



**STATE OF CONNECTICUT**

**V.**

**Connecticut CVS Pharmacy, L.L.C.**

**CONSENT ORDER # COWSWDH13005**

**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. Respondent operates CVS Store #0388 located at 613 Boston Post Road in Madison, Connecticut (“the Madison site”).
2. Respondent is or has been a generator of hazardous waste at the Madison site.
3. Based on an inspection conducted at the Madison site by the Department of Environmental Protection (“DEP”), Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division (“WEED”), on February 3, 5 and 19, 2009, Respondent:
  - a. Failed to perform hazardous waste determinations on all solid waste being generated at the facility as required by section 22a-449(c)-102(c)(3) of the Regulations of Connecticut State Agencies (“RCSA”), incorporating Title 40 of the Code of Federal Regulations (“40 CFR”) 262.11. Specifically, hazardous waste determinations had not been performed on: (i) spent photographic film-developing and paper-processing machine filters disposed in the trash; (ii) a roll of Kodak photographic paper disposed in the trash; (iii) the contents of two containers of photographic processing chemicals disposed in the trash; (iv) expired, damaged, recalled, customer-returned and/or non-saleable consumer products disposed in the trash; (v) used electronics disposed in the trash; (vi) pharmaceutical pills dropped on the floor disposed in the trash; (vii) the contents of and unrinsed pharmaceutical containers disposed in the trash; (viii) the contents of a five-gallon plastic container in the hazardous waste storage area; (ix) the contents of and unrinsed pharmaceutical containers disposed in blue bags for pick-up by a document management vendor; (x) expired, damaged, recalled, customer-returned and/or non-saleable consumer products returned to a CVS distribution center; and (xi) non-saleable pharmaceuticals, and characteristic and/or

“P” or “U” listed RCRA hazardous waste pharmaceuticals shipped to a reverse distributor.

- b. Failed to prepare, utilize, and retain copies of manifests for all shipments of hazardous waste as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.20(a) and (b), 40 CFR 262.23(a) and (b), and 40 CFR 262.40(a). Specifically, on February 3 and 5, 2009, there were no manifests available for review for hazardous waste shipments of spent photographic processing chemicals. On February 19, 2009, the only manifests available for review were for hazardous waste shipments of spent photographic processing chemicals made on January 29, 2009 and February 10, 2009. In addition, manifests had not been completed for shipments of expired, damaged, recalled, customer-returned and/or non-saleable consumer products returned to a CVS distribution center or disposed in the trash and hauled by a municipal solid waste removal company. Manifests had not been completed for spent photographic film-developing and paper-processing machine filters, a roll of Kodak photographic paper, the contents of two containers of photographic processing chemicals, pharmaceutical pills dropped on the floor, the contents of and unrinsed pharmaceutical containers, and used electronics disposed in the trash and hauled by a municipal solid waste removal company. Manifests had also not been completed for the contents of and unrinsed pharmaceutical containers subject to the Health Insurance Portability and Accountability Act (“HIPAA”) disposed in blue bags for pick-up by a document management vendor. Some of the wastes were hazardous. Lastly, manifests had not been completed for shipments of non-saleable pharmaceuticals, and characteristic and/or “P” or “U” listed RCRA hazardous waste pharmaceuticals shipped to a reverse distributor.
- c. Failed to prepare, utilize and retain copies of land disposal restriction (“LDR”) documentation as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(4), which requires compliance with 40 CFR 268.7(a)(5). Specifically, the Madison site did not have any LDR documentation concerning their spent photographic processing chemicals.
- d. Failed to conduct weekly inspections of the hazardous waste container storage area as required by section 22a-449(c)-102(c)(3) of the RCSA, which requires compliance with 40 CFR 262.34(d)(2) and 40 CFR 265.174. This applies to the area of the stockroom, adjacent to the aisle between the overhead door leading outside and the interior door to the pharmacy, where 15-gallon containers of spent photographic processing chemicals were being stored at the time of the WEED inspection.
- e. Failed to conduct inspections of safety and emergency equipment at least monthly as required by section 22a-449(c)-102(c)(4) of the RCSA, which requires compliance with section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(b)(4), with changes as specified in section 22a-449(c)-105(a)(2)(G) of the RCSA. Inspections of the mop, bucket, saline bottles, gloves, goggles, and apron located in the photo processing department, and the fire extinguishers were not being conducted.
- f. Failed to develop and follow a written schedule for inspections of the hazardous waste container storage area and safety and emergency equipment as required by section 22a-449(c)-102(c)(4) of the RCSA, which requires compliance with section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(b). For the

