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Hazardous Waste Enforcement: Mississippi Commission on Environmental Quality and Mississippi CVS Pharmacy, L.L.C. Enter Into Agreed Order Addressing Alleged Violations

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The Mississippi Commission on Environmental Quality ("Commission") and Mississippi CVS Pharmacy, L.L.C. ("CVS") entered into a September 15th Agreed Order ("AO") addressing alleged violations involving hazardous waste regulations. See ORDER NO. 6689 16.

The AO states that the Mississippi Department of Environmental Quality ("DEQ") conducted a compliance evaluation inspection ("CEI") at a CVS Pharmacy located in Scott County, Mississippi.

The inspection allegedly identified violations which are described as:

A. § 40 C.F.R. 262.34(a)(1)(i) which incorporates § 265.174: At least weekly, the owner or operator must inspect areas where containers are stored. . .The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. (CVS-5846 has apparently not been conducting regular weekly inspections of the less than 90 day storage area. A log was available, but incomplete and containers in the storage area indicated issues that should be addressed during inspections.)

B. § 40 C.F.R. 262.40(a): A generator of hazardous waste must keep a copy of each manifest signed in accordance with § 262.23(a) for three years, or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. (only 3 manifests were made available at the time of the inspection.)

C. § 40 C.F.R. 265.173 (a): A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. (One hazardous waste container in the Pharmacy storage area, and two hazardous waste containers in the less than 90 day storage area were opened without waste being added or removed during the inspection.)

D. § 40 C.F.R. 22.34 (b): A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 270 unless he has been granted an extension to the 90-day period. Such extension may be granted by CPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be

granted at the discretion of the Regional Administrator on a case-by-case basis. (There was one box labeled as hazardous waste in the less than 90 day storage area dated March 3, 2015, and one box in the Pharmacy storage area dated April 24, 2014.)

CVS does not admit any of the AO's factual allegations or alleged violations. Further, the AO provides that pursuant to an administrative conference conducted on March 30th along with the additional submission of documentation that CVS has demonstrated the violations were corrected.

CVS agrees to a civil penalty of \$23,948.50.

[A copy of the AO can be downloaded here.](#)