

FILED

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Docket No.: RCRA-05-2025-0016

Quest Diagnostics Inc.

506 East State Parkway Schaumburg, IL 60713

EPA ID No.: ILD984890640

Respondent

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and Quest Diagnostics Inc. ("Respondent") enter into this Resource Conservation and Recovery Act ("RCRA") Expedited Settlement Agreement ("ESA" or "Agreement") to settle the civil violations set forth in this Agreement for a penalty of \$7,500.
2. EPA inspected Quest Diagnostics Inc. on April 29, 2024, and reviewed information Respondent provided on May 1, May 2, and May 8, 2024. EPA sent a Notice of Violation (NOV) to Respondent on August 9, 2024, and reviewed its response provided September 6, 2024. Complainant has determined that Respondent violated the following sections of RCRA, and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35, at Respondent's facility located at 506 East State Parkway Schaumburg, IL 60713 (the "Facility"):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 §§ 703.123 and 722.134 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(a), including that a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. See Ill. Admin. Code tit. 35 § 722.134(a)(2). On April 29, 2024, inspectors observed that Respondent had failed to mark one container with the date upon which the period of accumulation began and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste

without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 § 722.134 because it failed to comply with the conditions for an exemption as described above.

- b. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722, subjects the generator of hazardous waste to the requirements of Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit. 35 § 725.116, facility personnel must successfully complete 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. This program must be directed by a person trained in hazardous waste management procedures and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later, and must take part in an annual review of this initial training thereafter. During the inspection, Respondent failed to provide the inspectors with documentation of annual training for all facility personnel and contractors for years 2021, 2022, and 2023. In the NOV response on September 6, 2024, Respondent provided 2021 training documentation for some of its employees. Respondent's failure to provide documentation of annual training for all employees and contractors for years 2021, 2022, and 2023 violated Ill. Admin. Code tit. 35 § 725.116.
 - c. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722, subjects the generator of hazardous waste to the requirements of Ill. Admin. Code tit. 35 § 725. Under Ill. Admin. Code tit. 35 § 725.153(a), a generator must maintain a copy of the contingency plan at the facility. During the inspection, Respondent did not have a copy of the contingency plan available at the facility. Respondent's failure to maintain a copy of the contingency plan at the facility violated Ill. Admin. Code tit. 35 § 725.153(a).
 - d. Under Ill. Admin. Code tit. 35 § 722.140(b), a generator must keep a copy of each Annual Report for a period of at least three years from the due date of the report (March 1). During the inspection, Respondent was unable to provide the inspectors with a copy of its 2021, 2022, and 2023 Annual Reports. On May 8, 2024, Respondent provided EPA with the annual reports. Respondent's failure to maintain a copy of the 2021, 2022, or 2023 Annual Report violated Ill. Admin. Code tit. 35 § 722.140(b).
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$7,500 is in the public interest.

4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)–(3).
5. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order; and (7) waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the ESA.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with Paragraph 8, below.
8. Respondent shall have paid a civil penalty of \$7,500 within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Melissa Garvin
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
garvin.melissa@epa.gov and
r5lecab@epa.gov

Jamie Getz
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
getz.jamie@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: getz.jamie@epa.gov (for Complainant), and judy.d.illy@questdiagnostics.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Judith Dole Ily
Name (print)

EHS Manager
Title (print)

Judith Dole cley
Signature

03/13/2025
Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:

Quest Diagnostics, LLC

Docket No.: RCRA-05-2025-0016

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5