



13 August 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: Petition for Review in Respect to EPA's July 15, 2020 Notice of Issuance of Final HSWA Permit Renewal  
Novartis Pharmaceuticals Corporation  
EPA Identification No.: NJD002147023

On behalf of Novartis Pharmaceuticals Corporation (Novartis), Environmental Resources Management Inc. (ERM) is submitting this petition for review in accordance with 40 Code of Federal Register (C.F.R.) § 124.19. This petition for review is in respect to the HSWA Permit Renewal issued on July 15, 2020, by the United States Environmental Protection Agency ("EPA") for the Novartis East Hanover, New Jersey facility (EPA Identification No.: NJD002147023).

During review of the Responsiveness Summary and HSWA permit and associated attachments, Novartis has identified the following items and based on the related comments, respectfully requests the HSWA Permit be modified to address those comments.

Novartis's comments as they pertain to each of the individual documents is provided below.

#### **Items from the Final HSWA Permit Renewal Responsiveness Summary**

1. **Item 8, Pages 7 and 8 of 11:** EPA correctly applied the update described in item 8 to the HSWA Permit Module III.B.2 and to page 2 in the Statement of Basis (SOB) to clarify that 1,1,1-trichloroethane (TCA) originated from an off-site source. Novartis requests that EPA also apply a similar language to the second sentence of the paragraph titled "AOC, Groundwater" on page 16 of the SOB to read "*However, TCE, PCE, 1,1-DCE and TCA appear to be coming from upgradient offsite sources attributable to the East Hanover Regional Contaminant Area.*"

#### **Novartis Permit Modification Statement of Basis**

2. **Section II, page 5 of 22:** The second sentence in the third paragraph identifies the building number of the parking garage as "Building 433"; the current building number is 317. Therefore, Novartis requests that EPA revise this sentence to read "*In this location, Novartis constructed office Buildings 310 and 315, which are used for administrative purposes and Building 317 that is an above ground parking garage.*"

**Items from HSWA Permit Module II**

3. **Section D Groundwater, page 3 of 6:** The first paragraph indicates the existence of 20 groundwater monitoring wells. This number of wells noted is no longer reflective of the current number of groundwater monitoring wells due to the closure of two groundwater monitoring wells. In an email dated May 30, 2018, the NJDEP approved the removal of monitoring wells S101L and S101U, which were subsequently closed/abandoned on June 28, 2018. (see Attachment A). Therefore, Novartis request that the beginning of the first sentence in Section D be revised to read "*Novartis currently has 18 groundwater monitoring wells.*"
4. **Section G Final HSWA Permit, page 6 of 6, Item 8:** Item 8 reads, "*Provide annual reports of the above-mentioned monitoring and sampling to NJDEP and EPA.*" This sentence should be modified to clarify that only the vapor intrusion reports need to be submitted annually. This modification would then put the 1,4 dioxane sampling on the same schedule as noted in the HSWA Permit in Module II Section G, Item 2 and Module III.B.3 that requires the groundwater sampling results be submitted in accordance with the reporting requirements as described in the NJDEP Chloroform GRAP, which is biennially.
5. **Section G Final HSWA Permit, page 5 of 6, Item 4** requires reporting of 1,4-dioxane results on an annual basis. However, Module II Section G, Item 2 requires "groundwater" sampling be reported as described in the NJDEP Chloroform GRAP. Novartis request that the reporting requirement for 1,4-dioxane in Section G Final HSWA Permit, page 5 of 6, Item 4 be changed to biennially which would put the groundwater reporting requirements for 1,4-dioxane on the same reporting schedule that is required in the NJDEP Chloroform GRAP. Further comment on this topic is provide in Item 6 below.

