

FILED

2012 SEP 26 AM 9: 58

**U.S. EPA. REGION IX
REGIONAL HEARING CLERK**

1 NANCY J. MARVEL
Regional Counsel
2
3 LETITIA D. MOORE
Assistant Regional Counsel
U.S. Environmental Protection Agency
4 Region IX
75 Hawthorne Street
5 San Francisco, CA 94105
(415)972-3928
6

7 **UNITED STATES**
8 **ENVIRONMENTAL PROTECTION AGENCY**
9 **REGION IX**

10	IN THE MATTER OF:)	Docket No.
11)	RCRA-09-2012-0015
12	CVS CAREMARK CORPORATION,)	CONSENT AGREEMENT
13)	AND
14	Respondent.)	FINAL ORDER
)	PURSUANT TO 40 CFR
)	SECTIONS 22.13 and 22.18

15 **CONSENT AGREEMENT**

16 Complainant, the United States Environmental Protection Agency, Region IX
17 (“Complainant” or “EPA”), and Respondent, CVS Caremark Corporation (“Respondent”), the
18 parties herein, having agreed that settlement of this matter is in the public interest and that entry
19 of this Consent Agreement and Final Order, pursuant to 40 CFR Sections 22.13 and 22.18,
20 (“CA/FO”), without further litigation is the most appropriate means of resolving this matter;
21

22 NOW, THEREFORE, Complainant and Respondent hereby agree as follows:

23 A. **PRELIMINARY STATEMENT**

24 1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1)
25 of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C.
26 § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative
27

1 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits
2 ("Consolidated Rules"), 40 CFR Part 22. Complainant is the United States
3 Environmental Protection Agency, Region IX. Respondent is a corporation organized
4 under the laws of the State of Delaware.

5 2. At the time of the violations alleged, Respondent was managing waste at a facility located
6 at 9501 E. Shea Blvd., in Scottsdale, Arizona 85260 (hereinafter the "Facility").

7 3. This CA/FO, pursuant to 40 CFR §§ 22.13(b) and 22.18(b), simultaneously commences
8 and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous
9 waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C.
10 §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to
11 the federally authorized Arizona hazardous waste management program.

12 4. EPA is enforcing Arizona hazardous waste management program requirements as
13 approved and authorized by the United States.

14 5. On November 20, 1985, the State of Arizona received initial authorization to administer
15 the hazardous waste management program in lieu of the federal program pursuant to
16 Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 CFR § 271, effective December 4,
17 1985. The authorized program is established pursuant to the Arizona Laws Relating to
18 Environmental Quality, Title 49 (The Environment) [Arizona Revised Statutes ("A.R.S.")
19 §§ 49-921, et seq.], and the regulations promulgated thereunder in the A.A.C. Title 18,
20 Chapter 8, Article 2. Additionally, revisions to Arizona's hazardous waste management
21 program have been authorized occasionally, over the years, (*see* 56 Fed. Reg. 37290
22 (Aug. 6, 1991), 57 Fed. Reg. 30905 (July 13, 1992), 57 Fed. Reg. 41699 (Sept. 11, 1992),
23 57 Fed. Reg. 54932 (Nov. 23, 1992), and 69 Fed. Reg. 12544 (Mar. 17, 2004)). The State
24 of Arizona has been authorized for all of the regulations referenced in this CA/FO. The
25 State of Arizona has been authorized for all the regulations referenced in this CA/FO.

26 6. Citations in this CA/FO are to Arizona hazardous waste management program
27

1 requirements, followed by the corresponding federal citations provided in brackets.
2

3 B. GENERAL ALLEGATIONS

4 7. Respondent is, and at all times referred to herein was, a "person" as defined in A.R.S.
5 § 49-921 and A.A.C. R18-8-260.F.5 [see 40 CFR § 260.10].

6 8. Respondent was the "owner" or "operator" of a facility as defined in A.A.C. R18-8-260.C
7 [see 40 CFR § 260.10] at the time of the violations alleged.

8 9. At the Facility, Respondent generated and accumulated; materials that are "wastes" as
9 defined in A.R.S. § 49-921(5), A.A.C. R-18-8-260.C and 261.A [see 40 CFR §§ 260.10
10 and 261.2 for definition of "solid waste"].

11 10. EPA alleges that Respondent (1) failed to make a hazardous waste determination in
12 violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11],
13 (2) failed to prepare a Manifest for off-site treatment, storage or disposal of hazardous
14 waste in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)], and (3) sent
15 hazardous waste to a facility that is not permitted to handle hazardous waste in violation
16 of A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)].

