



## **COMMONWEALTH of VIRGINIA**

### **DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
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### **VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO**

**VIRGINIA CVS PHARMACY, L.L.C.**

**FOR**

**CVS #7948, 3397, 7308, 3768, 6285, Appendix A Stores  
EPA ID No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241 and Appendix A Stores**

#### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and Virginia CVS Pharmacy, L.L.C., regarding CVS #7948, 3397, 7308, 3768, 6285, and the stores listed in Appendix A, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CESQG" means a conditionally exempt small quantity generator of hazardous waste, a generator of less than 100 kilograms of hazardous waste in a month and meeting the other restrictions of 40 CFR § 261.5 and 9 VAC 20-81-10.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241, Appendix A list

Page 2 of 15

4. "CO" means the Central Office of DEQ, located in Richmond, Virginia.
5. "CVS" means Virginia CVS Pharmacy, L.L.C., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. CVS is a "person" within the meaning of Va. Code § 10.1-1400.
6. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
7. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. "Facility", "Facilities" or "Site" means Virginia CVS Pharmacy, L.L.C.'s Facilities located at 14566 Forest Road, Forest, VA; 9767 Courthouse Road, Spotsylvania, VA; 915 W. Stuart Drive, Hillsville, VA; 3212 Riverside Drive, VA; 702 9<sup>th</sup> Street SE, Roanoke, VA; and Appendix A locations.
9. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
10. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
11. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
14. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
15. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.

16. "Va. Code" means the Code of Virginia (1950), as amended.
17. "VAC" means the Virginia Administrative Code.
18. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. CVS owns and operates the Facilities in Virginia. The Facilities are retail drugstore chains that sell prescription drugs, over-the-counter medications, health and beauty aids, personal care items, cosmetics, and many other everyday products. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. CVS #7948 submitted a RCRA Subtitle C Site Identification Form (received April 19, 2012) that gave notice of regulated waste activity at the Facility as a SQG of hazardous waste. CVS was issued EPA ID No. VAR000521773 for the Facility. In a subsequent form (received May 31, 2013) CVS gave notice as a CESQG of hazardous waste. Later, CVS submitted a form (received March 11, 2016) giving notice as an LQG of hazardous waste.
3. CVS #3768 submitted a RCRA Subtitle C Site Identification Form (received April 19, 2012) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. CVS was issued EPA ID No. VAR000523340 for the Facility. In a subsequent form (received April 28, 2014) CVS gave notice as an LQG of hazardous waste.
4. CVS #7308 submitted a RCRA Subtitle C Site Identification Form (received April 19, 2012) that gave notice of regulated waste activity at the Facility as a SQG of hazardous waste. CVS was issued EPA ID No. VAR000521740 for the Facility. In a subsequent form (received November 18, 2014) CVS gave notice as an LQG of hazardous waste.
5. CVS #6285 submitted a RCRA Subtitle C Site Identification Form (received April 19, 2012) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. CVS was issued EPA ID No. VAR000523696 for the Facility. In a subsequent form (received May 8, 2013) CVS gave notice as an LQG of hazardous waste.
6. CVS #3397 submitted a RCRA Subtitle C Site Identification Form (received April 19, 2012) that gave notice of regulated waste activity at the Facility as a SQG of hazardous waste. CVS was issued EPA ID No. VAR000523241 for the Facility. In a subsequent form (received May 31, 2013) CVS gave notice as a CESQG of hazardous waste. Later,

CVS submitted a form (received November 21, 2014) giving notice as an LQG of hazardous waste.

7. At the Facilities, CVS generates waste pharmaceuticals and (prior to June 2015) photo processing material which is a solid waste. The pharmaceuticals and photo processing materials are also a hazardous waste with P- Listed and D-Listed waste codes (P001, P188, P075, P081, D001, D002, D009 and D011). This hazardous waste is accumulated in Strong Pak sealed plastic bags inside lined cardboard boxes and in containers at the Facilities after its generation.
8. On March 27, 2014, DEQ staff conducted an inspection of CVS store #7948 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:
  - a. Store #7948 opened October 7, 2007. From the opening date until July 2012, the facility did not make a waste determination for three hazardous waste streams.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(1), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using either analytical testing or generator knowledge.
  - b. Between October 2007 and July 2012, store #7948 did not ensure that its hazardous waste was treated or disposed in an on-site facility or was delivered to an off-site treatment, storage, or disposal facility.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(3), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which must comply with the provisions of 40 CFR 261.5(g)(3)(i-vi).
9. On April 10, 2014, DEQ staff conducted an inspection of CVS store #3397 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:
  - a. Store #3397 opened in the spring of 2011. From the opening date until July 2012, the facility did not make a waste determination for three hazardous waste streams.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(1), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using either analytical testing or generator knowledge.

