

# Shumaker, Loop & Kendrick, LLP

# Environmental Update

April 2019 (Issue 1)

## NEW OHIO EPA DIRECTOR LAURIE STEVENSON: EARLY IMPRESSIONS, REMARKS AT OHIO STATE BAR ASSOCIATION 34TH ANNUAL CONFERENCE ON ENVIRONMENTAL, ENERGY AND RESOURCE LAW COMMITTEE, MARCH 29, 2019

With a new governor, Ohio now has a new Director of the Ohio Environmental Protection Agency - Laurie Stevenson, who has been with the Agency for most of her career. On March 29th she spoke at the annual OSBA environmental law conference and presented her current vision and view of things. Here is Laurie's short bio, taken from the program materials:

Laurie A. Stevenson  
Director, Ohio Environmental Protection Agency  
Columbus, Ohio

*In January 2019, Governor Mike DeWine appointed Ms. Stevenson as director of the Ohio Environmental Protection Agency. She most recently served as Deputy Director for Business Relations where she was a primary contact for regulated entities to help coordinate permitting activities within the Agency, particularly for complex projects requiring multiple permits. Ms. Stevenson also served as chief of Ohio EPA's Division of Environmental and Financial Assistance. DEFA provides financial and technical assistance to businesses and communities to help achieve compliance with the environmental regulations. A public servant of 29 years, Ms. Stevenson previously served as the industrial liaison in the Director's Office and managed Ohio EPA's Small Business Assistance Office (SBAO). She held previous positions in Ohio EPA's Division of Hazardous Waste Management, starting in the Southeast District Office as a hazardous waste field inspector. Ms. Stevenson received her BS in Environmental Health from Bowling Green State University and her MS in Public Health from The Ohio State University.*

This note summarizes some of the highlights of her presentation on the 29th.

**Process Driven:** The new Director is process driven. She is not a micro manager, and rather is a believer in teamwork, constant staff input, transparency, and being a sounding board for the Agency's "constituents" (i.e., regulated entities and the public). One of her first tasks was to ask her leadership team for a list of their priorities and matters of significance. She intends to ultimately assemble those goals into her own "strategic vision."

She will increase efforts on staff and inspector training. In work at the Agency, she developed an extensive, interactive training program for field inspectors. She intends to keep that going and devote more efforts to assuring that her younger staff is well trained.

Consistent with her emphasis on process, she intends to spend time adding new "metrics" to keep an accounting of how the Agency is performing. She intends to streamline the direct reporting process, develop new methods for transparency reporting, and revise benchmark reporting. She plans to share those metrics openly with the public.

Finally, she is consensus driven on issues. She has great respect for the Ohio EPA program staff, and intends to seek their open and honest advice on issues as they percolate through the Agency.

Some specific issues. Director Stevenson provided some present insights into some specific issues.

1. **Water.** In her words, "the world of water is big." More specifically, she discussed the challenges facing water treatment and drinking water. She noted that Ohio's communities, both large and small, face soaring infrastructure costs necessary to keep our streams clean and drinking water safe. She made reference to Governor DeWine's recently announced H2O water funding initiative for Ohio, in which the governor will seek to create a \$900 million fund to assist with government infrastructure planning, Lake Erie, and failing septic systems, over the next ten years.
2. **Emerging contaminants.** At this time, the Agency is placing special emphasis on PFAs and the Lake Erie algae bloom problem. She mentioned that the Ohio EPA is currently dealing with a number of PFA groundwater plumes at certain military installations. While Ohio has yet to develop PFA standards for drinking water and groundwater, expect that Ohio will be following the lead of several states who have already established their own state standards.

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3. *Region V relationship.* The new Director's early relationship with the Region 5 administrator, Cathy Stepp, is positive. She has had preliminary discussions with the Regional Administrator, and feels that the future months will be cooperative and open. She expects that the Region will continue to place more responsibility on program issues on the States. The Region will continue to work on resolving certain "legacy issues" (a euphemistic term for the more disagreeable issues).
4. *Staff stability.* Ohio EPA has some exceptionally talented program people. Two of the most well-known are Bob Hodanbosi and Mike Hopkins. Both have been at the Agency since the beginning of the Ohio Air Program. They both have exceptional knowledge of the Program and how it works in practice. Both Bob and Mike are eligible for full Ohio retirement benefits, and the air-regulated community has been concerned about how the program will function when they retire. Director Stevenson disclosed to the conference attendees that both men have no current plans to leave. As to Ohio EPA staff demographics, Stevenson described the Ohio EPA staff as having a "blob of people near retirement and a blob of new people." At least 30% of the staff has less than 5 years of experience. Perhaps this is part of the reason Director Stevenson believes that training will be a priority.