hazardous waste container storage area, this applies to the area of the stockroom, adjacent to the aisle between the overhead door leading outside and the interior door to the pharmacy, where 15-gallon containers of spent photographic processing chemicals were being stored. For safety and emergency equipment, this applies to the mop, bucket, saline bottles, gloves, goggles, apron, and fire extinguishers.

- g. Failed to record inspections in a log or summary as required by section 22a-449(c)-102(c)(4) of the RCSA, which requires compliance with section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(d). For the hazardous waste container storage area, this applies to the area of the stockroom, adjacent to the aisle between the overhead door leading outside and the interior door to the pharmacy, where 15-gallon containers of spent photographic processing chemicals were being stored. For safety and emergency equipment, this applies to the mop, bucket, saline bottles, gloves, goggles, apron, and fire extinguishers.
- h. Failed to ensure that all employees involved in hazardous waste management were thoroughly familiar with proper waste handling and emergency procedures that were relevant to their responsibilities during normal facility operations and emergencies as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(5)(iii). Specifically, Respondent had not provided the required hazardous waste training for its employees.
- i. Failed to designate an emergency coordinator as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(5)(i). Based on discussions with CVS personnel, the Madison site always has a store manager, assistant manager or photo shop supervisor on the premises or on call at all times. However, it was unclear if any of the referenced individuals had the authority to commit resources in the event of an emergency, or to otherwise act as an emergency coordinator.
- j. Failed to post emergency response information next to the telephone as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(5)(ii).
- k. Failed to ensure that all satellite accumulation containers remained closed except when adding or removing hazardous waste as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(c)(1)(i) and 40 CFR 265.173(a). Specifically, the plastic sump pump unit, collecting spent photographic processing chemicals from the film-developing and paper-processing machines, had a total of seven bung holes, of which two were open and one had an open-topped funnel in it at the time of the WEED inspection. Also, the bung for the 15-gallon container, collecting spent photographic processing chemicals from the plastic sump pump unit, was not threaded into the container.
- l. Failed to mark all satellite accumulation containers with the words "Hazardous Waste" and other words that identify the contents of each container, such as the chemical name, as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(c)(1)(ii), with changes as specified in section 22a-449(c)-102(a)(2)(N) of the RCSA. Specifically, the plastic sump pump unit connected to the film-developing and paper-processing machines, collecting spent photographic processing chemicals, was not marked with the words "Hazardous Waste" or a description of the contents.

- m. Failed to maintain and operate the facility so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(4), which requires compliance with 40 CFR 265.31. Specifically, there was visible evidence that the plastic sump pump unit, collecting spent photographic processing chemicals from the film-developing and paper-processing machines, had overflowed.
- n. Failed to provide an impervious base in the area used for the storage of hazardous waste containers as required by section 22a-449(c)-102(c)(4) of the RCSA, incorporating 40 CFR 264.175(b)(1). This applies to the area of the stockroom, adjacent to the aisle between the overhead door leading outside and the interior pharmacy door, where 15-gallon containers of spent photographic processing chemicals were being stored at the time of the WEED inspection. This area had an unsealed concrete floor.
- o. Failed to provide secondary containment in the area used for the storage of hazardous waste containers as required by section 22a-449(c)-102(c)(4) of the RCSA, incorporating 40 CFR 264.175(b)(3). This applies to the area of the stockroom, adjacent to the aisle between the overhead door leading outside and the interior pharmacy door, where 15-gallon containers of spent photographic processing chemicals were being stored at the time of the WEED inspection.
- p. Failed to clearly mark all containers of hazardous waste with the date upon which each period of accumulation began as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.34(d)(4), which requires compliance with 40 CFR 262.34(a)(2). Specifically, the accumulation start date was not marked on the 15-gallon container of spent photographic processing chemicals, which had been determined to be hazardous waste, stored in the stockroom.
- q. Offered hazardous waste to a transporter that did not have a current, valid transporter permit issued by the Commissioner pursuant to section 22a-449(c)-11 of the RCSA or section 22a-454 of the Connecticut General Statutes ("CGS"), as required by section 22a-449(c)-102(b)(1) of the RCSA. Specifically, expired, damaged, recalled, customer-returned and/or non-saleable consumer products were being shipped to a CVS distribution center or disposed in the trash and hauled by a municipal solid waste removal company. Spent photographic film-developing and paper-processing machine filters, a roll of Kodak photographic paper, the contents of two containers of photographic processing chemicals, pharmaceutical pills dropped on the floor, and the contents of and unrinsed pharmaceutical containers were also being disposed in the trash. The contents of and unrinsed pharmaceutical containers subject to HIPAA were being disposed in blue bags for pick-up by a document management vendor. Some of the wastes were hazardous. However, Respondent, the municipal solid waste removal company, and the document management vendor were not permitted hazardous waste transporters. In addition, expired, damaged, recalled and customer-returned pharmaceuticals, some of which were characteristic and/or "P" or "U" listed hazardous wastes were being shipped to a reverse distributor using a parcel delivery service, which was not a permitted hazardous waste transporter.