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740, VAR000523696, VAR000523241, Appendix A list

Page 5 of 15

- b. From the opening date until July 2012, store #3397 did not ensure that its hazardous waste was treated or disposed in an on-site facility or was delivered to an off-site treatment, storage, or disposal facility.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(3), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which must comply with the provisions of 40 CFR 261.5(g)(3)(i-vi).

- c. According to manifest #006369986FLE, the store shipped 6 pounds of acutely hazardous P-listed waste for disposal on April 4, 2014. Due to the accumulation of greater than 2.2 pounds of P-listed waste, the store became an episodic LQG for April 2014. CVS did not notify DEQ in writing of this change in generator status as required.

Pursuant to 9 VAC 20-60-315(D), anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operational record.

- d. Upon becoming a LQG in April 2014, the store did not notify DEQ of the exact location of the 90-day accumulation area as required.

Pursuant to 9 VAC 20-60-262(B)(4), for accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.

10. On April 3, 2014, DEQ staff conducted an inspection of CVS store #7308 for compliance with the requirements of the Virginia Waste Management Act and the Regulations.

During the inspection, the following violations were observed:

- a. Store #7308 opened in the October 2001. From the opening date until July 2012, the facility did not make a waste determination for three hazardous waste streams.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(1), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using either analytical testing or generator knowledge.

- b. From the opening date until July 2012, store #7308 did not ensure that its hazardous waste was treated or disposed in an on-site facility or was delivered to an off-site treatment, storage, or disposal facility.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(3), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which must comply with the provisions of 40 CFR 261.5(g)(3)(i-vi).

- c. According to manifest #006336683FLE, the store shipped 16 pounds of acutely hazardous P-listed waste for disposal on March 6, 2014. Due to the accumulation of greater than 2.2 pounds of P-listed waste, the store became an episodic LQG for April 2014. CVS did not notify DEQ in writing of this change in generator status as required.

Pursuant to 9 VAC 20-60-315(D), anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operational record.

- d. Upon becoming a LQG in April 2014, the store did not notify DEQ of the exact location of the 90-day accumulation area as required.

Pursuant to 9 VAC 20-60-262(B)(4), for accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.

- e. The store did not consistently perform weekly inspections of the hazardous waste containers accumulating in the accumulation area as required.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.34(a)(1)(i), which references 40 CFR 265.174, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

- f. The store did not have copies of the manifests signed by the designated receiving facility for 5 shipments of hazardous waste.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.40(a), the generator must keep a signed copy from the designated facility which received the waste as a record for at least three years from the date the waste was accepted by the initial transporter.

- g. The store placed a container under the photo developing center counter to collect photo developing wastewater. The container is a satellite accumulation area container but was not labeled with the words "Hazardous Waste" or with other words identifying its contents.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.34(c)(1)(ii), a generator may accumulate as much as 55 gallons of hazardous waste at a satellite accumulation point as long as he marks his containers either with the words "Hazardous Waste", or with other words that identify the contents of the containers.

- 11. On March 28, 2014, DEQ staff conducted an inspection of CVS store #3768 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:

- a. From the opening date until July 2012, the facility did not make a waste determination for three hazardous waste streams.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(1), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using either analytical testing or generator knowledge.

- b. From the opening date until July 2012, the store did not ensure that its hazardous waste was treated or disposed in an on-site facility or was delivered to an off-site treatment, storage, or disposal facility.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(3), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which must comply with the provisions of 40 CFR 261.5(g)(3)(i-vi).

