

Environmental Update

January 2020 (Issue 10)



Lou Tosi Law 360 article
"Market Forces, Corporate Policies Drive Shift To Clean Energy," Law360, December 18, 2019

OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

Air

No updates at this time.

Water - Drinking and Groundwater

Interested Party Review Regarding Revisions to Laboratory Certification Rules: The Department of Drinking and Ground Water (DDAGW) seeks comments on proposed rulemaking governing Laboratory Certification rules. The Public Notice is available [here](#). The Business Impact Analysis is available [here](#). Comments are due by **Friday, January 10, 2020**.

Final Policy on Guidelines for Obtaining Approval of Backflow Prevention Methods in Drinking Water Treatment Plants: DDAGW has finalized the Policy: Guidelines for Obtaining Approval of Backflow Prevention Methods in Drinking Water Treatment Plants (ENG-9120-PO). This document was developed in consultation with Ohio Section AWWA - Technology Committee to provide technical guidance to the regulated community and consultants concerning backflow prevention requirements. Additional information is available [here](#).

Water - Surface

No updates at this time.

Waste - Hazardous

No updates at this time.

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Waste - Non-Hazardous

Interested Party Review Regarding Industrial and Residual Waste Rules:

Division of Materials and Waste Management (DMWM) has released an interested party draft of the industrial and residual waste rules in Ohio Administrative Code Chapter 3745-29 and 3745-30. The Interested Party Fact Sheet is available [here](#). The Business Impact Analysis is available [here](#). Comments are due **Tuesday, January 21, 2020**.

Proposed Rulemaking Governing Solid Waste, Infectious Waste Treatment, and Construction and Demolition Debris Facility Licensing Rules:

The Director of Environmental Protection, under the authority of Sections 106.03 of the Ohio Revised Code and in accordance with Chapter 119, proposes to file licensing rules for solid waste, infectious waste treatment, and construction and demolition debris facilities. The Public Notice, containing a list of the proposed rules is available [here](#). The responses to the public comments period, which closed on August 19, 2019, are available [here](#). A public hearing was held on **Thursday, January 2, 2020 at 10:30 a.m.**

Division of Materials and Waste Management (DMWM) Final Filed Rules:

DMWM published a final public notice on the Register of Ohio regarding Ohio Administrative Code Chapter 3745-513. The Director's order of adoption was issued on December 11, 2019. These adopted rules were effective on **Wednesday, January 1, 2020**. The Notice of Adoption is available [here](#).

Department of Environmental Response and Revitalization

Interested Party Review - Hazardous Waste Program: Ohio EPA is amending the Hazardous Waste Program rules to achieve consistency with U.S. EPA's RCRA Subtitle C Program and increase regulatory flexibility, adopting multiple Federal Registers in this rulemaking effort. The following is a list of all Federal Registers included:

- Disposal of Coal Combustion Residuals from Electric Utilities - 80 FR 21302-21501, April 17, 2015
- Hazardous Waste Generator Improvements - 81 FR 85732-85829, November 28, 2016
- Imports and Exports of Hazardous Waste - 81 FR 85696-85729, November 28, 2016
- Confidentiality Determinations for Hazardous Waste Export and Import Documents - 83 FR 60894-60901, December 26, 2017
- E-Manifest- 79 FR 7518 - 7563, February 7, 2014; and 83 FR 420-462, January 3, 2018
- Safe Management of Recalled Airbags - 83 FR 61552-61563, November 30, 2018
- Management Standards for Hazardous Waste Pharmaceuticals - 84 FR 5816-5950, February 22, 2019

The Fact Sheet is available [here](#). The Business Impact Analysis is available [here](#). Comments on the draft rules are due by **Monday, January 20, 2020**.

OHIO DEPARTMENT OF NATURAL RESOURCES

Oil and Gas

Division responds to Comments Received Regarding Draft Well

Plugging Rule: The Ohio Department of Natural Resources Division of Oil and Gas Resources Management (Division) has responded to comments received regarding the draft Well Plugging Rule. The Division proposes to amend and/or rescind portions of well plugging rules located in OAC 1501:9-11, Plugging of Wells. The Executive Summary is available [here](#). The Division's responses to the Well Plugging Rule comments are available [here](#). The draft Well Plugging Rule is available [here](#). The Business Impact Analysis is available [here](#).

Mineral Resources

No updates at this time.

Geology

No updates at this time.

Soil and Water Resources

No updates at this time.

OHIO DEPARTMENT OF AGRICULTURE

Administration

No updates at this time.

Animal Health

No updates at this time.

Dairy

No updates at this time.

Food Safety

December 2, 2019: Blue Grass Quality Meats, an Erlanger, Kentucky establishment, recalled approximately 121,083 pounds of pork bacon and ready-to-eat turkey products due to misbranding and undeclared allergens. The products contain soy, a known allergen, which is not declared on the product labels. Additional information is available [here](#).

