



Lawrence T. Kunz, PE
Manager
Environmental & Energy Management
HSE&BC

Novartis Pharmaceuticals Corporation
One Health Plaza
East Hanover, NJ 07936

Tel 862-778-2356
Fax 973-781-6370

HAND DELIVERY 8/16/2010

August 16, 2010

Mr. Larry Gindoff
Solid Waste Coordinator
Morris County Municipal Utilities Authority
PO Box 370
Mendham, NJ 07945-0370

**REF: NOVARTIS PHARMACEUTICALS CORPORATION
EAST HANOVER FACILITY
Energy Recovery System - Permit Registration No. 132479
MCMUA - Solid Waste Management Plan Amendment**

Dear Mr. Gindoff:

Following our recent review of the Morris County Solid Waste Management Plan (amendment dated March 2007) and discussion with you, we would like to confirm that the current plan allows for non-hazardous, non-infectious waste Type's 10, 25 and 27 to be incinerated in this facility.

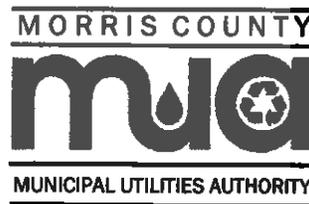
In addition to this confirmation, we would like to request the plan section (page 66) describing the Novartis Pharmaceuticals - Small Scale Solid Waste Incinerator be updated to align the operating hours with the hours currently allowed by our NJDEP Air Permit (Program Interest ID 26173, BOP 0090004, U34). Our NJDEP Air Permit allows for 24 hours per day, 7 days a week, 8760 hours a year operation. The MCMUA Solid Waste Management Plan calls for the incinerator to operate on a 10 hour per day schedule. Aligning these documents to reflect a 24 hours per day, 7 days per week, 8760 hours per year operation will help us improve operational flexibility and avoid problems due to the conflicts in operating hours between them.

Thank you for your assistance, if you have any questions or require additional information, please contact me at the letterhead address or by telephone, at (862) 778-2356.

Sincerely,

Lawrence T. Kunz P.E.

CC: Central file
C. Steelman
M. Macaluso - Superintendent of Public Works, Township of East Hanover



August 17, 2010

Paula Massaro, Municipal Clerk
Township of East Hanover
411 Ridgedale Avenue
East Hanover, NJ 07936

**RE: Morris County Solid Waste Management Plan Modification Request:
Novartis Pharmaceuticals Corporation – Small Scale Solid Waste Incinerator**

Dear Ms. Massaro:

In a letter dated August 16, 2010, Novartis Pharmaceuticals Corporation. (“Novartis”), located at 59 Route 10, East Hanover (Block 99; Lot 12), requested the Morris County Solid Waste Management Plan (“Plan”) be modified and clarified with respect to the Plan’s inclusion of the Novartis small scale solid waste incinerator operating at its site. This facility was formally included in the Plan in October 1990 and has been operating ever since. For your information, prior to its corporate name change to Novartis, this facility was originally included in the plan under the corporate name of Sandoz Pharmaceuticals.

In its letter, which has been attached, Novartis requests two issues be addressed with respect to its Plan inclusion. The first being a clarification regarding the waste types the facility can accept and process and the second requests an expansion in the hours of operation listed in the Plan for the incinerator in an effort to make them consistent with the currently approved NJDEP air permit.

Material Clarification – The October 1990 Plan inclusion lists the materials to be incinerated to be restricted non-hazardous, non-infectious waste generated on site by Novartis. Recyclable materials mandated by East Hanover Township are not acceptable in this incinerator. This Plan inclusion at the time didn’t specifically reference the solid waste types acceptable to process in the incinerator, rather it listed what was restricted. The current clarification to the Plan would specifically list the acceptable waste to be Waste Type 10 (municipal solid waste), Waste Type 25 (animal processing waste) and Waste Type 27 (non-hazardous industrial waste). This clarification would not change what is currently acceptable but would list the acceptable waste types in the regulatory language currently used by NJDEP.

Hours of Operation Modification – In the original 1990 Plan inclusion, the hours of operation of the incinerator were not provided. A general statement on the anticipated schedule at the time listed the incinerator to operate on a 10 hour-per-day schedule. Subsequent to the original approval 20 years ago, Novartis secured NJDEP air permits that allows for 24 hours-per-day, 7 day-per-week operation of the incinerator. Theoretically, NJDEP air permitting should not have approved such a permit without first making sure it was consistent with the Plan inclusion, nevertheless NJDEP has provided and approved an air permit that is inconsistent with the Plan. NJDEP has recently discovered this inconsistency and has requested that Novartis address it. It is my understanding that this incinerator has been operating for

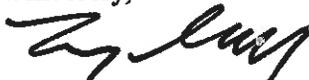
years at this point using the hours of operation (24 hours-per-day) provided in the air permit which is inconsistent with the existing Plan inclusion.