- c. According to manifest #005514174FLE, the store shipped 10 pounds of acutely hazardous P-listed waste for disposal on June 26, 2012. Due to the accumulation of greater than 2.2 pounds of P-listed waste, the store became an episodic LQG for June 2012. CVS did not notify DEQ in writing of this change in generator status as required. There were also two shipments of greater than 2.2 lbs. of acutely hazardous P-listed waste for disposal in 2013. The first shipment of 9 lbs.

of P-listed waste occurred on April 18, 2013. The second shipment of 4 lbs. of P-listed waste occurred on July 23, 2013.

Pursuant to 9 VAC 20-60-315(D), anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operational record.

- d. Upon becoming a LQG in April 2014, the store did not notify DEQ of the exact location of the 90-day accumulation area as required.

Pursuant to 9 VAC 20-60-262(B)(4), for accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.

- e. The store did not consistently perform weekly inspections of the hazardous waste containers accumulating in the accumulation area as required.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.34(a)(1)(i), which references 40 CFR 265.174, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

- f. In the pharmacy, there was one container of hazardous waste that was marked with an accumulation start date of June 26, 2013. Waste was first placed in this container during the period when the facility was operating as an LQG. This container had been accumulating hazardous waste for 275 days on the day of inspection.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.34(b), a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 265 and the permit requirements of 40 CFR part 270 unless he has been granted an extension to the 90 day period.

- g. Store #3768 was a LQG in 2012; therefore, it was subject to the annual LQG fee for 2012. The fee was not invoiced by DEQ because the facility did not notify DEQ of the change to LQG status. This fee had not been paid.

Pursuant to 9 VAC 20-60-1283(E), anyone who is a large quantity generator at any time during the year shall be assessed the full annual fee amount no matter how short the period the facility is operated or how briefly the generator is a large quantity generator.

12. On July 16, 2014, CVS DEQ staff conducted an inspection of CVS store #6285. During the inspection, the following violations were observed:

- a. From 2007 to July 2012, the facility did not make a waste determination for three hazardous waste streams.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(1), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using either analytical testing or generator knowledge.

- b. From 2007 to July 2012, the store did not ensure that its hazardous waste was treated or disposed in an on-site facility or was delivered to an off-site treatment, storage, or disposal facility.

Pursuant to 9 VAC 20-60-261 which incorporates 40 CFR 261.5(g)(3), in order for hazardous waste generated by a conditionally exempt small quantity generator to be excluded from full regulation, the generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which must comply with the provisions of 40 CFR 261.5(g)(3)(i-vi).

- c. During 2012 and 2013, the store generated and accumulated acutely hazardous P-listed waste in excess of 2.2 pounds. CVS did not immediately notify DEQ in writing of each change in generator status to LQG as required.

Pursuant to 9 VAC 20-60-315(D), anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operational record.

- d. The store did not consistently perform weekly inspections of the hazardous waste containers accumulating in the accumulation area as required.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.34(a)(1)(i), which references 40 CFR 265.174, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

- e. The store did not have copies of the initial or the final signed manifest from the disposal facility for 4 off-site shipments of hazardous waste on-site.

Pursuant to 9 VAC 20-60-262 which incorporates 40 CFR 262.40(a), the generator must keep a signed copy from the designated facility which received the waste as a record for at least three years from the date the waste was accepted by the initial transporter.

13. In March 2014, and on July 16, 2014, CVS submitted documentation to DEQ listing Facilities and the date that each Facility had their first shipment of greater than 2.2 lbs. of P-listed hazardous waste. DEQ evaluated these documents and the following violations were observed:

- a. In March 2014, CVS submitted documentation to DEQ notifying the change in generator status for 102 Facilities. All 102 Facilities had their first shipment of P-listed hazardous waste in excess of 2.2 pounds in 2013. Notification of the change in generator status to LQG in 2013 was not made to DEQ immediately in writing as required. Fifty-one of the 54 Facilities in the July 16, 2014, submittal had their first shipment of greater than 2.2 pounds of P-listed hazardous waste in 2012, making them LQGs for 2012. CVS did not immediately notify DEQ in writing of the change in generator status for these 51 stores as required. These Facilities are listed in Appendix A.

Pursuant to 9 VAC 20-60-315(D), anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operational record.

- b. As each of the 156 CVS pharmacies reached LQG status from 2012 to present, none of them provided notification to DEQ of the exact location of their accumulation area(s).