17 11. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of Arizona's
18 authorized RCRA Hazardous Waste Management Program are federally enforceable.
19 Respondent is therefore subject to the powers vested in the EPA Administrator by Section
20 3008 of RCRA, 42 U.S.C. § 6928.

21 12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue
22 orders assessing a civil penalty for any past or current violation, or requiring compliance
23 immediately or within a specified time for violation of any requirement of Subtitle C of
24 RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

25 13. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of
26 Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of
27

1 RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to
2 issuing an order under Section 3008 of RCRA in that state. EPA notified the State of
3 Arizona as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

- 4 14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA
5 Regional Administrator for Region IX, who has redelegated this authority to the Director
6 of the Waste Management Division.

7
8 C. ALLEGED VIOLATIONS

9 COUNT I

10 (Failure to Make a Hazardous Waste Determination)

- 11 15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were
12 set forth here in their entirety.

- 13 16. A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR § 262.11] require that a
14 person who generates solid waste determine if that waste is a hazardous waste.

- 15 17. Respondent generated cooling tower water at the Facility.

- 16 18. Respondent's cooling tower water is a "waste" as defined in A.R.S. § 49-921(5), A.A.C.
17 R-18-8-260.C and 261.A [see 40 CFR §§ 260.10 and 261.2 for definition of "solid
18 waste"].

- 19 19. Under A.A.C. R18-8-261.A [see 40 CFR § 261.20(a)], a solid waste is a hazardous waste
20 if it exhibits the characteristic of toxicity.

- 21 20. Respondent's cooling tower water exhibited the characteristic of toxicity.

- 22 21. Respondent generated and accumulated hazardous waste cadmium, waste code D006.

- 23 22. Respondent was a "generator" of "hazardous waste" as defined in A.A.C. R18-8-260.C
24 [see 40 CFR § 260.10] at the time of the violations alleged.

- 25 23. Respondent arranged to have 38,760 pounds of its cooling tower water transported to a
26 municipal solid waste (MSW) landfill, the Southwest Regional Landfill

1 (AZR000042184).

2 24. Respondent failed to identify the cooling tower water as a hazardous waste.

3 25. Respondent failed to complete a hazardous waste determination for the cooling tower
4 water in violation of A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [see 40 CFR
5 § 262.11].

6 COUNT II

7 (Failure to Manifest Hazardous Waste)

8 26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were
9 set forth here in their entirety.

10 27. A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)] requires that a generator who transports,
11 or offers for transport a hazardous waste for offsite treatment, storage, or disposal must
12 prepare a Manifest, EPA Form 8700-22, before the waste is transported off-site.

13 28. Respondent transported or offered for transport hazardous waste, waste code D006, for
14 offsite treatment, storage or disposal.

15 29. Respondent failed to prepare a Manifest, EPA Form 8700-22, before the hazardous waste
16 was transported off-site, in violation of A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)].

17 COUNT III

18 (Sent Hazardous Waste to Facility Not Permitted for Hazardous Waste)

19 30. Paragraphs 1 through 29 above are incorporated herein by this reference as if they were
20 set forth here in their entirety.

21 31. Under A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], a generator must designate on the
22 manifest one facility which is permitted to handle the waste described on the manifest.

23 32. Respondent's hazardous waste was delivered to the Southwest Regional Landfill
24 (AZR000042184) on October 1, 2010.

25 33. The Southwest Regional Landfill (AZR000042184) is not permitted to receive hazardous
26 waste.

1 34. Respondent sent hazardous waste to a facility that is not permitted to handle hazardous
2 waste, in violation of A.A.C. R18-8-262.A [*see* 40 CFR § 262.20(b)].
3

4 D. CIVIL PENALTY

5 35. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection
6 Improvement Act of 1996, 40 CFR Part 19, authorizes a civil penalty of up to THIRTY-
7 SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$37,500) per day for each
8 violation of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*

9 36. Based upon the facts alleged herein and upon those factors which EPA must consider
10 pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil
11 Penalty Policy, including the seriousness of the violations, any good faith efforts by
12 Respondents to comply with applicable requirements, and any economic benefit accruing
13 to Respondents, as well as such other matters as justice may require, EPA proposes that
14 Respondent be assessed **SIX THOUSAND AND FIVE HUNDRED DOLLARS**
15 **(\$6,500)** as the civil penalty for the violation alleged herein. The proposed penalty is
16 consistent with the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the
17 Debt Collection Improvement Act.
18

19 E. ADMISSIONS AND WAIVERS

20 37. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations
21 set forth in Sections A and B of this CA/FO. Respondent consents to and agrees not to
22 contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce
23 its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel
24 compliance with this CA/FO in any enforcement proceedings, either administrative or
25 judicial, or to impose sanctions for violations of this CA/FO.

