



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 #5994
EPA ID# NMR000019141**

Dear Nicole Ratigan:

On September 17, 2020, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at CVS #5994 ("CVS"), located at 1202 N Riverside Drive, Espanola, 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 keep satellite hazardous waste containers closed, except when adding or removing waste or for the proper operation of equipment. Specifically, NMED observed an open container with a leaking, damaged good at the store front area. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(4).
2. Failure to label satellite hazardous waste containers with the words "hazardous waste". Specifically, NMED observed one unlabeled container for accumulation of damaged

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goods in the store front area, and two unlabeled containers for accumulation of pharmaceutical wastes at the pharmacy. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(i).

3. Failure to label satellite hazardous waste containers with an indicator of the relevant hazard(s). Specifically, NMED observed one unlabeled container for accumulation of damaged goods in the store front area, and two unlabeled containers for accumulation of pharmaceutical wastes at the pharmacy. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii).
4. Failure to label hazardous waste containers with the words "hazardous waste". Specifically, NMED observed one plastic tote container at the pharmacy central accumulation area that 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).
5. Failure to label hazardous waste containers with an indicator of the relevant hazard(s). Specifically, NMED observed one plastic tote container at the pharmacy central accumulation area that was not labeled with the relevant hazard indicators. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(B).
6. Failure to mark hazardous waste containers with the date upon which accumulation began. Specifically, NMED observed one plastic tote container at the pharmacy 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).
7. 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).
8. Failure to maintain a copy of the current Facility Contingency Plan at the Facility. Specifically, a copy of the current Facility Contingency Plan was not available for review at the time of inspection. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.262.

NMED has determined that these violations were adequately addressed from responses dated October 1, 2020, June 23, 2021 and May 17, 2023; therefore, no further action is required.

Nicole Ratigan, CVS #5994

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
Thomas X. Vigil, Acting NMED District II Manager
Andrew Knight, NMED OGC

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