Pursuant to 9 VAC 20-60-262(B)(4), for accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.

14. On September 22, 2014, based on the inspection and follow-up information, the Department issued a Notice of Violation to CVS for the violations described in paragraphs C(8) through C(13), above.
15. On November 13, 2014, January 12, 2015, and November 12, 2015, CVS submitted written responses to the NOV indicating that they had ceased noncompliant activities and

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241, Appendix A list

Page 11 of 15

provided DEQ with the proper generator status notifications and corresponding hazardous waste accumulation area locations.

16. Based on the results of the March 27, 2014; March 28, 2014; April 3, 2014; and April 10, 2014 inspections, each of which is discussed in paragraphs C(8) through C(13) above, the Board concludes that CVS has violated 40 CFR 261.5(g)(1), 9 VAC 20-60-261, 40 CFR 261.5(g)(3), 9 VAC 20-60-315(D), 9 VAC 20-60-262(B)(4), 9 VAC 20-60-262, 40 CFR 262.34(a)(1)(i), 40 CFR 265.174, 40 CFR 262.40(a), 40 CFR 262.34(c)(1)(ii), 40 CFR 262.34(b), and 9 VAC 20-60-1283(E) as described in paragraphs C(8) through C(13), above.
17. CVS has submitted, and DEQ has evaluated, documentation that verifies that the violations described in paragraphs C(8) through C(13), above, have been corrected.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders CVS and CVS agrees to pay a civil charge of \$53,375 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia;" and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

CVS shall include its Federal Employer Identification Number (FEIN) (20-3649917) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, CVS shall be liable for attorneys' fees of 30% of the amount outstanding.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of CVS for good cause shown by CVS, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in the, NOV dated September 22, 2014. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to:

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241, Appendix A list

Page 12 of 15

- (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, CVS admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies the findings of fact, and conclusions of law contained herein.
4. CVS consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order
5. CVS declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by CVS to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. CVS shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. CVS shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CVS shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;and

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740, VAR000523696, VAR000523241, Appendix A list

Page 13 of 15

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and CVS. Nevertheless, CVS agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after CVS has completed all of the requirements of the Order;
  - b. CVS petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to CVS.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve CVS from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by CVS and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of CVS certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind CVS to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of CVS.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241, Appendix A list

Page 14 of 15

15. By its signature below, CVS voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 19 day of June, 2017.

  
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Jefferson Reynolds, Enforcement Director  
Department of Environmental Quality

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Consent Order

Virginia CVS Pharmacy, L.L.C.; EPA ID. No. VAR000521773, VAR000523340, VAR000521740,  
VAR000523696, VAR000523241, Appendix A list

Page 15 of 15

Virginia CVS Pharmacy, L.L.C. voluntarily agrees to the issuance of this Order.

Date: 3/25/17 By: [Signature], VICE PRESIDENT RISK MANAGEMENT  
(Person) (Title)  
Virginia CVS Pharmacy, L.L.C.

State of Rhode Island  
Commonwealth of Virginia  
City/County of Providence

The foregoing document was signed and acknowledged before me this 24 day of  
March, 2017, by [Signature] who is  
Vice President of Virginia CVS Pharmacy, L.L.C., on behalf of the  
company.

\_\_\_\_\_  
Notary Public

15352107  
\_\_\_\_\_  
Registration No.

My commission expires: 3/24/19

Notary seal:



## **Appendix A**

**CVS Pharmacy Subsequent Notifications  
Changes from SQG/CESQG to LQG Status**

## CVS Stores that became LQG in 2012

EPA ID Number	Store Number	Address	City	First Shipment that Exceeds 2.2 lbs of Acute Waste
VAR000522029	CVS PHARMACY #0516	1205 BELLEVUE AVENUE	RICHMOND	8/13/2012
VAR000522110	CVS PHARMACY #1365	1462 NORTH BEAUREGARD	ALEXANDRIA	7/13/2012
VAR000522441	CVS PHARMACY #1547	6000 CENTRALIA ROAD	CHESTERFIELD	11/15/2012
VAR000522474	CVS PHARMACY #1550	1600 RICHMOND ROAD	WILLIAMSBURG	11/14/2012
VAR000522490	CVS PHARMACY #1552	1800 ANTRELL AVENUE	HARRISONBURG	11/15/2012
VAR000522524	CVS PHARMACY #1555	1133 FIFTH STREET	CHARLOTTESVILLE	11/27/2012
VAR000522540	CVS PHARMACY #1559	909 SOUTH MAIN STREET	FARMVILLE	11/14/2012
VAR000522557	CVS PHARMACY #1561	305 W ATLANTIC AVENUE	EMPORIA	8/16/2012
VAR000522615	CVS PHARMACY #1656	221 EAST HUNDRED ROAD	CHESTER	8/18/2012
VAR000522656	CVS PHARMACY #1802	5670 BROOK RD BROOK RUN SHOPPING CTR	RICHMOND	11/26/2012
VAR000522664	CVS PHARMACY #1819	1400 TASKER ROAD	STEPHENS CITY	12/28/2012
VAR000521872	CVS PHARMACY #1830	6228-C NORTH KINGS HWY	ALEXANDRIA	10/3/2012
VAR000521351	CVS PHARMACY #1980	7048 MECHANICSVILLE TPKE	MECHANICSVILLE	11/6/2012
VAR000522886	CVS PHARMACY #2006	2525 CENTREVILLE ROAD	HERNDON	10/4/2012
VAR000521658	CVS PHARMACY #2149	503 KING STREET	ALEXANDRIA	7/12/2012
VAR000521708	CVS PHARMACY #2278	6400 LANDSDOWNE CENTRE DRIVE	ALEXANDRIA	7/11/2012
VAR000523100	CVS PHARMACY #2418	2121 15TH STREET NORTH	ARLINGTON	10/3/2012
VAR000523142	CVS PHARMACY #2691	9498 CHARTER GATE DRIVE	MECHANICSVILLE	8/17/2012
VAR000523191	CVS PHARMACY #3018	7500 CENTREVILLE PI ROAD	MANASSAS	10/11/2012
VAR000523324	CVS PHARMACY #3548	2009 WARDS ROAD	LYNCHBURG	10/31/2012
VAR000523332	CVS PHARMACY #3566	605 WOOD AVENUE	BIG STONE GAP	9/21/2012
VAR000521500	CVS PHARMACY #41285	21550 TIMBERLAKE ROAD	LYNCHBURG	8/2/2012
VAR000523514	CVS PHARMACY #4378	4400 BRAMBLETON AVENUE	ROANOKE	8/1/2012
VAR000523555	CVS PHARMACY #5505	801 EAST MAIN STREET	ABINGTON	9/26/2012
VAR000523563	CVS PHARMACY #5507	912 EAST ATLANTIC STREET	SOUTH HILL	11/6/2012
VAR000523589	CVS PHARMACY #5582	3001 VIRGINIA AVENUE	COLLINSVILLE	10/2/2012

