

STATE OF CONNECTICUT

V.

Connecticut CVS Pharmacy, L.L.C.

CONSENT ORDER No. COWSWDH13001

Date Issued: January 25, 2013

- A. With the agreement of Connecticut CVS Pharmacy, L.L.C. (“Respondent”), the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:
1. Respondent is a pharmaceutical, health care and consumer product retailer with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island, and with approximately one hundred and forty (140) stores formerly and currently located throughout Connecticut (“Connecticut CVS stores”), and operating or formerly operating as of February 14, 2007.
 2. Respondent is or has been a generator of hazardous waste at the Connecticut CVS stores.
 3. Staff from the Department of Environmental Protection (“DEP”), Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division (“WEED”), conducted inspections at CVS Store #1284 located at 14 East Main Street in Clinton, Connecticut (“the Clinton site”) on February 14, 2007, January 29, 2009 and February 18, 2009.
 4. Paragraphs A.3. and A.4. of Consent Order No. COWSWDH13002 identify the violations found during the inspections of the Clinton site referenced in paragraph A.3. above.
 5. Staff from WEED conducted inspections at CVS Store #2220 located at 3514 Main Street in Coventry, Connecticut (“the Coventry site”) on February 14, 2007, January 26, 2009 and February 6, 2009.
 6. Paragraphs A.3. and A.4. of Consent Order No. COWSWDH13003 identify the violations found during the inspections of the Coventry site referenced in paragraph A.5. above.
 7. Staff from WEED conducted an inspection at CVS Store #1966 formerly located at 1057 Boston Post Road in Guilford, Connecticut (“the former Guilford site”) on February 3, 5 and 18, 2009.
 8. Paragraph A.3. of Consent Order No. COWSWDH13004 identifies the violations found during the inspection of the Guilford site referenced in paragraph A.7. above.

9. Staff from WEED conducted an inspection at CVS Store #0388 located at 613 Boston Post Road in Madison, Connecticut (“the Madison site”) on February 3, 5 and 19, 2009.
10. Paragraph A.3. of Consent Order No. COWSWDH13005 identifies the violations found during the inspection of the Madison site referenced in paragraph A.9. above.
11. Staff from WEED conducted an inspection at CVS Store #0785 located at 632 Middle Turnpike in Mansfield, Connecticut (“the Mansfield site”) on January 29, 2009 and February 19, 2009.
12. Paragraph A.3. of Consent Order No. COWSWDH13006 identifies the violations found during the inspection of the Mansfield site referenced in paragraph A.11. above.
13. Staff from WEED conducted inspections at CVS Store #1123 located at 22 Depot Hill Road in Southbury, Connecticut (“the Southbury site”) on June 8, 2005, January 26 and 28, 2009 and February 19, 2009.
14. Paragraphs A.3. and A.4. of Consent Order No. COWSWDH13007 identify the violations found during the inspections of the Southbury site referenced in paragraph A.13. above.
15. Staff from WEED conducted an inspection at CVS Store #0231 located at 142 Talcottville Road in Vernon, Connecticut (“the Vernon site”) on February 2 and 11, 2009 and March 11, 2009.
16. Paragraph A.3. of Consent Order No. COWSWDH13008 identifies the violations found during the inspection of the Vernon site referenced in paragraph A.15. above.
17. Staff from WEED received certification statements and supporting documentation concerning CVS Store #1152 formerly located at 60 Pennsylvania Avenue in Niantic, Connecticut (“the former Niantic site”) on December 22, 2006 and August 14, 2007. Based on the certification statements and supporting documentation, Respondent discontinued operations at the former Niantic site on or about September 20, 2006 without closing the photographic processing hazardous waste container storage area. As a result, Respondent failed to close an area where containers of hazardous waste had been stored as required by section 22a-449(c)-102(c)(4) of the Regulations of Connecticut State Agencies (“RCSA”), incorporating Title 40 of the Code of Federal Regulations (“40 CFR”) 265.111, 40 CFR 265.113 (a), (b) and (c), and 40 CFR 265.114. The container storage area has been evaluated consistent with the criteria in the *Closure Approach for Photoprocessing Hazardous Waste Container Storage Areas_CVS Pharmacy Stores in Connecticut* (“the Closure Approach”) included as Attachment B to this consent order. WEED will not require any additional action on this matter at this time,
18. On December 2, 2008, the Environmental Protection Agency (“EPA”) public noticed a proposal to add hazardous pharmaceutical wastes to the Universal Waste Rule under 40 CFR 273. The Department offered comments in general support of the proposed rule. At this point in time, EPA and the Department continue to assess options for future additional regulation governing the management of hazardous pharmaceutical wastes.
19. By virtue of the above, Respondent has violated Connecticut’s hazardous waste management regulations, sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279, Connecticut’s recycling laws set forth in section 22a-241b(d) of the Connecticut General Statutes (“CGS”) and section 22a-241b-2(1) of the RCSA.

20. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraphs A.1. and A.2. above.
- B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, 22a-131, 22a-225, 22a-226, 22a-449, and 22a-454 of the CGS, orders Respondent as follows:
1. Identifying Environmental Management Professionals. On or before thirty (30) days after the date of issuance of this consent order, Respondent shall retain one or more qualified environmental management professionals acceptable to the Commissioner who shall have responsibilities for preparing the documents and implementing or overseeing the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such environmental management professional(s). Respondent shall retain one or more qualified environmental management professionals acceptable to the Commissioner until this consent order is fully complied with, and within ten (10) days after retaining any environmental management professional other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other environmental management professional. The environmental management professional(s) retained to prepare the documents and implement or oversee the actions required to achieve compliance with this consent order shall have at least five (5) years experience applying federal and state hazardous and solid waste management laws and regulations with qualifications acceptable to the Commissioner. Nothing shall preclude Respondent from retaining a qualified consultant acceptable to the Commissioner who shall have responsibilities for preparing the documents and implementing or overseeing the actions, or assisting in preparing the documents and implementing or overseeing the actions required to achieve compliance with this consent order. Within ten (10) days after retaining any consultant, or after retaining any consultant other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such consultant. Each such consultant shall be a qualified Professional Engineer licensed to practice in Connecticut ("Professional Engineer") or a Certified Hazardous Materials Manager ("CHMM") with qualifications acceptable to the Commissioner. Respondent shall submit to the Commissioner a description of the education, experience and training of an environmental management professional, Professional Engineer or CHMM, as the case may be, which is relevant to the work required by this consent order within ten (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable environmental management professional, Professional Engineer or CHMM unacceptable.
 2. Closure Plan. On or before ninety (90) days after the date of issuance of this consent order, Respondent shall complete closure of all former photographic processing hazardous waste container storage areas, in accordance with the Closure Approach, at the following current and former Connecticut CVS store locations:
 - a. CVS Store #364, 308 Main Street Extension, Middletown, Connecticut
 - b. CVS Store #1027, 313 West Main Street, Norwich, Connecticut
 - c. CVS Store #1241, 233 Broad Street, Milford, Connecticut
 - d. CVS Store #1966, 1057 Boston Post Road, Route 1, Guilford, Connecticut
 - e. CVS Store #185, 277 Bank Street, Seymour, Connecticut

- f. CVS Store #785, 632 Middle Turnpike, Mansfield, Connecticut
- g. CVS Store #2220, 3415 Main Street, Coventry, Connecticut
- h. CVS Store #1123, 22 Depot Hill Road, Southbury, Connecticut
- i. CVS Store #1244, 73 Waterbury Road, Prospect, Connecticut
- j. CVS Store #696, 14 Candlewood Lake Road, Brookfield, CT
- k. CVS Store #7916, 292 Spielman Highway, Burlington, CT

On or before one hundred and twenty (120) days after the date of issuance of this consent order, Respondent shall submit for the review and written approval of the Commissioner, for each store location identified above, closure documentation as specified in the Closure Approach which confirms completion of closure. If Respondent determines that additional clean-up activities are required at one or more of the store locations identified above, Respondent shall submit, with the closure documentation referenced herein, a clean-up plan and schedule for such locations that are consistent with the Closure Approach. Upon completion of all additional clean-up activities, Respondent shall submit for the review and written approval of the Commissioner the additional closure documentation and a certification statement certifying that closure is complete at each of the store locations identified above.

3. Pharmaceutical Best Management Practices.

- a. As used in this consent order, “non-dispensable pharmaceuticals” include all prescription pharmaceuticals that cannot be dispensed for their originally intended purpose for reasons including, but not necessarily limited to:
 - i. the pharmaceutical has not exceeded its expiration date, but will not be dispensed by Respondent;
 - ii. the pharmaceutical has exceeded its expiration date;
 - iii. the pharmaceutical has been damaged;
 - iv. the pharmaceutical has been recalled by the manufacturer;
 - v. manufacturing of the pharmaceutical has been discontinued;
 - vi. Respondent has made the decision to discontinue the sale of the pharmaceutical;
 - vii. the pharmaceutical has been returned by a customer.

Notwithstanding the foregoing definition, for purposes of this consent order, “non-dispensable pharmaceuticals” shall not include prescription pharmaceuticals that are returned solely for redistribution for sale.

- b. On or before forty-five (45) days after the date of issuance of this consent order, Respondent shall submit to the Commissioner a progress report describing the actions which Respondent has taken to date to implement and maintain compliance with the requirements specified in subparagraphs B.3.b.i. through B.3.b.x. below with respect to the management of non-

dispensable pharmaceuticals shipped from Connecticut CVS stores to a reverse distributor. Within ninety (90) days after the date of issuance of this consent order, Respondent shall submit a statement certifying that a state-wide program designed to meet the requirements specified in subparagraph B.3.b. has been implemented. Until such time as the Connecticut legislature enacts or the Commissioner adopts alternative requirements for the management of non-dispensable pharmaceuticals, Respondent shall fully implement and maintain compliance with the following requirements, or alternative requirements subsequently agreed to by the Commissioner and Respondent, for management of non-dispensable pharmaceuticals shipped from Connecticut CVS stores to a reverse distributor.

