

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

)	
In re:)	
)	
Novartis Pharmaceuticals Corp.)	RCRA Appeal No. 20-01
)	
RCRA Permit No. NJD-002147023)	
)	

**ORDER GRANTING UNOPPOSED MOTION
FOR REMAND AND GRANTING JOINT MOTION
TO DISMISS PETITION FOR REVIEW**

On August 14, 2020, Novartis Pharmaceuticals Corporation (“Novartis”) filed a petition for review of a Resource Conservation and Recovery Act (“RCRA”) permit issued to Novartis on July 15, 2020, for operations at its East Hanover, New Jersey, facility. Novartis and Region 2 (“Region”) of the U.S. Environmental Protection Agency, the permit issuer, subsequently sought and received a stay of proceedings from the Environmental Appeals Board (“Board”) and entered into settlement negotiations.


On November 18, 2020, the Region and Novartis filed a joint status report, an unopposed motion for remand of the RCRA permit, and a joint motion to dismiss, without prejudice, Novartis’s petition for review of the RCRA permit. The parties report that they have resolved their differences about the various “technical details” in the RCRA permit that were disputed. Motion at 2-3. The Region, with the consent of Novartis, seeks voluntary remand so that it can incorporate the agreed-upon revisions into the final permit. *Id.* at 4-5 (citing *In re Peabody W. Coal Co.*, 14 E.A.D. 712 (EAB 2020) (Order Granting Motion for Voluntary Remand)). The parties further jointly request that, if the Board grants the unopposed motion for remand, Novartis’s petition for review of the RCRA permit be dismissed without prejudice. *Id.* at 5.

Having considered the motion and the representations therein, the Region's unopposed motion for voluntary remand is hereby **GRANTED** and the joint motion for dismissal is **GRANTED WITHOUT PREJUDICE**.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: **Nov 20 2020**

By: 
Kathie A. Stein
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Unopposed Motion for Remand and Granting Joint Motion to Dismiss Petition for Review** 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: **Nov 20 2020**



Eurika Durr
Clerk of the Board