

September 26, 2016

Mr. Jose (Joe) E. Almeida  
Chairman & CEO  
Mr. Art Gibson  
VP of Environmental, Health, Safety and Sustainability  
Baxter International, Inc.  
One Baxter Parkway  
Deerfield, IL 60015



[www.stoplakelakepollution.org](http://www.stoplakelakepollution.org)

Re: Baxter Healthcare Corporation NPDES Permit # IL0024074

Dear Mr. Almeida and Mr. Gibson:

As you know, “Stop Pollution in Long Lake (SPILL)”, a group of Lake County, IL residents and homeowners, as well as other area organizations, are actively opposing the reissuance of the NPDES Permit issued to Baxter Healthcare, Inc. located in Round Lake, IL, that allows wastewater discharge to flow into the Squaw Creek Watershed, affecting Long Lake.

We have read your response letter to the Long Lake Improvement and Sanitation Association (LLISA), dated 9/2/2016, and we are concerned that you are misrepresenting the facts in this case. We have attached our rebuttal to that letter, as we want you and the IEPA to clearly understand why this large issue is of tremendous concern to the residents of the Squaw Creek Watershed, especially given the violations that have occurred in the past few years.

Baxter’s most recent Sustainability Report (2015) released earlier this month states “Baxter assesses its performance in environmental compliance based on notices of violation (NOVs), environmental fines, and environmental incidences.” It also states that 8 of the 10 NOVs were related to wastewater. The Round Lake facility received NOVs in both 2015 and 2016, and in your letter to LLISA, you identified the 4 quarters of the last 10 in which the Round Lake facility had violations. The introduction letter in the 2015 Sustainability report states, “Also fundamental is our commitment to creating lasting social, environmental and economic value for the communities we serve worldwide.” We would like to hear of your plans to connect to the public sanitary sewer to best serve your commitment to the community here in Lake County.

We look forward to your prompt response.

Sincerely,

Paige Fitton  
Jennifer Sundberg on behalf of S.P.I.L.L.

[www.stoplakelakepollution.org](http://www.stoplakelakepollution.org)  
Email: [stoplakelakepollution@gmail.com](mailto:stoplakelakepollution@gmail.com)

Enclosure – Rebuttal to Baxter letter dated 9/2/2016

Copies to:

IL EPA – Al Keller, Director of NPDES Permitting  
IL EPA – Jay Patel, Manager of Field Operations, Des  
Plaines  
IL EPA – Chris Kallis – Field Operations  
IL EPA – Alec Messina, Director  
IEPA Water Pollution Control Division, Sanjay Sofat  
Jeff Wynveen, Baxter Healthcare  
Valery Gallagher, Baxter Healthcare  
Deb Spak, Baxter Healthcare  
Art Fiocco, Baxter Healthcare  
Terry Wilke - Lake County Board District 16  
Bonnie Thomson Carter – Lake County Board District 5  
Aaron Lawlor – Lake County Board Chairman  
Kurt S. Stimpson - Lakes Region Sanitary District  
Anne Marrin - Village Administrator - Village of Fox Lake  
Katrina Phillips and Cindy Skrukrud - Sierra Club (Illinois Chapter)  
Gary Swick - President, Friends of the Fox River  
R.J. Ringa - Long Lake Improvement & Sanitation Association  
Melinda Bush – IL State Senator, District 31  
Sam Yingling – IL State Representative, District 62  
Website- [www.stoplowlakepollution.org](http://www.stoplowlakepollution.org)



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**TO:** Illinois Environmental Protection Agency

**TITLE:** Rebuttal to Baxter letter dated 9-2-16, part 1 of 9

**DATE:** September 26, 2016

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**Baxter says:**

“On a regular basis, Baxter evaluates its Round Lake campus wastewater treatment facility to assess its performance, remaining capacity and available options. Most recently, we initiated an evaluation in late 2015 that is nearing completion.”

**The Reality:**

Baxter did not contact the Lakes Region Sanitary District until AFTER the social media blitz and pressure began in August 2016. After the online publication of our letter to Baxter, Baxter contacted the LRSD to schedule a meeting to initiate a study of the connection to the LRSD. Per the information provided at the public LRSD meeting on August 11, 2016, this was an initial step for connection to be explored, as further information would need to be gathered from the Northwest Regional Wastewater Reclamation Facility (NWRWRF) in Fox Lake.