State regulations, specifically N.J.A.C. 7:26-6.11 (b)-5, allow for modifications to the Plan with respect to the operation of existing facilities that may be achieved through an administrative action procedure. This administrative action procedure permits the county's designated implementing agency, which is the Morris County Municipal Utilities Authority ("MCMUA"), to submit a letter to the NJDEP describing and requesting the change to the Plan in lieu of going through the more formal and time-consuming Plan amendment process.

Prior to issuing an administrative action to NJDEP, the MCMUA is seeking the position of the host municipality of the Township of East Hanover on this matter. It is requested that this letter be distributed to East Hanover's municipal elected officials and that the governing body of East Hanover Township adopt a resolution within three (3) months of the receipt of this letter setting forth its position relative to the proposed modification to the Plan. Please be aware that if there is no resolution adopted with reference to this matter by East Hanover's governing body within three (3) months of the receipt of this letter, the MCMUA may submit an administrative action to the NJDEP without consideration of the township's position.

Please note that all correspondence relative to this matter should be forwarded to the MCMUA at the address listed at the bottom of this letter. Additionally, if you and/or any members of East Hanover Township's governing body want to discuss this matter, feel free to contact me at (973) 285-8391.

Sincerely,



Larry Gindoff
Solid Waste Coordinator

Enclosure

Cc: Glenn Schweizer, MCMUA Executive Director
Jack Shrier, Freeholder Liaison
Larry T. Kunz, Novartis Pharmaceuticals Corporation.

File Copy



TOWNSHIP OF EAST HANOVER
411 RIDGEDALE AVENUE
EAST HANOVER, NJ 07936

(973) 428-3000
FAX: 887-7210

October 6, 2010

Larry Gindoff, Solid Waste Coordinator
Morris County Municipal Utilities Authority
300 Mendham Road.
Mendham, NJ 07960

Re: Resolution No. 96-2010
Novartis Pharmaceuticals Corporation
59 Route 10, East Hanover

Dear Mr. Gindoff:

Enclosed please find a certified copy of a resolution that was adopted by the Township Council at a meeting held October 5, 2010, endorsing the request of Novartis for a modification to the County's Solid Waste Management Plan.

Sincerely,

Paula A. Massaro
Township Clerk

Encl.

cc: Lawrence T. Kunz, PE, Novartis
Glenn Schweizer, MUA Exec. Director
Marc Macaluso, Supt DPW

RESOLUTION NO. 96-2010

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST HANOVER ENDORSING THE PROPOSED MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN MODIFICATION REQUEST BY NOVARTIS PHARMACEUTICALS CORPORATION, 59 ROUTE 10, EAST HANOVER, NEW JERSEY

WHEREAS, Novartis Pharmaceuticals Corporation and its predecessor under prior names, has operated its facility at 59 Route 10, East Hanover for the last 25 years and is known for its ability to deal with safe and appropriate disposal of various types of waste; and

WHEREAS, there is currently pending before the Morris County Municipal Utilities Authority a request for modification to the Morris County Solid Waste Management Plan to include the Novartis Pharmaceuticals Corporation facility at 59 Route 10, East Hanover, more specifically designated as Block 99, Lot 12 as a location for the collection and disposal of non-hazardous waste Types #10, #25 and #27 generated at this location; and

WHEREAS, there is currently pending before the Morris County Municipal Utilities Authority a request for modification to the Morris County Solid Waste Management Plan to include the Novartis Corporation facility at 59 Route 10, East Hanover, more specifically designated as Block 99, Lot 12, for the hours of operation as 24 hours-per-day, 7 days-per-week at this location.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Hanover that it does hereby authorize, consent and endorse the modification to the County's Solid Waste Management Plan to include the facility of Novartis Pharmaceuticals Corporation at 59 Route 10, East Hanover, Block 99, Lot 12 for the collection and disposal of non hazardous waste Types #10, #25 and #27 generated at this location, and for the hours of operation as 24 hours-per-day, 7 days-per-week at this location.

