve the six parties copied on the petition. In reply to the Board's directives, Novartis presents the following response.

On August 14, ERM filed the Petition electronically through EPA's e-filing system and mailed hard copies of the Petition to the three individual from EPA Region 2 identified below.

Peter Lopez
Regional Administrator,
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 1007-1866

Judy-Ann Mitchell
Deputy Director
Land and Redevelopment Programs Branch, Land, Chemicals & Redevelopment Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 25th. Floor
New York, NY 10007-1866

Sam Abdellatif
Land and Redevelopment Programs Branch, Land, Chemicals & Redevelopment Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 25th. Floor
New York, NY 10007-1866

In addition to the individuals listed above, the Petition was also submitted through electronic mail to the following individuals:

Robb Truedinger
Head Liabilities & Remediation
Novartis Real Estate & Facility Services

Lawrence Kunz
Head HSE & BCM
Novartis Pharmaceuticals Corporation

Michael Draikiwicz
Vice President
ESI

As requested by the Board, the receipt confirmation for the e-filing, return receipts for the hard copy mailings to the individuals from EPA Region 2, and a copy of the electronic mail submittal are attached and serve as proof that the Petition was submitted on August 14, 2020 and all parties were in receipt of the Petition.

We appreciate this opportunity to provide this response. If you have any questions or concerns please contact me at (516) 250-6155 or Eugene.Gabay@erm.com.

Yours sincerely,



Eugene Gabay
Principal Consultant

See Attachments

CC

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing response to the Order Directing Clarification of Service or New Service and Directing Response to Petition in the matter of Novartis Pharmaceutical Corporation, RCRA Appeal No. 20-01, were sent to the following persons in the manner indicated:

By Electronic Mail:

Bruce Aber
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
(212) 637-3224
aber.bruce@epa.gov

Eugene Gabay

From: domino.webmasters@epamail.epa.gov
Sent: Friday, August 14, 2020 9:26 AM
To: Eugene Gabay
Subject: Receipt confirmation for your eFiling

Hello Eugene Gabay,
We've received your document submission to the EAB as follows:
Appeal Number: New Appeal
Case Name: New Appeal
Filing Type: Permit Appeal
Received: 8/14/2020 9:11:06 AM
Filing ID: PINT-BSGH7S

While most efilings are handled the same business day, it can take one to two business days to in-process your filing or attachment. You will receive notification from the clerk if there is any problem with the submission.

If you have questions about your submission please use the Filing ID above as a reference when you contact the Clerk of the Board at:

http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/The+Clerk+of+the+Board?OpenDocument

Thank you for eFiling with the Environmental Appeals Board.

Eugene Gabay

From: TrackingUpdates@fedex.com
Sent: Monday, August 17, 2020 10:02 AM
To: Eugene Gabay
Subject: FedEx Shipment 771263337340: Your package has been delivered



Hi. Your package was delivered Mon, 08/17/2020 at 9:56am.

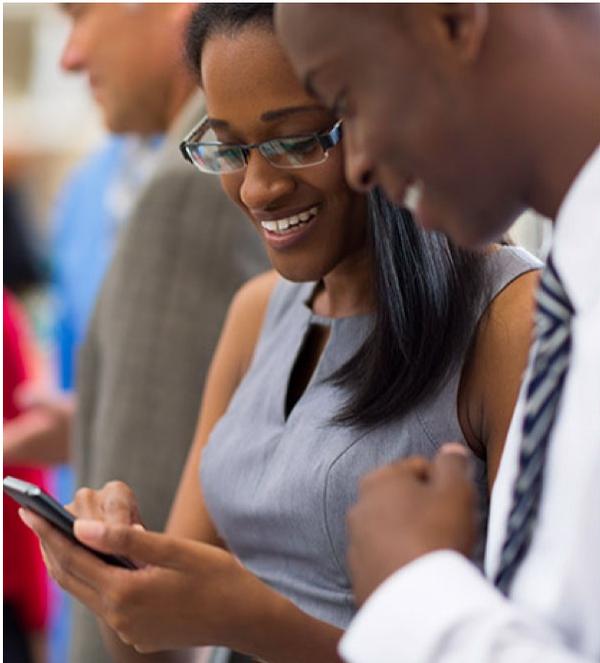


Delivered to 26 FEDERAL PLZ B-114A 1, NEW YORK CITY, NY 10007
Received by J.JOSE

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	771263337340
FROM	ERM 200 Princeton South Corporate Ctr SUITE 160 EWING, NJ, US, 08628
TO	Peter Lopez 290 Broadway 26th Floor NEW YORK CITY, NY, US, 10007

REFERENCE	0557915.01 Gabay
SHIPPER REFERENCE	0557915.01 Gabay
SHIP DATE	Fri 8/14/2020 06:49 PM
DELIVERED TO	Mailroom
PACKAGING TYPE	FedEx Envelope
ORIGIN	EWING, NJ, US, 08628
DESTINATION	NEW YORK CITY, NY, US, 10007
NUMBER OF PIECES	1
TOTAL SHIPMENT WEIGHT	0.50 LB
SERVICE TYPE	FedEx Priority Overnight



