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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-9861

CERTIFIED MAIL # 7013 2630 0001 4706 3281  
RETURN RECEIPT REQUESTED

July 30, 2015

Baxter Healthcare Corporation  
25212 W. Illinois Route 120  
Round Lake, IL 60073

**Re: Compliance Commitment Acceptance  
Baxter Healthcare Corporation – IL0024074 – W0978070012  
Violation Notice: W-2015-50158**

Dear Facility Owner:

The Illinois Environmental Protection Agency ("Illinois EPA") has approved the Compliance Commitment Agreement ("CCA") for **Baxter Healthcare Corporation – IL0024074**. Please find enclosed an executed copy of the CCA for your records.

Failure to fully comply with the CCA may, at the sole discretion of the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state or federal statute or regulatory requirement.

Questions regarding this matter should be directed to Caleb Ruyle at 217/782-9861. Written communications should be directed to the Illinois Environmental Protection Agency, Bureau of Water, CAS #19, P.O. Box 19276, Springfield, IL 62794-9276, and all communications shall include reference to your Violation Notice Number **W-2015-50158**.

Sincerely,

Roger Callaway  
Compliance Assurance Section  
Bureau of Water

EPA DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

MAY 06 2016

REVIEWER: JKS

Enclosure(s)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

Baxter Healthcare Corporation  
25212 W. Illinois Route 120  
Round Lake, IL 60073

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DEPA/CAS

ILLINOIS EPA VN W-2015-50158  
BUREAU OF WATER

**COMPLIANCE COMMITMENT AGREEMENT**

**I. Jurisdiction**

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and **Baxter Healthcare Corporation – IL0024074** ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(7)(i).

**II. Allegation of Violations**

2. Respondent owns and/or operates **Baxter Healthcare Corporation – IL0024074**, a pharmaceutical preparations facility in Lake County, Illinois.
3. Pursuant to Violation Notice ("VN") **W-2015-50158**, issued on **May 28, 2015**, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board ("Board") Regulations:
  - a) **Effluent Violations – BOD, Carbonaceous** - Section 12(a) and (f) of the Act, 415 ILCS 5/12 (a) and (f) (2014) 35 Ill. Adm. Code 304.141(a) and NPDES Permit #IL0024074

### III. Compliance Activities

4. On **June 29, 2015**, the Illinois EPA received Respondent's response to **VN W-2015-50158**, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN.
5. Respondent agrees to undertake, and complete the following actions, which the Illinois EPA has determined are necessary to attain compliance with the allegations contained in **VN W-2015-50158**:
  - a) **Baxter Healthcare Corporation – IL0024074** returned their BOD concentration and load within permitted limits and returned to compliance on March 1, 2015.
  - b) **Baxter Healthcare Corporation – IL0024074** has closely monitored all plant operations and found no substantial evidence that a single event caused the elevated BOD numbers. The facility returned to full compliance on March 1, 2015.
  - c) Once all violations are corrected and compliance is achieved, the Respondent must submit a completed statement of compliance form (Attached) certifying that all Compliance Commitment Agreement measures/events have been successfully completed. Sign and submit enclosed Compliance Statement with original signatures.

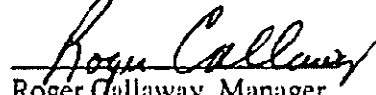
#### IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations cited in **VN W-2015-50158**.
7. This CCA is solely intended to address the violations alleged in Illinois EPA **VN W-2015-50158**. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the Illinois EPA, and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's sanitary sewer.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

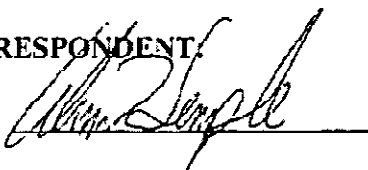
- 11. This CCA shall only become effective:
  - a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to Illinois EPA Division of Water Pollution Control, Attn: Caleb Ruyle/CAS #19, P.O. Box 19276, Springfield, IL 62794-9276. If Respondent fails to execute and submit this CCA within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
  - b) Upon execution by all Parties.
- 12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

**AGREED:**

**FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:**

BY:   
Roger Callaway, Manager  
Wastewater Compliance Section  
Bureau of Water

DATE: 7/30/15

**FOR RESPONDENT:**  
BY: 

DATE: 7/22/15