



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
RITE AID OF VIRGINIA, INC.
FOR
Rite Aid #4888, 4872, 2550, 7950, 2488
AND
ECKERD CORPORATION
FOR
RITE AID #11258
EPA ID No. VAR000526723, VAR000526715, VAR000525980,
VAR000526814, VAR000525956, VAR000527101**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, Rite Aid of Virginia, Inc., regarding Rite Aid store #4888, 4872, 2550, 7950 and 2488, and Eckerd Corporation (together with Rite Aid of Virginia, Inc., "Rite Aid"), regarding store #11258, 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.
4. "CO" means the Central Office of DEQ, located in Richmond, Virginia.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Facility", "Facilities", "Store" or "Site" means Rite Aid's Facilities located at 5500 Lakeside Avenue, Richmond, VA; 5795 Princess Ann Road, Virginia Beach, VA; 2852 Jefferson Davis Hwy, Stafford, VA; 11129 Gordon Road, Fredericksburg, VA; 15105 Patrick Henry Highway, Amelia Courthouse, VA; and 1200 Benns Church Blvd., Smithfield, VA.
8. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
9. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
10. "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).
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
12. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
13. "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.

14. "Rite Aid" means Rite Aid of Virginia, Inc. and Eckerd Corporation, each of which are corporations authorized to do business in Virginia, and their affiliates, partners, and subsidiaries. Rite Aid is a "person" within the meaning of Va. Code § 10.1-1400.
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. Rite Aid 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. Certain operations at the Facilities are subject to the Virginia Waste Management Act and the Regulations.
2. Rite Aid store #4888 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000526723 for the Facility.
3. Rite Aid store #4872 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000526715 for the Facility. In a subsequent form (received December 29, 2014) Rite Aid gave notice as an LQG of hazardous waste. Later, Rite Aid submitted a form (received November 19, 2015) giving notice of its return to CESQG status.
4. Rite Aid store #2550 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000525980 for the Facility. In a subsequent form (received August 6, 2014) Rite Aid gave notice as an LQG of hazardous waste. Later, Rite Aid submitted a form (received November 19, 2015) giving notice of its return to CESQG status.
5. Rite Aid store #7950 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000526814 for the Facility. In a subsequent form (received June 10, 2015) Rite Aid gave notice as an LQG of hazardous

waste. Later, Rite Aid submitted a form (received December 16, 2015) giving notice of its return to CESQG status.

6. Rite Aid store #2488 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000525956 for the Facility. In a subsequent form (received March 10, 2015) Rite Aid gave notice as an LQG of hazardous waste. Later, Rite Aid submitted a form (received November 19, 2015) giving notice of its return to CESQG status.
7. Rite Aid store #11258 submitted a RCRA Subtitle C Site Identification Form (received March 1, 2013) that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Rite Aid was issued EPA ID No. VAR000527101 for the Facility. In a subsequent form (received October 3, 2014) Rite Aid gave notice as an LQG of hazardous waste. Later, Rite Aid submitted a form (received November 19, 2015) giving notice of its return to CESQG status.
8. At the Facilities, Rite Aid generates incidental waste in the front end of its stores and from pharmacy operations. The front end hazardous waste streams include discarded out-of-date products that are characteristically ignitable, corrosive or toxic (D001, D002, D004-D040) and/or commercial chemical products (CCP) listed in 40 CFR 261.33(e), specifically nicotine products (P075), and 261.33(f), U-listed CCPs. The pharmacy hazardous waste streams include empty warfarin containers and packaging (foil seal/cotton) that may contain residue (P001), discarded physostigmine (P188), and discarded alcohol wipes and wrappers (D001). Certain waste pharmaceutical materials are acutely hazardous waste with P- Listed waste codes (P001 and P075). Hazardous waste is accumulated in containers at the Facilities after its generation.
9. On June 4, 2015, Department staff conducted an inspection of Rite Aid Store #4888 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. At the time of the inspection, one hazardous waste manifest was provided for review. The manifest indicated that 1 pound of acutely hazardous waste and 1 pound of D-coded characteristic hazardous waste was shipped off-site. Rite Aid submitted copies of additional manifests per email dated August 14, 2015. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to January 2014 and dating back to June 2012, or three years prior to the inspection date. In addition, no information, documentation or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same time period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

10. On June 10, 2015, DEQ staff conducted an inspection of Rite Aid Store #4872 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:

- a. During the inspection, the available hazardous waste manifests going back to February 5, 2014 were reviewed. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to February 2014 and dating back to June 2012, or three years prior to the inspection date. In addition, no information, documentation or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same time period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

- b. Solely with respect to the period during which such facility operated as a large quantity generator, failure to provide documentation of a contingency plan that contained the facility's emergency response procedures including names/contact information of emergency coordinators; list and description of emergency equipment; an evacuation plan; and arrangements made with state and local authorities.