EPA ID Number	Store Number	Address	City	First Shipment that Exceeded 2.2 lbs of Acute Waste
VAR000523597	CVS PHARMACY #5722	1217 EAST MAIN STREET	BEDFORD	8/2/2012
VAR000521914	CVS PHARMACY #5750	1379 NORTH FREDERICK PIKE	WINCHESTER	10/12/2012
VAR000523639	CVS PHARMACY #5796	2315 MERCURY BOULEVARD	HAMPTON	10/11/2012
VAR000523696	CVS PHARMACY #6285	702 9TH STREET, SE	ROANOKE	7/27/2012
VAD982365157	CVS PHARMACY #6296	2712 PETERS CREEK RD	ROANOKE	10/17/2012
VAR000523720	CVS PHARMACY #6302	628 MARKET ST	NORTH TAZEVELL	8/15/2012
VAR000523738	CVS PHARMACY #6303	2940 CLINCH STREET	RICHLANDS	8/15/2012
VAR000523746	CVS PHARMACY #6321	1610 MAIN STREET	CLIFTON FORGE	8/7/2012
VAR000523761	CVS PHARMACY #6325	506 E NELSON STREET	LEXINGTON	11/13/2012
VAR000521732	CVS PHARMACY #6329	1775 SOUTH MAIN ST.	BLACKSBURG	8/7/2012
VAR000523787	CVS PHARMACY #6812	4432 GEORGE WASHINGTON MEMORIAL HWY	YORKTOWN	8/15/2012
VAR000523803	CVS PHARMACY #7002	112 SOUTH MAIN STREET	AMHERST	11/14/2012
VAR000523837	CVS PHARMACY #7343	241 GATEWAY PLAZA, SUITE 105	GATE CITY	9/24/2012
VAR000523845	CVS PHARMACY #7352	240-B LUSARDI DRIVE	BROOKNEAL	11/14/2012
VAR000523852	CVS PHARMACY #7365	31 EAST VALLEY DRIVE	BRISTOL	9/26/2012
VAR000523878	CVS PHARMACY #7389	1875 ELECTRIC ROAD	SALEM	7/26/2012
VAR000523886	CVS PHARMACY #7503	3909 CHALLENGER AVE.	ROANOKE	10/18/2012
VAR000523910	CVS PHARMACY #7518	221 WEST RESERVOIR ROAD	WOODSTOCK	7/11/2012
VAR000523936	CVS PHARMACY #7525	1100 MAIN STREET	ALTAVISTA	8/14/2012
VAR000523944	CVS PHARMACY #7526	945-A NORTH MAIN STREET	MARION	8/14/2012
VAR000523951	CVS PHARMACY #7557	100 JAMES B JONES MEMORIAL HWY	KILMARNOCK	8/15/2012
VAR000523977	CVS PHARMACY #7561	503 EAST MAIN STREET	LOUISA	8/13/2012
VAR000524090	CVS PHARMACY #8302	2232 GENERAL BOOTH BLVD	VIRGINIA BEACH	10/10/2012
VAR000521948	CVS PHARMACY #8938	1701 INDEPENDENCE BLVD	VIRGINIA BEACH	7/19/2012
VAD988226536	CVS PHARMACY #8966	15250 WASHINGTON ST	HAYMARKET	10/10/2012

Note: This list was provided to DEQ by Mr. Charles Savage of The 3E Company on July 16, 2014.

## CVS Stores that became LQG in 2013

Address	City	State	Zip	EPAID	LQG Date
<del>1380</del> Hull Street Rd.	Midlothian	VA	23112	VAD988177903	10/4/2013
10701 Courthouse Road	Fredericksburg	VA	22407	VAR000521963	2/11/2013
208 East Main Street	Charlottesville	VA	22902	VAR000521971	2/6/2013
<del>1328</del> Kempsville Rd.	Chesapeake	VA	23320	VAR000521997	1/22/2013
<del>11458</del> Kings Highway	King George	VA	22485	VAR000522003	2/11/2013
<del>1920</del> Senseny Rd.	Winchester	VA	22602	VAR000522011	9/19/2013
5017 Columbia Pike	Arlington	VA	22204	VAR000522060	9/17/2013
9871 Georgetown Pike	Great Falls	VA	22066	VAR000521781	6/12/2013
510 Blackwell Rd.	Warrenton	VA	20186	VAR000522094	5/29/2013
<del>3535</del> South Jefferson Street	Baileys Crossroads	VA	22041	VAR000521328	7/9/2013
<del>2012</del> Chain Bridge Road	Oakton	VA	22124	VAR000521476	4/29/2013
9582 Old Keene Mill Road	Burke	VA	22015	VAR000522144	4/1/2013
<del>2200</del> Tacketts Mill	Woodbridge	VA	22192	VAR000522151	1/30/2013
8041 Sudley Road	Manassas	VA	20109	VAR000522169	9/10/2013
1636 Belle View Boulevard	Alexandria	VA	22307	VAR000522177	11/12/2013
3053 Nutley Street	Fairfax	VA	22031	VAR000522193	7/1/2013
<del>8928</del> Burke Lake Road	Springfield	VA	22151	VAR000522227	9/16/2013
7855 Heritage Drive	Annandale	VA	22003	VAR000521856	7/1/2013
5652 Pickwick Rd.	Centreville	VA	20120	VAR000522284	5/21/2013
<del>13034</del> Lee-Jackson Highway	Fairfax	VA	22033	VAR000522292	10/4/2013
1100 Wilson Boulevard	Rosslyn	VA	22209	VAR000522318	2/7/2013
388 Garrisonville Road	Stafford	VA	22554	VAR000522334	2/20/2013
6400 Iron Bridge Rd.	Richmond	VA	23234	VAR000522359	10/4/2013
<del>1728</del> West Broad Street	Richmond	VA	23220	VAR000522367	5/21/2013
8820 West Broad Street	Richmond	VA	23294	VAR000522383	2/13/2013
10805 Tidewater Trail	Fredericksburg	VA	22408	VAR000522417	10/8/2013