Laurie Stevenson is a balanced, consensus-building Director. Expect her to be open to her staff as well as permit holders and the environmental community. Continued good relations with the Region and her program staff will be at the top of her agenda, as well as improvements in all of the Ohio EPA management systems. She has been open to meeting with industry groups or regulated industries to discuss the priorities, critical regulatory issues and Ohio permitting issues, and likely will continue to do so. Laurie seems to be a "you get what you see" type of person, and is excited about the new job.

Louis E. Tosi  
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## OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

**Ohio Environmental Protection Agency 2019 Sustainability Conference:** Join Ohio EPA Director Laurie A. Stevenson for a day-long conference targeted to businesses and communities that are moving beyond basic environmental requirements into cost-effective sustainable strategies to improve environmental performance and save valuable resources. The agenda focuses on ways to become a part of the circular economy, how sustainability can improve communities, how our water resources can benefit from sustainable approaches, and the resources and incentives that can help your sustainability efforts. The conference will be held on **Wednesday, April 17, 2019 from 9:00 a.m. - 4:30 p.m.** Click [here](#) to register.

### Air

**Availability of Draft for Comment - OAC Chapter 3745-14, NOx Budget Program:** The Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is making available a draft for comment of amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-14, "NOx Budget Program." The rules in this chapter establish Ohio's Nitrogen Oxides (NOx) Budget Program (NBP). The Division of Air Pollution Control (DAPC) is requesting comments on the draft rules and the draft business impact analysis (BIA) before DAPC proposes the rules to the Joint Committee on Agency Rule Review (JCARR). DAPC will be accepting comments on these documents through **Thursday, April 4, 2019**. The public notice can be viewed [here](#). A Synopsis of Changes can be viewed [here](#). The Draft Business Impact Analysis can be viewed [here](#).

**Draft Actions Relevant to the Steubenville, OH-WV Sulfur Dioxide Nonattainment Area: Proposal of Amended Rules OAC Chapter 3745-18, Sulfur Dioxide Regulations; Supplement to Ohio's Attainment Demonstration; and Redesignation Request and Maintenance Plan:** Ohio EPA has proposed amendments to Ohio Administrative Code (OAC) rule 3745-18-47 to incorporate a revised sulfur dioxide (SO<sub>2</sub>) emission limit for the coal-fired boilers at the Cardinal Power Plant in Jefferson County. Ohio EPA has also proposed amendments to OAC Rules 3745-18-03 and 3745-18-04 to incorporate compliance time schedules and measurement methods and procedures relevant to the Cardinal emission limit. Ohio EPA will be holding a public hearing on rule changes and SIP revisions on **Monday, April 29, 2019 at 2:30 p.m.**, at the Steubenville Library, Schiappa Branch, 4141 Mall Dr, Steubenville, OH 43952. Additional information can be found [here](#). The public hearing notice can be viewed [here](#).

**Proposed withdraw of rule regarding surface coating of miscellaneous metal and plastic parts:** Ohio EPA has proposed a withdraw of its surface coating of miscellaneous metal and plastic parts rule. The rule established emission reduction requirements for facilities involved in the surface coating of miscellaneous metal and plastic parts in the Cleveland/Akron area. The rule summary and fiscal analysis of the rule may be viewed [here](#). Questions may be directed to Alan Harness, Division of Air Pollution Control, at 614-644-2270.

## Water - Drinking and Groundwater

**WQ-01-007 Guidance Document Request for Comments:** OEPA seeks comments on the draft guidance document, WQ-01-007: Guidance on Total Coliform Bacteria Monitoring for Small Public Water Systems (Population Less Than 3,301 Persons) (draft document may be viewed [here](#)). This document was revised to incorporate the changes in total coliform bacteria monitoring covered by the Revised Total Coliform Rule (RTCR) as adopted by the U.S. EPA effective April 1, 2016. Submit comments or questions to [DDAGW\\_Rulecomments@epa.ohio.gov](mailto:DDAGW_Rulecomments@epa.ohio.gov) by **Friday, April 19, 2019**.

