

RECORD OF ORDINANCES

Ordinance No. 2019-12

Passed APRIL 8 2019

**AN ORDINANCE AUTHORIZING THE VILLAGE
MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH
THE NEWARK GROUP INC. (CARAUSTAR OHIO PAPERBOARD) FOR THE
ISSUANCE OF AN INDUSTRIAL WASTE DISCHARGE PERMIT AND TO FIX
COMPENSATION TO THE VILLAGE FOR FEES AND SERVICE CHARGES,
AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, the Village desires to enter into an agreement with The Newark Group Inc., dba Caraustar Ohio Paperboard (the "Newark Group"), providing for the issuance by the Village of an Industrial Waste Discharge Permit so that the Newark Group can connect to the Village's sanitary collection system, and fixing the amount to be compensated to the Village by the Newark Group for capacity fees, industrial debt service charge, recurring service charges and minimum usage charges; and,


WHEREAS, the Village and the Newark Group have entered into a Memorandum of Understanding summarizing the terms and conditions of the agreement; and,

WHEREAS, as both the Village and the Newark Group desire for the agreement to be finalized as soon as possible in order for the Newark Group to be able to timely connect to the Village's sanitary collection and treatment system, this ordinance needs to be passed as an emergency;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY,
OHIO, THREE-FOURTH'S OF ITS MEMBERS CONCURRING:

SECTION 1: The Village Mayor and Fiscal Officer are hereby authorized to enter into an agreement with The Newark Group Inc., dba Caraustar Ohio Paperboard (the "Newark Group"), providing for the issuance by the Village of an Industrial Waste Discharge Permit so that the Newark Group can connect to the Village's sanitary collection system, and fixing the amount to be compensated to the Village by the Newark Group for capacity fees, industrial debt service charge, recurring service charges and minimum usage charges. A copy of the Memorandum of Understanding is attached hereto and made a part hereof.

SECTION 2: For the reasons noted in the preamble, this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Baltimore, Ohio. This ordinance shall become effective upon its passage by Council.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 4-8-2019

EFFECTIVE DATE: 4-8-2019

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: **MOHLER**

APPROVED AS TO FORM: 

Jeffrey Feyko, Village Solicitor



NEWARK


Caraustar

MEMORANDUM OF UNDERSTANDING

February 13, 2019

The Newark Group, Inc. ("Newark Group") has a mill that operates in Baltimore, Ohio. This facility, known as Caraustar Ohio Paperboard, is located at 310 West Water Street, Baltimore, OH 43105. Wastewater from the manufacturing process currently discharges directly to the West Branch Pawpaw Creek. In cooperation with Ohio EPA, Newark Group desires to redirect the discharge from its wastewater process to the Village of Baltimore ("Baltimore") sanitary collection system for treatment and disposal. Following a series of meetings, discussions, and exchange of information and data, this Memorandum of Understanding (MOU) has been developed for the purposes of memorializing the intent of the Newark Group and Baltimore (collectively the "Parties") with regard to connecting the Newark Group facility's industrial waste stream to Baltimore's sanitary collection and treatment system.

1. **Industrial Waste Discharge Permit** – In accordance with Baltimore codified ordinance 1020.07, Newark Group will be issued an Industrial Waste Discharge Permit by Baltimore that outlines the duties and responsibilities of Newark Group that are specific to their wastewater discharge.
2. **Point of Connection to Baltimore sanitary collection system** – The point of connection to the Baltimore sanitary collection system will be coordinated by the Parties after a review of the discharge location, site topography, and other pertinent factors.
3. **Meter** – The Newark Group will be required to install a meter for compliance and billing purposes. Construction and cost of the meter and meter infrastructure are the responsibility of Newark Group. The type of meter, location, and configuration of the meter installation will be coordinated between the Parties. Calibration for flow meter shall be annually.
4. **Duration of the Industrial Waste Discharge Permit** – 3 years with options to renew and/or extend the permit after the end of the initial permit cycle.
5. **Sewer Charges:**
 - a. **Capacity Fee** (one-time fee based on 200,000 gallons) - \$126,000
 - b. **Industrial Debt Service Charge** (one-time fee) - \$350,000
 - c. **Recurring Service Charges** - \$4.33 per 1,000 gallons
 - d. **Minimum Usage Charge** – Equivalent to 90,000 gallons per day