26 38. Respondent neither admits nor denies any allegations of fact or law set forth in Section C
27

1 of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the
2 allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing
3 on any issue relating to the factual allegations or legal conclusions set forth in this
4 CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42
5 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without
6 adjudication. In addition, Respondent hereby waives any rights Respondent may have to
7 appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.
8

9 F. PARTIES BOUND

10 39. This CA/FO shall apply to and be binding upon Respondent and its agents, successors
11 and assigns and upon all persons acting under or for Respondent, until such time as the
12 civil penalty required under Section D has been paid in accordance with Section G, all
13 compliance tasks have been completed, and any delays in performance and/or stipulated
14 penalties have been resolved. At such time as those matters are concluded, this CA/FO
15 shall terminate and constitute full settlement of the civil violations alleged herein.

16 40. No change in ownership or corporate, partnership or legal status relating to the Facility
17 will in any way alter Respondent's obligations and responsibilities under this CA/FO.

18 41. The undersigned representative of Respondent hereby certifies that he is fully authorized
19 by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.
20

21 G. PAYMENT OF CIVIL PENALTY

22 42. Respondent hereby consents to the assessment of a civil penalty in the amount of **SIX**
23 **THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** in settlement of the civil
24 penalty claims of the United States for the violations of the federally authorized program
25 established pursuant to the Arizona Laws Relating to Environmental Quality, 49 A.R.S.
26 §§ 49-921, et seq., and A.A.C. R18-8-262.A and A.A.C. R18-8-262.D [*see* 40 CFR
27

1 §§ 262.11 and 262.20(a) and (b)], as alleged in Section C above.

2 43. Respondent shall submit payment of the civil penalty of **SIX THOUSAND AND FIVE**
3 **HUNDRED DOLLARS (\$6,500)** within thirty (30) calendar days of the Effective Date
4 of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order
5 contained in this CA/FO, having been approved and issued by either the Regional Judicial
6 Officer or Regional Administrator, is filed.

7 44. Respondent shall submit the payment due under this CA/FO in accordance with one of
8 the options set forth below, and shall reference the Respondent's name and the docket
9 number of this matter:

10 a. A check sent by regular U.S. Postal Service mail should be made payable to the
11 "Treasurer, United States of America" and addressed to:

12 US Environmental Protection Agency
13 Fines and Penalties
14 Cincinnati Finance Center
15 PO Box 979077
16 St. Louis, MO 63197-9000

17 b. Wire transfers should be directed to the Federal Reserve Bank of New York as
18 follows:

19 Federal Reserve Bank of New York
20 ABA: 021030004
21 Account Number: 68010727
22 SWIFT address: FRNYUS33
23 33 Liberty Street
24 New York NY 10045
25 Field Tag 4200 of the Fedwire message should read:
26 "D 68010727 Environmental Protection Agency".

27 c. A check sent by overnight mail should be payable to the "Treasurer, United States
28 of America" and addressed to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

1 Contact: Natalie Pearson, 314-418-4087

2 d. An On Line Payment Option for payments directly from your bank account or by
3 credit/debit card is available through the U.S. Department of Treasury. To use
4 this payment option, access **www.pay.gov**, enter "sfo 1.1" in the Public Forms
5 search field, open the form, and complete the required fields.

6 See also, http://www.epa.gov/ocfo/finservices/payment_instructions.htm.

7 45. At the time payment is so made, a copy of the transmittal form shall be sent to:

8 Regional Hearing Clerk (RC-1)
9 U.S. Environmental Protection Agency - Region IX
10 75 Hawthorne Street
11 San Francisco, CA 94105

and

11 Kandice Bellamy (WST-3)
12 Waste Management Division
13 U.S. Environmental Protection Agency - Region IX
14 75 Hawthorne Street
15 San Francisco, CA 94105

15 46. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM
16 6-8000), the payment must be received within thirty (30) calendar days of the effective
17 date of this CA/FO to avoid additional charges. If payment is not received within thirty
18 (30) calendar days, interest will accrue from the effective date of this CA/FO at the
19 current rate published by the United States Treasury as described at 40 CFR §13.11(a).
20 Additionally, administrative costs for collecting the overdue debt will be assessed
21 monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any
22 principal amount not paid within ninety (90) calendar days of the due date. See 40 CFR
23 §13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set
24 forth below for any payment not received by its due date.