## Water - Surface

**Beneficial Use Designations Wave 1 (OAC 3745-1-11, -12, -19, -23) Request for Comments:** Ohio EPA is accepting Early Stakeholder Outreach (ESO) Comments on Water Quality Safety Beneficial Use Designation basin rules in OAC Chapter 3745-1. ESO comments are due by **5:00 p.m., Monday, April 8, 2019** to [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov). The ESO Fact Sheet can be viewed [here](#).

## Waste

**No updates at this time.**

## Waste - Non-Hazardous

**No updates at this time.**

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# OHIO DEPARTMENT OF NATURAL RESOURCES

## Oil and Gas

**Brine Disposal Fee Draft Rules Request For Comments:** The Ohio Department of Natural Resources, Division of Oil and Gas Resources Management (DOGRM) requests comments regarding draft rules that establish requirements and procedures for annual submittal of a brine disposal fee. The draft rule amplifies Ohio Revised Code (ORC) 1509.22 (H) by providing a standard form and submittal deadline for each owner of a Class II Disposal well to submit an annual fee to the DOGRM. The draft rule requires a form prescribed by the chief and the calculated fee to be submitted to DOGRM on or before February 15th for brine disposed of during the preceding calendar year. Submit comments in writing to [dogrm.rules@dnr.state.oh.us](mailto:dogrm.rules@dnr.state.oh.us) and or [CS!publiccomments@governor.ohio.gov](mailto:CS!publiccomments@governor.ohio.gov) no later than close of business on **Thursday, April 4, 2019**. Additional information and links to Word documents of the Executive Summary, Draft Disposal Fee Rule, and Business Impact Analysis can be found [here](#).

## Mineral Resources

**Division of Mineral Resources Management rule changes:** The Division of Mineral Resources Management 'Original Filed' 15 rules with JCARR on January 31, 2019. The rules are in four separate packages: a Mine Safety No Change package (4 rules); and three packages of rules with amendments: Mine Safety (3 rules); Coal (2 rules); and Industrial Minerals (6 rules). A public hearing on the rules with proposed amendments was held on March 6, 2019. The comment period for the rules with amendments has closed. The No Change rules can be viewed [here](#). The rules with amendments, and summaries that describe the proposed changes, can be viewed [here](#).

## Geology

**No updates at this time.**

## Soil and Water Resources

**No updates at this time.**

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# OHIO DEPARTMENT OF AGRICULTURE

## Administration

**No updates at this time.**

## Animal Health

**Ohio Livestock Care Standards Board Meeting:** The next Ohio Livestock Care Standards Board Meeting will be held on **Thursday, April 4, 2019, 1:00 p.m. - 3:00 p.m.** at the Ohio Department of Agriculture's Bromfield Administration Building (Auditorium) located at 8995 E. Main St., Reynoldsburg, Ohio 43068. The purpose of the meeting is for the board to review the livestock care standards of chapters 901:12-9, 901:12-10, 901:12-11, 901:12-14, and 901:12-15 of the Ohio Administrative Code. A public comment opportunity will be provided during the meeting.

## Dairy Milk

**Milk Sanitation Board Meeting:** The next Milk Sanitation Board Meeting will be held on **Thursday, April 11, 2019 at 10:00 a.m.**, at the Ohio Department of Agriculture located at 8995 E. Main Street, Reynoldsburg, OH. Agenda items will include budget, staffing, and dairy industry updates.

## Food Safety and Consumer Protection

**March 25, 2019:** Tip Top Poultry, Inc., a Rockmart, Ga. establishment, is recalling approximately 100 pounds of frozen, fully cooked diced white chicken meat products due to misbranding and undeclared allergens. The products contain soy, a known allergen, which is not declared on the product label. Additional information can be found [here](#).

**March 25, 2019:** North Country Smokehouse, a Claremont, N.H. establishment, is recalling approximately 2,686 pounds of ready-to-eat sausage products that may be contaminated with extraneous materials. Additional information can be found [here](#).