- r. Offered hazardous waste to a transporter that had not received an EPA identification number as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.12(c). Specifically, expired, damaged, recalled, customer-returned and/or non-saleable consumer products were being shipped to a CVS distribution center or disposed in the trash and hauled by a municipal solid waste removal company. Spent photographic film-developing and paper-processing machine filters, a roll of Kodak photographic paper, the contents of two containers of photographic processing chemicals, pharmaceutical pills dropped on the floor, and the contents of and unrinsed pharmaceutical containers were also being disposed in the trash. The contents of and unrinsed pharmaceutical containers subject to HIPAA were being disposed in blue bags for pick-up by a document management vendor. Some of the wastes were hazardous. However, Respondent, the municipal solid waste removal company, and the document management vendor had not received an EPA identification number for transporting hazardous waste. In addition, expired, damaged, recalled and customer-returned pharmaceuticals, some of which were characteristic and/or "P" or "U" listed hazardous wastes were being shipped to a reverse distributor using a parcel delivery service, which had not received an EPA identification number for transporting hazardous waste.
- s. Failed to offer hazardous waste to a treatment, storage or disposal facility which had received an EPA identification number as required by section 22a-449(c)-102(c)(3) of the RCSA, incorporating 40 CFR 262.12(c). Specifically, expired, damaged, recalled, customer-returned and/or non-saleable consumer products were being shipped to a CVS distribution center in Rhode Island. The contents of and unrinsed pharmaceutical containers subject to HIPAA were being disposed in blue bags for pick-up by a document management vendor. Some of the wastes were hazardous. However, neither Respondent nor the document management vendor had received an EPA identification number to treat, store or dispose of hazardous waste. In addition, expired, damaged, recalled and customer-returned pharmaceuticals, some of which were characteristic and/or "P" or "U" listed hazardous wastes, were being shipped to a reverse distributor, which had only notified as a large quantity generator of hazardous waste.
- t. Failed to properly manage universal waste used electronics as required by section 22a-449(c)-113(c)(1)(A) and (B) of the RCSA. Specifically, universal waste used electronics (microcassette recorders) were being disposed in the trash instead of being handled as a universal waste and recycled.
- u. Failed to properly label or mark each used electronic device or container, package or pallet containing universal waste used electronics as required by section 22a-449(c)-113(c)(1)(E) of the RCSA. Specifically, each used electronic device or container, package or pallet containing such used electronic device was not labeled or marked clearly with one of the following phrases: "Universal Waste-Used Electronics", "Waste Used Electronics" or "Used Electronics".
- v. Failed to properly dispose of universal waste used electronics as required by section 22a-449(c)-113(c)(1) of the RCSA, which requires compliance with 40 CFR 273.18(a).

