

Environmental Update

November 2019 (Issue 8)

OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

Air

Stakeholder Input Requested on Potential New Rules - Affordable Clean Energy (ACE) Program Rules: Ohio EPA is requesting stakeholder input on potential new rules in the Ohio Administrative Code (OAC) to implement the Affordable Clean Energy (ACE) Program. The ACE rule finalized by the United States Environmental Protection Agency on July 8, 2019 (84 FR 32520), consists of emission guidelines for greenhouse gas (GHG) emissions from existing electric utility generating units (EGUs) under Clean Air Act (CAA) Section 111(d) that will inform states on the development, submittal, and implementation of state plans to establish performance standards for GHG emissions from certain fossil fuel fired EGUs. The Early Stakeholder Fact Sheet can be viewed [here](#). The comment period, however, has closed. The new rules being developed in this rulemaking will be submitted to USEPA as a part of Ohio EPA's plan for implementing the ACE program in Ohio.

Stakeholder Input Requested on Potential Rules Amendments - OAC Chapter 3745-76, Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills Rules: Ohio EPA is requesting stakeholder input on potential amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-76, "Control of Non-Methane Organic Compound (NMOC) Emissions from Existing Landfills" rules. The rules in this chapter contain the requirements and emission guidelines for the control of non-methane organic compound (NMOC) emissions from existing landfills. The Early Stakeholder Fact Sheet can be viewed [here](#). Ohio EPA will be accepting comments on these potential changes through **Wednesday, November 6, 2019.**

Water - Drinking and Groundwater

Proposed Amendments to Underground Injection Control Rules: The Division of Drinking and Ground Waters (DDAGW) seeks comments on a plan to amend Underground Injection Control rules in Chapter 3745-34 of the Ohio Administrative Code (OAC). The Early Stakeholder Outreach Fact Sheet can be viewed [here](#). Comments are due by **November 4, 2019.**

Revisions to Primary Drinking Water Standards rule 3745-81-24: The Division of Drinking and Ground Waters (DDAGW) seeks comments on proposed rule revisions to Primary Drinking Water Standards rule 3745-81-24 to satisfy the five-year rule review requirements of Section 106.03 of the Ohio Revised Code (ORC). The Public Notice can be viewed [here](#). The Business Impact Analysis can be viewed [here](#). Comments are due by **November 6, 2019.**

Proposed Rulemaking Governing Surface Water Treatment Rules: The Division of Drinking and Ground Waters (DDAGW) has proposed amendments to several surface water treatment rules in Chapter 3745-81 of the Ohio Administrative Code (OAC) to Joint Committee on Agency Rule Review (JCARR). The rules were reviewed as a result of the five-year rule review requirements of Section 106.03 of the Revised Code. The Public Notice can be viewed [here](#). The Business Impact Analysis can be viewed [here](#). A public hearing will be conducted on **November 6, 2019** beginning at 10:30 a.m. in Conference Room A (Autumn) at the Ohio EPA, Lazarus Government Center, 50 West Town Street, Columbus, Ohio.

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Proposed 'No Change' Rulemaking Governing Surface Water Treatment

Rules: The Division of Drinking and Ground Waters (DDAGW) has proposed "no changes" to several Surface Water Treatment Rules in Chapter 3745-81 of the Ohio Administrative Code (OAC) to Joint Committee on Agency Rule Review (JCARR). The rules were reviewed as a result of the five-year rule review requirements of Section 106.03 of the Revised Code. The Business Impact Analysis can be viewed [here](#). The comment period ended **October 27, 2019**. OEPA's response to comments can be viewed [here](#).

Water - Surface

OEPA Accepting Comments on Stillwater Creek Draft Loading Analysis

Plan: The Stillwater Creek Draft Loading Analysis Plan is now available for review and comment. The Fact Sheet can be viewed [here](#). Comments are due by **November 22, 2019**. Additional information can be viewed [here](#).