- i. Reverse distributors – Respondent shall only use reverse distributors that are licensed by the Connecticut Department of Consumer Protection as a wholesaler of drugs, are registered with the U.S. Drug Enforcement Administration (“DEA”), are licensed for the reverse distribution of pharmaceuticals in the state in which the facility receiving the pharmaceuticals from Respondent is located, if required under that state’s regulations, and have obtained an EPA identification number for the proper management of hazardous waste. Upon written request, Respondent shall submit to the Commissioner documentation demonstrating compliance with this subparagraph.
- ii. Disposition by reverse distributors – Respondent shall maintain an agreement with each reverse distributor used that all of Respondent’s non-dispensable pharmaceuticals received by the reverse distributor, other than those that are returned by the reverse distributor to the manufacturer, will, after evaluation for manufacturer’s credit, be (a) disposed of via treatment at a permitted hazardous waste disposal facility, as applicable, or (b) disposed of via treatment at a permitted solid waste disposal facility, as applicable. Upon written request, Respondent shall submit a copy of each such agreement to the Commissioner.
- iii. Segregation - Respondent shall segregate non-dispensable pharmaceuticals to be shipped to a reverse distributor from all other pharmaceuticals and waste pharmaceuticals by storing such reverse distribution pharmaceuticals in separate storage boxes or containers prior to shipment. Respondent shall place only non-dispensable pharmaceuticals that meet the return criteria in such reverse distribution storage boxes or containers.
- iv. Containers - Respondent shall maintain such non-dispensable pharmaceuticals only in storage boxes or containers that are structurally sound. Respondent shall only ship to a reverse distributor non-dispensable pharmaceuticals that are in closed original manufacturer’s packaging or closed dispensing containers that are labeled with the identity of the pharmaceutical.
- v. Labeling – While stored by Respondent prior to shipment to a reverse distributor, non-dispensable pharmaceuticals shall be placed only in a storage box or container that is marked with the words “Non-dispensable Pharmaceuticals for Reverse Distribution”.
- vi. Container storage - Respondent shall keep all storage boxes or containers holding non-dispensable pharmaceuticals to be shipped to a reverse distributor closed except when adding or removing said pharmaceuticals, and manage all storage boxes or containers holding said non-dispensable pharmaceuticals in a way that prevents the release of pharmaceuticals or pharmaceutical components to the environment.

- vii. Shipping documentation - Respondent shall maintain readily accessible documentation of each shipment of non-dispensable pharmaceuticals to a reverse distributor from any of the Connecticut CVS stores that includes, but is not necessarily limited to, identification of the Connecticut CVS store where the shipment originated, the date of the shipment, the National Drug Code number for the pharmaceutical, the name of the pharmaceutical, the manufacturer of the pharmaceutical, and the quantity of the pharmaceutical. Respondent shall obtain documentation from the reverse distributor which confirms receipt by the reverse distributor of each shipment of said non-dispensable pharmaceuticals.
 - viii. Shipping discrepancy reconciliation - In the event Respondent does not receive confirmation from the reverse distributor of receipt of a shipment of non-dispensable pharmaceuticals from any of the Connecticut CVS stores within forty-five (45) days after the date on which the pharmaceuticals were shipped by Respondent, Respondent shall attempt to resolve the discrepancy. Any discrepancy that is not resolved within ninety (90) days of the shipment date shall be identified in the next quarterly progress report to be submitted pursuant to paragraph B.9. of this consent order. This identification shall also include a description of Respondent's attempts to resolve said discrepancy.
 - ix. Records retention - Respondent shall retain the shipping documentation and records specified in subparagraphs B.3.b.i., ii., vii. and viii. above for at least three years from the date of each shipment of non-dispensable pharmaceuticals to a reverse distributor or for as long as the requirements of subparagraph B.3.b. of this consent order remain in effect, whichever is later.
 - x. Identification of reverse distributors for pharmaceuticals - The reverse distributor identified by Respondent for non-dispensable pharmaceuticals generated by Connecticut CVS stores is Genco Pharmaceutical Services, 6101 North 64th Street, Milwaukee, Wisconsin. In the event of a change in or addition to pharmaceutical reverse distributors, Respondent shall notify the Commissioner, in writing, of the change or addition within fifteen (15) days thereafter.
- c. Management of other non-dispensable pharmaceuticals - Respondent shall manage all non-dispensable pharmaceuticals that cannot be shipped to a reverse distributor in accordance with the management standards for hazardous waste set forth in sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279, beginning at the point of generation (i.e., each Connecticut CVS store), whether those pharmaceuticals and related materials are regulated as hazardous and count toward Respondent's generator status or not.
 - d. Employee training - Respondent shall implement training that is designed to ensure that all Connecticut CVS store employees involved in the management of non-dispensable pharmaceuticals are thoroughly familiar with Respondent's process for the pharmaceutical best management practices specified herein that are pertinent to their responsibilities during normal facility operations.
4. Non-saleable Consumer Products.
- a. As used in this consent order, "consumer products" means any merchandise sold by Respondent at Connecticut CVS stores other than prescription pharmaceuticals, and if being discarded, may have to be managed as RCRA hazardous waste. Said consumer products include, but are not necessarily limited to, personal care products, cosmetics, perfumes or colognes, cleaning products, over-the-counter pharmaceuticals, thermometers, smoking cessation products, batteries, electronics and electrical products, light bulbs, insecticides,

pesticides, herbicides, fungicides, lice treatment, fertilizers, automotive products and seasonal items.

- b. As used in this consent order, “non-saleable consumer products” include all consumer products that Respondent has determined can no longer be sold at Connecticut CVS stores and will be disposed of by Connecticut CVS stores or are in sufficiently good condition that they may be donated, resold, reused or recycled.
 - c. Reverse distribution process – Upon the date of issuance of this consent order, Respondent shall continue to maintain a process for the management of non-saleable consumer products. This process has been designed to ensure that non-saleable consumer products classified as a hazardous waste at the point of generation (i.e., each Connecticut CVS store) are not shipped to a reverse distributor and that non-saleable consumer products that would be classified as hazardous waste when discarded at the point of generation are in sufficiently good condition that said products may be donated, resold, reused, or recycled. As part of this process, Respondent shall utilize its Handheld Radio Frequency (“RF”) Units, or such other improved technological means as may be developed, to assist with the identification and proper management of hazardous waste.
 - d. Reverse distributors - Respondent shall only use reverse distributors that have obtained an EPA identification number for the proper management of hazardous waste, as required. The reverse distributor identified by Respondent for receipt of non-saleable consumer products generated by Connecticut CVS stores is Carolina Logistics Services, Inc., with various reverse distribution locations including 350 Myles Standish Blvd. #B, Taunton, MA. In the event of a change in or addition to non-saleable consumer products reverse distributors, Respondent shall notify the Commissioner, in writing, of the change or addition within fifteen (15) days thereafter.
 - e. Management of consumer products classified as hazardous waste – Respondent shall manage all non-saleable consumer products, which are classified as a hazardous waste at the point of generation (i.e., each Connecticut CVS store) in accordance with the management standards for hazardous waste set forth in sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279.
 - f. Employee training – Respondent shall implement training that is designed to ensure that all Connecticut CVS store employees involved in the management of non-saleable consumer products are thoroughly familiar with Respondent’s process for the management of non-saleable consumer products that are pertinent to their responsibilities during normal facility operations.
5. Changes in Law. If, after the date of issuance of this consent order, the Connecticut legislature enacts or the Commissioner adopts any regulations, including, without limitation, any listing as a Universal Waste or amendment to any Universal Waste Rule applicable to the management or disposal of non-dispensable pharmaceuticals, and any term, condition, or standard in the requirements or any other information contained in paragraph B.3. of this consent order is inconsistent with said legislation or regulations, the legislation and/or regulations shall prevail.
 6. Environmental Management System. On or before one hundred and fifty (150) days after the date of issuance of this consent order, Respondent shall submit for the review and written approval of the Commissioner a report and supporting documentation which describes in detail a statewide waste management and recycling program within a corporate environmental management system (“EMS”) designed to ensure that Connecticut CVS stores, as well as all

Connecticut CVS stores that commence operation in Connecticut in the future, maintain compliance with Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279, with Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA, the non-dispensable pharmaceutical BMPs prescribed pursuant to paragraph B.3. of this consent order, and the requirements for the management of non-saleable consumer products prescribed pursuant to paragraph B.4. of this consent order. At a minimum, the report and associated documentation shall describe the Respondent's environmental policy and the scope and structure of the corporate EMS, and relevant operating procedures and tasks (e.g., inspections, training and container management) that apply to those waste management and recycling operations at Connecticut CVS stores. Within one hundred and twenty (120) days after the Commissioner approves such statewide waste management and recycling program within the corporate EMS, Respondent shall submit a statement certifying that the statewide waste management and recycling program has been fully implemented as approved. Respondent shall maintain the statewide waste management and recycling program in full effect thereafter as a condition of this consent order, and shall notify the Commissioner prior to any material changes to the statewide waste management and recycling program, until termination of the consent order upon Respondent's receipt of the Commissioner's confirmation of compliance under paragraph B.14. of this consent order. Nothing shall preclude Respondent from maintaining the statewide waste management and recycling program after termination of this consent order.

7. Sampling and sample analyses. All sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such analyses. All sampling and sample analyses performed under this consent order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with EPA document SW-846. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.
8. Environmental Compliance Audits. Respondent agrees to conduct an environmental compliance audit at twenty (20) Connecticut CVS stores to evaluate compliance with Connecticut's hazardous waste management regulations and recycling laws. The environmental compliance audits shall be performed in accordance with the following timeline and conditions:
 - a. On or before thirty (30) days after submission of the statement certifying implementation of the approved statewide environmental management system required pursuant to paragraph B.6. above, Respondent shall submit for the Commissioner's review and written approval the name of the consultant(s) retained to perform the environmental compliance audits required pursuant to this paragraph, and a description of such consultant's education, experience and training which is relevant to the work required by this paragraph. The consultant(s) retained to perform the environmental compliance audits shall be or shall be supervised by a qualified Professional Engineer licensed to practice in Connecticut or a CHMM. In addition, Respondent shall certify to the Commissioner that such consultant: (i) is not a subsidiary or affiliated corporation; (ii) does not own 5% or more stock in Respondent or any parent, subsidiary, or affiliated corporation; (iii) is not otherwise engaged by the Respondent to prepare documents or implement or oversee any other actions required by this consent order; (iv) has no history of participation in any previous contractual agreement, and no anticipated future contractual relationships, with Respondent or any parent, subsidiary, or affiliated corporation, which, in the Commissioner's judgment and after full disclosure of such participation, would affect the consultant's ability to exercise the independent judgment and

discipline required to conduct the environmental compliance audits; (v) has no other direct financial stake in the outcome of the environmental compliance audits outlined in this consent order; and (vi) has expertise and competence in environmental compliance auditing and the regulatory programs being addressed through this consent order. Respondent shall retain such consultant(s) acceptable to the Commissioner until paragraph B.8. of this consent order is fully complied with, and within ten (10) days after retaining any consultant other than one originally identified under this subparagraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

- b. Each environmental compliance audit shall consist of a thorough and complete assessment of each respective Connecticut CVS store's compliance with Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279, Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA, and the EMS documentation approved pursuant to paragraph B.6. of this consent order.
- c. Each environmental compliance audit shall be unannounced (i.e., store personnel shall not receive prior notification from either the consultant or Respondent's management that an environmental compliance audit is to be conducted at their store). Upon the Commissioner's approval of the Compliance Audit Work Plan specified in subparagraph B.8.d. below, Respondent may provide the following general notice to Connecticut CVS stores:

"Within the next one hundred and twenty (120) days, your store may receive a visit from an external consultant regarding your store's hazardous waste management and recycling practices. Please provide this consultant with access to your store and cooperate with any requests the consultant may have."