- w. Failed to properly train employees who handle or have responsibility for managing universal waste used electronics as required by section 22a-449(c)-113(c)(1) of the RCSA, incorporating 40 CFR 273.16. Specifically, Respondent had not provided the required universal waste-related training for its employees.
  - x. Failed to comply with the Connecticut recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA. Specifically, on February 5 and 19, 2009, a large amount of cardboard was contained in and around the trash dumpster.
4. On June 18, 2009, WEED issued Notice of Violation no. WSWDHD09060 to Respondent requiring correction of the violations listed in subparagraphs A.3.a. through A.3.x. of this consent order.
  5. Based on documentation submitted to WEED by Troutman Sanders, Respondent's legal counsel, on behalf of Respondent, dated July 18, 2012, September 12, 2012 and October 24, 2012, Respondent has corrected the violations cited in subparagraphs A.3.a. through A.3.c., A.3.l. and A.3.n. through A.3.s. of this consent order.
  6. 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, and Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA.
  7. Concurrent with the issuance of this consent order, a consent order is being issued to Connecticut CVS Pharmacy, L.L.C. (Consent Order No. COWSWDH ). Pursuant to paragraph B.6. of said consent order Connecticut CVS Pharmacy, L.L.C. 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 all current and future Connecticut CVS stores maintain compliance with Connecticut's hazardous waste management regulations and recycling laws, the best management practices for non-dispensable pharmaceuticals and the requirements for the management of non-saleable consumer products.
  8. 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. Compliance. Respondent shall correct all violations identified in subparagraphs A.3.a through A.3.w above that have not been corrected as of the date of issuance of this consent order, as reflected in paragraph A.5., and shall maintain its compliance with all applicable provisions of Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 of the RCSA, including but not limited to those regulations applicable to generators of hazardous waste identified in paragraph A.3., and shall correct the violation identified in subparagraph A.3.x. above and shall maintain its

compliance with all applicable provisions of Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA. In particular:

- a. On or before thirty (30) days after the date of issuance of this consent order, Respondent shall retain one or more qualified individuals 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 by this consent order, and shall, by that date, notify the Commissioner in writing of the identity of such individual(s). Respondent shall retain one or more qualified individuals acceptable to the Commissioner until this consent order is fully complied with, and within ten (10) days after retaining any individual other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other individual. Respondent shall submit to the Commissioner a description of the education, experience and training of an individual 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 individual unacceptable.
  - b. Respondent shall perform all actions which it failed to perform as specified in subparagraphs A.3.d. through A.3.k., A.3.m. and A.3.t. through A.3.x. of this consent order.
  - c. On or before one hundred and fifty (150) days after the date of issuance of Consent Order No. COWSWDH \_\_\_\_\_, Respondent shall submit for the review and written approval of the Commissioner, for each violation cited in paragraph A.3. for which documentation demonstrating compliance with the regulation cited as having been violated has not been provided as of the date of issuance of this consent order, as reflected in paragraph A.5., documentation which details the actions and/or operational changes that will be implemented at the Madison site to ensure compliance with Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 of the RCSA, incorporating 40 CFR 260 through 279, and Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA.
  - d. Respondent shall conduct a comprehensive recycling review of the Madison site to evaluate compliance with Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 22a-241b-2(1) of the RCSA. On or before ninety (90) days after the date of issuance of this consent order, Respondent shall submit for the review and written approval of the Commissioner a business recycling profile documenting the management of recyclable materials at the Madison site. An example profile is included as Attachment B to this consent order.
  - e. For the term of this consent order, at the Madison site, Respondent shall maintain the waste and recyclable materials handling measures implemented pursuant to paragraphs A.5. and A.7. and subparagraphs B.1.c. and B.1.d. of this consent order and shall notify the Commissioner prior to any material changes to these measures.
2. Status of Notice of Violation no. WSWDH09060. This consent order supersedes Notice of Violation no. WSWDH09060.

3. Respondent's agreement to the assessment of a civil penalty for those, and only those, violations referenced in subparagraphs A.3.a. through A.3.x. of this consent order is addressed in paragraph B.10. of Consent Order No. COWSWDH
4. 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.
5. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with 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.
6. 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.
7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.

9. 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.”

10. 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.
11. 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.
12. 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.
13. 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.
14. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. 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.

16. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the Madison site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
17. 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.
18. 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.
19. 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.
20. 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, CT 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 Health and Safety  
CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, R.I. 02895

and

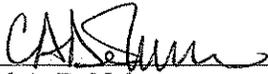
Wendy L. Brant  
Corporate Environmental Manager  
CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, RI 02895

21. CVS Pharmacy, Inc. shall ensure that either Respondent, or CVS Pharmacy, Inc., itself, complies with paragraph B.1. of this consent order.