**Items from HSWA Permit Module III**

6. **Section B.2:** On page 4 of 12, the first sentence of the last paragraph reads "*Novartis shall, as a precautionary measure, also conduct annual groundwater sampling of 1,4-dioxane and will submit an annual report to EPA and NJDEP of the results of such sampling.*" As a precautionary measure, Novartis agrees to conduct groundwater sampling of 1,4-dioxane starting with the November 2020 sampling event. However, Novartis believes annual reporting for 1,4-dioxane is not necessary and requests that EPA revise the sentence to reflect the requirement for biennial reporting schedule specified in the August 23, 2018 NJDEP Chloroform GRAP. Novartis also request that language in the last paragraph on page 4 of 12 be added to state that whenever the onsite potable wells are closed and the site goes to a 100% public water supply, 1,4-dioxane testing will no longer be required.

It should be noted, 1,4-dioxane was used as a stabilizer for chlorinated solvents, particularly TCA, and is a common contaminant associated with chlorinated solvent sites (EPA 2013a; Mohr 2001). For this reason Novartis continues to maintain its position that the presence of 1,4-dioxane in groundwater is related to the upgradient offsite sources of CVOCs attributable to the East Hanover Regional Contaminant Area.

We appreciate this opportunity to provide a petition for review of the HSWA Permit Renewal. Please contact me at (516) 250-6155 or [Eugene.Gabay@erm.com](mailto:Eugene.Gabay@erm.com) if you have any questions.

Yours sincerely,



Eugene Gabay  
Principal Consultant

CC  
Peter Lopez  
Regional Administrator, EPA Region 2

Judy-Ann Mitchell  
Deputy Director, USEPA Region 2  
Land, Chemical, and Redevelopment Division

Sam Abdellatif  
USEPA Case Manager, Region 2

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

Lawrence Kunz  
Head HSE & BCM  
Novartis Pharmaceuticals Corporation

Michael Draikiwicz  
Vice President  
ESI

## **Attachment A**



**ENVIRO-SCIENCES (OF DELAWARE), INC.**

781 ROUTE 15 SOUTH / 2<sup>ND</sup> FLOOR  
LAKE HOPATCONG, NJ 07849  
(973) 398-8183 • Fax (973) 398-8037

September 11, 2018

Mr. Lawrence Kunz, PE  
Head HSE&BCM-East Hanover  
Novartis Business Services  
One Health Plaza 434-235  
East Hanover, NJ 07936-1080

**Re: Well Abandonment Records  
Wells S101L and S101U  
East Hanover Campus**

Dear Mr. Kunz:

On June 28, 2018, wells S101L and S101U were abandoned from the Novartis East Hanover Campus as approved by the NJDEP Case Manager in an email correspondence dated May 30, 2018. The wells were abandoned by a licensed driller in accordance with the New Jersey Department of Environmental Protection (NJDEP) Requirements and Procedures for the Decommissioning of Wells, Subchapter 7:9D-3.1. A copy of the Well Decommissioning Reports for each well is included with this letter.

If you have any questions or comments, please do not hesitate to contact me at (973) 398-8183, Ext. 221 or by email at [lclifford@enviro-sciences.com](mailto:lclifford@enviro-sciences.com).

Sincerely,

**ENVIRO-SCIENCES (OF DELAWARE), INC.**

Laura Clifford  
Manager, Hydrogeology

cc: Michael Draikiwicz

**WELL DECOMMISSIONING REPORT**

**PROPERTY OWNER:** N/A NOVARTIS PHARMACEUTICALS CORP

Company/Organization: NOVARTIS PHARMACEUTICALS CORP

Address: 13155 NOEL RD #100 LB73 DALLAS, Texas 75240

**WELL LOCATION:** Novartis

Address: 59 RT 10

County: Morris Municipality: East Hanover Twp Lot: 12 Block: 99

Easting (X): 522439 Northing (Y): 717827  
Coordinate System: NJ State Plane (NAD83) - USFEET