- d. On or before ninety (90) days after the Commissioner's approval of the consultant engaged pursuant to subparagraph B.8.a. above, Respondent shall submit for the Commissioner's review and written approval a proposed work plan that shall be followed by the approved consultant in performing the environmental compliance audits ("Compliance Audit Work Plan"). Such Compliance Audit Work Plan shall include, at a minimum, (1) a detailed description of the procedures that shall be followed in evaluating Respondent's compliance at each Connecticut CVS store with respect to Connecticut's hazardous waste management regulations and recycling laws, and the applicable provisions of the statewide EMS, and the activities, and records that will be reviewed in evaluating such compliance; (2) a detailed description of the procedures which shall be followed in documenting and reporting all observations and conclusions made as a result of each environmental compliance audit; and (3) a proposed environmental compliance audit report format to be used in documenting and reporting all observations and conclusions made and remedial actions taken as a result of each environmental compliance audit.
- e. All of the environmental compliance audits shall be initiated within sixty (60) days after the Commissioner's approval of the Compliance Audit Work Plan required pursuant to subparagraph B.8.d. above and completed within sixty (60) days after the final environmental compliance audit is initiated.
- f. As soon as practicable, but not later than thirty (30) days after the completion of the final environmental compliance audit, Respondent shall correct any violations discovered during the environmental compliance audits and shall submit to the Commissioner for review and written approval a detailed written report of the results of each environmental compliance

audit conducted pursuant to paragraph B.8. of this consent order which describes all observations and conclusions made by the consultant with respect to Respondent's compliance or noncompliance with Connecticut's hazardous waste management regulations and recycling laws, and the approved statewide EMS. The written environmental compliance audit reports shall be prepared in accordance with the approved Compliance Audit Work Plan. Each environmental compliance audit report shall include, but not be limited to, a summary of compliance with Connecticut's hazardous waste management regulations and recycling laws, and the approved statewide EMS; copies of all completed forms used to record all observations; a description of all remedial actions taken to correct each violation discovered; a description of the environmental compliance audit process, including the areas of the facility inspected, the records reviewed and store and pharmacy personnel consulted during the environmental compliance audit. Respondent shall take prompt remedial action to correct each and every violation discovered during each environmental compliance audit. The environmental compliance audit report shall include a certification of compliance by Respondent certifying that any and all violations found during the environmental compliance audit have been corrected and the facility has been brought back into compliance with respect to those regulations and/or statutes violated, and documentation demonstrating such compliance. If Respondent determines that the correction of any violation requires more than thirty (30) days to complete, the environmental compliance audit report shall include a detailed written plan for correcting the violation, including but not limited to, a schedule to complete said remedial measures. Upon completion of all remedial measures requiring more than thirty (30) days to complete, Respondent shall submit to the Commissioner an additional report for review and written approval that includes a certification of compliance by Respondent as specified above.

- g. Nothing in this consent order shall limit the Commissioner's right to pursue an enforcement action against Respondent for violations discovered during the environmental compliance audit process. The Commissioner shall not be limited in any way in conducting independent inspections for enforcement purposes.
9. Progress reports. On or before the last day of March, June, September and December of each year after the date of issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
10. Civil penalty. On or before thirty (30) days after the date of issuance of this consent order, Respondent shall pay a civil penalty of three hundred thousand dollars (\$300,000) as the total civil penalty to be sought by the Commissioner for those, and only those violations referenced in paragraphs A.4., A.6., A.8., A.10., A.12., A.14., A.16. and A.17 of this consent order.
11. Supplemental Environmental Project. In addition to the civil penalty established in paragraph B.10. of this consent order, Respondent has agreed to fund a Supplemental Environmental Project ("SEP") as follows.
- a. Payment to the Statewide SEP Account.
 - i. On or before thirty (30) days after the date of issuance of this consent order, Respondent shall pay five hundred thousand dollars (\$500,000) to the Statewide SEP Account for the purpose of improving solid waste management practices in Connecticut, in accordance with either subparagraph B.11.a.ii. or B.11.a.iii. below.

conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies identified and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

14. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction. The Commissioner agrees to provide Respondent with a certificate of compliance or other written confirmation of Respondent's compliance with the consent order when the Commissioner deems that Respondent has completed its obligations hereunder.
15. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
16. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
17. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by a responsible corporate officer for Respondent or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the RCSA, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under section 53a-157b of the CGS and any other applicable law."
18. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
19. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under section 53a-157b of the CGS and any other applicable law.

20. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than thirty (30) days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
21. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
22. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
23. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.
24. Access to site. Any representative of the Department of Energy and Environmental Protection may enter any Connecticut CVS site or future Connecticut CVS site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
25. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
26. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
27. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within fifteen (15) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
28. Submission of documents. Except as otherwise specified herein, whenever any notifications, submissions, or communications are required by this consent order, they shall be made in writing and addressed as follows:

- a. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Michele DiNoia
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

with a copy to:

Peter Ploch
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

- b. Any document to be submitted to Respondent shall be directed to:

Carol A. DeNale
Senior Vice President and Treasurer
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

with copies to:

Barbara Rowland
Vice President and Assistant General Counsel
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

and

Pat Perry
Director of Environmental Management
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

and

Wendy L. Brant
Corporate Environmental Manager
CVS Pharmacy, Inc.
One CVS Drive
Woonsocket, RI 02895

29. CVS Pharmacy, Inc. shall ensure that either Respondent, or CVS Pharmacy, Inc., itself, complies with paragraphs B.1., B.2., B.3., B.4., B.5., B.6., B.7., B.8., B.9., B.10. and B.11. of this consent order.

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind Respondent to the terms and conditions of the consent order. Documentation confirming that the undersigned has such authorization is attached hereto as Attachment A.

Connecticut CVS Pharmacy, L.L.C.

BY:  _____
Carol A. DeNale
Senior Vice President and Treasurer
Connecticut CVS Pharmacy, L.L.C.

Date 12/21/12

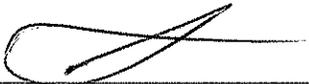
As to paragraph B.29.:

CVS Pharmacy, Inc.

BY:  _____
Carol A. DeNale
Senior Vice President and Treasurer
CVS Pharmacy, Inc.

Date 12/21/12

Entered as a final order of the Commissioner of Energy and Environmental Protection.

 _____
Macky McCleary
Deputy Commissioner

1/24/13
Date

Attachment A – Corporate Resolution
Attachment B – Closure Approach for Photoprocessing Hazardous Waste Container Storage Areas_CVS
Pharmacy Stores in Connecticut

OFFICER'S CERTIFICATE

I, Thomas S. Moffatt, (a) Vice President and Secretary of CVS Pharmacy, Inc., a Rhode Island corporation (the "Corporation"), and sole member of Connecticut CVS Pharmacy, L.L.C., a Connecticut limited liability company (the "Company"), and (b) President of the Company, do hereby certify that:

1. Attached hereto as *Exhibit A* is a true, correct and complete copy of resolutions of the Board of Directors of the Corporation adopted January 4, 2012; and attached hereto as *Exhibit B* is a true, correct and complete copy of resolutions of the Sole Member of the Company adopted on December 15, 2011. Such resolutions have not in any way been amended, modified, annulled, rescinded or revoked and remain in full force and effect as of the date hereof. As evidenced by the resolutions in Exhibits A and B, I am the duly elected Vice President and Secretary of the Corporation and duly elected President of the Company.
2. Attached hereto as *Exhibit C* is a true, correct and complete copy of resolutions of the Board of Directors of the Corporation adopted on May 25, 2010; and attached hereto as *Exhibit D* is a true, correct and complete copy of resolutions of the Sole Member of the Company adopted on August 30, 2010. Such resolutions have not in any way been amended, modified, annulled, rescinded or revoked and remain in full force and effect as of the date hereof.
3. Attached hereto as *Exhibit E* is a true, correct and complete copy of the Corporation's By-laws (the "By-laws"). The By-laws have not in any way been amended, modified, annulled, rescinded or revoked and remain in full force and effect as of the date hereof.
4. Carol A. DeNale is (i) Senior Vice President and Treasurer, and properly authorized officer, of the Corporation pursuant to authorization from the Board of Directors of the Corporation, as evidenced by the resolutions attached hereto as *Exhibit C*; (ii) Senior Vice President and Treasurer, and properly authorized officer, of the Company pursuant to authorization from the Sole Member of the Company, as evidenced by the resolutions attached hereto as *Exhibit D* (iii) duly authorized to execute, in the name of the Corporation and/or the Company, any and all contracts and other written obligations, including, but not limited to, administrative consent orders with the Connecticut Department of Energy and Environmental Protection (the "Department"), with respect to environmental matters, as evidenced by, among other things, paragraph 35 of the By-Laws; and (iv) duly authorized to

submit documents to the Department on behalf of the Corporation and/or the Company.

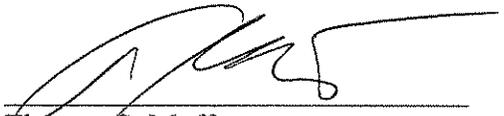
5. The Board of Directors of the Corporation, whether in connection with paragraph 35 of the By-Laws or otherwise, has in no way limited or restricted Carol A. DeNale's authority to enter into contracts, agreements, instruments, administrative consent orders or other obligations with the Department. In addition, the execution of a contract, agreement, instrument, administrative consent order or other obligation with the Department has not otherwise been provided for by the Corporation.

6. Melanie K. Luker is (i) Assistant Secretary, and properly authorized officer, of the Corporation pursuant to authorization from the Board of Directors of the Corporation, as evidenced by the resolutions attached hereto as *Exhibit C* and (ii) duly authorized to execute, in the name of the Corporation, as the Sole Member of the Company, the resolutions of the Company attached hereto as *Exhibit D*, as evidenced by, among other things, paragraph 35 of the By-Laws.

IN WITNESS WHEREOF, I have set my hand on this Officer's Certificate as of Dec. 21st, 2012.



Thomas S. Moffatt
Vice President and Secretary
CVS Pharmacy, Inc.

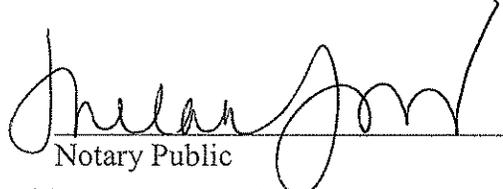


Thomas S. Moffatt
President
Connecticut CVS Pharmacy, L.L.C.

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

On this 21st day of Dec., 2012, before me personally appeared Thomas S. Moffatt, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes herein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public
Melanie K. Luker
My Commission Expires 9/16/2015

Exhibit A

UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS
OF
CVS PHARMACY, INC.

The undersigned, constituting the entire Board of Directors of CVS Pharmacy, Inc., a Rhode Island corporation (the "Corporation"), hereby resolve as follows:

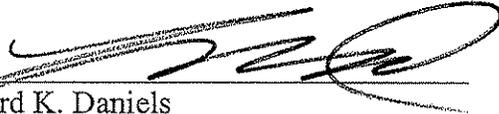
RESOLVED, that effective December 15, 2011, the resignation of Zenon P. Lankowsky as Vice President and Secretary of the Corporation is hereby approved and accepted; and

RESOLVED, that Thomas S. Moffatt, currently Vice President and Assistant Secretary of the Corporation, be elected to the office of Vice President and Secretary effective December 15, 2011.