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To: Eugene Gabay
Subject: FedEx Shipment 771263383408: Your package has been delivered



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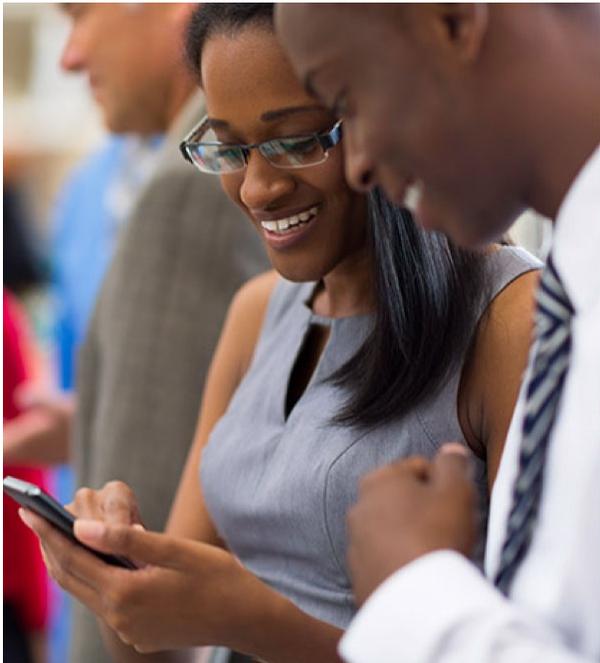


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TRACKING NUMBER	771263383408
FROM	ERM 200 Princeton South Corporate Ctr SUITE 160 EWING, NJ, US, 08628
TO	Judy-Ann Mitchell Deputy Director Land & Redev Prog Branch Land Chem 290 Broadway, 25th Floor New York City, NY, US, 10007

REFERENCE	0557915.01 Gabay
SHIPPER REFERENCE	0557915.01 Gabay
SHIP DATE	Fri 8/14/2020 06:49 PM
DELIVERED TO	Mailroom
PACKAGING TYPE	FedEx Envelope
ORIGIN	EWING, NJ, US, 08628
DESTINATION	New York City, NY, US, 10007
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To: Eugene Gabay
Subject: FedEx Shipment 771263400345: Your package has been delivered



Hi. Your package was delivered Mon, 08/17/2020 at 9:56am.

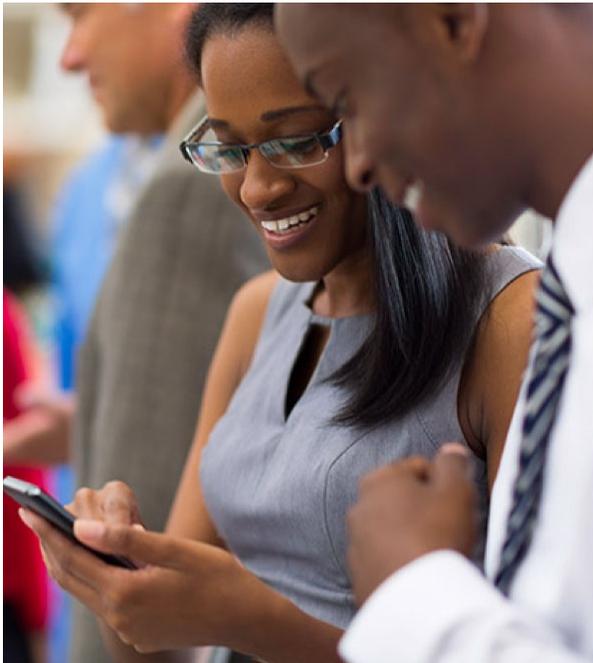


Delivered to 26 FEDERAL PLZ B-114A 1, New York City, NY 10007
Received by J.JOSE

OBTAIN PROOF OF DELIVERY

TRACKING NUMBER	771263400345
FROM	ERM 200 Princeton South Corporate Ctr SUITE 160 EWING, NJ, US, 08628
TO	Sam Abdellatif Land & Redev Prog Branch Land Chem 290 Broadway, 25th Floor New York City, NY, US, 10007

REFERENCE	0557915.01 Gabay
SHIPPER REFERENCE	0557915.01 Gabay
SHIP DATE	Fri 8/14/2020 06:49 PM
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Thank you for your business.

Eugene Gabay

From: Eugene Gabay
Sent: Friday, August 14, 2020 10:05 AM
To: Lawrence Kunz (lawrence.kunz@novartis.com)
Cc: Robb Truedinger (robb.truedinger@novartis.com); Michael Draikiwicz; Marc Carver
Subject: HSWA Petition and Proof of FA
Attachments: Receipt confirmation for your eFiling; EPA Identification No. NJD002147023 HSWA Permit Proof of FA 8-13-20.pdf; EPA Identification No. NJD002147023 HSWA Permit Petition 8-13-20.pdf

Larry,

Just wanted to let you know that the Petition was filed electronically this morning. The confirmation of receipt is attached for your files as well as a copy of the final petition and Proof of FA.

The hard copies of both documents will be mailed today.

Gene

Eugene Gabay | Principal Consultant | ERM

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eugene.gabay@erm.com

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