**DATE WELL  
DECOMMISSIONED:** June 28, 2018

**WELL USE:** MONITORING

**Other Use(s):** \_\_\_\_\_

**Local ID:** S-101L

Reason for Decommissioning: No longer in use

Finished Well Depth (ft.): 118

Was a New Well Drilled? N

Formation Type: Unconsolidated

New Well Permit Number: \_\_\_\_\_

**WELL DECOMMISSIONING INFORMATION**

	Depth to Top (ft.)	Depth to Bottom (ft.)	Diameter (inches)	Material	Wgt/Rating/Screen # Used (lbs/ch no.)
Borehole					
Casing	0	6	8	Steel	sch 40
Casing	0	95	4	PVC	sch 40
Screen	95	118	4	PVC	.020

**MATERIALS USED**

	Depth to Top (ft.)	Depth to Bottom (ft.)	Outer Diameter (in.)	Inner Diameter (in.)	Material		
					Bentonite (lbs.)	Neat Cement (lbs.)	Water (gal.)
Grout	0	118	4	0	846	54	
Sand/Gravel							

**ADDITIONAL INFORMATION**

Obstructions: No

Authorization Official: Mark Ortega

Obstruction Type: \_\_\_\_\_

Authorization Number: A1806076

Alternative Decomm. Method? No

Authorization Date: June 18, 2018

Method Used \_\_\_\_\_

ATTACHMENTS: \_\_\_\_\_

**WELL DECOMMISSIONING REPORT**

**PROPERTY OWNER:** N/A NOVARTIS PHARMACEUTICALS CORP

Company/Organization: NOVARTIS PHARMACEUTICALS CORP

Address: 13155 NOEL RD #100 LB73 DALLAS, Texas 75240

**WELL LOCATION:** Novartis

Address: 59 RT 10

County: Morris Municipality: East Hanover Twp Lot: 12 Block: 99

Easting (X): 522442 Northing (Y): 717837  
Coordinate System: NJ State Plane (NAD83) - USFEET

**DATE WELL  
DECOMMISSIONED:** June 28, 2018

**WELL USE:** MONITORING

**Other Use(s):** \_\_\_\_\_

**Local ID:** S-101U

Reason for Decommissioning: No longer in use

Finished Well Depth (ft.): 93

Was a New Well Drilled? N

Formation Type: Unconsolidated

New Well Permit Number: \_\_\_\_\_

**WELL DECOMMISSIONING INFORMATION**

	Depth to Top (ft.)	Depth to Bottom (ft.)	Diameter (inches)	Material	Wgt/Rating/Screen # Used (lbs/ch no.)
Borehole					
Casing	0	68	4	PVC	sch 40
Casing	0	60	8	Steel	sch 40
Screen	68	93	4	PVC	.020

**MATERIALS USED**

	Depth to Top (ft.)	Depth to Bottom (ft.)	Outer Diameter (in.)	Inner Diameter (in.)	Material		
					Bentonite (lbs.)	Neat Cement (lbs.)	Water (gal.)
Grout	0	93	4	0	650	42	
Sand/Gravel							

**ADDITIONAL INFORMATION**

Obstructions: No

Authorization Official: Mark Ortega

Obstruction Type: \_\_\_\_\_

Authorization Number: A1806075

Alternative Decomm. Method? No

Authorization Date: June 18, 2018

Method Used \_\_\_\_\_

ATTACHMENTS: \_\_\_\_\_

## Eugene Gabay

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**From:** Bergman, Erica <Erica.Bergman@dep.nj.gov>  
**Sent:** Wednesday, May 30, 2018 11:22 AM  
**To:** Laura Clifford  
**Cc:** Abdellatif.Sameh@epa.gov; Michael Draikiwicz  
**Subject:** RE: Novartis EH Campus: GW RAPAs modification request

Laura,

As discussed today, the request to remove wells S101L and S101U from groundwater gauging in RAR and RAP application was approved by the geologist. I contacted Chris Blake from permitting and he let me know that he can remove the wells from the GW RA permit prior to issuing, so no need for you to submit anything.

I plan to give the RAR a final review shortly and will let Chris Blake know so he can move forward with issuing the GW RA permit.