**Recommendation:**

For information on this first step that Baxter took in August of 2016, see the LRSD minutes from the meeting: <http://www.lrsanitary.com/documents/minutes201608.pdf>



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**TO:** Illinois Environmental Protection Agency

**TITLE:** Rebuttal to Baxter letter dated 9-2-16, part 2 of 9

**DATE:** September 26, 2016

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**Baxter says:**

"at a past permit renewal period, we agreed to perform an assessment of the Squaw Creek Watershed (of which Long Lake is a part) to show where the major lake loadings originate. The data demonstrated that, for all parameters included, Baxter's treatment plant contributed approximately less than 1% of the overall loading to Long Lake. The vast majority was from agriculture and developed areas in the watershed."

**The Reality:**

The statement above implies that Baxter would take corrective action if the assessment were to suggest that they should. What Baxter did was ignore the findings and misrepresent their overall contribution to the loading of Long Lake. We've reviewed the assessment of the Squaw Creek Watershed (May 2004) and there is nothing in the report or the data to suggest a calculation that Baxter is less than 1% of the overall loading into Long Lake. It is quite the opposite. The report notes, "**The Squaw Creek tributary is at nearly 1000 ppm TDS. This suggests a very significant source (of pollutants).**" According to the report, both the Lake County Health Department and Baxter's Squaw Creek Watershed study found elevated concentrations of Total Dissolved Solids (TDS) when compared to other lakes in the watershed. "Long Lake, in particular, is at nearly 600 ppm TDS which is twice the level of other lakes in the watershed." It continues, "The Squaw Creek water quality data are all below Long Lake levels with one exception, the Squaw Creek tributary at Nippersink road". **Note: the Squaw Creek tributary** measurement (data collection point B in the study) taken at Nippersink Road was **Baxter's discharge** flowing through the tributary just before it joined with the mainstem of Squaw Creek, measured a little over a mile from their wastewater treatment outflow. The Watershed report notes, "The Squaw Creek tributary is at nearly 1000 ppm TDS. This suggests a very significant source [of pollutants]. This source should be identified and corrected, if possible (p. 5-29)." <https://www.lakecountyiil.gov/DocumentCenter/Home/View/3961>

**Please note:** The source is Baxter's wastewater treatment plant discharge, and the correction is to connect to the public sanitary sewer system and to stop discharging Baxter wastewater into the Squaw Creek tributary.



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 3 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

"our discharge flows through about 4 miles of streams and cleansing wetlands that are know to remove minerals and biodegradables, so the quantities of those materials in our discharge reaching Long Lake would actually be far less."

**The Reality:**

Mud Lake (ADID Wetland #68) is of great concern to us mainly because it has been loaded with toxins from the Baxter discharge over the decades. While wetlands can help mitigate storm water runoff, there is no evidence that the wetlands can mitigate all of it. In fact, while heavy chemicals and toxins are trapped to some extent, they are not completely absorbed by wetlands. From the Ecological Society of America:

Water purification depends on filtration and absorption by soil particles and living organisms in the water and soil. Human activities that compact soil, contaminate the water or alter the composition of organisms, degrade the purification process and can accelerate movement of unfiltered water through the system and into our water supplies.

- Wetlands. Wetlands can remove 20 to 60% of metals in the water, trap and retain 80 to 90% of sediment from runoff and eliminate 70 to 90% of entering nitrogen. Source: <http://www.esa.org/ecoservices/comm/body.comm.fact.wate.html>

This is still industrial discharge coming into our watershed and our lake. We do not want it flowing into our watershed as a solution to Baxter's problem. Their violations are of grave concern to the health of our wetlands and our waterways. They need to be responsible for managing their wastewater in a publicly responsible way, by sending to the wastewater treatment plant as all of the residents of the area do. They should not be allowed an exception permit.

**Please note:** The distance is considerably less than what Baxter reports (see attached map, with the distance calculated at 2.8 miles).