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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.  
12/21/12  
Date

As to paragraph B.21.:

CVS Pharmacy, Inc.

BY:   
Carol A. DeNale  
Senior Vice President and Treasurer  
CVS Pharmacy, Inc.  
12/21/12  
Date

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 – Example Business Recycling Profile

## 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. 21<sup>st</sup>, 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 21<sup>st</sup> 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.

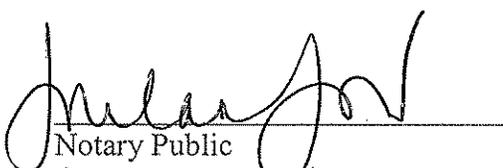
  
\_\_\_\_\_  
Notary Public  
Melanie K. Luker  
My Commission Expires 9/16/2015

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:

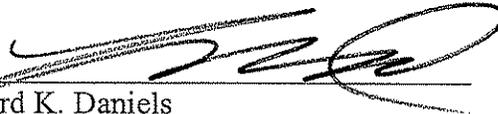
RESOLVED, that effective December 15, 2011, the resignation of Zenon P. Lankowsky as Vice President and Secretary of the Corporation is hereby approved and accepted; and

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 15<sup>th</sup> 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

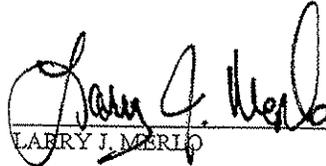
The undersigned, constituting the entire Board of Directors of CVS Pharmacy, Inc., a Rhode Island corporation (the "Corporation"), hereby consent to the adoption of, and do hereby adopt, the following resolution by written consent in lieu of the annual meeting:

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 Ferdinandi 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

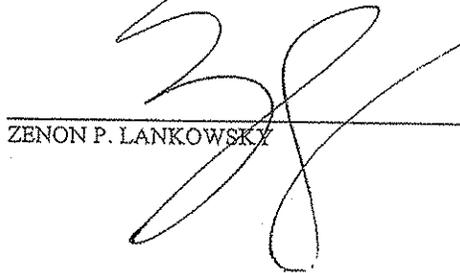
RESOLVED, the appointment of Robert M. Botsford as Vice President effective 7/1/2009, the appointment of Stephen M. Wrenn as Vice President effective 7/17/2009, the appointment of James D. Clark as Vice President effective 9/10/2009, the appointment of George C. Chiang as Assistant Secretary effective 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.

25<sup>th</sup> 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

CVSPI

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 Werntz	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:

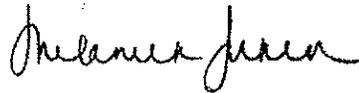
WHEREAS, the Company has properly taken all appropriate actions during such time period to properly maintain its existence, to elect officers and to authorize the pursuit of the Company's business objectives; it is hereby

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

CYSSTLLC

**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

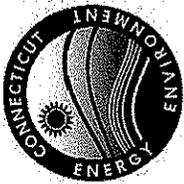
43. All checks or demands for money and notes of the corporation shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate.

#### 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.



# Business Recycling Profile

In Connecticut, recycling is mandatory. Connecticut General Statutes and the Regulations of Connecticut State Agencies require designated items to be recycled by **everyone**. Every resident, business, government facility, school, college, hospital, institution, etc. is required by law to recycle glass & metal food and beverage containers, plastic containers #1 and #2\*, boxboard\*, corrugated cardboard, magazines\*, newspaper, white office paper, colored office paper\*, scrap metal, Ni-Cd rechargeable batteries, used crankcase oil, lead acid batteries, leaves and grass clippings.

Recycling these items is a critical action we can all take to move the State towards achieving our recycling rate of 58% by 2024 as stated in the amended December 2006 CT State Solid Waste Management Plan. Complying with the state recycling laws has tremendous environmental benefits such as conserving natural resources, reducing pollutants emitted to our air and water; conserving energy, reducing greenhouse gas emissions, and eliminating the need for new solid waste disposal facilities.

This form is a guidance document to help businesses better manage their recycling program and increase recovery efforts. This form does not need to be submitted to the Connecticut Department of Energy and Environmental Protection (DEEP) unless it is requested, in response to an inspection and/or an enforcement action. For more recycling resources please visit our [Business Recycling Resources webpage](#).