6. **Private Sanitary Sewer Facilities** – The infrastructure and costs associated with transport of the waste stream from the Newark Group facility to the Point of Connection will be the responsibility of Newark Group. On-going operation, maintenance, and repair of the Private Sanitary Sewer Facilities is the responsibility of Newark Group.
7. **Pretreatment Facilities** – The existing wastewater treatment process at the Newark Group facility will be largely left in place. The augmentation well currently in use will be abandoned and no longer part of the treatment process. The remaining wastewater treatment processes will continue to operate but will be considered “Pretreatment Facilities”.
8. **Ohio EPA Indirect Discharge Permit (IDP)** - Newark Group will be required to obtain and maintain an IDP from Ohio EPA.
9. **Surcharge Fees:**
 - a. **Total Suspended Solids (TSS)** - \$0.32 per pound of pollutant load above the permitted threshold. Permitted threshold is 250 mg/l.
 - b. **Biochemical Oxygen Demand – 5 day (BOD₅)** - \$0.40 per pound of pollutant load above the permitted threshold. Permitted threshold is 200 mg/l.
 - c. **Phosphorus, Total (P)** - \$0.50 per pound of pollutant load above the permitted threshold. Permitted threshold is 10.0 mg/l.
10. **Sampling Frequency** – Sampling will be performed more frequently early in the permit period until a baseline can be established. Once a baseline is established, the sampling frequency will be finalized to ensure compliance with the permit, to establish surcharge fees (when applicable), and to be representative of the waste streams from the Newark Group pretreatment facilities. Newark Group’s current NPDES permit (4IA0001*JD) and Baltimore’s ordinances will be used as a guideline to establish the initial sampling requirements.
11. **Waste Characterization** - Newark Group asserts that the data provided to the Village to date is representative of the waste water concentrations and loadings at “end of pipe” (prior to blending with the augmentation well). Baltimore acknowledges that the use of the augmentation well by Newark Group for blending with discharged waste water will be discontinued.
12. **User Class** - In accordance with Baltimore codified ordinance 1020.03(74), Newark Group will be in the Industrial Class. Further, in accordance with Baltimore codified ordinance 1020.03(58), Newark Group will be classified as a Significant Industrial User.
13. **Categorical Industrial User** – Newark Group is a Categorical Industrial User regulated under 40 CFR Part 430: Pulp, Paper, and Paperboard Point Source Category, Subpart J. The process wastewaters are regulated in accordance with 40 CFR 430 (Pulp, Paper, and Paperboard Point Source Category), Subpart J (Secondary Fiber Non-Deink Subcategory).
14. **SIC Codes** – Newark Group operates under the following SIC code(s): 2631 (Paperboard Mills).

15. Proposed Industrial Waste Discharge Permit Limits

In addition to the limitations in Baltimore codified ordinance 1020.05(f)(4), the following permit limits will apply:

Parameter	Units	Daily Max	Monthly Average	Code Section
Flow	MGD	0.2	0.2	1020.05(e)(2)(C) 1020.05(e)(2)(I) 1020.03(37) 1020.03(37) 1020.05(e)(2)(M)
pH range	S.U.	9.5 max 5.5 min	-	
Temperature	C	40	-	
Biochemical Oxygen Demand, 5-day(BOD ₅) ²	mg/L	-	200	
Total Suspended Solids (TSS) ²	mg/L	-	250	
Oil and Grease	mg/L	50	-	
Total Dissolved Solids (TDS)	mg/L	4000	-	
Pentachlorophenol ¹	mg/L	0.79	-	
Trichlorophenol ¹	mg/L	0.35	-	

¹ Per 40 CFR 430.106, permittee may, in lieu of testing, certify on semi-annual self-monitoring reports that they do not use biocides that contain either pentachlorophenol or trichlorophenol.


² Exceedance of the limits for BOD₅ and TSS are subject to surcharges.

IN WITNESS WHEREOF, each of the Parties has executed and delivered this MOU as of the date above written.

VILLAGE OF BALTIMORE, OHIO

THE NEWARK GROUP, INC.

By: _____
Brad Nicodemus, Mayor


By: Joseph Michaud, Vice President Manufacturing
Name, Title

Date: 3/20/2019

APPROVED AS TO FORM
AND CONTENT

By: _____
Solicitor
Attest:

Brian Bibler, Village Clerk