Dated: January 4, 2012



Carol A. DeNale



Laird K. Daniels



Thomas S. Moffatt

Exhibit B

**WRITTEN CONSENT
OF THE SOLE MEMBER**

OF

Connecticut CVS Pharmacy, L.L.C.

The undersigned, CVS Pharmacy, Inc., a Rhode Island corporation (the "Member"), being the sole member of Connecticut CVS Pharmacy, L.L.C., a Connecticut limited liability company (the "Company"), does hereby adopt the following resolutions:

WHEREAS, Zenon P. Lankowsky, having retired from the Company effective December 15, 2011, it is therefore:

RESOLVED, that Thomas S. Moffatt, Vice President and Secretary of the Company be appointed as President effective December 15, 2011; and further

RESOLVED, that Melanie K. Luker, Assistant Secretary of the Company, be appointed as Secretary effective December 15, 2011.

EXECUTED this 15th day of December, 2011.

Connecticut CVS Pharmacy, L.L.C.
By: CVS Pharmacy, Inc.
Its Sole Member



Melanie K. Luker
Assistant Secretary

Exhibit C

May 12, 2010

UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS
OF
CVS PHARMACY, INC.
IN LIEU OF THE ANNUAL MEETING

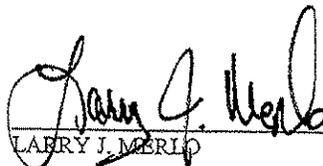
The undersigned, constituting the entire Board of Directors of CVS Pharmacy, Inc., a Rhode Island corporation (the "Corporation"), hereby consent to the adoption of, and do hereby adopt, the following resolution by written consent in lieu of the annual meeting:

RESOLVED, the resignation of Robert A. Tamplin as Vice President effective 4/21/2009, the resignation of Claude J. Tolbert as Vice President/Controller effective 5/21/2009, the resignation of Leo M. Hartnett as Vice President effective 6/5/2009, the resignation of Brian A. Zolotor as Vice President effective 10/31/2009, the resignation of David B. Rickard as EVP/CFO/CAO effective 12/31/2009, the resignation of V. Michael Ferndinandi as Sr. Vice President effective 12/31/2009, and the resignation of Michael K. Golub as Vice President effective 3/1/2010 be and hereby is ratified and approved; and

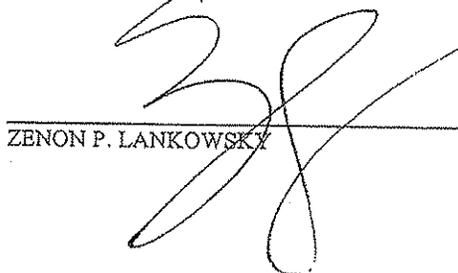
RESOLVED, the appointment of Robert M. Botsford as Vice President effective 7/1/2009, the appointment of Stephen M. Wrenn as Vice President effective 7/17/2009, the appointment of James D. Clark as Vice President effective 9/10/2009, the appointment of George C. Chiang as Assistant Secretary effective 10/1/2009, the appointment of Brandon L. Pham as Assistant Secretary effective 10/1/2009, the appointment of Darin P. Smith as Assistant Secretary effective 10/1/2009, the appointment of Troyen A. Brennan as Executive Vice President effective 10/1/2009, the appointment of Stuart McGuigan as Sr. Vice President effective 10/1/2009, the appointment of Terence M. Corrigan as Vice President/Assistant Treasurer effective 11/2/2009, the appointment of David M. Denton as Executive Vice President effective 1/1/2010, the appointment of Laird K. Daniels as Sr. Vice President effective 1/1/2010, the appointment of Lisa G. Bisaccia as Sr. Vice President effective 1/1/2010, the appointment of Dennis A. Murphy as Assistant Secretary effective 1/4/2010, the appointment of Doug Ghertner as Sr. Vice President effective 1/7/2010, the appointment of Mark G. Griffin as Sr. Vice President effective 3/2/2010, the appointment of Cathy Gaudio as Vice President effective 3/2/2010, the appointment of Brian Mearns as Vice President effective 3/2/2010, the appointment of David Valois as Vice President effective 3/2/2010, the appointment of Carol A. DeNale as Sr. Vice President and Treasurer effective 3/3/2010, the appointment of Scott E. Baker as Executive Vice President effective 3/4/2010, the appointment of Michael K. Bloom as Executive Vice President effective 3/4/2010, the appointment of Charles E. Golden, Jr. as Sr. Vice President effective 3/4/2010, the appointment of Elizabeth S. Wingate as Sr. Vice President effective 3/4/2010, be and hereby is ratified and approved; and

RESOLVED, that the persons listed on the attached exhibit are hereby appointed to the office or offices as indicated opposite their respective names to serve for the following year and until their successors have been duly elected and qualified.

25th IN WITNESS WHEREOF, the undersigned has executed this written consent on the day of May, 2010.


LARRY J. MERLO


CAROL A. DENALE


ZENON P. LANKOWSKY

As of 5/13/2010

CVS Pharmacy, Inc.

CORPORATE OFFICERS

Larry J. Merlo	President
Michael K. Bloom	Executive Vice President
Charles D. Phillips	Executive Vice President
Helena B. Foulkes	Executive Vice President
Jonathan C. Roberts	Executive Vice President
Troyen A. Brennan	Executive Vice President
David M. Denton	Executive Vice President
Scott E. Baker	Executive Vice President
Douglas A. Sgarro	EVP Strategy and Chief Legal Officer
Lisa G. Bisaccia	Sr. Vice President Human Resources
Eileen H. Dunn	Sr. Vice President
Thomas E. Morrison	Sr. Vice President
Elizabeth S. Wingate	Sr. Vice President
Charles E. Golden Jr.	Sr. Vice President
Doug Ghertner	Sr. Vice President
Laird K. Daniels	Sr. Vice President
Mark G. Griffin	Sr. Vice President
Stuart McGuigan	Sr. Vice President
Ronald E. Link	Sr. Vice President
Laura Birmingham Willmon	Sr. Vice President
Robert L. Price	Sr. Vice President
Dennis N. Palmer	Sr. Vice President
Matthew J. Leonard	Sr. Vice President
Dino M. De Thomas	Sr. Vice President
Nancy R. Christal	Sr. Vice President
Hanley H. Wheeler	Sr. Vice President
Carol A. DeNale	Sr. Vice President and Treasurer
Zenon P. Lankowsky	Vice President/Secretary
Terence M. Corrigan	Vice President/Assistant Treasurer
Peter F. Pecoraio	Vice President
Michael Silveira	Vice President
Richard D. Molchan	Vice President
Anna M. Umberto	Vice President
Ricardo Dube	Vice President
Michael W. Buckless	Vice President
Craig P. Heneghan	Vice President
Donna M. Sams	Vice President

CVS/PI

As of 5/13/2010

CVS Pharmacy, Inc.

Craig M. Thiele	Vice President
Raymond W. Auger	Vice President
Dimitri G. Betses	Vice President
Clay O. Wilson	Vice President
James A. Trappani	Vice President
Russ R. Dossey	Vice President
Judith S. Sansone	Vice President
Kurukundi R. Murthy	Vice President
Mark J. Miller	Vice President
James G. Maritan	Vice President
Robert T. Marcello	Vice President
Cheryl L. Mahoney	Vice President
Mark G. Kolligian	Vice President
Bari A. Harlam	Vice President
Heidi A. Devlin	Vice President
Robert J. Curran	Vice President
John M. Buckley	Vice President
Joshua M. Flum	Vice President
Jeff Smith	Vice President
Papatya Tankut	Vice President
Jeffrey W. Raman	Vice President
Timothy Kurth	Vice President
David Valois	Vice President
Brian Mearns	Vice President
Cathy Gaudio	Vice President
Stephen M. Wrenn	Vice President
Christopher L. Di Iuro	Vice President
Robert M. Botsford	Vice President
Jeff Audley	Vice President
Dana Lilly	Vice President
Kathy-Jo Payette	Vice President
John P. Iaderosa	Vice President
Douglas W. Phillips	Vice President
James D. Clark	Vice President
John H. Murphy	Vice President
Kevin Goslin	Vice President
Christine L. Egan	Vice President
David W. Golding	Vice President

As of 5/13/2010

CVS Pharmacy, Inc.

Grant Pill	Vice President
Kirby Bessant	Vice President
Lisa Schuides	Vice President
Carolyn Castel	Vice President
Scott Wertz	Vice President
Thomas S. Moffatt	Vice President/Assistant Secretary
Mark Barrow	Assistant Vice President
Gordon F. Howard	Area Vice President
Scott Wasikowski	Area Vice President
Howard S. Shansky	Area Vice President
Everett Moore	Area Vice President
Michael J. Talbot	Area Vice President
Christopher Bos	Area Vice President
David W. Purdy	Area Vice President
Laura Underwood	Area Vice President
Denny Tewell	Area Vice President
Brian N. Bosnic	Area Vice President
Richard M. Ford	Area Vice President
Jeffrey E. Clark	Assistant Treasurer
Tracy L. Smith	Assistant Treasurer
John E. Uhl	Assistant Treasurer
Andrew E. Schneeloch	Assistant Treasurer
Ronald E. Lemieux	Assistant Treasurer
Diane R. McMonagle Glass	Assistant Secretary
Joseph M. Estrella, Jr.	Assistant Secretary
George C. Chiang	Assistant Secretary
Brandon L. Pham	Assistant Secretary
Darin P. Smith	Assistant Secretary
Kristine L. Donabedian	Assistant Secretary
William D. Mitchell	Assistant Secretary
Dennis Murphy	Assistant Secretary
Ned L. Craun	Assistant Secretary
Karen L. Feisthamel	Assistant Secretary
Roxanne Sicard	Assistant Secretary
Michael B. Nulman	Assistant Secretary
Brenna B. Jordan	Assistant Secretary
Linda M. Cimbron	Assistant Secretary
Melanie K. Luker	Assistant Secretary

As of 5/13/2010

CVS Pharmacy, Inc.

Timothy E. Kramer

Assistant Secretary

Exhibit D

WRITTEN CONSENT OF THE SOLE MEMBER
OF
Connecticut CVS Pharmacy, L.L.C.

IN LIEU OF AN ANNUAL MEETING

Pursuant to the Limited Liability Company Act of the State of CT, the undersigned being the Sole Member of Connecticut CVS Pharmacy, L.L.C.(the "Company"), hereby consents to and adopts the following resolutions by written consent in lieu of an annual meeting:

WHEREAS, the Company has properly taken all appropriate actions during such time period to properly maintain its existence, to elect officers and to authorize the pursuit of the Company's business objectives; it is hereby

RESOLVED: that the officers of the Company be, and each hereby is, authorized in the name and on behalf of the Company to do or cause to be done any and all such acts and things and to execute and deliver any and all documents as such officer or officers may deem necessary or advisable, the taking of any such actions or the execution or delivery of any documents by such officer or officers to be conclusive evidence that the same were authorized by the Company.

RESOLVED, that the individuals set forth on the attached list are hereby appointed to the office or offices as indicated opposite their respective names to serve for the following year and until their successors have been duly elected and qualified.

IN WITNESS WHEREOF, the undersigned has executed this consent as of August 30, 2010.