Early Stakeholder Outreach for General NPDES Permit Rules: OEPA is conducting the five-year review of the two existing rules in OAC Chapter 3745-38 (3745-38-01 and 3745-38-02). The Early Stakeholder Outreach Fact Sheet can be viewed [here](#). Comments are due **November 27, 2019**.

Proposed Water Quality Criteria for the Protection of Human Health:

OEPA is proposing revisions to three rules regarding water quality criteria within OAC Chapter 3745-1 as part of a five-year rule review, and as part of the Agency's Triennial Water Quality Standards Review - 3745-1-32, -33, and -34. The Proposed Rules Fact Sheet can be viewed [here](#). The Public Notice can be viewed [here](#). Additional information can be found [here](#). Comments are due **December 4, 2019**.

Waste - Hazardous

No updates at this time.

Waste - Non-Hazardous

No updates at this time.

Department of Environmental Response and Revitalization

No updates at this time.

OHIO DEPARTMENT OF NATURAL RESOURCES

Oil and Gas

New Rules - Brine Disposal Fee and Production Well Spacing: The Ohio Department of Natural Resources, Division of Oil and Gas Resources Management (Division) new and amended rules regarding Brine disposal and production wells took effect on October 10, 2019. The Production Well Spacing rules amend the minimum acreage requirements for vertical (conventional) wells and adopt new provisions relative to the minimum distance requirement from which new horizontal shale (unconventional) production wells may be drilled from boundaries of drilling units and other horizontal wells. The new Brine Disposal Fee rules establish the requirements and procedures for submittal of the brine disposal fee collected by Class II brine disposal well owners on behalf of the Division. Additional information can be found [here](#).

Mineral Resources

No updates at this time.

Geology

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

October 31, 2019: Wawona Frozen Foods voluntarily recalled packages of frozen raspberries and frozen berry mixes containing raspberries sold at Aldi Grocery Stores and frozen raspberries sold at Raley's Family of Fine Stores because they have the potential to be contaminated with Hepatitis A. The frozen raspberries and frozen berry mixes containing raspberries were packaged under the Aldi and Raley's private labels. Additional information is available [here](#).

October 29, 2019: North Bay Produce, Inc. of Traverse City, Michigan voluntarily recalled 2,297 cases and 2 bulk bins of fresh apples 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, *Listeria* infection can cause miscarriages and stillbirths among pregnant women. Additional information is available [here](#).

October 25, 2019: Peekay International Inc. 56 12 56th Street, Maspeth, New York recalled its 7 ounce and 14 ounce packages of "SWAN DRY APRICOT" and "KESHAV DRY APRICOT" food treats because they contained undeclared sulfites. Consumers who have severe sensitivity to sulfites run the risk of serious or life-threatening allergic reactions if they consume this product. Additional information is available [here](#).

October 23, 2019: GL Holdings of Newport Beach, California voluntarily recalled six lots of Green Lumber 2-, 4-, and 10-capsule packages purchased on or before August 10, 2019 to the consumer level. FDA analysis found one lot of Green Lumber distributed between June and August 2019 to be tainted with tadalafil. Additional information is available [here](#).

October 21, 2019: George's Prepared Foods, a Caryville, Tennessee establishment, recalled approximately 6,444 pounds of ready-to-eat (RTE) pork sausage patty and turkey sausage patty products that may be contaminated with *Salmonella*. Additional information is available [here](#).

October 15, 2019: Kenosha Beef International, a Columbus, Ohio establishment, recalled an undetermined amount of seasoned beef products that may be contaminated with extraneous materials, specifically metal shavings. Additional information is available [here](#).

October 15, 2019: Fisherman's Pride Processors Inc. of Vernon, California recalled 100 bags of Schwan's Brand "Garlic Herb Shrimp" with date code 4A924608xx-B1 due to undeclared milk and soy. People who have allergic or sensitivity to milk or soy run the risk of serious or life-threatening allergic reaction if the recalled product is consumed. Additional information is available [here](#).

October 15, 2019: Tip Top Poultry, Inc, a Rockmart, Georgia establishment, recalled an undetermined amount of ready-to-eat (RTE) poultry products that may be adulterated with *Listeria monocytogenes*. Additional information is available [here](#).