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 4 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

"the treated wastewater we discharge helps sustain downstream wetlands and Squaw Creek during times of drought."

**The Reality:**

Baxter has invented the idea of wetlands needing their discharge water. Wetlands do not need watering in order to be sustained. Wetlands are valuable for the purpose of collecting and storing rainwater in times of large precipitation events and snow melt, and for controlling and slowing waters that otherwise would flood other areas. They do not need extra flow in order to exist or be beneficial. When identifying that a piece of land functions as an "ADID wetland," the US EPA is specifying that the land is unsuitable for filling in; rather, it is needed to manage and mitigate storm water to benefit land use further downstream. (source: <https://www.epa.gov/cwa-404/advance-identification-adid>) Again, wetlands do not need watering in times of drought. Streams are healthier without toxic discharge flowing through them. When Lake Villa and Round Lake stopped sending their discharge, it was of benefit to our lake, and we have not missed their discharge. The wetlands and lake will exist and function without added wastewater. There absolutely was a time before Baxter began dumping their discharge, and the land was functional land without their discharge. They did not create it or improve it by starting their discharge.

**Please note:**

In fact, their discharge taxes the land with additional quantities of water and with greater toxicity of chemicals added than if the discharge was not sent into Squaw Creek.



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 5 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

“Baxter self-reported monthly permit exceedances for 4 quarters (Q2-2014, Q-2015, Q1-2016, Q2-2016) over the past 10 quarters and only two of those were consecutive. All other reporting quarters were within permit limits.”

**The Reality:**

Baxter just stated that 60% full compliance was good enough because the 40% of the violations (4 out of 10 quarters) were not consecutive quarters.

**Please note:**

We contend that their statement is very inappropriate, and the IEPA should notice that Baxter does not appear concerned that their full compliance rate is that low and that they feel this is acceptable. It is not. We object to the permit continuing at all based on these repeated violations.



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 6 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

“We do not have an annual limit, but our actual Biological Oxygen Demand (BOD) discharge level would be 65% of an annual permit level if we had one.”

**The Reality:**

The US EPA would certainly disagree with Baxter's description of their BOD reporting. Baxter is aware of their own violation for BOD discharge levels. The current discharge as of September 2016 reads 5954 lbs/year, and clearly 2016 has not ended yet. The permit allows for a maximum load of 6014 lbs to date and Baxter has already discharged 5954 lbs/year. This is not 65%. The DMR loading tool available online from the US EPA helps all of us keep track of the pollution. And, as it shows us this year, besides the violations for Total Suspended Solids and BOD levels, 745 lbs of oil and grease, 694 lbs of Nitrogen, 335 lbs of Ammonia as N, 197 lbs of Barium, 117 lbs of Phosphorus, and 0.0043 lbs of Mercury have also been discharged (and allowed by the permit).

[https://cfpub.epa.gov/dmr/facility\\_detail.cfm?fac=IL0024074&yr=2016](https://cfpub.epa.gov/dmr/facility_detail.cfm?fac=IL0024074&yr=2016)

**Please note:**

We object to all of these flowing into our waterways. We object to the NPDES permit allowing these chemicals to enter our waterways, especially as Long Lake is in the precipitous position of being at the tail end of our watershed, with a dam in place, thereby further containing contaminants in our lake, and with already years of loading from past sanitary sewer systems having discharged into Long Lake. In order for our lake to improve in health, the discharge into the lake needs to eliminate as many nutrients and chemical waste as possible. We oppose the reissuance of the NPDES permit allowing Baxter's wastewater treatment plant's discharge to enter the Squaw Creek watershed.



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 7 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

“While Round Lake reported average phosphorous levels of .10 ppm in 2015 and .17 ppm year to date in 2016, it is important to note our permit limit of 1.0 ppm. It is also worth noting that even with algae blooms that were prevalent in Long Lake during the July through November 2015 time period, Baxter was within permitted phosphorous limits with no reported exceedances.”