Address	City	State	Zip	EPAID	LQG Date
629 Colonial Heights Boulevard	Colonial Heights	VA	23834	VAR000522425	2/27/2013
13180 Midlothian Turnpike	Midlothian	VA	23113	VAR000522466	2/19/2013
1137 Emmett Street	Charlottesville	VA	22903	VAR000521336	2/19/2013
1302 Barterbrook Rd.	Staunton	VA	24401	VAR000522532	2/8/2013
4501 Lafayette Blvd.	Fredericksburg	VA	22408	VAR000522565	2/11/2013
150 Madison Road	Culpeper	VA	22701	VAR000522581	2/20/2013
450 Chatham Heights Rd.	Fredericksburg	VA	22405	VAR000522607	2/12/2013
25201 Laniford Hwy.	Onley	VA	23418	VAR000516138	3/26/2013
6380 Hoadly Rd.	Manassas	VA	20112	VAR000522623	1/30/2013
972 E. Little Creek Rd.	Norfolk	VA	23518	VAR000022335	1/23/2013
4238 Wilson Blvd/Ballston Commons #1331	Arlington	VA	22203	VAR000521518	1/29/2013
6807 Forest Hill Ave	Richmond	VA	23225	VAR000522680	2/14/2013
13620 Genito Road	Midlothian	VA	23112	VAR000522698	10/4/2013
10090 Fairfax Blvd.	Fairfax	VA	22030	VAR000522722	3/13/2013
8900 Patterson Avenue	Richmond	VA	23229	VAD988171930	9/27/2013
7023 Three Chopt Road	Richmond	VA	23226	VAR000522755	2/25/2013
5100 S. Laburnum Ave, Laburnum Square	Richmond	VA	23231	VAR000522763	9/23/2013
133 Junction Drive	Ashland	VA	23005	VAR000522797	2/11/2013
1007 East Main Street	Richmond	VA	23219	VAR000522805	2/21/2013
5001 Forest Hill Avenue	Richmond	VA	23225	VAR000522821	2/21/2013
6100 Lakeside Avenue	Richmond	VA	23228	VAR000522839	5/22/2013
24795 Pinelbrook Rd	South Riding	VA	20152	VAR000522854	2/25/2013
3001 Lauderdale Drive	Richmond	VA	23233	VAR000522862	5/23/2013
7678 Richmond Hwy, Mt Vernon S/C	Alexandria	VA	22306	VAR000522888	5/16/2013
100 Dunlop Circle Dr	Colonial Heights	VA	23834	VAR000522920	10/9/2013
2614 Jefferson Davis Hwy, Rt1, Box 100	Stafford	VA	22554	VAR000522979	5/27/2013
2601 Columbia Turnpike	Arlington	VA	22204	VAR000522987	3/5/2013
3141 Wilson Blvd	Arlington	VA	22201	VAR000523035	2/6/2013
700 Merrimac Trail	Williamsburg	VA	23185	VAR000523068	8/14/2013