Erica Bergman  
New Jersey Department of Environmental Protection  
Site Remediation Program – Bureau of Case Management  
401 E. State Street - Mail Code 401-05F  
P.O. Box 420  
Trenton, NJ 08625-0420  
[erica.bergman@dep.nj.gov](mailto:erica.bergman@dep.nj.gov)  
609-292-7406

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**From:** Laura Clifford  
**Sent:** Friday, May 18, 2018 11:05 AM  
**To:** Bergman, Erica  
**Cc:** Abdellatif.Sameh@epa.gov; Michael Draikiwicz  
**Subject:** RE: Novartis EH Campus: GW RAPAs modification request

Erica –

Good morning. I did not hear back on the below so I reached out via a call earlier this week and still have not heard back. I am reaching out again because Novartis is planning on starting demolition in the area of wells S101L and S101U; Building 437, in the very near future (construction fencing is already up). They (their contractor) reached out to see if I had status on the abandonment request of these two wells.

If easier for you, I can contact Renee (GW Permitting) in regards to the request below. Let me know.

If I do not hear back from you by COB Wednesday 05/23, I will assume that it is easier for you and/or you have no issue with me reaching out to Renee in regards to Novartis GW RAPAs you said you had already forwarded to GW Permitting.

Thanks  
Laura



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**From:** Laura Clifford  
**Sent:** Wednesday, May 09, 2018 10:17 AM  
**To:** Bergman, Erica <[Erica.Bergman@dep.nj.gov](mailto:Erica.Bergman@dep.nj.gov)>  
**Cc:** [Abdellatif.Sameh@epa.gov](mailto:Abdellatif.Sameh@epa.gov); Michael Draikiwicz <[MDraikiwicz@enviro-sciences.com](mailto:MDraikiwicz@enviro-sciences.com)>  
**Subject:** RE: Novartis EH Campus: GW RAPAs modification request

Erica –

Good morning. We did not hear back on this so I am following up. Have you heard back from the permitting department and should I forward revised Groundwater Monitoring Tables and Figures to replace the ones in the packages submitted in February?

Thanks  
Laura

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**From:** Laura Clifford  
**Sent:** Tuesday, April 24, 2018 4:14 PM  
**To:** Bergman, Erica <[Erica.Bergman@dep.nj.gov](mailto:Erica.Bergman@dep.nj.gov)>  
**Cc:** [Abdellatif.Sameh@epa.gov](mailto:Abdellatif.Sameh@epa.gov); Michael Draikiwicz <[MDraikiwicz@enviro-sciences.com](mailto:MDraikiwicz@enviro-sciences.com)>; Laura Clifford <[LClifford@enviro-sciences.com](mailto:LClifford@enviro-sciences.com)>  
**Subject:** Novartis EH Campus: GW RAPAs modification request

Erica –

ESI submitted on February 23, 2018, two GW RAPAs with groundwater monitoring plans for the Novartis East Hanover Site (SPR PI No. 009506); one for Chloroform and one for Sodium & Chloride. Novartis is requesting to remove two wells from each of the RAPAs/GW Monitoring Plans due to the upcoming demolition of Building 437. The wells are S101L and S101U which are located 50 – 100 feet southeast of Building 437 (see below). In each plan these wells were only included for DTW measurements, no sampling for analytical analysis. If the Applications are not under review yet, can Novartis just submit updated Groundwater Monitoring Plans and Figures depicting Sampling Location Maps as replacement pages to the previously submitted GW RAPAs?



Please let me know how we should proceed.

Thanks  
Laura

**Laura Clifford**  
Manager, Hydrogeology

***Enviro-Sciences (of Delaware), Inc.***

781 Route 15 S, 2<sup>nd</sup> Floor  
Lake Hopatcong, New Jersey 07849  
O: 973-398-8183, ext. 221  
C: 973-356-9507  
[lclifford@enviro-sciences.com](mailto:lclifford@enviro-sciences.com)