

**HAZARDOUS WASTE SECTION - COMPLIANCE BRANCH
FILE TRANSMITTAL & DATA ENTRY FORM**

Your Name: Phil Orozco

Facility ID Number: NCR000152504

Facility Name: CVS Pharmacy #4444

Document Group: Enforcement (E)

Document Type: E- Ticket Notice of Violation (TNOV)

File Description/Comments: CVS was operating as a LQG. Five violations cited

Date of Document: 2/17/2016

Author(s) of Document: Phil Orozco

Inspector ID #: NC018

Suborganization: Eastern Region

County (if not on report): DURHAM

For Violations:

Enforcement Date: 1/1/2016

Docket Number: 2016-018

Enforcement Type: TNOV

How many violations were there? 5

For IANOV or CO: The facility is

Outcome Measures for CSE for IANOV or CO:

Waste Involved	Volume	Exposure Media (a, gw, sw, s)	Distance to Residences	Number of People involved	Distance to On-site wells	Distance to Off-site wells

Violation #1:

Date Determined: 1/21/2016

Scheduled Return to Compliance: 3/28/2016

Actual Return to Compliance: [Click here to enter a date.](#)

Regulation Description: 15A NCAC 13A .0107(d)

Comment: twelve of eighteen weekly inspections were not recorded.

For CSE, Corrections to Violations were:

Violation #2:

Date Determined: 1/21/2016

Scheduled Return to Compliance: 3/28/2016

Actual Return to Compliance: [Click here to enter a date.](#)

Regulation Description: 15A NCAC 13A .0110(c)

Comment: The generator did not maintain a 24 inch aisle space.

For CSE, Corrections to Violations were:

Violation #3:

Date Determined: 1/21/2016

Scheduled Return to Compliance: 3/28/2016 **Actual Return to Compliance:** [Click here to enter a date.](#)

Regulation Description: 262.34(a)(2)

Comment: The start date was not visible on 3 boxes of HW.

For CSE, Corrections to Violations were:

Violation #4:

Date Determined: 1/21/2016

Scheduled Return to Compliance: 3/28/2016 **Actual Return to Compliance:** [Click here to enter a date.](#)

Regulation Description: 262.34(a)(3)

Comment: Three boxes were not marked clearly with the words "Hazardous Waste".

For CSE, Corrections to Violations were:

Violation #5:

Date Determined: 1/21/2016

Scheduled Return to Compliance: 3/28/2016 **Actual Return to Compliance:** [Click here to enter a date.](#)

Regulation Description: 262.34(a)(4) – 265.32(c)

Comment: No spill kit was present on the day of inspection.

For CSE, Corrections to Violations were:



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

LINDA CULPEPPER
Director

February 17, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Adriana Morales,
CVS Health
One CVS Drive, Mail Code 2340
Woonsocket, RI 02895

Subject: NOTICE OF VIOLATION
Docket #2016-018
CVS Pharmacy #4444, Durham, NC
EPA ID # NCR000152504

Dear Ms. Morales:

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (State) was authorized to operate the State RCRA hazardous waste program under the Solid Waste Management Act (ACT), N.C.G.S. 130A, Article 9 and rules promulgated thereto at 15A NCAC 13A (Rules) in lieu of the federal RCRA program.

On January 21, 2016, Phillip G. Orozco, representing the N.C. Hazardous Waste Section, inspected your facility for compliance with North Carolina Hazardous Waste Management Rules. During that inspection, the following violations were noted:

- i. **15A NCAC 13A .0107(d).** A generator shall keep a written record of inspections for at least three years from the date of inspection. During the time period between October 2015 and the end of January 2016, twelve of eighteen weekly logs were not recorded. Inspections for the following weeks were not documented: 10/12/15; 10/19/15; 10/26/15; 11/2/15; 11/9/15; 11/30/15; 12/7/15; 12/14/15; 12/28/15; 1/4/16; 1/11/16; and, 1/18/16. The store was operating as a Large Quantity Generator during this time.
- ii. **15A NCAC 13A .0110(c)** The owner & operator must maintain an aisle space of at least two feet (24") to allow for the unobstructed movement of personnel, fire prevention equipment, etc. during an emergency. On the day of inspection, no aisle space existed on three sides of the containers observed in the storage area. Five 10-gallon StrongPak boxes containing hazardous waste were blocked on three sides by stock items. The remaining side was directly in front on the emergency exit.
- iii. **40 CFR 262.34(a)(2)** The start date of accumulation must be clearly marked and visible for inspection on each container of hazardous waste. The dates were not visible on 2 boxes containing hazardous waste due to the fact that they were blocked by merchandise and display racks. One box holding hazardous waste that was visible did not have a start date marked on the box. A total of five boxes were in storage at the time of inspection.

- iv. **40 CFR 262.34(a)(3)** While in storage, each container holding HW must be marked clearly with the words "Hazardous Waste". No label was visible on 2 boxes containing hazardous waste due to the fact that they were blocked by merchandise and display racks. One box holding hazardous waste that was visible was not marked with the words "Hazardous Waste".
- v. **40 CFR 262.34(a)(4) – 265.32(c)** The facility must be equipped with certain emergency equipment which includes a spill kit. On the day of inspection, a spill kit could not be found. All shelves and possible locations of where the spill kit might be were blocked by a very large amount of merchandise stock in the store room.

You are hereby required to comply with the noted violation(s) by March 28, 2016, at which time a re-inspection may be performed. If compliance with the violation(s) noted above are not met, pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701 - .0707, an administrative penalty of up to \$32,500.00 per day may be assessed for violation of the hazardous waste law or regulations.

In further satisfaction of **Docket #2016-018**, this facility shall provide written certification with supporting documentation on company letterhead confirming that the noted compliance schedule has been completed. Mail this certification to Phillip G. Orozco, NCDEQ, Division of Waste Management - Hazardous Waste Section, 1646 Mail Service Center, Raleigh, NC, 27699-1646; or, by email to: phil.orozco@ncdenr.gov by the noted compliance date.

If you should have any questions concerning this Notice of Violation or the NC Hazardous Waste Management Rules, please call me at 919-212-2501 or email me at phil.orozco@ncdenr.gov .

Sincerely,



Phillip G. Orozco, Environmental Senior Specialist
Hazardous Waste Section, NCDEQ

cc: Brent Burch, Compliance Branch Head
Phil Orozco, Environmental Senior Specialist
Central Files