



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 31, 2023

Nicole Ratigan
HSE Compliance Manager
CVS Health
1 CVS Drive, Mail Code 2340
Woonsocket, RI 02895

**RE: NOTICE OF VIOLATION AND RESOLUTION
CVS #9263
EPA ID# NMR000002667**

Dear Nicole Ratigan:

On February 26, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at CVS #9263 ("CVS"), located at 511 W. Cordova, Santa Fe, New Mexico. CVS is a retail business that sells a wide variety of products including over the counter pharmaceuticals, personal care products, groceries, and others. These operations generate hazardous waste flammable, corrosive and toxic damaged and expired products, and hazardous waste pharmaceuticals.

Based on observations and review of the information obtained, NMED has determined that CVS is a Large Quantity Generator ("LQG") of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that CVS has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violations:

1. Failure to label satellite hazardous waste containers with the words "hazardous waste". Specifically, NMED observed satellite containers at the pharmacy that were not properly labeled. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(i).
2. Failure to label satellite hazardous waste containers with relevant indicator(s) of the types of hazards presented by the waste. Specifically, NMED observed satellite

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containers at the pharmacy that were not properly labeled. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii).

3. Failure to label hazardous waste containers with the words "hazardous waste". Specifically, NMED observed that the central accumulation area container at the pharmacy was not labeled with the words "hazardous waste". This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(A).
4. Failure to label hazardous waste containers with relevant indicator(s) of the types of hazards presented by the waste. Specifically, NMED observed one container at the loading dock central accumulation area that was not labeled with an indicator of the type of hazard. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(B).
5. Failure to mark hazardous waste containers with the date upon which accumulation began. Specifically, NMED observed one container at the loading dock central accumulation area that was not marked with an accumulation start date. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(C).
6. Failure to distribute current versions of the Facility Contingency Plan to local emergency response authorities. Specifically, CVS could not provide documentation of distribution of the current version of the Facility Contingency Plan to local emergency response authorities. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.262(a).

NMED has determined that these violations were adequately addressed from responses dated June 18, 2021 and May 17, 2023; therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in CVS being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our Inspection, or in response to this letter, does not relieve CVS of its obligation to comply with any and all other applicable laws and regulations.

Nicole Ratigan , CVS #9263

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Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Aaron Coffman of my staff at 505-670-5211 or by email at aaron.coffman@env.nm.gov .

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM: ac

cc: Aaron Coffman, NMED HWB
Thomas X. Vigil, Acting NMED District II Manager
Andrew Knight, NMED OGC

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