Pursuant to 40 CFR 265.52(c) and (d), the plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. In addition, pursuant to 40 CFR 265.52(a), the contingency plan must describe actions facility personnel will take in order to comply with 40 CFR 265.56 and 265.51.

- c. During the inspection, store management staff indicated that periodic inspections of the spill kit and eye wash stations are conducted, logged, and submitted

electronically to the District Office. Records of these inspections were not provided for review.

Pursuant to 40 CFR 265.33 as incorporated by reference and appended by 9 VAC 20-60-265(B)(5), all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. A record of tests or inspections will be maintained on a log at that facility or other reasonably accessible and convenient location.

11. On June 23, 2015, DEQ staff conducted an inspection of Rite Aid Store #2550 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:

- a. The available hazardous waste manifests going back to January 22, 2014 were reviewed. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to January 2014 and dating back to June 2012, or three years prior to the inspection date. In addition, no information, documentation, or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

- b. Roark's Fire Service conducts annual inspections of the fire extinguishers noted on the tag on the device; however, records of in house monthly inspections were not provided. Eye wash stations are allegedly checked monthly, but there were no logs provided. No sprinkler system was present in the building. In addition, no records of inspection of the spill kit were provided at the time of the inspection.

Pursuant to 40 CFR 265.33 as incorporated by reference and appended by 9 VAC 20-60-265(B)(5), all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. A record of tests or inspections will be maintained on a log at that facility or other reasonably accessible and convenient location.

- c. Solely with respect to the period during which such facility operated as a large quantity generator, failure to provide documentation of a contingency plan containing the facility's emergency response procedures including names/contact information of emergency coordinators; list and description of emergency equipment; an evacuation plan; and arrangements made with state and local authorities.

Pursuant to 40 CFR 265.52(c) and (d), the plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. In addition, pursuant to 40 CFR 265.52(a), the contingency plan must describe actions facility personnel will take in order to comply with 40 CFR 265.56 and 265.51.

12. On June 23, 2015, DEQ staff conducted an inspection of Rite Aid Store #7950 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:

- a. The available hazardous waste manifests going back to March 1, 2013 were reviewed. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to March 2013 and dating back to June 2012, or three years prior to the inspection date. In addition, no information, documentation, or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

13. On July 14, 2015, DEQ staff conducted an inspection of Rite Aid Store #2488 for compliance with the requirements of the Virginia Waste Management Act and the Regulations. During the inspection, the following violations were observed:

- a. The available hazardous waste manifests going back to January 15, 2014 were reviewed. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to January 2014 and dating back to June 2012, or three years prior to the inspection date. In addition, no information,

documentation, or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

- b. During the inspection, the facility representative indicated that fire extinguishers are checked monthly in-house and serviced annually by Roark Fire Service. Inspection tags were present on units but no records of the monthly inspections were provided. No sprinkler system was present in the building. Furthermore, no records of tests/inspections of the eye wash or inspections of the spill kit were provided at the time of inspection.

Pursuant to 40 CFR 265.33 as incorporated by reference and appended by 9 VAC 20-60-265(B)(5), all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. A record of tests or inspections will be maintained on a log at that facility or other reasonably accessible and convenient location.

- c. Solely with respect to the period during which such facility operated as a large quantity generator, failure to provide documentation of a contingency plan containing the facility's emergency response procedures including names/contact information of emergency coordinators; list and description of emergency equipment; an evacuation plan; and arrangements made with state and local authorities.

Pursuant to 40 CFR 265.52(c) and (d), the plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. In addition, pursuant to 40 CFR 265.52(a), the contingency plan must describe actions facility personnel will take in order to comply with 40 CFR 265.56 and 265.51.

- 14. On July 17, 2015, DEQ staff conducted an inspection of Rite Aid Store #11258. During the inspection, the following violations were observed:

- a. The available hazardous waste manifests going back to January 14, 2014 were reviewed. However, no manifests, shipping papers, or other documentation were provided demonstrating how hazardous waste was managed, specifically where hazardous waste was shipped, prior to January 2014 and dating back to June 2012, or three years prior to the inspection date. In addition, no information, documentation, or other records were provided demonstrating that a hazardous waste determination was conducted on wastes generated during this same period.

Pursuant to 40 CFR 262.11 and 40 CFR 261.5(f)(1) and (g)(1), a person who generates a solid waste must determine if that waste is a hazardous waste.

Pursuant to 40 CFR 261.5(f)(3) and (g)(3), a conditionally exempt small quantity generator shall ensure that its hazardous waste is delivered to one of seven (7) types of state approved or RCRA permitted/interim status facilities.