October 10, 2019: UNFI voluntarily recalled cases of Arla Apetina Marinated Feta & Olives in Oil, Pitted distributed by UNFI. The product requires refrigeration to ensure food safety and we have learned that some product distributed to retail customers from two UNFI distribution centers may have been exposed to temperatures above refrigeration during storage and/or distribution by UNFI'S customers. Extended exposure to above-refrigerated temperatures may allow growth of bacteria such as Clostridium Botulinum to reach unsafe levels, which if consumed can cause life-threatening illness or death. Additional information is available [here](#).

October 10, 2019: Blue Bell Ice Cream voluntarily recalled a select lot of half gallon Butter Crunch Ice Cream produced on a specific line on August 26, 2019 in its Sylacauga, Alabama plant because of the possibility the products may contain a foreign object. Additional information is available [here](#).

October 9, 2019: Lipari Foods issued a voluntary recall of Premo Ham & Cheese Wedge Sandwiches and Fresh Grab Ham & Cheese Wedge Sandwiches due to potential contamination 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. Additional information is available [here](#).

October 8, 2019: The J. M. Smucker Company announced a voluntary recall of specific lots of Robin Hood® All Purpose Flour distributed and sold in the U.S. due to possible E. coli contamination. Additional information is available [here](#).

October 8, 2019: Premium Foods USA, Inc., a Woodside, New York establishment and importer of record, recalled approximately 121,151 pounds of various Siluriformes fish products that were not presented for import re-inspection into the United States. The products were imported from Bangladesh and Myanmar, countries ineligible to export Siluriformes fish product to the United States. Additional information is available [here](#).

October 3, 2019: In association with ADM Milling Company, King Arthur Flour, Inc., announced a voluntary national recall of specific lots of its Unbleached All-Purpose Flour (5 lb. & 25 lb.) due to the potential presence of E. coli 026 which was discovered through sampling. King Arthur Flour has not received any confirmed reports of illnesses related to this product. Additional information is available [here](#).

October 3, 2019: Euphoria Fancy Food Inc of Brooklyn, New York recalled its 7.05 ounce packages of CAPITAN K salmon slightly salted pieces because they may be contaminated with 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 persons 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](#).

October 3, 2019: Mical Seafood, Inc. of Cooper City, Florida, voluntarily initiated a recall of frozen, wild-caught yellowfin tuna poke cubes, tuna loins, tuna ground meat and 6 ounce tuna steaks because of potentially elevated levels of histamine. Elevated levels of histamines can produce an allergic reaction called scombroid fish poisoning that may result in symptoms that can generally appear within minutes to several hours after eating the affected fish. Additional information is available [here](#).

October 3, 2019: Lipari Foods issued a voluntary recall of Lipari Old Tyme Bulk Chicken Salad, Lipari Old Tyme Bulk Cranberry Almond Chicken Salad, Premo Chicken Salad Wedge Sandwiches, Fresh Grab Chicken Salad Wedge Sandwiches, and Premo Signature Cranberry Almond Chicken Salad on Croissant due to potential contamination of Listeria monocytogenes. Additional information is available [here](#).

October 3, 2019: E.A. Sween Company announced the recall of multiple products 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](#).

October 3, 2019: RONG SHING NY Trading Inc. of Brooklyn, New York, recalled its 6 ounce packages of GLAM DAY NOUGAT CANDY because they may contain undeclared milk and egg allergens. Consumers who are allergic to milk and/ or eggs may run the risk of serious or life-threatening allergic reactions if they consume this product. Additional information is available [here](#).

October 1, 2019: Port Jefferson Station, New York, Collect Products Inc. and Oglethorpe Ltd. voluntarily recalled lot #041907 of Collect Unflavored Powder & Essentials Factor Cell Synergy Unflavored Powder (1.25 lb ounce) to the retail and consumer level. The Collect Unflavored Powder & Essentials Factor Cell Synergy Unflavored Powder has been found to have unsafe levels of Arsenic and Lead. 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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