

# Environmental Update

May 2019 (Issue 2)

## OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

### Air

**Availability of Draft for Comment - OAC Chapter 3745-100, "Toxic Chemical Release Reporting Rules":** The Ohio Environmental Protection Agency (Ohio EPA), Division of Air Pollution Control (DAPC) is making available a draft for comment of amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-100, "Toxic Chemical Release Reporting Rules." The rules in this chapter establish the reporting framework to implement the Toxic Release Inventory (TRI) program pursuant to the federal Emergency Planning and Community Right-to-Know Act (EPCRA). DAPC will be accepting comments on these documents through **May 8, 2019**. The Public Notice can be viewed [here](#), and the Rule Synopsis can be viewed [here](#).

**Early Stakeholder Input Requested on OAC Rule 3745-114-01, Toxic Air Contaminants Rule:** Ohio EPA is requesting stakeholder input on potential amendments to Ohio Administrative Code (OAC) Rule 3745-114-01, "Toxic Air Contaminants Rule." This rule provides that the director of Ohio EPA may require a permit-to-install, issued in accordance with Chapter 3745-31 of the Administrative Code, for any new or modified air contaminant source that emits a toxic air contaminant as described in the rule and listed in the table of the rule. The early stakeholder fact sheet can be found [here](#). Ohio EPA will be accepting comments on these potential changes through **May 10, 2019**.

**Proposal of Amended Rule - OAC Rule 3745-49-07, Ohio's Public Noticing Rule:** Ohio EPA has proposed amendments to Ohio Administrative Code (OAC) rule 3745-49-07. This rule contains procedures for public notice of actions, public meetings, verified complaints, water quality certifications under section 401 of the Federal Water Pollution Control Act, and the adoption, amendment, or rescission of a rule. The Public Notice can be viewed [here](#), and the Rule Synopsis can be viewed [here](#). Ohio EPA will be holding a public hearing on the new rule on **May 23, 2019**, at 10:30 a.m. at Ohio EPA Central Office, Columbus, Ohio.

### Water - Drinking and Groundwater

**Early Stakeholder Outreach on rules regarding Public Water System Licenses in chapter 3745-84 of the Ohio Administrative Code:** Division of Drinking and Ground Water (DDAGW) seeks comments on its plan to file rules regarding Public Water System Licenses in chapter 3745-84 of the Ohio Administrative Code (OAC) with no changes, to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code. Comments are due by **May 6, 2019**. The early stakeholder outreach fact sheet can be viewed [here](#).

**Guidance Document Guidelines Finalization:** DDAGW has finalized the guidance document *Guidelines for Determining When Source or Treatment Changes Trigger Optimal Corrosion Control Evaluation* (ENG-19-001) and addressed all comments in a formal [Response to Comments](#). This document provides guidance on when a source or treatment change in a public water system requires the evaluation of optimal corrosion control treatment (OCCT). Click [here](#) to view the effective ENG-19-001 guidance.

### Water - Surface

**Interested Party Review Comments Requested on three Water Quality Standard (WQS) rules as part of the Agency's Triennial WQS Review:** The Division of Surface Water (DSW) is providing interested parties opportunity to review and comment on the following rules in OAC 3745-1:

- 3745-1-32 - Ohio river standards.
- 3745-1-33 - Water quality criteria for water supply use designations.
- 3745-1-34 - Water quality criteria for the protection of human health (fish consumption).

Comments are due by **May 2, 2019 at 5:00 p.m.** The interested party letter can be viewed [here](#), and the draft rule fact sheet can be viewed [here](#).

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**Early Stakeholder Outreach regarding PTI Storage and Treatment Facilities - OAC 3745-42-13:** Ohio EPA is considering moving or modifying applicable parts of rule 3745-42-13: Land Application Systems to create rule 3745- 42-14, and incorporating parts of the Ohio Department of Agriculture (ODA) rules for manure storage and treatment facilities, as necessary. The early stakeholder fact sheet can be viewed [here](#). Comments are due by **May 6, 2019**.

## Waste - Hazardous

No updates at this time.

## Waste - Non-Hazardous

**Division of Materials and Waste Management Final Solid Waste Administration Rules:** The Division of Materials and Waste Management (DMWM) has filed the solid waste administration rules in OAC Chapter 3745-27. These rules have an effective date of **April 22, 2019**. The final public notice can be found [here](#).