- b. During the inspection, the facility representative indicated that fire extinguishers are checked monthly by staff and annually by Acme Fire Safety Services with tags documenting annual inspections located on units. No records of the monthly inspections were provided at the time of the inspection. In addition, no records of tests/inspections of the eye wash station, spill kit, or sprinkler system were provided at the time of the inspection.

Pursuant to 40 CFR 265.33 as incorporated by reference and appended by 9 VAC 20-60-265(B)(5), all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. A record of tests or inspections will be maintained on a log at that facility or other reasonably accessible and convenient location.

- c. Solely with respect to the period during which such facility operated as a large quantity generator, failure to provide documentation of a contingency plan containing the facility's emergency response procedures including names/contact information of emergency coordinators; list and description of emergency equipment; an evacuation plan; and arrangements made with state and local authorities.

Pursuant to 40 CFR 265.52(c) and (d), the plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone number (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. In addition, pursuant to 40 CFR 265.52(a), the contingency plan must describe actions facility personnel will take in order to comply with 40 CFR 265.56 and 265.51.

15. On June 23, 2016, based on the inspection and follow-up information, the Department issued a Notice of Violation to Rite Aid for the violations described in paragraphs C(9) through C(14), above.
16. On July 5, 2016, Rite Aid submitted a written response to the NOV documenting steps that Rite Aid had taken to address the violations.
17. Based on the results of the June 4, 2015; June 10, 2015; June 23, 2015; July 14, 2015; and July 17, 2015 inspections, the Board concludes that Rite Aid has violated 40 CFR 262.11, 40 CFR 261.5(f)(1) and (g)(1), 40 CFR 265.52(a), (c) and (d), 40 CFR 265.33, and 9 VAC 20-60-265(B)(5) as described in paragraphs C(9) through C(14), above.
18. Rite Aid has submitted, and DEQ has evaluated, documentation that verifies that the violations described in paragraphs C(9) through C(14), above, have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455 and upon consideration of Va. Code § 10.1-1186.2, the Board orders Rite Aid and Rite Aid agrees to pay a civil charge of \$25,025 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

Rite Aid shall include its Federal Employer Identification Numbers (FEIN) (23-1940653 for Rite Aid of Virginia, Inc.) and (51-0378122 for Eckerd Corporation) 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, Rite Aid 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 Rite Aid for good cause shown by Rite Aid, 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 a NOV dated June 23, 2016. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (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, Rite Aid admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. Rite Aid 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. Rite Aid 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 Rite Aid 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. Rite Aid 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. Rite Aid shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Rite Aid 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
- 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 Rite Aid. Nevertheless, Rite Aid 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 Rite Aid has completed all of the requirements of the Order;
 - b. Rite Aid 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 Rite Aid.

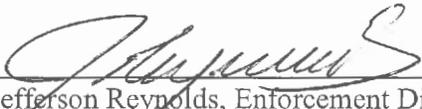
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Rite Aid from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Rite Aid 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 Rite Aid certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Rite Aid to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Rite Aid.
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.

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

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



Jefferson Reynolds, Enforcement Director
Department of Environmental Quality

------(Remainder of Page Intentionally Blank)-----

Rite Aid of Virginia, Inc. voluntarily agrees to the issuance of this Order.

Date: 4/7/17 By: [Signature], VP, RISK MANAGEMENT
(Person) (Title)
Rite Aid of Virginia, Inc.

Commonwealth of Pennsylvania
City/County of Cumberland

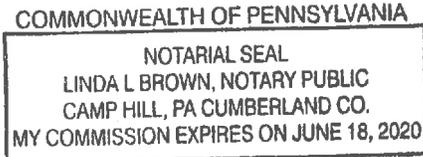
The foregoing document was signed and acknowledged before me this 7th day of April, 2017, by CHRIS HANSEN who is VICE-PRESIDENT, RISK MGT. of Rite Aid of Virginia, Inc., on behalf of the corporation.

[Signature]
Notary Public

Registration No.

My commission expires: _____

Notary seal:



Eckerd Corporation voluntarily agrees to the issuance of this Order.

Date: 4/7/17 By: [Signature], VP, RISK MANAGEMENT
(Person) (Title)
Eckerd Corporation

Commonwealth of Pennsylvania
City/County of Cumberland

The foregoing document was signed and acknowledged before me this 7th day of
April, 2017, by CHRIS HANSEN who is
VICE PRESIDENT RISK MGMT of Eckerd Corporation, on behalf of the corporation.

[Signature]
Notary Public

Registration No.

My commission expires: _____

Notary seal:

