



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Site Remediation and Waste Management Program  
401 E. State Street  
PO Box 420, Mail Code 401-06  
Trenton, New Jersey 08625  
Tel: (609) 292-1250  
Fax: (609) 777-1914

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CATHERINE R. McCABE  
*Commissioner*

### **CERTIFICATION OF THE JUNE 26, 2019 AMENDMENT TO THE MORRIS COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN**

#### **BY ORDER OF THE DEPARTMENT:**

#### **A. Introduction**

The New Jersey Solid Waste Management Act (“Act”) (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the State’s counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On January 29, 1981, the Department of Environmental Protection (“Department” or “DEP”) approved the Morris County District Solid Waste Management Plan (“County Plan”).

The Act further provides that a District may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Morris County Board of Chosen Freeholders (“County Freeholders”) completed such a review and on June 26, 2019 adopted an amendment to its approved County Plan.

The June 26, 2019 Amendment (“Amendment”) proposes County Plan deletion of the Novartis Pharmaceuticals Corporation’s Small-Scale Thermal Destruction Facility – Energy Recovery System/Incinerator, located on Block 99, Lot 12 in the Township of East Hanover.

The Amendment was considered complete for review by the Department on July 24, 2019 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this Amendment and has determined that the Amendment adopted by the County Freeholders on June 26, 2019 is approved as provided in N.J.S.A. 13:1E-24.

**B. Findings and Conclusions with Respect to the Morris County District Solid Waste Management Plan Amendment**

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the Amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements of the Amendment which are included below.

During the Department's review, it was discovered that the Lot number was incorrectly identified as Lot 15 in the Amendment submission and Freeholder resolution; however, James E. Deacon, Morris County Solid Waste Coordinator, clarified this in an email dated August 15, 2019 stating that the correct Lot number is Lot 12.

**Elements of the June 26, 2019 Amendment**

**Element: Facility History**

On November 28, 1990, the Morris County Board of Chosen Freeholders adopted an Amendment to their District Solid Waste Management Plan to include within it the Sandoz Pharmaceutical Corporation (now known as Novartis Pharmaceuticals Corporation) Small-Scale Thermal Destruction Facility. The facility location was identified as Block 99, Lot 12 in the Township of East Hanover. No solid waste capacity or acceptable solid waste types were noted in the November 28, 1990 Amendment to the County Plan, which was certified as approved by the Department on April 19, 1991.

On April 11, 2007, the Morris County Board of Chosen Freeholders approved an Amendment to the County Plan, which proposed reaffirmation of the County Plan inclusion of, amongst other solid waste facilities, the Novartis Small-Scale Thermal Destruction Facility, located on Block 99, Lot 12 in the Township of East Hanover for the processing of up to 780 pounds per hour of solid waste types 10 and 27. The April 11, 2007 Amendment to the County Plan, which included the facility in the County Plan to operate on a 10-hour-per-day schedule, was certified as approved by the Department on October 10, 2007.

On October 20, 2010, the Department approved a request for an administration action to the County Plan, dated October 13, 2010. This request for administrative action to the County Plan proposed to clarify that the Novartis Small-Scale Solid Waste Incinerator is included in the County Plan for the acceptance and processing of on-site generated solid waste types 10, 25, and 27. In addition, the request for administrative action to the County Plan proposed to amend the operating hours of the Novartis Small-Scale Solid Waste Incinerator to 24 hours per day, Monday through Sunday.

The June 26, 2019 Amendment to the County Plan proposes County Plan deletion of the Novartis Pharmaceuticals Corporation's Small-Scale Thermal Destruction Facility – Energy Recovery System/Incinerator, located on Block 99, Lot 12 in the Township of East Hanover. An April 19, 2018 facility inspection conducted by DEP Compliance and

Enforcement confirmed the removal of the Energy Recovery System/Incinerator. Novartis received a formal termination confirmation letter from the DEP Division of Solid and Hazardous Waste dated January 22, 2018, with an effective solid waste facility permit termination date of February 5, 2018.

**C. Certification of the Morris County District Solid Waste Management Plan Amendment**

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the Amendment to the approved County Plan and certify to the County Freeholders that the Amendment is approved as further specified below.

The County Plan deletion of the Novartis Pharmaceuticals Corporation's Small-Scale Thermal Destruction Facility – Energy Recovery System/Incinerator located on Block 99, Lot 12 in the Township of East Hanover is approved.

**D. Implementation of the Plan Amendment**

**1. Certification to Proceed with Implementation of Amendment**

This document shall serve as the Certification by the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f., the County Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

**2. Definitions**

For the purpose of this Amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

**3. Effective Date of Amendment**

The approved components of this Amendment shall take effect immediately.

**4. Reservation of Authority**

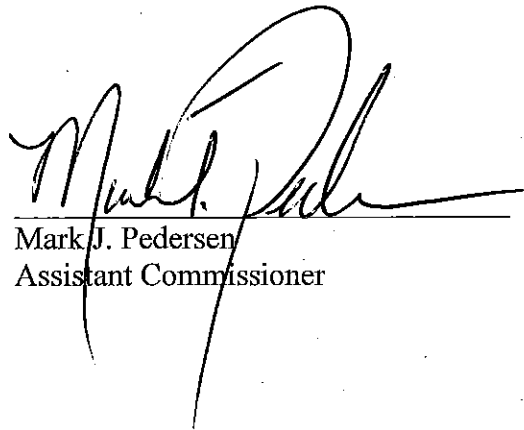
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and includes the compilation of individual county plans and amendments as they are approved.

**E. Certification of Approval of the Amendment by the Department of Environmental Protection**

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the Amendment, as outlined in Section C. of this Certification, to the Morris County District Solid Waste Management Plan which was adopted by the Morris County Board of Chosen Freeholders on June 26, 2019.

9-16-19

Date



Mark J. Pedersen  
Assistant Commissioner