CVS Pharmacy, Inc.



By: _____
Melanie K. Luker
Assistant Secretary

As of 8/30/2010

CORPORATE OFFICERS

Zenon P. Lankowsky	President
Matthew J. Leonard	Sr. Vice President
Carol A. DeNale	Sr. Vice President/Treasurer
Charles E. Golden Jr.	Sr. Vice President
Thomas S. Moffatt	Vice President/Secretary
Peter F. Pecoraio	Vice President
Terence M. Corrigan	Vice President/Assistant Treasurer
Robert T. Marcello	Vice President/Assistant Secretary
Mark J. Miller	Vice President
Clay O. Wilson	Vice President
Michael W. Buckless	Vice President
Ricardo J. Dube	Vice President
Anna M. Umberto	Vice President
Dennis A. Murphy	Assistant Secretary
Linda M. Cimbron	Assistant Secretary
Melanie K. Luker	Assistant Secretary
Diane R. McMonagle Glass	Assistant Secretary
Toni A. Motta	Assistant Secretary
Michael B. Nulman	Assistant Secretary
Timothy E. Kramer	Assistant Secretary
David J. Burton	Assistant Secretary
Ned L. Craun	Assistant Secretary
Darin P. Smith	Assistant Secretary
Roxanne E. Sicard	Assistant Secretary
Kristine L. Donabedian	Assistant Secretary
Karen L. Feisthamel	Assistant Secretary
Brenna B. Jordan	Assistant Secretary
George C. Chiang	Assistant Secretary
Brandon L. Pham	Assistant Secretary
Chris J. Willis	Assistant Secretary
Leo A. Lapierre	Property Tax Manager
Marina Zaslavskiy	Assistant Treasurer
Jason D. Desrochers	Assistant Treasurer
Ronald E. Lemieux	Assistant Treasurer
John E. Uhl	Assistant Treasurer
Tracy L. Smith	Assistant Treasurer
Jeffrey E. Clark	Assistant Treasurer

CVSSTLLC

Exhibit E

**BY-LAWS
OF
CVS PHARMACY, INC.**

(Amended August 25, 2010)

OFFICES

1. The corporation may have offices at such places within or without the state as the Board of Directors may from time to time determine or the business of the corporation may require.

MEETINGS OF STOCKHOLDERS

2. All meetings of the stockholders shall be held at One CVS Drive, Woonsocket, Rhode Island, or such other place as the Directors may determine.

3. The annual meeting of the stockholders of the corporation shall be held on the second Wednesday of December in each year if not a legal holiday and, if a legal holiday, then on the next secular day following, when they shall elect a Board of Directors and transact such other business as may properly come before the meeting. In the event that the annual meeting is not held, a special meeting may be called and held in lieu thereof and for the purposes of such annual meeting.

4. Special meetings of the stockholders for any purpose or purposes, unless otherwise expressly provided by law, may be called by resolution of the Board of Directors or by the President or by the holder or holders of record of not less than one-tenth part in interest of the stock entitled to vote on any proposal to be submitted at such meeting.

5. Written notice of every meeting of stockholders, stating the purpose or purposes for which the meeting is called, the time when and the place where it is to be held, shall be served, either personally or by mail, upon each stockholder entitled to vote at such meeting at least ten days before the meeting, unless a different notice is required by statute. If mailed, such notice shall be directed to a stockholder at his address as it shall appear on the books of the corporation.

6. The holders of a majority of the stock issued and outstanding and entitled to vote thereat, present in person or represented by proxy, shall be requisite and shall constitute a quorum at all meetings of the stockholders for the transaction of business, except as otherwise expressly provided. If a quorum shall not be present or represented, the stockholders entitled to vote thereat, present in person or represented by proxy, shall have power to adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned meeting at which a quorum shall be present or represented any business may be transacted which might have been transacted at the meeting as originally notified.

7. When a quorum is present or represented at any meeting, the vote of the holders of a majority of the stock having voting power, present in person or represented by proxy, shall decide any question brought before such meeting, unless the question is one upon which, by express provision of the statutes or of the Certificate of Articles of Incorporation, or of these By-Laws, a different vote is required, in which case such express provision shall govern and control the decision of such question.

8. Unless the statute otherwise expressly provides, each stockholder of record having the right to vote shall be entitled at every meeting of the stockholders of the corporation to one vote for each share of stock having voting power standing in the name of such stockholder on the books of the corporation, and such votes may be cast either in person or by proxy.

9. Meetings of stockholders shall be presided over by the President, or, if he is not present, by a chairman to be elected at the meeting. The Secretary of the corporation, or in his absence, a secretary appointed at the meeting, shall act as secretary of such meetings.

DIRECTORS

10. The Board of Directors shall consist of three directors, who shall have such qualifications as the statute may require. They shall be elected at the annual meeting of the stockholders and each director shall be elected to serve for one year and until his successor shall be elected and shall qualify.

11. If the office of any director becomes vacant for any reason, the directors in office, although less than a quorum, may choose a successor or successors, who shall hold office for the unexpired term in respect to which such vacancy occurred or until the next election of directors, or any vacancy may be filled by the stockholders at any meeting thereof.

12. The business of this corporation shall be managed by its Board of Directors which may exercise all such powers of the corporation and do all such lawful acts and things as are not otherwise required to be exercised or done by the stockholders.

MEETINGS OF THE BOARD

13. The Directors may hold their meetings at One CVS Drive, Woonsocket, Rhode Island, or at such other places as they may from time to time determine.

14. Regular meetings of the Board may be held without notice at such time and place as shall from time to time be determined by resolution of the Board.

15. Special meetings of the Board may be called by the President on one day's notice to each director either personally or by mail or by wire; special meetings shall be called by the President or Secretary in a like manner on the written request of two directors.

16. At all meetings of the Board the presence of a majority of the entire number of directors shall be necessary to constitute a quorum and sufficient for the transaction of business and any act of a majority present at a meeting at which there is a quorum shall be the act of the Board of Directors, except as may be otherwise specifically provided. If a quorum shall not be present at any meeting of directors, the directors present thereat may adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum shall be present.

COMPENSATION OF DIRECTORS

17. Directors, as such, shall not receive any stated salary for their services but, by resolution of the Board, a fixed sum and expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any director from servicing the corporation in any other capacity and receiving compensation therefor.

18. Any one or more or all of the directors may be removed, either with or without cause, at any time, by the vote of the stockholders holding a majority of the stock of the corporation, at any meeting called for the purpose, and thereupon the term of each director or directors, who shall have been so removed, shall forthwith terminate, and there shall be a vacancy or vacancies in the Board of Directors, to be filled as provided in these By-Laws.

WAIVER OF NOTICE

19. Whenever the stockholders or the Board of Directors are authorized to take any action after notice, such notice may be waived, in writing, before or after the holding of the meeting, by the person or persons entitled to such notice.

COMMITTEES

20. The Board of Directors may from time to time, by resolution passed by a majority of the whole Board, designate one (1) or more committees which shall be standing in nature, each Standing Committee to consist of one (1) or more directors and any number of officers of the Corporation. Any such Standing Committee shall have and may exercise the powers of the Board of Directors in the management of the business and affairs of the corporation for whatever purpose they see fit.

21. A majority of all of the members of any such Standing Committee may determine its action and fix the time and place of its meetings, unless the Board of Directors shall otherwise provide. The Board of Directors shall have the power to change the members of any Standing Committee at any time, to fill vacancies and to discharge any such Standing Committee, either with or without cause, at any time. The Board of Directors may delegate such power to the members of any Standing Committee or one (1) or more principal officers.

22. The Board of Directors may, by resolution passed by a majority of the whole Board, designate one (1) or more directors as alternate members of any committee who may replace any absent or disqualified member at any meeting of the committee; provided, however, that in the absence of any such designation of alternates the member or members of any committee present at any meeting and not disqualified from acting, whether or not he, she or they constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in the place of any absent or disqualified member.

23. The Board of Directors, any Standing Committee, or any principal officer or director may from time to time create such additional committees of directors, officers, employees or other persons designated by it (or any combination of such persons) for such business purposes as they deem necessary and for advising with the Board and the principal officers of the Corporation in all such matters as the Board and the principal officers shall deem advisable.

OFFICERS

25. The officers of the corporation shall be a President, a Vice-President, a Secretary and a Treasurer, who shall be appointed by the Board of Directors immediately after each annual meeting of stockholders.

26. The corporation may have such vice-presidents, assistant treasurers, assistant secretaries and such other officers as may from time to time be appointed by the directors, who shall have such authority and shall perform such duties as from time to time shall be prescribed by the Board.

27. The salaries of all officers of the corporation shall be fixed by the Board of Directors.

28. Any officer elected or appointed by the Board of Directors may be removed at any time with or without cause, by the affirmative vote of a majority of the directors. If the office of any officer becomes vacant for any reason, the vacancy shall be filled by the Board of Directors. Except as otherwise provided by law, any person may hold two or more offices.

THE PRESIDENT

29. The President shall be the executive officer of the corporation; he shall preside at all meetings of the stockholders and directors; he shall have the management of the business of the corporation; he shall see that all orders and resolutions of the Board are carried into effect; and he may sign, in the name of the corporation, all authorized contracts, documents, bonds or other obligations.

VICE-PRESIDENT

30. The Vice-President in the absence or disability of the President shall perform the duties and exercise the powers of the President and shall perform such other duties as the Board of Directors shall prescribe.

THE SECRETARY

31. The Secretary shall attend all sessions of the Board of directors and all meetings of the stockholders and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He shall give or cause to be given notice of all meetings of stockholders and special meetings of the Board of Directors and shall perform such other duties as may be prescribed by the Board of Directors. He shall keep in safe custody the seal of the corporation and affix it to any instrument when authorized by the Board of Directors. He may sign, in the name of the corporation, all authorized contracts, documents, bonds or other obligations.

THE TREASURER

32. The Treasurer shall give such bond for the faithful discharge of his duties as the directors may require. He shall, subject to the control of the directors, keep the accounts of the corporation, and shall perform such additional duties as the directors may designate.

33. Each officer of the corporation shall have authority to sign tax returns on behalf of the corporation.

INDEMNIFICATION OF DIRECTORS AND OFFICERS

34. The corporation shall indemnify and save harmless all or any of the officers and directors of the corporation from and against expenses actually and necessarily incurred by them in connection with the defense of any action, suit or proceeding in which any such director or officer by virtue of his office may be made a party, except if such officer or director is finally adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his duties he shall not be so indemnified and held harmless.

EXECUTION OF CONTRACTS, ETC.

35. Unless the Board of Directors shall otherwise determine, the Chairman of the Board, the President, any Executive Vice President, Senior Vice President, Vice President or the Treasurer and the Secretary or any Assistant Secretary may enter into any contract or execute any contract or other instrument, the execution of which is not otherwise specifically provided for, in the name and on behalf of the Corporation. The Board of Directors, or any committee designated thereby with power so to act, except as otherwise provided in these By-Laws, may authorize any other or additional officer or officers, employees or agent or agents of the Corporation to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation, and such authority may be general or confined to specific instances. Unless authorized so to do by these By-Laws or by the Board of Directors or by any such committee, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily for any purpose or to any amount.