## Part I: Company Information

1. Company Name:	City/Town:	State:	Zip Code:
Mailing Address:	Title:	Email:	
2. Recycling Contact:	Email:	Title:	
Phone(s):	Email:		
3. Additional Contact:			
Phone(s):			

## Part II: Facility/Operations

1. Type of business:	4. Acreage of lawn area.:
2. Number of buildings:	5. Number of employees:
3. Total square footage of building(s)	

\*Materials will be designated recyclables in 2012.

**Part II: Facility/Operations (continued)**

6. Current solid waste/recycling hauler(s):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Check here if additional sheets are necessary, and label and attach them to this sheet.

7. Building Owner: \_\_\_\_\_ City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**All Businesses Are Required to Recycle:**

<ul style="list-style-type: none"> <li>• <b>High Grade White Office Paper:</b> White copy paper, computer paper, office stationery, memo paper, etc.</li> <li>• <b>High Grade Colored Office Paper*:</b> Colored ledger or copy paper</li> <li>• <b>Old Corrugated Cardboard:</b> Old or discarded corrugated boxes – <i>Not waxed</i></li> <li>• <b>Boxboard*:</b> Including cereal boxes, tissue boxes, or chip board</li> <li>• <b>Old Newspaper:</b> Used or discarded newspapers</li> <li>• <b>Magazines*</b></li> <li>• <b>Plastic containers #1 (PET) and #2 (HDPE)*:</b> Bottles and containers</li> <li>• <b>Glass &amp; Metal Food and Beverage Containers</b> (including 5¢ deposit containers)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Leaves:</b> Foliage which has fallen from trees must be recycled</li> <li>• <b>Grass Clippings:</b> Best practice is to recycle grass by leaving grass clippings on the lawn.</li> <li>• <b>Used Crankcase Oil:</b> Used crankcase oil from internal combustion engines</li> <li>• <b>Lead Acid Storage Batteries:</b> Used batteries from cars, airplanes, boats, tractors, etc.</li> <li>• <b>Scrap Metal:</b> Used or discarded items which consist predominantly of metals such as iron, aluminum, brass, copper, lead, chromium, tin, nickel, etc. or alloys of these metals, including but not limited to appliances.</li> <li>• <b>Rechargeable Batteries:</b> Nickel-cadmium (NiCd) rechargeable batteries, both those contained within appliances and those sold individually are required to be recycled after they no longer are usable.</li> </ul>
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In addition to the state mandated recyclables listed above, check your local ordinances to learn about additional materials your business may be required to recycle. **58% by 2024**

\*Materials will be designated recyclables in 2012.

### Part III: Company's Current Recycling & Recovery Efforts

Please use the table below to describe your company's current recycling program. Attachments of photos or other documents are also accepted if you are requested to submit this form.

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH  (if you do not have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
<b>EXAMPLE:</b> OFFICE PAPER (White and other paper combined)	One 40-gallon wheeled cart/week	Everyone collects at their desk; brought to central location (large wheeled cart near elevators). Janitor brings to loading dock when it is full (about once a week)	Our current trash hauler, (NAME) empties our paper recycling wheeled cart 2x/month (we call them as-needed) and material is taken to a permitted recycling facility (PERMITTEE NAME) in (TOWN).
Office paper (white paper)**			
Office paper (colored paper)**			
Newspaper**			
Other paper or mixed paper (please list types here)			

\*\* Mandatory item that everyone is required to recycle in Connecticut.

**Part III: Company's Current Recycling & Recovery Efforts (continued)**

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
<p><i>EXAMPLE:</i> Old Corrugated Cardboard</p>	<p>We have a 4-yard dumpster behind our main warehouse. It's picked up twice a week.</p>	<p>Warehouse staff collect and flatten boxes as we go along. A small pile is created during a shift (we have 3 shifts/day). At the end of the shift an employee removes the small pile and brings to dumpster outside.</p>	<p>Our current trash hauler, (NAME) empties cardboard dumpster on Mondays and brings it to a properly permitted facility (PERMITEE NAME) in (TOWN) for recycling.</p>
Corrugated cardboard**			
Boxboard**			
Magazines**			
<p>Food and beverage containers (check all those collected for recycling)</p> <p><input type="checkbox"/> Glass** <input type="checkbox"/> Metal** <input type="checkbox"/> Plastic 1&amp;2** <input type="checkbox"/> Paper carton or (juice-type) box</p>			
Other			