## Department of Environmental Response and Revitalization

**Interested Party Review - VAP 5-year review rules:** The Department of Environmental Response and Revitalization (DERR) has drafted revisions to the rules in Chapter 3745-300 of the Ohio Administrative Code (OAC) and is proposing the addition of a new rule. DERR is requesting comments on the proposed rules. The interested party letter can be viewed [here](#), and the interested party review fact sheet can be viewed [here](#). Additional information is available [here](#). Comments should be received by close of business, **May 29, 2019**.

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## OHIO DEPARTMENT OF NATURAL RESOURCES

### Oil and Gas

**Responses to Comments for Draft Well Spacing Rules Posted:** The Ohio Department of Natural Resources (ODNR) Division of Oil and Gas Resources Management has responded to comments received regarding the Draft Well Spacing rules. Please see the following links for copies of the [Executive Summary](#), and [Responses to Comments](#).

### Mineral Resources

**Rule Change Proposals:** Two rules were re-filed on April 17, 2019 and are under JCARR review until May 17, 2019. They are expected to take effect on or about May 27, 2019. To see the changes that were made, click on the rule below.

- [1501:14-2-03 Criteria, standards and procedures governing annual safety performance evaluations of surface mining operations that are inspected by MSHA.](#)
- [1501:14-2-05 Mine safety inspections of surface mining operations that are inspected by MSHA.](#)

### Geology

No updates at this time

### Soil and Water Resources

**ODNR to Purchase Additional 118 Acres for Lakeside Daisy State Nature Preserve:** ODNR Division of Natural Areas and Preserves is purchasing land adjacent to the Lakeside Daisy State Nature Preserve near Lake Erie. This site, located on the Marblehead Peninsula in Ottawa County, is home to the only natural population of the Lakeside Daisy remaining in Ohio. The purchase will increase the Lakeside Daisy State Nature Preserve from 19 acres to 137 acres. Acquiring this property will protect more than 700,000 Lakeside Daisy plants. This property will also protect valuable habitat for migratory bird species crossing Lake Erie, such as the federally endangered Kirtland's warbler, bald eagle, and many more. Funding for this acquisition comes from both a sizable grant from the U.S. Fish and Wildlife Service and donations from Ohioans using their state income tax refunds to support Ohio State Nature Preserves.

**Ohio Wildlife Council Approves 2019-2020 Hunting Regulations:** The Ohio Wildlife Council has approved Ohio's 2019-2020 hunting season dates and bag limits. In addition, the council approved to increase the bag limit for walleye in Lake Erie and the Maumee River in March 2020. A summary and a complete list of all proposed changes can be found [here](#).

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## 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

**April 18, 2019:** Weis Markets issued a recall for its Weis Quality Banana Puddin Ice Cream (48oz). The product's ingredient label fails to list an egg allergen due to a supplier error. People who have an allergy or severe sensitivity to eggs run the risk of serious or life-threatening allergic reaction if they consume these products. Additional information can be found [here](#).

**April 18, 2019:** Mondelēz Global LLC announced a limited voluntary recall in the United States of certain Chewy Chips Ahoy 13oz cookies. This voluntary recall is being conducted because of the potential for certain product to contain an unexpected solidified ingredient. Additional information can be found [here](#).

**April 16, 2019:** Hercules Candy LLC, of East Syracuse, NY, recalled its 4 ounce packages of Cashew Brittle Bits because they may contain undeclared peanuts. People who have allergies to peanuts run the risk of serious or life-threatening allergic reaction if they consume this product. Additional information can be found [here](#).

**April 16, 2019:** Unilever voluntarily recalled a limited quantity of Ben & Jerry's Coconut Seven Layer Bar bulk and Ben & Jerry's Chunky Monkey pints, which may inadvertently contain tree nuts including almonds, Brazil nuts, and hazelnuts that are not declared in the ingredient list or allergy information list. Both affected products include a "Contains Walnuts" and a "May contain other tree nuts" label on the back of the pack. Persons who have an allergy or severe sensitivity to these undeclared tree nuts run the risk of a serious or life-threatening allergic reaction if they consume the recalled products. Additional information can be found [here](#).

**April 15, 2019:** Caito Foods voluntarily recalled fresh cut watermelon, fresh cut honeydew melon, fresh cut cantaloupe and fresh cut mixed fruit containing one of these melons, produced at the Caito Foods facility in Indianapolis because these products have the potential to be contaminated with Salmonella Carrau, 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 can be found [here](#).