CERTIFICATES OF STOCK

36. Certificates of stock shall be in the form approved by the directors, shall be signed by the President or a Vice President and by the Treasurer or an Assistant Treasurer or the Secretary or an Assistant Secretary of the corporation and shall be sealed with its seal.

37. The shares of stock of this corporation shall not be subject to any liability or assessments other than that imposed by the statute under which this corporation is organized.

38. The Board of Directors may cause a new stock certificate to be issued in lieu of a stock certificate lost or destroyed to the person entitled thereto upon satisfactory proof of such loss or destruction and the Board of Directors may require such indemnity by the person claiming such certificates as it may deem necessary or proper.

TRANSFERS OF STOCK

39. Shares of stock shall be transferable only on the books of the corporation upon the surrender of the certificate therefor duly endorsed for transfer. The corporation may require proof of the genuineness of the signature and of the capacity of the party executing the transfer.

40. The corporation shall not be required to recognize any partial or equitable interest in its shares but may treat the registered holder thereof as the absolute owner.

41. The Board of Directors may close the stock books for transfer for such time prior to the day fixed for the payment of any dividend or to the day fixed for the annual meeting or any special meeting of the stockholders as may appear to it to be reasonable.

SEAL

42. The seal of the corporation shall be circular in form and contain the name of the corporation, the year of its organization and the words "Corporate Seal" and the name of the state of incorporation.

CHECKS

43. All checks or demands for money and notes of the corporation shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate.

FISCAL YEAR

44. The fiscal year shall end on December 31st.

AMENDMENTS

45. These By-Laws, or any of them, may be repealed, altered or amended by the affirmative vote of a majority of the shares present, either in person or by proxy, at any meeting duly called for that purpose.

Attachment B to CVS Corporate Consent Order

CLOSURE APPROACH FOR PHOTOPROCESSING HAZARDOUS WASTE CONTAINER STORAGE AREAS CVS PHARMACY STORES IN CONNECTICUT

Table of Contents

- 1.0 Background
- 2.0 Closure Performance Standard
- 3.0 Screening / Inspection Procedures
- 4.0 Interior Storage Area – Cleanup/Sampling Procedures
- 5.0 Exterior Storage Area - Cleanup/Sampling Procedures
- 6.0 Analysis
- 7.0 Evaluation of Analytical Results
- 8.0 Additional Decontamination Measures
- 9.0 Closure Documentation

Table 1 - Constituents of Concern - CVS Pharmacy Store Photoprocessing Hazardous Waste Container Storage Area

Attachment 1 - Initial Screening Data Form

Attachment 2 – Photoprocessing Hazardous Waste Container Storage Area Location Drawing

Attachment 3 – Sample Location Drawing

Attachment 4 – Additional Decontamination Measures

This document outlines the approach for closing Photoprocessing Hazardous Waste Container Storage Areas at CVS Pharmacy stores in the State of Connecticut consistent with the closure requirements for Large Quantity Generators (LQG) and Small Quantity Generators (SQG), found in the Regulations of Connecticut State Agencies (RCSA) Sections 22a-449(c)-102(a)(2)(K) and 22a-449(c)-102(c)(4), incorporating federal regulations 40 CFR 265.111, 40 CFR 265.113(a), (b) and (c), and 40 CFR 265.114.

1.0 BACKGROUND

Automated photoprocessing machines such as those used at CVS Pharmacy stores have historically utilized wet processes and generated liquid wastes. Waste photoprocessing solution consists of spent developer, bleach, fixer, and washes, and it is stored in plastic containers. Chemicals used in photoprocessing are supplied by Kodak. The chemical content of the used solutions is similar to the

original, except that photoprocessing adds silver from photographic film and paper. Silver is found primarily in spent film fix and paper bleach (Kodak, 2007, 2008). *Table 1* lists the constituents of concern (COC) based on analysis of the photoprocessing hazardous waste solution.

CVS Pharmacy stores are classified as “discharge” or “haul” stores, respectively, depending upon whether the photoprocessing wastewater is treated and discharged to a sewer system under a discharge permit or stored on-site in a hazardous waste container storage area pending subsequent off-site shipment and disposition. At “haul” stores, the containers of photoprocessing hazardous waste solution are removed from the stores under contract with licensed haulers.

This closure approach addresses the closure requirements of the Regulations of Connecticut State Agencies (RCSA), referred to herein as the Connecticut Closure Performance Standard, with respect to decontamination of former photoprocessing hazardous waste container storage areas at “haul” stores.

2.0 CLOSURE PERFORMANCE STANDARD

As noted above, the Connecticut Closure Performance Standard applies to large and small quantity hazardous waste generators and is based on RCSA Sections 22a-449(c)-102(a)(2)(K) and 22a-449(c)-102(c)(4), incorporating 40 CFR 265.111, 40 CFR 265.113(a),(b) and (c), 265.114. Under this closure approach, decontamination procedures will be implemented where evidence of a release of photoprocessing hazardous waste solution has been determined to exist in a former photoprocessing hazardous waste container storage area based on the screening procedures prescribed herein. Sampling will follow to confirm that the former photoprocessing hazardous waste container storage area has been sufficiently decontaminated. Analytical sample results will be compared to applicable Connecticut Remediation Standard Regulations (RSRs) for environmental media and where no standards exist, comparisons will be made to background levels (*Table 1*).

3.0 SCREENING / INSPECTION PROCEDURES

The screening and inspection procedures will be implemented by qualified CVS representatives who are knowledgeable of the specified procedures, as follows. Review store records (e.g., inspection logs and spill reports) to determine if there is documentation of releases/spills of photoprocessing hazardous waste solution in the photoprocessing hazardous waste container storage area(s). Determine the location(s) of the former photoprocessing hazardous waste container storage area(s) and, unless inaccessible (i.e., a structural barrier prohibits access to the location(s) of the former container storage area(s)), inspect the area(s) for visual evidence of photoprocessing hazardous waste

solution releases (e.g. discoloration or staining by the distinctive rusty, orange brown color associated with photoprocessing waste solution). If documentary or visual evidence of a photoprocessing hazardous waste solution release exists, inspect the area(s) of the release for floor and/or wall cracks, gaps, slab joints, deteriorated concrete or asphalt, and/or other 'features' or evidence of previous repairs, that could have allowed liquid to pass through to underlying soil. Complete the "Initial Screening Data Form" (*Attachment 1*) as required. Determine the need for additional investigation based on knowledge and inspection of the photoprocessing hazardous waste container storage area(s) and document this determination in the "Initial Screening Data Form". If the determination is made that no additional investigation is required, document the location(s) of the photoprocessing hazardous waste container storage area(s) on the "Photoprocessing Hazardous Waste Container Storage Area Location Drawing" (*Attachment 2*). If features are present which indicate a release of photoprocessing hazardous waste solution to the floor or wall surface(s) and/or to underlying soils, document those features and proceed with cleanup/sampling as described in this document. Add findings, regarding the area(s) investigated and sampling location notes to the "Sample Location Drawing" (*Attachment 3*).

All cleanup and sampling work is to be performed by personnel using safe practices per OSHA standards, including the donning of proper PPE.

4.0 INTERIOR STORAGE AREA - CLEANUP/SAMPLING PROCEDURES

If there is knowledge of a photoprocessing hazardous waste solution release in an interior photoprocessing hazardous waste container storage area(s) and/or after locating the interior photoprocessing hazardous waste container storage area(s), an inspection indicates the presence of photoprocessing hazardous waste solution staining, proceed with the cleanup and sampling of the impacted area(s) as described in the following sections.

4.1 DRY CLEANUP – PRIOR TO SAMPLING

- a) Remove any remaining photoprocessing waste, storage containers and other items to provide unobstructed access to the former interior photoprocessing hazardous waste container storage area. Decontaminate/dispose of items properly.
- b) Pick up any non-photoprocessing debris/trash for disposal.
- c) Remove as much residue, dirt, and staining as possible using dry methods (broom cleaning). Dispose of residue in accordance with applicable regulations.
- d) Note areas of staining/discoloration on walls or floor surfaces, on the initial drawing (*Attachment 2*) or prepare a second detailed sketch to indicate their location on the "Sample Location Drawing" (*Attachment 3*).

4.2 WET CLEANUP – PRIOR TO SAMPLING

If there are potential paths for migration of wash waters, such as gaps or cracks in the floor, wet cleanup should not be performed. If such features are not present, and wet cleanup is performed, only cleaning solutions that are appropriate for use with the potential constituents of concern in the media will be employed.

4.2.1 Floors and painted and metal walls

Prior to starting wet cleanup work, provide an absorbent boom (or equivalent) around the area(s) to be cleaned to contain wash waters and assist in their collection. Use warm water and detergent to scrub the area and remove as much staining as possible, using the minimum amount of water possible. The collected wash water may contain constituents of concern at levels that may require handling as a hazardous waste. When finished, test the collected wash water using SW-846 test methods to determine if it should be handled as a hazardous waste and dispose of the wash water in accordance with applicable regulations.

4.2.2 Sheet rock walls and walls with protective wood panel sheathing

Scrub gently as described above to remove staining. Avoid soaking of sheet rock or wood to prevent damage. Follow the general procedures described in Section 4.2.1. Alternatively, remove the stained section, place it in a container, and label and dispose of the contents in accordance with applicable regulations.

4.3 POROUS SURFACE SAMPLING

After performing cleanup to decontaminate the impacted photoprocessing hazardous waste container storage area(s), as described in Sections 4.1 and 4.2, the area(s) will be sampled to confirm that each area has been successfully decontaminated. Sample collection methods, number of samples, test methods and cleanup standards are discussed in the following sections.

4.3.1 Concrete Sampling

CAUTION! Select the location(s) for sampling to avoid drilling into electrical wiring or other utilities that may be concealed in the floor. If conditions warrant, enlist an underground utility locator service company to confirm utility locations.

- a) Collect a sample from the location(s) identified prior to decontamination as representing the worst area(s) of staining, collecting one discrete sample for every 100 square feet of the interior floor surface area that is stained. Also, sample at least one background location of the same type of surface, using the procedures described in this Section.
- b) In between samples, clean and/or decontaminate drill bits and utensils that will contact samples in accordance with USEPA SW-846 procedures.
- c) Wipe the concrete surface with a clean dry cloth prior to drilling.
- d) Using a 1-inch diameter carbide drill bit in an impact hammer, drill a 1-inch deep hole.
- e) Collect the dry powder/chips from each location with a decontaminated scoop and place them in a separate and labeled 2-oz. glass jar.
- f) If there is a lack of integrity of the floor condition (e.g., cracks, gaps, joints or other deterioration) within the area of staining, collect 4-inch concrete cores from below the locations where concrete dry powder/chip samples were collected. Record visual observations of the materials, such as odors or discoloration, on the Sample Location Drawing (*Attachment 3*).
- g) Examine each core to determine if there is evidence of staining extending through the core.
- h) If there is evidence of staining extending through the core, collect soil samples immediately below the core at depths necessary to characterize the extent of potential contamination.
- i) Note the location and ID of the sample(s) on the Sample Location Drawing (*Attachment 3*).
- j) Submit the samples to the selected CT certified laboratory for analysis using quality assurance/quality control criteria of the CT DEEP Reasonable Confidence Protocols Guidance Document.
- k) Repair sample hole(s) by placing ready-mix concrete in them to the original elevation.

