



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Ms. Judy Illy
Manager, EHS & Business Continuity Planning
Quest Diagnostics
506 East State Parkway
Schaumburg, Illinois 60173
Judy.D.Illy@questdiagnostics.com

Re: **Notice of Violations**
Quest Diagnostics
Facility ID: ILD984890640
Schaumburg, Illinois

Dear Ms. Illy:

On April 29, 2024, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Quest Diagnostics ("Quest Diagnostics" or "you") facility located in Schaumburg, Illinois. The purpose of the inspection was to evaluate Quest Diagnostics' compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. We have enclosed a copy of the inspection report for your convenience.

Information currently available to EPA suggests that Quest Diagnostics is in violation of RCRA. By this letter, EPA is extending to you an opportunity to advise the Agency, in person or in writing, of any further information EPA should consider with respect to the violations. We request that you voluntarily submit a response in writing to us no later than 30 calendar days after your receipt of this letter documenting the actions, if any, which you have taken since the inspection to address the violations identified below or demonstrating why the violations have not occurred.

Storage of Hazardous Waste without a Permit or Interim Status Which Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a), and State Permitting Requirements

During the inspection, EPA observed Quest Diagnostics' failure to comply with the RCRA permit exemption conditions, below. When a hazardous waste generator fails to comply with the conditions for a permit exemption, the generator becomes an operator of a hazardous waste storage facility without a permit in violation of Illinois Administrative Code Title 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a). Many of the RCRA permit exemption conditions are also independent requirements

that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement.

1. Hazardous Waste Accumulation

Under Ill. Admin. Code tit. 35 § 722.134(a) and (b),^{1,2} a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period. At the time of the inspection, one container of universal waste lamps was marked with an accumulation date indicating that it had been stored for 484 days. Please see photo 7 of the enclosed inspection report.

2. Date When Each Period of Accumulation Begins

Under Ill. Admin. Code tit. 35 § 722.134(a)(2), a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the inspection, one drum was missing the required date. Please see photo 3 of the enclosed inspection report.

The permit exemption conditions identified below are also independent TSD requirements:

3. Training

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.116(d), a large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. With respect to this training program, a large quantity generator must maintain the following documents and records at its facility for employees filling a position related to hazardous waste management: the job title for each position at the facility and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given; and records that document that the training or job experience described above has been given to and completed by facility personnel.

At the time of the inspection, EPA Inspectors asked Mr. Alexander Floutis, Mr. Alejandro Soto and Ms. Rene Rowley of Quest Diagnostics to provide documentation regarding training given to and completed by facility personnel for the years 2021 to present. They were not able to locate training for the years requested. After the inspection, Ms. Judy Illy, Quest Diagnostics'

¹ On November 19, 2018, the State of Illinois promulgated revised regulations that have not yet been authorized by EPA. EPA authorized an earlier edition of the Illinois hazardous waste regulations, promulgated in 2011, that remain the RCRA authorized provisions in Illinois. Accordingly, this letter cites to the 2011 version of the Illinois regulations.

² We note that the State of Illinois' universal waste lamp regulations, which are contained in Ill. Admin. Code tit 35 § Part 733, have not been authorized by EPA. Thus, for purposes of RCRA, hazardous waste lamps continue to be regulated under Ill. Admin. Code tit. 35 § 722.134.

Environmental Health and Safety Manager, was asked to provide training documentation in an email dated April 30, 2024. Documentation was not provided.

4. Contingency Plan

Under Ill. Admin. Code tit. 35 § 725.153(a), a generator must maintain a copy of the contingency plan at the facility. At the time of inspection, EPA inspectors asked Quest Diagnostics to provide a copy of the contingency plan for review. Quest Diagnostics did not have a copy of the contingency plan available at the facility but provided a Quick Reference Guide.

Following the inspection, Ms. Judy Illy of Quest Diagnostics provided the items described above. EPA is not requesting any further information for this area of concern.

Other Violations

5. Hazardous Waste Manifests

Under Ill. Admin. Code tit. 35 §§ 722.123(a), 722.140(b), and 722.142(a)(2), for shipments of hazardous waste, a generator must submit an Exception Report to the Illinois Environmental Protection Agency if the generator has not received a copy of the hazardous waste manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

At the time of the inspection, 14 manifests (017792053FTE, 018403808FTE, 018404257FTE, 018404078FTE, 018595846FTE, 018673624FTE, 017013752FTE, 017307359FTE, 017789718FTE, 015827522FTE, 016391502FTE, 016495910FTE, 016497431FTE, and 016497533FTE) were unsigned by the designated facility even though the waste had been accepted by the facility more than 45 days earlier. During the inspection, EPA Inspectors asked Quest Diagnostics to provide the exception reports for these manifests. Quest Diagnostics did not have the records at the time of the inspection.

After the inspection, Ms. Judy Illy of Quest Diagnostics provided signed copies of the manifests listed above, which addressed the item described above. EPA is not requesting any further information for this area of concern.

6. Hazardous Waste Recordkeeping and Reporting

Under Ill. Admin. Code tit. 35 § 722.140(b), a generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1). At the time of the inspection, Mr. Alexander Floutis and Mr. Alejandro Soto of Quest Diagnostics were asked to provide a copy of the 2021, 2022, and 2023 Annual Report for the inspectors to review. Quest Diagnostics did not have a copy of the 2021, 2022, or 2023 Annual Report available.

Following the inspection, Ms. Judy Illy of Quest Diagnostics provided the items described above. EPA is not requesting any further information for this area of concern.

Actions Requested

In order to ensure compliance, no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified violations or demonstrating why the violations have not occurred. You do not need to provide documentation regarding violations that you addressed during or after the inspection as noted above.

Please send all reports requested by this letter by electronic mail to:

r5lecab@epa.gov

and

garvin.melissa@epa.gov

The subject line of all email correspondence must include your EPA identification number, ILD984890640. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response to these email addresses due to email size restrictions or other problems, contact Melissa Garvin to make additional arrangements for transmission of the response.

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

The EPA contact in this matter is Melissa Garvin. You may call her at (312) 886-1462 if you have additional questions. Questions from legal counsel can be directed to Andrew Futerman in the Office of Regional Counsel at Futerman.andrew@epa.gov or (312) 353-2325.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Paul Eisenbrandt, Illinois Environmental Protection Agency (IEPA) paul.eisenbrandt@illinois.gov