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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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James C. Kenney
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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MAR 25 2020

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Nicole Wilkinson
Director Corporate Environmental
CVS
One CVS Drive
Woonsocket, RI 02895

RE: NOTICE OF PROPOSED PENALTIES
CVS PHARMACY #5494
EPA ID# NMR000002014

Dear Ms. Wilkinson:

On January 9, 2020, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at CVS #5494, located at 1500 Tramway Blvd NE, Albuquerque, New Mexico. The Notice of Violation (“NOV”), issued simultaneously with this proposed penalty letter, describes the violations observed during the Inspection.

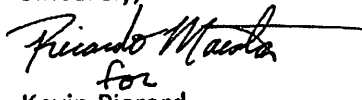
Pursuant to the New Mexico Hazardous Waste Act (“HWA”), NMSA 1978, §§ 74-4-1 to 14, NMED proposes to assess a civil penalty of \$17,160 to settle the violations of the HWA and the Hazardous Waste Management Regulations (“HWMR”) set forth in the NOV. The following are the civil penalties for each violation:

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|----|--|-------------------------------|
| 1. | Failure to label satellite accumulation area (“SAA”) containers with the words “Hazardous Waste”, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(i). | \$1,980 |
| 2. | Failure to label SAA containers with hazard indicators, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(ii). | No penalty assessed, new rule |

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|----|---|-------------------------------|
| 3. | Failure to keep satellite accumulation containers closed, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(4). | \$2,200 |
| 4. | Failure to conduct weekly inspections of central accumulation areas, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(1)(v). | \$11,000 |
| 5. | Failure to properly label hazardous waste containers, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(5)(i)(B). | No penalty assessed, new rule |
| 6. | Failure to include evacuation routes in the contingency plan, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.261(f). | \$660 |
| 7. | Failure to provide contingency plan to local emergency responders, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.262(a). | \$660 |
| 8. | Failure to provide a Quick Reference Guide ("QRG") to local emergency responders, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.262(b). | \$660 |

If you would like to discuss the civil penalty, please contact Janine Kraemer, Hazardous Waste Bureau, by telephone at 505-476-4372 or by e-mail at Janine.kraemer@state.nm.us within 30 days of receipt of this notice to schedule an informal conference concerning resolution of this matter. If no response is received from you within 30 days, a Stipulated Final Order will be prepared for your signature to settle the case.

Sincerely,



for
Kevin Pierard
Chief
Hazardous Waste Bureau

KP: jk

cc: Janine Kraemer, NMED HWB
John Rhoderick NMED District I Manager
Jennifer Hower, NMED OGC
Samantha Surette, Store Manager, Samantha.surette@cvshealth.com

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