4.3.2 Wood Panel (Oriented Strand Board) and Drywall (Sheetrock) Sampling

CAUTION! Select location for sampling to avoid drilling into electrical wiring or other utilities that may be concealed in wall.

- a) Collect a sample from the location(s) identified prior to decontamination as representing the worst area(s) of staining, collecting one discrete sample for every 100 square feet of wall surface that is stained. Also, sample at least one background location on the same type of surface. Place a clean sheet of paper on the floor beneath the area to be drilled to catch wood shavings and drywall dust. Use a clean/decontaminated spade or Forstner wood bit to bore

five 1-inch diameter holes the full thickness of the panel. Each 1-inch diameter hole through ½-inch thick panel will produce about 4 grams of wood shavings or drywall dust. Group holes about an inch apart to facilitate wall repair.

- b) Place the sample from each location in a separate and labeled 8-oz. glass jar with a Teflon seal.
- c) Note the location and ID of the sample(s) on the Sample Location Drawing (*Attachment 3*).
- d) Submit the shavings/dust samples to the selected CT certified laboratory for analysis using quality assurance/ quality control criteria of the CT DEEP Reasonable Confidence Protocols Guidance Document.
- e) Repair sample hole(s) by placing filler in disturbed areas.

4.4 NON-POROUS SURFACE SAMPLING

This procedure applies to non-porous surfaces, such as metal, fiberglass, plastic and intact (seamless) floor tile surfaces.

- a) Select for wipe sampling an area of ¼ square meter on the interior surface, identified prior to decontamination as representing the worst area of staining.
- b) Saturate cotton gauze with deionized water and other additives, consistent with the SW-846 analytical test method(s) to be used.
- c) Wipe the saturated gauze over the entire sampling area (¼ square meter) repeatedly in the vertical direction, applying moderate pressure. Turn the gauze over and wipe repeatedly in the horizontal direction.
- d) Place the gauze wipe sample in a labeled 2-oz. glass jar with a Teflon seal.
- e) Note location and ID of the sample(s) on the Sample Location Drawing (*Attachment 3*).
- f) Submit the wipe sample to the selected CT certified laboratory for analysis using quality assurance/quality control criteria of the CT DEEP Reasonable Confidence Protocols Guidance Document.

5.0 EXTERIOR STORAGE AREA - CLEANUP/SAMPLING PROCEDURES

If there is knowledge of a release of photoprocessing hazardous waste solution in a former exterior photoprocessing hazardous waste container storage area(s) and/or after locating a former exterior photoprocessing hazardous waste container storage area(s), an inspection indicates the presence of photoprocessing hazardous waste solution staining, proceed with the cleanup and sampling as described in the following sections.

5.1 DRY CLEANUP – PRIOR TO SAMPLING

- a) Remove any remaining photoprocessing waste storage containers and other items to provide unobstructed access to the former exterior hazardous waste container storage area. Decontaminate/dispose of items in accordance with applicable regulations.
- b) Pick up any non-photoprocessing debris/trash for disposal.
- c) Remove as much residue, dirt, and staining as possible using dry methods (broom cleaning). Dispose of residue in accordance with applicable regulations.
- d) Note areas of staining/discoloration on the storage area surface, on the initial drawing (*Attachment 2*) or prepare a second detailed sketch to indicate their location on the Sample Location Drawing (*Attachment 3*).

5.2 ASSESS POTENTIAL FOR SOIL CONTAMINATION

- a) Inspect the exterior photoprocessing hazardous waste container storage area for cracks, gaps, slab joints, deteriorated concrete/asphalt or other features (or evidence of previous repairs) within the area of staining that could have acted as a conduit and allowed liquid to pass through to underlying soil. If none of these features are present, proceed with Section 5.3.
- b) If there is a lack of integrity of the exterior surface as indicated by the presence of any of the above features within the area of staining, collect a 4-inch core of concrete/asphalt at each suspect conduit location.
- c) Examine each core to determine if there is evidence of staining extending through the core.
- d) If there is evidence of staining extending through the core, collect soil samples immediately below the core at depths necessary to characterize the extent of potential contamination.
- e) Repair borehole(s) in accordance with owner requirements or return the surface to pre-existing conditions before proceeding with closure.
- f) Depending on the results of the above sampling, additional sampling may be necessary to determine the extent of soil contamination.

5.3 WET CLEANUP OF EXTERIOR CONCRETE/ASPHALT SURFACES – PRIOR TO SAMPLING

Wet cleanup of exterior surfaces will not be used if features are present within the area(s) of staining, such as gaps or cracks in the surface, which could act as a conduit and allow liquid to pass through to underlying soil. If such features are not present and wet cleanup is performed, provide an absorbent boom (or equivalent) around the area(s) to be cleaned, and contain and collect wash water immediately after their generation, to prevent runoff. Use warm water and detergent to scrub the area(s) and remove as much staining as possible, using the minimum amount of water necessary. The cleaning

wash water may contain constituents of concern at levels that may require handling as a hazardous waste. Test the collected wash water for constituents of concern using USEPA SW-846 test methods. If the wash water contains constituents above hazardous waste limits, it must be handled as a hazardous waste. Label the container and dispose of the contents in accordance with applicable regulations.

5.4 CONCRETE AND ASPHALT SAMPLING

Collect a sample from the location(s) identified prior to decontamination as representing the worst area(s) of staining, collecting one discrete sample for every 100 square feet of exterior storage area that is stained. Also, sample at least one background location on the same type of surface using collection methods described in Section 4.3.1.

6.0 ANALYSIS

It is anticipated that samples will be collected from 100% solid media (e.g., concrete, wood, asphalt) without liquid. These samples will be analyzed for constituents of concern (*Table 1*) using USEPA SW-846 methods totals analyses at specified levels (e.g. RSR Industrial/Commercial/DEC) or the laboratory reporting limit. Analysis will be performed by a Connecticut certified laboratory. Data will be reviewed and validated in accordance with CT DEEP Reasonable Confidence Protocols Guidance Document.

7.0 EVALUATION OF ANALYTICAL RESULTS

The following standards will be used in assessing whether the Closure Performance Standard for constituents of concern has been attained:

- Interior concrete, wood, and floor tile:
no standard exists, use background location sample results
- Interior non-porous surfaces (wipe sampling):
no standard exists, use background location sample results
- Exterior concrete:
no standard exists, use background location sample results
- Soil:
RSR Industrial/Commercial Direct Exposure Criteria (I/C-DEC) and/or
RSR Pollutant Mobility Criteria consistent with groundwater classification
(GA or GB of the area) or background, whichever is lower

8.0 ADDITIONAL DECONTAMINATION MEASURES

In the event analytical results of the initial sampling activities indicate that the Closure Performance Standards have not been achieved, additional decontamination measures will be implemented to achieve the Closure Performance Standards. Achievement of the Closure Performance Standards will be documented by confirmation sampling conducted in accordance with the media sampling protocols specified herein. Additional decontamination measures, including the locations of subsequent sampling, shall be documented as Additional Decontamination Measures (*Attachment 4*).

9.0 CLOSURE DOCUMENTATION

Closure activities will be documented in a report that includes the *Initial Screening Data Form* (Attachment 1) and the photoprocessing hazardous waste container storage area(s) location drawing (Attachment 2), and, as applicable, cleanup and sampling documentation, including a description of any evidence found of a release of photoprocessing hazardous waste solution, sample location drawings (Attachments 3, and, as applicable, Attachment 4), sample chain of custody forms, analytical results, data validation summary, and a discussion of findings and conclusions.

Table 1

Constituents of Concern
CVS Pharmacy Store Photoprocessing Hazardous Waste Container Storage Area

Constituent	Analytical Test Method	Connecticut Remediation Standard Regulations Closure Performance Standard for Soils		
		I/C DEC (mg/kg)	GA/GAA PMC (mg/l)	GB PMC (mg/l)
Silver	SW-846 Method 6010 EPA Method 200.7	10,000	0.036	0.36
Ammonia	SW-846 Method – NA EPA Method 350.1	Not an RSR listed constituent Use background level data		
Sulfate	SW-846 Method 9056 EPA Method 375.3	Not an RSR listed constituent Use background level data		

Attachment 1

Initial Screening Data Form for
Photoprocessing Hazardous Waste Container Storage Area Closure

Attachment 1

**INITIAL SCREENING DATA FORM
FOR PHOTOPROCESSING HAZARDOUS WASTE CONTAINER STORAGE AREA CLOSURE
CVS PHARMACY STORES IN CONNECTICUT**

This data form must be completed as part of the process for closing existing or former photoprocessing hazardous waste container storage areas at CVS Pharmacy stores in Connecticut.

Provide the required information and sign and date this form at the indicated location. Retain a completed copy for the store file and forward original to:

Pat Perry
Director of Environmental Management
CVS Caremark
One CVS Drive
Woonsocket, RI 02895

1.0 Store ID and Location

Store No.:	
Street Address:	
City/State/Zip Code:	

2.0 Description of Photoprocessing Hazardous Waste Container Storage Area(s)

2.1 How many photoprocessing hazardous waste container storage areas are being closed at this location (Include both interior and exterior photoprocessing hazardous waste container storage areas)? ____

(Note: for the purposes of this questionnaire, photoprocessing hazardous waste container storage areas are areas where photoprocessing hazardous waste solution is or was stored after removal from photoprocessing machines.)

2.2 Indicate, if known, the time period the photoprocessing hazardous waste container storage area(s) was used:

	Area 1	Area 2
Month/year – Month/year		

Attachment 1

3.0 Hazardous Waste Storage Area Screening of Known Spills and Cleanup

	Area 1	Area 2
Are spills of waste photoprocessing hazardous waste solution known to have occurred?		
If so, when did spills occur?		
What actions, if any, have been taken previously to cleanup spill/staining?		

4.0 Photoprocessing Hazardous Waste Container Storage Area Location Drawing

Prepare a drawing showing the location of the photoprocessing hazardous waste container storage area(s), including dimensions of the area(s) devoted to such storage:

- Interior storage areas: show the storage area outline and dimensions as well as the distance from at least two walls.
- Exterior storage areas: show the storage area outline and dimensions as well as distance to at least two permanent reference points (e.g., distance to corner of store, perpendicular distance to store wall, distance to fire hydrant or sewer cover, etc.).

Use *Attachment 2* and additional blank paper if needed to prepare the drawing, or indicate areas on an existing floor plan or site plan if one is available.