**The Reality:**

The very report that Baxter referred to in their letter determined that Long Lake suffers from Total Suspended Solids (TSS) and Total Phosphorus (TP) concentrations, and that Squaw Creek was found to be a main contributor of the Phosphorus loading. The study noted, "Long Lake's epilimnion (the upper portions of the lake) TP is about 0.06 to 0.09 mg/l. The input from Squaw Creek is above this level, indicating that Squaw Creek's inflow into our lake is worsening Long Lake's TP levels." The report specifically states, "If TP (Total Phosphorus) levels in Long Lake are to meet a standard of 0.05 mg/l then discharges from agriculture and development should be near this number (p. 5-27)."

<https://www.lakecountyil.gov/DocumentCenter/Home/View/3961>

**Please note:**

Baxter with 0.17 ppm (which is the same as 0.17 mg/l) is actually worsening our watershed and our lake, as determined by that watershed study. The NPDES permitted amounts are excessively high (20 times the recommended amount for our lake to improve in health). Also, Baxter hit that permitted high, as the daily maximum was reached during the month of April 2016, and that was 20x the amount recommended in the watershed study (0.05 mg/l recommended vs. 1.0 mg/l).



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 8 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

“Baxter has invested in a water re-use system to irrigate landscaping plants at the nursery operating on property (75+ acres), leased from Baxter. A portion of our water discharge has been available for this purpose.”

**The Reality:**

While Baxter said "has been available," they actually discontinued the practice in 2005, after only sporadic use in 2003 and 2004. And when they used that sporadic land application, it represented less than 20% of that day's discharge, while the rest went into Squaw Creek. From the IEPA records that we requested through the FOIA process, Darin LeCrone's hand written notes provide the following information from 7-27-07: "The beneficial re-use program began in the middle of May 2003. Throughout May and June 2003 on the days that irrigation was used, the flow generally averaged around 45,000 gallons per day. Since then, usage of the effluent for irrigation purposes has been kind of sporadic and highly variable in flow on the days it has occurred. No effluent has been used for irrigation since August 2005." (**FOIA doc #1**). With that information, the IEPA took action to re-issue the 2003 permit in 2007, and for the 2012 renewal process, the permit was rubber stamped, as Baxter reported no new information. So, Baxter has the permit to reuse the water for irrigation, even just to water their landscaping, but they chose and are choosing to send it into Squaw Creek which flows into Long Lake! It appears that they kept this permit active in order to publicly report that they were in compliance with the agreement they made when residents objected in 2001. This is actually stated as well in their 2007 and 2012 permit application cover letters. However, it is clear from IEPA reports that the permit is simply for show, while Baxter's discharge is sent to Squaw Creek.

**Please note:**

Baxter never disclosed to the residents of the Long Lake area that the land application ceased in 2005, and thereby has not stood by the spirit of their agreement to respect our waterways.



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**TO: Illinois Environmental Protection Agency**

**TITLE: Rebuttal to Baxter letter dated 9-2-16, part 9 of 9**

**DATE: September 26, 2016**

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**Baxter says:**

“We have invested over \$1,000,000 in treatment plant improvements. Specific improvement projects included: removing treatment lagoon sediments so the available water capacity and treatment capacity was improved, more efficient filtration technology and changes to how the filter backwash is managed.”

**The Reality:**

As reported to the IEPA by Baxter, these improvements were necessary repairs due to the fact that "The Round Lake wastewater treatment plant's multi-media filters have developed leaks due to age, rust, and corrosion." The repairs included "the removal of the old steel frame sand filter system and replacement with new cloth filter disk technology." During the demolition of the filters, there was no final filtration of the wastewater discharge, and Baxter knew this would result in "an increased risk of elevated effluent Total Suspended Solids concentration and quantity during this construction phase, including the risk of exceeding permit limits. Also, they explained their situation to the IEPA as "The filter building was added to the treatment system in 1980 and is at the end of its design life. The existing filters are not economically repairable." While their new filter was touted as able to "prevent a potential system failure of existing units and the potential failure to meet permit parameters." (**FOIA doc #2**). However, it was after this new "multi-media filter" was put in place in Fall of 2015 that Baxter exceeded their permit in Q1 and Q2 of 2016.

**Please note:**

While their repairs have made the treatment plant operable, we continue to be concerned that the Baxter plant is not consistently operating at full compliance with regard to their NPDES permit. We oppose the reissuance of this permit in 2018.