25 47. The penalties specified in this CA/FO shall represent civil penalties assessed by EPA and
26 shall not be deducted by Respondent or any other person or entity for federal, state or
27

1 local taxation purposes.

2
3 H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES

4 48. In addition to the interest and per annum penalties described above, in the event that
5 Respondent fails to pay the full amount of the penalty within the time specified in
6 Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of
7 up to TEN THOUSAND DOLLARS (\$10,000.00) for each day the default continues.

8 49. All penalties shall begin to accrue on the date that performance is due or a violation
9 occurs, and shall continue to accrue through the final day of correction of the
10 noncompliance. Nothing herein shall prevent the simultaneous accrual of separate
11 penalties for separate violations.

12 50. All penalties owed to EPA under this Section shall be due within thirty (30) days of
13 receipt of a notification of noncompliance. Such notification shall describe the
14 noncompliance and shall indicate the amount of penalties due. Interest at the current rate
15 published by the United States Treasury, as described at 40 CFR § 13.11, shall begin to
16 accrue on the unpaid balance at the end of the thirty-day period.

17 51. All penalties under this Section shall be made payable by certified or cashier's check to
18 "Treasurer of the United States" and shall be remitted to:

19 US Environmental Protection Agency
20 Fines and Penalties
21 Cincinnati Finance Center
22 PO Box 979077
23 St. Louis, MO 63197-9000

24 52. All payments shall indicate the name of the Facility, any EPA identification number of
25 the Facility, Respondent's name and address, and the EPA docket number of this action.
26 At the time payment is made, Respondent shall send a copy of the payment transmittal to:

27
28 Kandice Bellamy (WST-3)
Waste Management Division

1 U.S. Environmental Protection Agency - Region IX
2 75 Hawthorne Street
3 San Francisco, CA 94105

4 53. The payment of stipulated penalties shall not alter in any way Respondent's obligation to
5 complete the performance required hereunder.

6 54. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any
7 other remedies or sanctions which may be available to EPA by reason of Respondent's
8 failure to comply with any of the requirements of this CA/FO.

9 I. CERTIFICATION OF COMPLIANCE

10 55. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the
11 Respondent has fully complied with the requirements of the federally authorized Arizona
12 hazardous waste management program, including (i) A.A.C. R18-8-262.A and A.A.C.
13 R18-8-262.D [see 40 CFR § 262.11], (ii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(a)],
14 and (iii) A.A.C. R18-8-262.A [see 40 CFR § 262.20(b)], that formed the basis for the
15 violations alleged in this CA/FO.

16 56. This certification of compliance is based upon true, accurate and complete information,
17 which the signatory can verify personally or regarding which the signatory has inquired of
18 the person or persons directly responsible for gathering the information.

19
20 J. RESERVATION OF RIGHTS

21 57. EPA expressly reserves all rights and defenses that it may have.

22 58. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and
23 remedies, both legal and equitable, including the right to require that Respondent perform
24 tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory
25 and regulatory powers, authorities, rights and remedies, both legal and equitable, which
26 may pertain to Respondent's failure to comply with any of the requirements of this
27

1 CA/FO, including without limitation, the assessment of penalties under Section 3008(c)
2 of RCRA, 42 U.S.C. § 6928(c).

3 59. This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation
4 of any rights, remedies, powers or authorities, civil or criminal, which EPA has under
5 RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of
6 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law
7 enforcement authority of the United States, except as otherwise stated above.

8 60. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of
9 its obligations to comply with any applicable local, state, or federal laws and regulations.

10 61. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise
11 preclude EPA from taking additional enforcement actions should EPA determine that
12 such actions are warranted except as they relate to Respondent's liability for federal civil
13 penalties for the specific alleged violation and facts as set forth in Section C of this
14 CA/FO.

15 62. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does
16 not relieve Respondent of any obligation to obtain and comply with any local, state, or
17 federal permits. Compliance by Respondent with the terms of this CA/FO shall not
18 relieve Respondent of any obligations to comply with RCRA or any other applicable
19 local, state, or federal laws and regulations.