\*\* Mandatory item that everyone is required to recycle in Connecticut

**Part III: Company's Current Recycling & Recovery Efforts (continued)**

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: Printer Toner cartridges	We have 8 printers in our offices and generally replace/recycle 1/month	Office manager returns all toner cartridges to Office Supply Store for a credit towards future office supplies	Use mailer envelopes that come with new toner. We mail them back to Office supply store (or they pick up with new deliveries).
Lead Acid Storage Batteries (car, truck, boat)**			
Rechargeable Batteries**			
Used Crankcase Oil**			
Scrap Metal**			

\*\* Mandatory item that everyone is required to recycle in Connecticut

**Part III: Company's Current Recycling & Recovery Efforts (continued)**

MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH  (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: Leaves and other yard debris	N/A	Our landscape company (NAME, TOWN) mows our lawns and maintains our entry garden. They remove all the materials (although grass clippings are left on the lawn).	Our landscape company (NAME) takes them away to a properly permitted recycling facility, (PERMITTEE NAME, LOCATION).
Leaves**			
Grass clippings**			
Brush, stumps and other yard debris			
Food waste			
Other			
Other			

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**Part IV: Company's Current Waste Reduction, Reuse And Other Recovery Programs**

WASTE REDUCTION, REUSE AND OTHER RECOVERY PROGRAMS	PROJECT DESCRIPTION
EXAMPLE: Waste Reduction	Our cafeteria recently began using reusable trays and washing them instead of using Styrofoam trays which we were throwing away. We have also instituted a reusable mug program (providing a free mug to employees) to try and reduce the amount of coffee cup waste.
Waste Reduction	
Waste Reduction	
Other	
EXAMPLE: ReUse	Our company generates approximately 10 used Gaylord containers /week that we donate to Foodshare for their produce distribution program. We also donate over-stock and discontinued building supplies to the ReCONstruction Center in New Britain.
ReUse	
ReUse	
Other	
Other	

### Part V: Recycling & Recovery Programs Planned

Please use the table below to describe future recycling efforts and how compliance with the mandatory items, if not already recovered for recycling, will be achieved.

IDEA / MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
<p>EXAMPLE: Food and Beverage containers (glass, metal and plastic)</p>	<p>25 gallons/month</p>	<p>Will place barrel in break room; janitorial staff will empty and remove materials to a larger container on our loading dock.</p>	<p>There are a lot of 5¢ deposit containers. We're looking into having a local non-profit organization collect them for free and redeem the deposits.</p>	<p>We will start this program by August 8, 2008 (2 weeks from now).</p>
<p>EXAMPLE: 55 gallon drums</p>	<p>10/week</p>	<p>We generate 55 gallon drums, which contained non-hazardous substances. We stockpile them outside the plant until we have 50 drums.</p>	<p>Working with XYZ, a company that reconditions the drums. We've found this to be more cost effective than recycling them at this time.</p>	<p>We've already started collecting and expect our first pick up to be next week (June 5, 2008)</p>

**Part V: Recycling & Recovery Programs Planned (continued)**

IDEA / MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
EXAMPLE: 5 gallon buckets	15-30 <u>buckets/month</u>	We generate buckets (contained non-hazardous substances) and cannot use them. Will rinse and stack (with lids) off to side of loading dock.	We're trying to secure a connection with a local reuse center or distribute via materials exchange program.	We hope to start this program by <u>the end of August 2008</u> .

**Reminder: This form is only required to be submitted when requested by DEEP.**

**When requested by DEEP**, please include photos of your recycling bins and containers and any copies of recycling/waste contract. If you have additional pages or items to help explain/show successes in your waste recycling/recovery efforts, please attach those as well including brochures, flyers, employee educational materials, etc.

**When requested by DEEP**, please submit the completed form and all Supporting Documents to:

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
 BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE  
 WASTE ENGINEERING AND ENFORCEMENT DIVISION  
 79 ELM STREET, 4<sup>TH</sup> FLOOR  
 HARTFORD, CT 06106-5127

PHONE: (860) 424-3365