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Council of the Township of East Hanover at a Regular/Special Meeting held on October 5, 2010
Paula A. Massaro
 Paula A. Massaro, RMC
 Township Clerk

Councilman De Rosa
 Councilwoman Jandoli
 Councilman Jocher
 Councilman Tedesco
 Mayor Pannullo

YES	NO	ABSTAIN	ABSENT
✓			
✓			
✓			
✓			
✓			



October 13, 2010

Ross M. Hull
NJDEP, Solid and Hazardous Waste Management Program
Solid and Hazardous Waste Planning Program
P.O. Box 414
401 East State Street
Trenton, NJ 08625-0414

**RE: Administrative Action Request: Novartis Pharmaceuticals Corporation –
Small Scale Solid Waste Incinerator**

Dear Mr. Hull:

In a letter dated August 16, 2010, Novartis Pharmaceuticals Corporation. ("Novartis"), located at 59 Route 10, East Hanover (Block 99; Lot 12), requested the Morris County Solid Waste Management Plan ("Plan") be modified and clarified with respect to the Plan's inclusion of the Novartis small scale solid waste incinerator operating at its site. This facility was formally included in the Plan in October 1990 and has been operating ever since. For your information, prior to its corporate name change to Novartis, this facility was originally included in the Plan under the corporate name of Sandoz Pharmaceuticals.

In its letter, which has been attached, Novartis requests two issues be addressed with respect to its Plan inclusion. The first being a clarification regarding the waste types the facility can accept and process and the second requests an expansion in the hours of operation listed in the Plan for the incinerator in an effort to make them consistent with the currently approved NJDEP air permit.

Material Clarification – The October 1990 Plan inclusion lists the materials to be incinerated to be restricted to non-hazardous, non-infectious waste generated on site by Novartis. Recyclable materials mandated by East Hanover Township are not acceptable in this incinerator. This Plan inclusion at the time didn't specifically reference the solid waste types acceptable to process in the incinerator, rather it listed what was restricted. The current clarification to the Plan would specifically list the acceptable waste to be Waste Type 10 (municipal solid waste), Waste Type 25 (animal processing waste) and Waste Type 27 (non-hazardous industrial waste). This clarification would not change what is currently acceptable but would list the acceptable waste types in the regulatory language currently used by NJDEP.

Hours of Operation Modification – In the original 1990 Plan inclusion, the hours of operation of the incinerator were not provided. A general statement on the anticipated schedule at the time listed the incinerator to operate on a 10 hour-per-day schedule. Subsequent to the original approval 20 years ago, Novartis secured NJDEP air permits that allows for 24 hours-per-day, 7 day-per-week operation of the incinerator. Theoretically, NJDEP air permitting should not have approved such a permit without first making sure it was consistent with the Plan inclusion, nevertheless NJDEP has provided and approved an air permit that is inconsistent with the Plan. NJDEP has recently discovered this inconsistency and has requested that Novartis address it. It is my understanding that this incinerator has been operating for years at this point using the hours of operation (24 hours-per-day) provided in the air permit which is inconsistent with the existing Plan inclusion.

State regulations, specifically N.J.A.C. 7:26-6.11 (b)-5, allow for modifications to the Plan with respect to the operation of existing facilities that may be achieved through an administrative action procedure. This administrative action procedure permits the county's designated implementing agency, which is the Morris County Municipal Utilities Authority ("MCMUA"), to submit a letter to the NJDEP describing and requesting the change to the Plan in lieu of going through the more formal and time-consuming Plan amendment process.

Although not specifically required in accordance with N.J.A.C. 7:26-6.11 (b)-5, the MCMUA requested the host municipality of East Hanover Township to forward its opinion on this change prior to the MCMUA requesting this administrative action. In a resolution adopted by its Council on October 5, 2010, East Hanover Township stated, "...it does hereby authorize, consent and endorse the modification to the County's Solid waste Management Plan to include the facility of Novartis Pharmaceuticals Corporation at 59 Route 10, East Hanover, Block 99, Lot 12 for the collection and disposal of non hazardous waste Types #10, #25 and #27 generated at this location, and for the hours of operations as 24 hours-per-day, 7 days-per-week at this location." Copies of correspondence related to this host municipal opinion have been attached.

In summary, this letter is provided as an administrative action requesting that the acceptance of waste types #10, #25 and #27 generated at this location, and for the hours of operations as 24 hours-per-day, 7 days-per-week at this location, be determined to be consistent with the Morris County Solid Waste Management Plan.



If you have any additional questions on this request please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Gindoff".

Larry Gindoff
Solid Waste Coordinator

Enclosure

Cc: Glenn Schweizer, MCMUA Executive Director
Jack Shrier, Freeholder Liaison
Larry T. Kunz, Novartis Pharmaceuticals Corporation
Paula A. Massaro, East Hanover Township Clerk

File Copy