20 63. EPA reserves its right to seek reimbursement from Respondent for any additional costs
21 incurred by the United States which may result or arise from the alleged counts set forth
22 in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is
23 not released from liability, if any, for the costs of any response actions taken by EPA.

24
25 K. OTHER CLAIMS

26 64. Nothing in this CA/FO shall constitute or be construed as a release from any other claim,
27

1 cause of action or demand in law or equity by or against any person, firm, partnership,
2 entity or corporation for any liability it may have arising out of or relating in any way to
3 the generation, storage, treatment, handling, transportation, release, or disposal of any
4 hazardous constituents, hazardous substances, hazardous wastes, pollutants, or
5 contaminants found at, taken to, or taken from the Facility.

6
7 L. MISCELLANEOUS

8 65. This CA/FO may be amended or modified only by written agreement executed by both
9 EPA and Respondent.

10 66. The headings in this CA/FO are for convenience of reference only and shall not affect
11 interpretation of this CA/FO.

12 67. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
13 proceeding.

14
15 M. EFFECTIVE DATE

16 68. In accordance with 40 CFR §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective on
17 the date that the Final Order contained in this CA/FO, having been approved and issued
18 by either the Regional Judicial Officer or Regional Administrator, is filed.

19
20 **IT IS SO AGREED,**

21
22 For Respondent **CVS CAREMARK CORPORATION**

23
24 9/16/12

25 Date

24 Carol DeNale

25 Carol DeNale
26 Senior Vice President and Treasurer
27 CVS Caremark Corporation

1 For Complainant U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

2
3 9/18/12

4 Date

5 

6 Jeff Scott
7 Director
8 Waste Management Division
9 United States Environmental Protection Agency,
10 Region IX

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

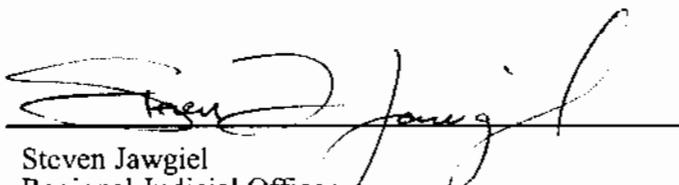
1
2 **FINAL ORDER**
3

4 **IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ((U.S. EPA Docket
5 No. RCRA-09-2012-0015) be entered and that Respondent pay a civil penalty in the amount of
6 **SIX THOUSAND AND FIVE HUNDRED DOLLARS (\$6,500)** within thirty (30) days after
7 the Effective Date of this Consent Agreement and Final Order, in accordance with the term of
8 this Consent Agreement and Final Order. A copy of the payment transmittal shall be sent to EPA
9 Region IX as specified in Section G of this Consent Agreement and Final Order within such 30-
10 day period.
11

12 **This Final Order shall be effective upon filing.**
13
14
15

16 09/25/12
17

18 Date

16 
17
18 Steven Jawgiel
19 Regional Judicial Officer
20 United States Environmental Protection Agency,
21 Region IX
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I certify that the original of the Consent Agreement and Final Order in the matter of CVS Caremark Corporation was filed with:

Regional Hearing Clerk
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

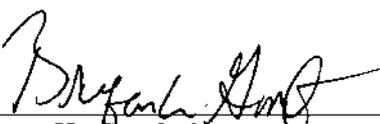
A true and correct copy of the same was sent to the following parties via CERTIFIED MAIL to:

Larry J. Merlo
President/CEO
CVS Caremark Corporation
One CVS Drive
Woonsocket, RI 02895

CERTIFIED MAIL NUMBER: 7005 2570 0001 6436 5290

An additional copy was hand-delivered to the following U.S. EPA case attorney:

Letitia Moore
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/26/12
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Phone: (415) 972-3000

<http://www.epa.gov/region9>

CERTIFIED MAIL NO. 7005 2570 0001 6436 5290
RETURN RECEIPT REQUESTED

SEP 23 2012

Larry J. Merlo
President/CEO
CVS Caremark Corporation
One CVS Drive
Woonsocket, RI 02895

Re: In the matter of CVS Caremark Corporation - U.S. EPA Docket No. RCRA-09-2012-0015

Dear Mr. Merlo,

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency (EPA).

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Letitia Moore at (415) 972-3928 or moore.letitia@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosures

cc: Randall Matas, ADEQ