December 2, 2019: Fuji Food Products, Inc. (Fuji) announced a voluntary recall of ready to eat sushi, salads and spring rolls sold to select retailers and distributors along the East Coast and Upper Midwest. The voluntary recall is in response to a notification by the Food and Drug Administration (FDA) of the potential for product contamination with *Listeria monocytogenes*. To date, public health officials have not reported any illness associated with these products. Additional information is available [here](#).

December 4, 2019: Lin's Waha Int'l Corp of Syosset, New York recalled its 8.11 ounce packages of Suantianyangmei Waxberry and Bingtangyangmei Waxberry because they contain undeclared sulfites and cyclamates. Cyclamate is an unapproved ingredient. People who have severe sensitivity to sulfites run the risk of serious or life-threatening reactions if they consume these products. Additional information is available [here](#).

December 6, 2019: The J. M. Smucker Company announced a voluntary recall of specific lots of Special Kitty® wet, canned cat food due to health concerns potentially associated with ingredients believed to not meet the Company's quality and safety standards. The specific product is Special Kitty® Mixed Grill Dinner Pate. If pet parents have any of the products in their possession, they should stop feeding it to their cats and dispose of the product. Additional information is available [here](#).

December 6, 2019: Nassau Candy Distributors of Hicksville, New York recalled two lots of 7.5 ounce Nancy Adams, Dark Chocolate Graham Crackers because they may contain undeclared milk allergens. The recalled Nancy Adams, Dark Chocolate Graham Crackers UPC: 618645275860 was distributed to limited Retailers and Distributors Nationwide. Consumers who are allergic to milk allergens may run the risk of serious or life-threatening allergic reactions if they consume this product. Additional information is available [here](#).

December 9, 2019: Charlotte headquartered Tropical Nut and Fruit Co. voluntarily recalled their 25 pound box of Truly Good Foods South of the Border nut mix, Lot #29119, best by date 04/15/2020, item # 102340 and UPC # 094184110198 because it contains undeclared soy and tree nut (almonds). People who are allergic to soy or tree nuts run the risk of serious or life threatening allergic reactions if they consume this product. Additional information is available [here](#).

December 9, 2019: White Castle initiated a voluntary recall of a limited number of frozen 6 pack cheeseburgers, frozen 6 pack hamburgers, frozen 6 pack jalapeno cheeseburgers, and 16 pack hamburgers, and 16 pack cheeseburgers for the possible presence of *Listeria monocytogenes*. *Listeria monocytogenes* is an organism which can cause serious and sometimes fatal infections in young children, frail or elderly people, and others with weakened immune systems. Although healthy individuals may suffer only short-term symptoms such as high fever, severe headache, stiffness, nausea, abdominal pain and diarrhea, *Listeria* infection can cause miscarriages and stillbirths among pregnant women. Additional information is available [here](#).

December 11, 2019: Ruiz Food Products Inc., a Florence, South Carolina establishment, recalled approximately 55,013 pounds of frozen, not ready-to-eat (NRTE) breakfast burrito products containing eggs, sausage, and cheese that may be contaminated with extraneous materials, specifically pieces of plastic. The frozen, NRTE breakfast burrito products were produced on October 15, 2019 and bear establishment number "EST 45694" printed on the value pack bag and the individual wrappings, next to the lot code. These items were shipped to retail locations nationwide. Additional information is available [here](#).

December 11, 2019: The Food and Drug Administration, Center for Disease Control, and United States state health authorities and Canadian federal partners are investigating an outbreak of illnesses in the U.S. and Canada caused by *E. coli* O157:H7. Epidemiologic information indicates that Fresh Express brand Sunflower Crisp Chopped Salad Kits are a likely source of this outbreak. Consumers should not eat Fresh Express brand Sunflower Crisp Chopped Salad Kits with UPC 0 71279 30906 4, beginning with lot code Z, and a best before date up to and including 07DEC19. Suppliers, distributors and others in the supply chain should not ship or sell Fresh Express brand Sunflower Crisp Chopped Salad Kits with UPC 0 71279 30906 4, beginning with lot code Z, and a best before date up to and including 07DEC19. Additional information is available [here](#).

December 13, 2019: USDA released a list of retail locations, including several retailers in Ohio and surrounding states, believed to have received various raw, intact pork products from Morris Meat Packing, a Maywood, Illinois establishment, that were produced without the benefit of federal inspection and outside inspection hours and originally recalled on November 21, 2019. The products subject to recall bear establishment number "EST. 18267" inside the USDA mark of inspection. These items were shipped to distributors and retail locations in Illinois. Additional information is available [here](#).