5.0 Photoprocessing Hazardous Waste Container Storage Area Inspection

5.1 Describe the materials of construction at each former photoprocessing hazardous waste container storage area (Identify on Attachment 2):

Material of Construction:	Area 1	Area 2
Floor : Interior: concrete, tile, linoleum (seams?) Evidence of painting or sealing? If so, date of painting or sealing, if known? Exterior: asphalt, concrete Evidence of sealing? If so, date of sealing, if known?		
Walls adjacent to storage area: (e.g., concrete, brick, metal, wood, etc.) Note: NA for exterior areas		

Attachment 1

5.2 Indicate whether evidence of photoprocessing hazardous waste solution staining is present at each former photoprocessing hazardous waste container storage area (Identify on Attachment 2):

Evidence of Staining:	Area 1	Area 2
Are floors stained from photoprocessing waste storage activities?		
Are walls stained from photoprocessing waste storage activities?		

5.3 State the condition of the floor surface within any area of staining at each former photoprocessing hazardous waste container storage area (Identify on Attachment 2):

Condition of Floor Surface:	Area 1	Area 2
Floor (e.g., cracks, gaps, joints, lack of integrity, deterioration, evidence of repairs)		
Potential for liquid to pass through to underlying soil (none, low, high)		
Reason:		

6.0 Determination of Additional Investigation:

Determination (check one)/Reason:	Area 1	Area 2
<input type="checkbox"/> No additional investigation warranted: Reason:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Proceed with additional investigation of former photoprocessing hazardous waste container storage area Reason:	<input type="checkbox"/>	<input type="checkbox"/>

**Proceed below if based on the Initial Screening additional investigation is warranted.
Otherwise, stop here.**

7.0 Sample Location Drawing

Prepare a drawing of the photoprocessing hazardous waste container storage area showing its boundaries, areas of staining, and evidence of cracks, deterioration, previous repairs, etc., other pertinent features within the areas of staining, and locations, with sample ID, where samples were collected.

Use *Attachment 3* and additional blank paper if needed to prepare drawing, or indicate areas on an existing floor plan or site plan if one is available. Include photos if available. Indicate sample number and material sampled on drawing (e.g., Sample 1, concrete). List samples collected below.

Attachment 1

Sample Number	Material Sampled/ Type of Sampling	Depth or Area of Sampling	Method of Collection
<i>Example: SS-1</i>	<i>concrete floor chip sampling</i>	<i>3" depth</i>	<i>Drill bit</i>

8.0 Potential for Soil Contamination

Use the following space to report the assessment for potential soil contamination (Section 5.2 above)

9.0 Determination of Need for Additional Decontamination Measures

Based on the findings/results from cleanup and sampling of the Initial Screening activities described above, make a determination of need for additional decontamination measures, document measures taken and results achieved (*Attachment 4*), consistent with the details of the Closure Approach document (*Attachment A*).

10.0 Contact Information

10.1 Name of person(s) performing sample collection and cleanup, if necessary

_____	_____
Name	Name
_____	_____
Title	Title
_____	_____
Employer	Employer
_____	_____
Telephone No.	Telephone No.
_____	_____
E-mail Address	E-mail Address

Attachment 1

10.2 Name and contact information of person preparing this Data Form

Signature	Date
Name	
Title	
Employer	
Telephone No.	
E-mail Address	

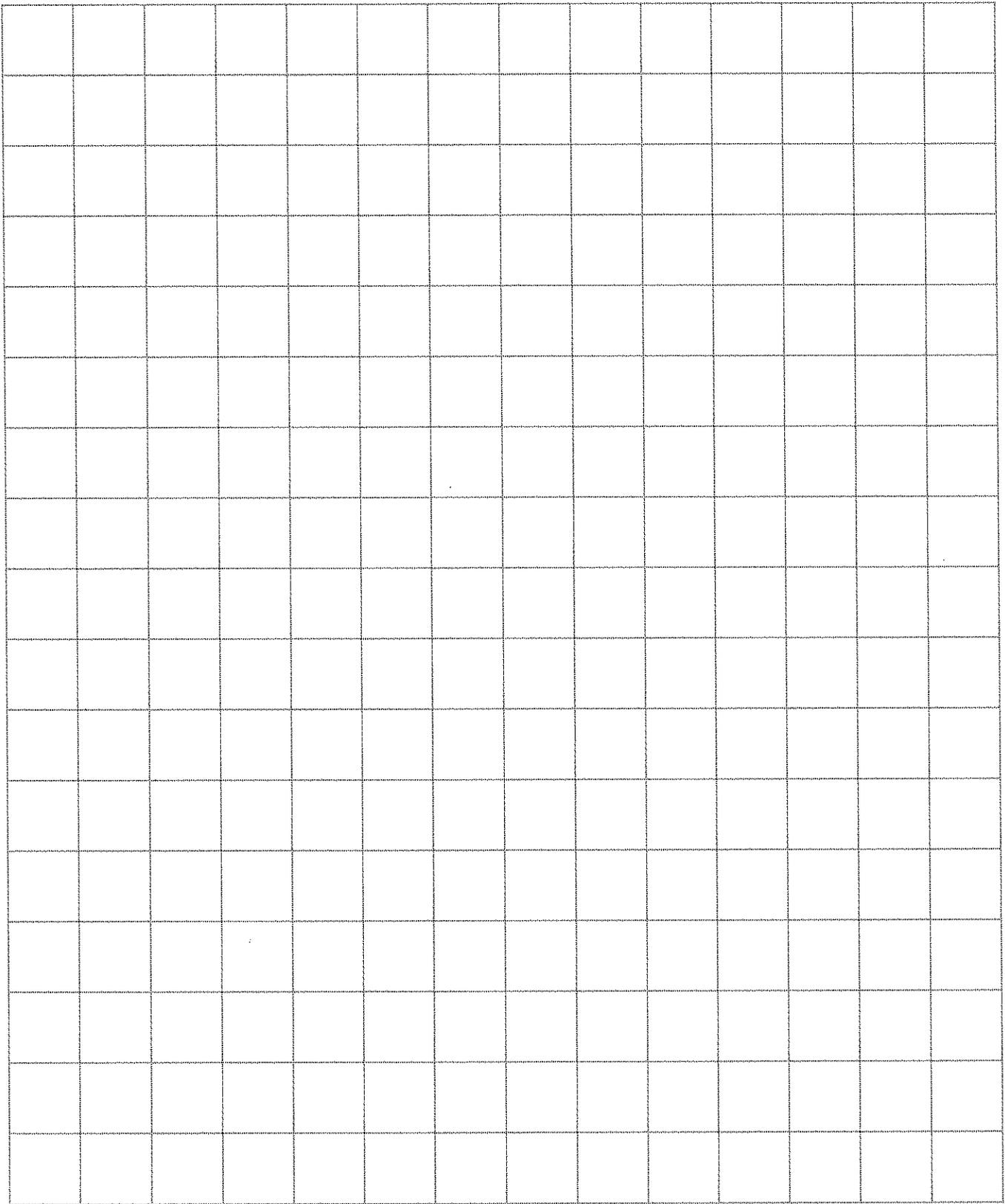
10.3 Name of person who may be contacted for additional information if different from above

Name	Date
Title	
Employer	
Telephone No.	
E-mail address	

Attachment 2

Photoprocessing Hazardous Waste Container Storage Area
Location Drawing

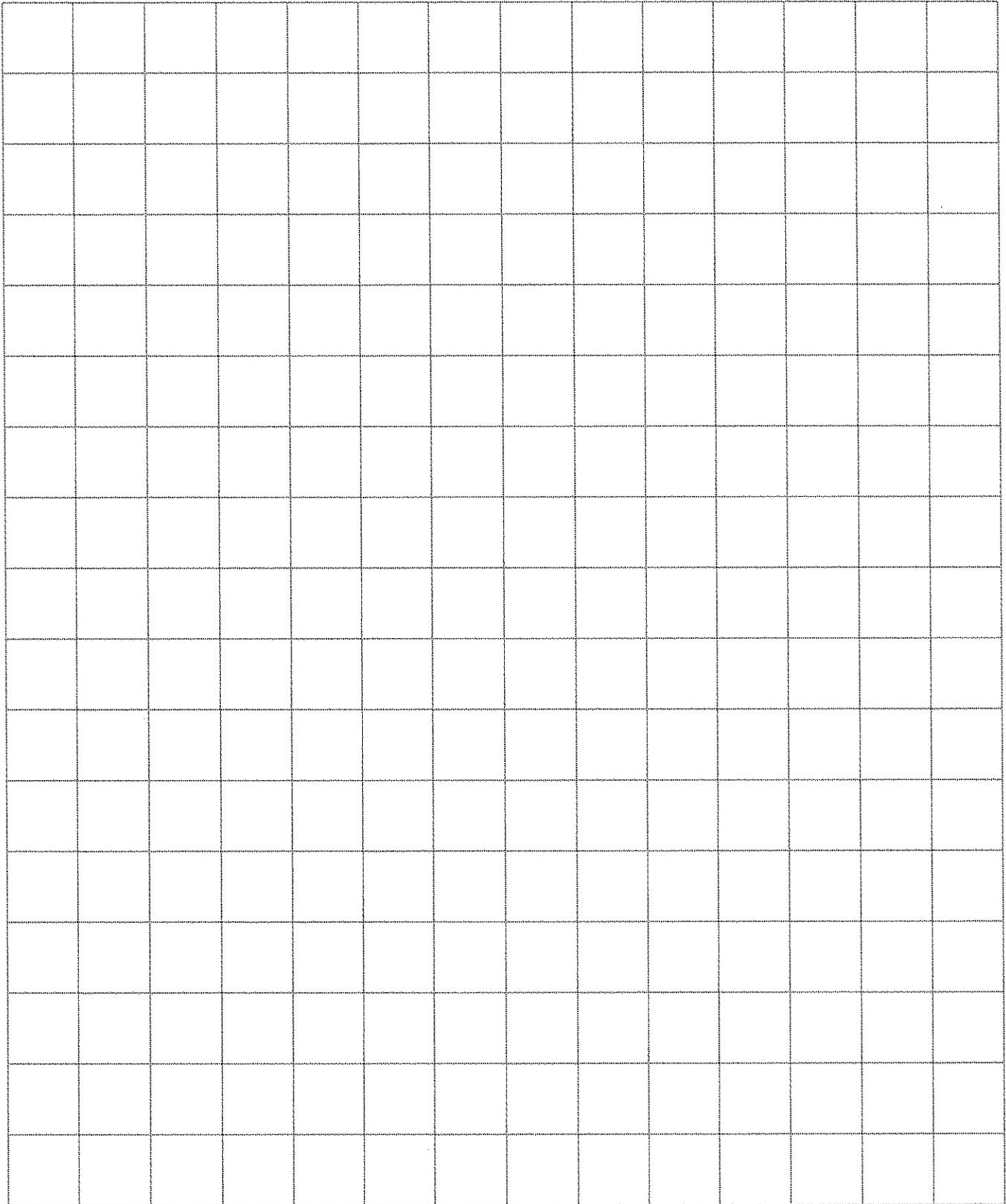
ATTACHMENT 2: Photoprocessing Hazardous Waste Container Storage Area Location Drawing



Attachment 3

Sample Location Drawing

ATTACHMENT 3: Sample Location Drawing



Attachment 4

Additional Decontamination Measures

ATTACHMENT 4

Additional Decontamination Measures

Include additional, contingent information,
(e.g., further cleanup actions taken and sample location drawing for additional confirmation samples).