**March 22, 2019:** Hill's Pet Nutrition today announced it is expanding its recall of select canned dog food products due to elevated levels of vitamin D. This recall expansion was caused by the same vitamin premix received from a U.S. supplier that was the source of the January 31, 2019 recall and is being conducted in cooperation with the U.S. Food and Drug Administration. Additional information can be found [here](#).

**March 22, 2019:** Ata Int. Inc. is voluntarily recalling all lots within expiry of BLUEFUSION Capsules to the consumer level. FDA analysis has found the product to be tainted with sildenafil, tadalafil, desmethyl carbodenafil, dithiodes methyl carbodenafil, scutellarin and daidzein. Additional information can be found [here](#).

**March 22, 2019:** Tyson Foods, Inc., a Rogers, Ark. establishment, is recalling approximately 69,093 pounds of frozen, ready-to-eat chicken strip products that may be contaminated with extraneous materials, specifically pieces of metal. Additional information can be found [here](#).

**March 21, 2019:** Better Made Snack Foods of Detroit, MI, is recalling 10-ounce packages of Original Potato Chips because they may contain undeclared milk. People who have an allergy or severe sensitivity to milk run the risk of serious or life-threatening allergic reaction if they consume these products. Additional information can be found [here](#).

**March 21, 2019:** Century Snacks, LLC of Commerce, CA is recalling all packages of 3-oz. and 5.75-oz. SNAK CLUB HONEY BLISS NUT MIX due to undeclared milk. People who have an allergy or severe sensitivity to milk run the risk of serious or life-threatening allergic reaction if they consume these products. Additional information can be found [here](#).

**March 14, 2019:** A Butterball, LLC, a Mount Olive, N.C. establishment, is recalling approximately 78,164 pounds of raw ground turkey products that may be contaminated with Salmonella Schwarzengrund. Additional information can be found [here](#).

**March 14, 2019:** Monogram Meat Snacks, LLC, a Martinsville, Va. establishment, is recalling approximately 191,928 pounds of ready-to-eat pork sausage products that may be adulterated due to possible product contamination. This recall is being initiated due to product tampering, following the production process. Additional information can be found [here](#).

**March 13, 2019:** Hometown Food Company initiated a limited, voluntary retail-level recall on two specific lot codes of its Pillsbury® Unbleached All-Purpose 5 lb Flour (UPC 51500-22241) because it may be contaminated with Salmonella. Only Best If Used By Dates APR 19 2020 and APR 20 2020 are impacted. Additional information can be found [here](#).

**March 13, 2019:** North Country Smokehouse, a Claremont, N.H. establishment, is recalling approximately 2,601 pounds of pork sausage products due to misbranding. The product has a gluten free claim represented on the front of the label; however, the product contains gluten in the form of wheat. Wheat, which is an allergen, is also listed in the product's list of ingredients. Additional information can be found [here](#).

**March 13, 2019:** Choice Canning Company, Inc., a Pittston, Pa. establishment, is recalling approximately 35,459 pounds of chicken fried rice products due to misbranding and undeclared allergens. The products contain milk, a known allergen, which is not declared on the product label. Additional information can be found [here](#).

**March 13, 2019:** Conagra Brands, Inc., a Milton, Pa. establishment, is recalling approximately 2,871 pounds of chicken and rice products due to misbranding and undeclared allergens. The products may contain milk and wheat, known allergens, which are not declared on the product label. Additional information can be found [here](#).

**March 7, 2019:** McDaniel Life-Line LLC is voluntarily recalling all lots of Life-Line Water to the consumer level. This product is being recalled because FDA analysis found the product to be contaminated with *Pseudomonas aeruginosa*. Additional information can be found [here](#).

**March 4, 2019:** Washington Beef, LLC, a Toppenish, Wash. establishment, is recalling approximately 30,260 pounds of ground beef chubs products that may be contaminated with extraneous materials. Additional information can be found [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

**Department of Soil and Water Conservation Meeting:** The next OSWC Commission meeting will be held on **Thursday, April 25, 2019 at 10:00 a.m.** at the Bromfield Administration Building, Ohio Department of Agriculture located at 8995 E. Main Street, Reynoldsburg, Ohio.

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