**April 12, 2019:** SD Import, LLC voluntarily recalled all lots of Aphrodisiac, Capsules to the consumer level. The products have been found to be tainted with sildenafil. Additional information can be found [here](#).

**April 9, 2019:** USA LESS voluntarily recalled all lots of LEOPARD Miracle Honey, to the consumer level. FDA analysis has found LEOPARD Miracle Honey to be tainted with sildenafil. Sildenafil is an FDA approved drug for the treatment of male erectile dysfunction. The presence of sildenafil in LEOPARD Miracle Honey renders it an unapproved drug for which safety and efficacy have not been established and, therefore, subject to recall. Additional information can be found [here](#).

**April 9, 2019:** Theo Chocolate of Seattle, WA voluntarily recalled 3oz Sea Salt 70% Dark Chocolate bars (UPC 8 74492 00325 8) because they may contain undeclared milk. People who have an allergy or severe sensitivity to milk run the risk of a serious or life-threatening allergic reaction if they consume this product. Additional information can be found [here](#).

**April 9, 2019:** Brian Richards on DBA In Tha Pink, voluntarily recalled lots with the expiration of October 13, 2020 (13/10/2020) of ground Kopi Jantan Tradisional Natural Herbs Coffee to the consumer level. FDA analysis has found the product to be tainted with Sildenafil and Tadalafil. Sildenafil and tadalafil are FDA approved drugs for the treatment of male erectile dysfunction. The presence of these undeclared active ingredients renders the product an unapproved drug for which safety and efficacy has not been established and, therefore, subject to recall. Additional information can be found [here](#).

**April 8, 2019:** J & J Snack Foods Handhelds Corp., a Holly Ridge, N.C. establishment, recalled approximately 56,578 pounds of stuffed sandwich products that may be contaminated with extraneous materials, specifically semi-transparent plastic. Additional information can be found [here](#).

**April 5, 2019:** Conagra Brands, Inc. (NYSE: CAG) voluntarily recalled a limited amount of Hunt's Tomato Paste No Salt Added six ounce cans. After the canning process, the final product could have been damaged, creating the potential for mold. Additional information can be found [here](#).

**April 5, 2019:** Blount Fine Foods, a Fall River, Mass. establishment, is recalling an undetermined amount of ready-to-eat chicken soup products due to misbranding and an undeclared allergen. The product contains milk, a known allergen, which is not declared on the product label. Additional information can be found [here](#).

**April 3, 2019:** AdvancePierre Foods, Inc., an Enid, Okla. establishment, is recalling approximately 20,373 pounds of ready-to-eat (RTE) beef patties that may be contaminated with extraneous materials, specifically soft purple plastic. Additional information can be found [here](#).

**April 2, 2019:** Little Red Rooster Ice Cream Company, d/b/a NadaMoo! ("NadaMoo!") announced a limited voluntary recall of approximately 26,000 pints of its Strawberry Cheesecake Non-Dairy Frozen Dessert because they contain an undeclared almond ingredient. People who have an allergy or severe sensitivity to almonds run the risk of a serious or life-threatening allergic reaction if they consume the recalled products. Additional information can be found [here](#).

**April 2, 2019:** Nestlé Purina PetCare Company is voluntarily recalling a limited amount of Muse wet cat food Natural Chicken Recipe in Gravy in three-ounce cans. The product could contain rubber pieces that are translucent yellow with a blue backing, which may present a potential choking hazard. 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

**Ohio Department of Agriculture Announces Updates on Western Lake Erie Basin Assistance Programs:** The Ohio Department of Agriculture (ODA) is announcing an additional assistance program for producers in the Western Lake Erie Basin funded by the passage of Ohio Senate Bill 299. The Ohio Working Lands Small Grains Program is a voluntary program that will encourage producers in the Western Lake Erie Basin to plant small grains such as wheat, barley, oats, or cereal rye on eligible cropland. As the "working lands" name implies, participants must plant and harvest small grains, land apply manure, and plant a cover crop to receive a cost-share payment to help offset operating costs. The program benefits the planting of small grains not only for the conservation benefits, but to provide livestock producers with a longer application window to land apply manure and nutrients. Additional information can be found [here](#).

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