

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LOUISIANA CVS PHARMACY, L.L.C.

AI # 136290, 182151, 182069

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-HE-22-0096  
\*  
\* Enforcement Tracking Nos.  
\* HE-PP-20-00731  
\* HE-PP-20-00747  
\* HE-PP-20-00748  
\*  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Louisiana CVS Pharmacy, L.L.C. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owned and/or operated retail stores and pharmacies located in Ascension Parish and East Baton Rouge Parish, Louisiana (“the Facilities”).

II

On January 20, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-20-00731 (Exhibit 1).

On January 20, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-20-00747 (Exhibit 2).

On January 20, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-20-00748 (Exhibit 3).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00), of which One Thousand Six Hundred Thirty-Eight and 52/100 (\$1,638.52) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this

agreement.

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension Parish and East Baton Rouge Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services

Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

LOUISIANA CVS PHARMACY, L.L.C.

BY: [Signature]  
(Signature)

Elizabeth Ash  
(Printed)

TITLE: Sr. Counsel

THUS DONE AND SIGNED in duplicate original before me this 16<sup>th</sup> day of May, 20 23, at Buffalo Grove, IL

Bryn K. Tanner  
NOTARY PUBLIC (ID # \_\_\_\_\_)



(stamped or printed)

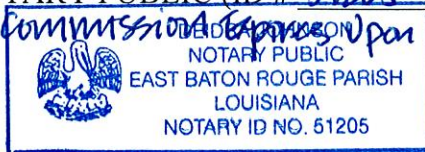
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Evinger, Secretary

BY: [Signature]  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18<sup>th</sup> day of August, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 51205)  
MY COMMISSION EXPIRES UPON DEATH



(stamped or printed)

Approved: [Signature]  
Celena J. Cage, Assistant Secretary



JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

JAN 20 2021



CERTIFIED MAIL (7019 2970 0000 6037 4449)  
RETURN RECEIPT REQUESTED

**LOUISIANA CVS PHARMACY, L.L.C.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-20-00731  
AGENCY INTEREST NO. 136290**

Dear Sir/Madam:

On or about June 9, 2020, an inspection of **CVS PHARMACY #1661**, a retail store and pharmacy, owned and/or operated by **LOUISIANA CVS PHARMACY, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 17122 Airline Highway in Prairieville, Ascension Parish, Louisiana. The Respondent has notified the Department as a Large Quantity Generator of hazardous waste and has been assigned EPA Identification No. LAR000066126.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted during the course of the inspection:

The Respondent caused and/or allowed the unauthorized storage of hazardous waste, as specified in LAC 33:V.1109.E.1 and LAC 33:V.1109.E.4, in violation of LAC 33:V.303.B. Specifically, during the inspection, the Department representative observed six (6) full, 50-quart (approximately seventy-five (75) gallons) clear plastic totes containing hazardous waste that were being stored in a satellite accumulation area. If the volume of hazardous waste stored within a satellite accumulation area exceeds fifty-five (55) gallons, the storage area is subject to regulation as a less than 90-day hazardous waste container storage area. One of the observed containers of hazardous waste had an accumulation start date of February 25, 2020, which exceeded the 90-day storage limit by fifteen (15) days. Email correspondences submitted by the Respondent on or about July 8, 2020 and July 9, 2020, documented that the aforementioned



Louisiana CVS Pharmacy, L.L.C.

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hazardous waste totes were transported to an authorized treatment/disposal facility on or about June 9, 2020.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Dr. Jacqueline Prudente at (225) 219-3095 or jacqueline.prudente@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

Louisiana CVS Pharmacy, L.L.C.  
HE-PP-20-00731  
Page 3

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,




Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LJ/JAP/jap  
Alt ID No. LAR000066126

c: Louisiana CVS Pharmacy, L.L.C.  
c/o Dan Gabilondo, Store Manager  
17122 Airline Highway  
Prairieville, LA 70769



| LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY<br>OFFICE OF ENVIRONMENTAL COMPLIANCE   |   |   |                         |
|---|---|---|-------------------------|
| ENFORCEMENT DIVISION<br>POST OFFICE BOX 4312<br>BATON ROUGE, LOUISIANA 70821-4312   |   | <b>NOTICE OF POTENTIAL PENALTY<br/>REQUEST TO SETTLE (OPTIONAL)</b>                 |                         |
|   |   |  |                         |
| Enforcement Tracking No.  | HE-PP-20-00731  | Contact Name  | Dr. Jacqueline Prudente |
| Agency Interest (AI) No.  | 136290  | Contact Phone No.   | (225) 219-3095          |
| Alternate ID No.  | LAR000066126  |   |                         |
| Respondent:   | LOUISIANA CVS PHARMACY, L.L.C.  | Facility Name:  | CVS PHARMACY #1661      |
|   | c/o CT Corporation System   | Physical Location:  | 17122 Airline Highway   |
|   | Agent for Service of Process  |   |                         |
|   | 3867 Plaza Tower Drive  | City, State, Zip:   | Prairieville, LA 70769  |
| Baton Rouge, LA 70816   | Parish:   | Ascension   |                         |
| <b>SETTLEMENT OFFER (OPTIONAL)</b>  |   |   |                         |
| <i>(check the applicable option)</i>  |   |   |                         |
| <input type="checkbox"/>  | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart 1. Chapter 7.  |   |                         |
| <input type="checkbox"/>  | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00731), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.  |   |                         |
| <input type="checkbox"/>  | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00731), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.                                 |   |                         |
|   | <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul> |   |                         |
| <input type="checkbox"/>  | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00731) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.   |   |                         |
| <b>CERTIFICATION STATEMENT</b>  |   |   |                         |
| <i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i> |   |   |                         |
| Respondent's Signature  |   | Respondent's Printed Name   | Respondent's Title      |
| Respondent's Physical Address   |   | Respondent's Phone #  | Date                    |
| <b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>  |   |   |                         |
| Louisiana Department of Environmental Quality<br>Office of Environmental Compliance<br>Enforcement Division<br>P.O. Box 4312<br>Baton Rouge, LA 70821<br>Attn: Dr. Jacqueline Prudente  |   |   |                         |



JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

JAN 20 2021

CERTIFIED MAIL (7019 2970 0000 6032 6912)  
RETURN RECEIPT REQUESTED



**LOUISIANA CVS PHARMACY, L.L.C.**  
c/o CT Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-20-00747  
AGENCY INTEREST NO. 182151**

Dear Sir/Madam:

On or about May 21, 2020, an inspection of **CVS PHARMACY #5374**, a retail store and pharmacy, owned and/or operated by **LOUISIANA CVS PHARMACY, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 14360 Wax Road in Central, East Baton Rouge Parish, Louisiana. The Respondent notified the Department as a Small Quantity Generator (SQG) on April 27, 2012, and on March 15, 2016, re-notified as a Large Quantity Generator (LQG). The facility has been assigned EPA ID number LAR000075861.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted during the course of the inspection:

The Respondent failed to notify the Office of Environmental Services within seven (7) days of a change in the information submitted on the hazardous waste notification (HW-1) form, in violation of LAC 33:V.1105.B. Specifically, a review of hazardous waste manifests from 2017-2019 revealed the hazardous waste code U002 was listed on the manifests, but not listed on the HW-1 form dated March 1, 2016. The Respondent submitted an updated HW-1 form to the Department on or about December 1, 2020, which listed hazardous waste code U002.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed



LOUISIANA CVS PHARMACY, L.L.C.

HE-PP-20-00747

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regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Ashley Manuel at (225) 219-3794 or Ashley.Manuel@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde

Assistant Secretary

Office of Environmental Compliance

LI/AMM/amm

Alt ID No. LAR000075861

**LOUISIANA CVS PHARMACY, L.L.C.**

**HE-PP-20-00747**

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**c: Louisiana CVS Pharmacy  
1 CVS Drive MC2340  
Woonsocket, RI 02895**



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312



**NOTICE OF POTENTIAL PENALTY  
 REQUEST TO SETTLE (OPTIONAL)**

|                          |                                |                    |                    |
|--------------------------|--------------------------------|--------------------|--------------------|
| Enforcement Tracking No. | HE-PP-20-00747                 | Contact Name       | Ashley Manuel      |
| Agency Interest (AI) No. | 182151                         | Contact Phone No.  | (225) 219-3794     |
| Alternate ID No.         | LAR000075861                   |                    |                    |
| Respondent:              | LOUISIANA CVS PHARMACY, L.L.C. | Facility Name:     | CVS Pharmacy #5374 |
|                          | c/o CT Corporation System      | Physical Location: | 14360 Wax Road     |
|                          | Agent for Service of Process   |                    |                    |
|                          | 3867 Plaza Tower Drive         | City, State, Zip:  | Central, LA 70818  |
|                          | Baton Rouge, LA 70816          | Parish:            | East Baton Rouge   |

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

|       |   |
|-------|---|
| _____ | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart 1.Chapter 7.   |
| _____ | In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (HE-PP-20-00747)</b> , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.  |
| _____ | In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (HE-PP-20-00747)</b> , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul> |
| _____ | The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (HE-PP-20-00747)</b> and has attached a justification of its offer and a description of any BEPs if included in settlement offer.  |

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

|                               |                           |                    |
|-------------------------------|---------------------------|--------------------|
|                               |                           |                    |
| Respondent's Signature        | Respondent's Printed Name | Respondent's Title |
|                               |                           |                    |
| Respondent's Physical Address | Respondent's Phone #      | Date               |

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Ashley Manuel



JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

JAN 20 2021

CERTIFIED MAIL (7019 2970 0000 6032 7476)  
RETURN RECEIPT REQUESTED



**LOUISIANA CVS PHARMACY, L.L.C.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, Louisiana 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-20-00748  
AGENCY INTEREST NO. 182069**

Dear Sir/Madam:

On or about June 3, 2020, an inspection of CVS Pharmacy #5317, a pharmacy and retail store, owned and/or operated by **LOUISIANA CVS PHARMACY, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. A subsequent file review of the subject facility was conducted by the Department on or about January 19, 2021. The facility is located at 11430 Florida Boulevard in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent has notified the Department as a large quantity generator of hazardous waste and has been assigned EPA Identification No. LAR000075713.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

- A. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, a review of the hazardous waste manifests from 2017 to 2019 revealed EPA hazardous waste codes D011, U129, and U205 were included on hazardous manifests; however, these waste codes were not included on the HW-1 Form dated March 1, 2016. On or about December 10, 2020, a representative of the Respondent submitted a shipment receipt via email for the HW-1 Form with EPA hazardous waste codes D011, U129, and U205 addressed to the Department's Waste Permits Division.



Louisiana CVS Pharmacy, L.L.C.

HE-PP-20-00748

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- B. The Respondent failed to mark containers containing hazardous waste with an accumulation start date, in violation of LAC 33.V.1109.E.1.c. Specifically, during the inspection, one (1) 18-gallon clear plastic tote of hazardous waste located in the less than 90-day storage area and labeled "Hazardous Waste", was marked with an accumulation start date of "2/09/2017". During the inspection, a representative of the Respondent stated that the accumulation start date label was not updated each time the Respondent begins accumulating hazardous waste; however, the hazardous waste stored in the 18-gallon clear plastic tote did not exceed the 90-day storage limit. In a written response dated December 4, 2020, a representative of the Respondent stated that additional training is provided to store personnel to ensure that proper container labeling requirements are met. Additionally, in an email dated December 10, 2020, a representative of the Respondent submitted hazardous waste manifest 014946598 dated August 17, 2020 for the removal of the hazardous waste stored in the 18-gallon clear plastic tote located in the less than 90- day storage area.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Jennifer Boudreaux at (225) 219-3636 or Jennifer.Boudreaux@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The

Louisiana CVS Pharmacy, L.L.C.

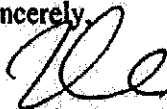
HE-PP-20-00748

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decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde

Assistant Secretary

Office of Environmental Compliance

LI/JMB/jmb

Alt ID No. LAR000075713

c: Louisiana CVS Pharmacy, L.L.C

c/o Nicole Wilkinson, Director, Corporate Environmental

1 CVS Drive MC 2340

Woonsocket, Rhode Island 02895


c: CVS Pharmacy #5317

c/o Imyri West, Shift Supervisor

11430 Florida Boulevard

Baton Rouge, Louisiana 70815



|  |  |  |                              |   |
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| LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY<br>OFFICE OF ENVIRONMENTAL COMPLIANCE<br>ENFORCEMENT DIVISION<br>POST OFFICE BOX 4312<br>BATON ROUGE, LOUISIANA 70821-4312   |  | <b>NOTICE OF POTENTIAL PENALTY<br/>                 REQUEST TO SETTLE (OPTIONAL)</b> |                              |  |
| Enforcement Tracking No.   | HE-PP-20-00748   | Contact Name   | Jennifer Boudreaux           |   |
| Agency Interest (AI) No.   | 182069   | Contact Phone No.  | (225) 219-3636               |   |
| Alternate ID No.   | LAR000075713   |  |                              |   |
| Respondent:  | Louisiana CVC Pharmacy, L.L.C.   | Facility Name:   | CVS Pharmacy #5317           |   |
|  | c/o CT Corporation System  | Physical Location:   | 11430 Florida Boulevard      |   |
|  | Agent for Service of Process   |  |                              |   |
|  | 3867 Plaza Tower Drive   | City, State, Zip:  | Baton Rouge, Louisiana 70815 |   |
| Baton Rouge, Louisiana 70816   | Parish:  | East Baton Rouge   |                              |   |
| <b>SETTLEMENT OFFER (OPTIONAL)</b>   |  |  |                              |   |
| <i>(check the applicable option)</i>   |  |  |                              |   |
| _____  | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.  |  |                              |   |
| _____  | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00748) the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.  |  |                              |   |
| _____  | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00748), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul> |  |                              |   |
|  | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (HE-PP-20-00748) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.  |  |                              |   |
| <b>CERTIFICATION STATEMENT</b>   |  |  |                              |   |
| I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent. |  |  |                              |   |
| Respondent's Signature   |  | Respondent's Printed Name  |                              | Respondent's Title  |
| Respondent's Physical Address  |  | Respondent's Phone #   |                              | Date  |
| <b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>   |  |  |                              |   |
| Louisiana Department of Environmental Quality<br>Office of Environmental Compliance<br>Enforcement Division<br>P.O. Box 4312<br>Baton Rouge, LA 70821<br>Attn: Jennifer Boudreaux  |  |  |                              |   |