December 20, 2019: Whole Foods Market voluntarily recalled its 365 Everyday Value Dark Chocolate Peppermint Sandwich Cremes and 365 Everyday Value Dark Chocolate Caramel Sea Salt Sandwich Cremes because the products may contain undeclared milk or tree nuts (coconut). People who have an allergy or severe sensitivity to milk or coconut run the risk of serious or life-threatening allergic reaction if they consume the product. Additional information is available [here](#).

December 23, 2019: Advance Pierre Foods, a Cincinnati, Ohio establishment, recalled approximately 15,739 pounds of ready-to-eat (RTE) beef patty products (15.09 pound frozen, bulk-packed cases containing "CN FULLY COOKED FLAMEBROILED BEEF PATTIES" with product code 69097 on the case label) that may be contaminated with extraneous materials, specifically small, green soft plastic. Additional information is available [here](#).

December 23, 2019: Emesa Foods, of Taylor, Michigan, voluntarily recalled 23 cases and each case 6 containers of 800 gram of "Premium Sesame Tahini" because it has the potential to be contaminated with *Salmonella*, an organism which can cause serious and sometimes fatal infections in young children, frail or elderly people, and others with weakened immune systems. Healthy persons infected with *Salmonella* often experience fever, diarrhea, nausea, vomiting, and abdominal pain. In rare circumstances, infection with *Salmonella* can result in the organism getting into the bloodstream and producing more severe illnesses such as arterial infections (i.e., infected aneurysms), endocarditis, and arthritis. Additional information is available [here](#).

December 23, 2019: Almark Foods voluntarily recalled Hard-Boiled and Peeled Eggs in white plastic pails with white plastic lids due to the potential to be contaminated with *Listeria monocytogenes*. *Listeria monocytogenes* is an organism which can cause serious and sometimes fatal infections in young children, frail or elderly people, and others with weakened immune systems. Although healthy individuals may suffer only short-term symptoms such as high fever, severe headache, stiffness, nausea, abdominal pain and diarrhea, a *Listeria monocytogenes* infection can cause miscarriages and stillbirths among pregnant women. Additional information is available [here](#).

December 26, 2019: Bakkavor Foods USA, Inc. voluntarily recalled Trader Joe's Egg Salad, 6 ounce and Trader Joe's Old Fashioned Potato Salad, 20 ounce with "USE BY" date codes up through and including 12/27/19 because these products have the potential to be contaminated with *Listeria monocytogenes*. *Listeria monocytogenes* is an organism, which can cause serious and sometimes fatal infections in young children, frail or elderly people, and others with weakened immune systems. Healthy individuals may suffer only short-term symptoms such as high fever, severe headaches, stiffness, nausea, abdominal pain and diarrhea. *Listeria* infection can cause miscarriages and stillbirths among pregnant women. Additional information is available [here](#).

December 27, 2019: Great American Deli of Ooltewah, Tennessee, recalled GAD #114 Egg Salad Sandwich 4.8 ounce UPC: 7-41431-00114-2 due to possible contamination of *Listeria monocytogenes*, an organism which can cause serious and sometimes fatal infections in young children, frail or elderly people, and others with weakened immune systems. Although healthy individuals may suffer only short-term symptoms such as high fever, severe headache, stiffness, nausea, abdominal pain and diarrhea. *Listeria* infection can cause miscarriages and stillbirths among pregnant women. Additional information is available [here](#).

December 27, 2019: Reichel Foods Inc. voluntarily recalled Pro2Snax To The Max Granny Apples /Hard Boiled Egg/Cheddar/Cashew & Craisin and Pro2Snax To The Max Gala Apples/Hard Boiled Egg/White Cheddar/Almond & Craisin. These items were distributed to retailers nationwide. This recall is due to notification from Almark Foods of Gainesville, Georgia that Almark Foods may have supplied single serve prepackaged Hard Boiled Eggs contaminated with *Listeria monocytogenes* and its association with a *Listeria monocytogenes* foodborne illness investigation. Additional information is available [here](#).

December 30, 2019: Veggie Noodle Co., LLC voluntarily recalled its Cece's® Veggie Co. brand Fresh Veggie Ramen with Chicken Broth (11.5 ounce, UPC 5228700653), all expiration dates, sold at retail stores nationally, because the separately packaged egg (branded Peckish) that is included in the product has the potential to be contaminated with *Listeria monocytogenes*. Veggie Noodle issued the voluntary recall out of an abundance of caution, due to a recall by a provider of the eggs, Almark Foods, used in the product. Additional information is available [here](#).

Keep up with all recalls [here](#).

[Meat Inspection](#)

No updates at this time.

[Plant Health](#)

No updates at this time.

[Soil and Water Conservation](#)

No updates at this time.

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