



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 #8917
EPA ID# NMR000017889**

Dear Nicole Ratigan:

On July 27, 2020, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at CVS #8917 ("CVS"), located at 7847 Tramway Boulevard, Albuquerque, New Mexico ("Facility"). 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 hazardous waste containers with relevant indicator(s) of the types of hazards presented by the waste. Specifically, NMED observed one container at the pharmacy 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).

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East , Building 1 Santa Fe, New Mexico 87505-6313
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2. Failure to mark hazardous waste containers with the date upon which accumulation began. Specifically, NMED observed one container at the back room 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).
3. Failure to maintain written documentation of the job description(s) of each position related to hazardous waste management. Specifically, training documents provided for NMED review of the CVS hazardous waste training program on August 5, 2020 did not include written job descriptions. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(7)(iv)(B).
4. Failure to maintain written documentation of the type and amount of training required for job titles related to hazardous waste management. Specifically, training documents provided for NMED review of the CVS hazardous waste training program on August 5, 2020 did not include the type and amount of training required for job titles related to hazardous waste management. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(7)(iv)(C).
5. Failure to maintain written documentation of the completion of hazardous waste training for at least three years following the date the employee last worked at the Facility. Specifically, training documents provided for NMED review of the CVS hazardous waste training program on August 5, 2020 did not include record of the completion of hazardous waste training for the former store manager who was employed at the facility within 3 years of the inspection. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(7)(v).
6. Failure to keep this list of Emergency Coordinators in the Facility Contingency Plan up to date. Specifically, NMED observed that the Contingency Plan at the Facility listed the former store manager's name and not the current one as the Emergency Coordinator. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.261(d).
7. Failure to include an evacuation plan in the Facility Contingency Plan that describes the routes for evacuation. Specifically, NMED observed that the Contingency Plan at the Facility did not include an evacuation map or other acceptable description of the routes for evacuation. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.261(f).

NMED has determined that these violations were adequately addressed from responses dated August 5, 2020, September 18, 2020 and May 17, 2023; therefore, no further action is required.

Nicole Ratigan, CVS #8917

May 31, 2023

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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.

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
Frank Rodarte, NMED HWB
Levi Cole, NMED District I Manager
Andrew Knight, NMED OGC

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