Address	City	State	Zip	EPAID	LQG Date
5101 Duke Street	Alexandria	VA	22304	VAR000523076	9/16/2013
1201 South Hayes St.	Arlington	VA	22202	VAR000524272	8/19/2013
3200 Lafayette Blvd.,	Norfolk	VA	23509	VAR000523209	4/24/2013
6911 Walmsley Boulevard	Richmond	VA	23235	VAR000523217	2/26/2013
48 Marketplace Dr.	Daleville	VA	24083	VAR000523225	2/5/2013
902 Garrisonville Rd.	Stafford	VA	22556	VAR000523233	10/14/2013
833 University City Blvd	Blacksburg	VA	24060	VAR000521716	5/16/2013
4861 Amherst Hwy, Po Box 570	Madison Heights	VA	24572	VAR000523282	2/11/2013
2259 Langhorne Road	Lynchburg	VA	24501	VAR000523290	2/11/2013
7738 Richmond Highway	Appomattox	VA	24522	VAR000523308	2/12/2013
3212 Riverside Drive	Danville	VA	24541	VAR000523340	4/18/2013
1128 Park Ave., Nw	Norton	VA	24273	VAR000523407	7/2/2013
2001 Colonial Ave.	Roanoke	VA	24015	VAR000521724	4/8/2013
1022 Hardy Road	Vinton	VA	24179	VAR000523431	7/16/2013
2207 Valley Ave.	Winchester	VA	22601	VAR000523449	6/11/2013
42994 Eastern Kingbird Plaza	Ashburn	VA	20147	VAR000523480	3/12/2013
1 Mcwhirt Loop	Fredericksburg	VA	22406	VAR000523498	5/14/2013
2725 Greensboro Road	Martinsville	VA	24112	VAR000523506	1/15/2013
1800 Frederick Boulevard	Portsmouth	VA	23707	VAR000523522	1/9/13
1417-25 University Ave.	Charlottesville	VA	22903	VAR000523530	2/19/2013
4500 Princess Ann Rd.	Virginia Beach	VA	23462	VAR000523548	1/22/2013
3555 Airline Blvd Rd (Sec)	Portsmouth	VA	23701	VAD988215745	4/2/2013
2148 East Midland Trail	Buena Vista	VA	24416	VAR000523571	8/13/2013
3231 Halifax Rd.	South Boston	VA	24592	VAR000523605	1/31/2013
11271 Nuckols Rd.	Glen Allen	VA	23059	VAR000523621	9/24/2013
14380 Mcgraws Corner Dr.	Gainesville	VA	20155	VAR000523647	5/6/2013
1205 N. Laburnum Ave	Richmond	VA	23223	VAR000523654	2/21/2013
4261 E. Little Creek Rd.	Norfolk	VA	23518	VAR000523662	1/23/2013
817 W. Main St.	Danville	VA	24541	VAR000523670	4/18/2013

Address	City	State	Zip	EPAID	LQG Date
1516 Orange Ave	Roanoke	VA	24017	VAR000523688	3/27/2013
179 Electric Rd.	Salem	VA	24153	VAR000523712	5/1/2013
1370 E. Main St.	Wytheville	VA	24382	VAR000523779	2/15/2013
18665 Forrest Road	Lynchburg	VA	24502	VAR000523811	2/12/2013
11127 Jefferson Ave.	Newport News	VA	23601	VAR000523829	2/28/2013
3100 Old Forest Road	Lynchburg	VA	24501	VAR000521757	2/11/2013
1515 Alonwood Ave	Bedford	VA	24523	VAR000523860	3/26/2013
352 Remount Rd	Front Royal	VA	22630	VAR000523894	7/2/2013
1425 S. Boston Rd.	Danville	VA	24540	VAR000523902	4/18/2013
605 Frost Ave.	Warrenton	VA	20186	VAR000523928	5/29/2013
550 N. Franklin St.	Christiansburg	VA	24073	VAR000500140	5/16/2013
308 Rodney Rd,	Orange	VA	22960	VAR000523969	5/29/2013
485 Old Franklin Trpk.	Rocky Mount	VA	24151	VAR000523985	5/1/2013
4126 Plantation Rd	Roanoke	VA	24019	VAR000521674	2/5/2013
31 W. Main St.	Radford	VA	24141	VAR000524009	2/14/2013
100 Giles Avenue	Dublin	VA	24084	VAR000524033	2/15/2013
1725 Amherst St.	Winchester	VA	22601	VAR000524041	2/5/2013
1151 Port Republic Rd.,	Harrisonburg	VA	22801	VAR000524058	9/27/2013
1688 Laskin Rd.	Virginia Beach	VA	23451	VAR000524074	8/17/2013
9026 Seminole Trail	Ruckersville	VA	22968	VAR000524082	2/20/2013
2081 South Military Highway	Chesapeake	VA	23323	VAR000524967	8/20/2013

provided to DEQ by Mr. Charles Savage of The 3E Company on April 16, 2014.