

# Environmental Update

July 2019 (Issue 4)

## OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

### Air

**Availability of Draft Amended Rules for Comment - OAC Chapter 3745-25, Emergency Episode Rules and Ambient Air Quality Standards:** The Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) is making available draft amended rules and a draft business impact analysis document for comment for rules in Ohio Administrative Code (OAC) Chapter 3745-25, "Emergency Episode Rules and Ambient Air Quality Standards." The Public Notice can be viewed [here](#); the Business Impact Analysis can be viewed [here](#); and, the Rule Synopsis can be viewed [here](#). DAPC will be accepting comments on the BIA document through **Friday, July 12, 2019**.

**Proposal of Amended Rules - OAC Chapter 3745-14, NOx Budget Program:** Ohio EPA has proposed amended Ohio Administrative Code (OAC) rules 3745-14-11 and 3745-14-12 to the Joint Committee on Agency Rule Review (JCARR). These rules were promulgated to satisfy the federal NOx SIP Call, which required 22 states and the District of Columbia to submit state implementation plans to set statewide NOx budgets [October 27, 1998, 63 FR 57356]. This rulemaking contains OAC rules 3745-14-11, and 3745-14-12 as the remaining rules in this chapter are already in the rulemaking process in the "NOx Budget Trading Program (Phase 2)" rulemaking package. The Public Notice can be viewed [here](#), and a Synopsis of Changes can be viewed [here](#). Ohio EPA will be holding a public hearing on the amended rules on **Tuesday, July 16, 2019, at 10:30 a.m.** at Ohio EPA Central Office, Columbus, Ohio.

**Proposal of Amended Rules - OAC Chapter 3745-14, NOx Budget Program Rules (Phase 2):** Ohio EPA has proposed amendments to Ohio Administrative Code (OAC) rules 3745-14-01, 3745-14-04, and 3745-14-08 to the Joint Committee on Agency Rule Review (JCARR). This is the second in two phases of rulemaking to revise OAC Chapter 3745-14. Ohio EPA will be holding a public hearing on the amended rules and the 110(l) document on **Tuesday, July 16, 2019, at 10:30 a.m.** at Ohio EPA Central Office, Columbus, Ohio. The Public Notice can be viewed [here](#), and a Synopsis of Changes can be viewed [here](#).

**Stakeholder Input Requested on Rules - OAC Chapter 3745-15, General Provisions Rules:** Ohio EPA is requesting stakeholder input on potential amendments to Ohio Administrative Code (OAC) Chapter 3745-15, "General Provisions on Air Pollution Control." The Early Stakeholder Fact Sheet can be viewed [here](#). Ohio EPA will be accepting comments on these potential changes through **Tuesday, July 23, 2019**.

### Water - Drinking and Groundwater

No updates at this time.

### Water - Surface

**Draft Biological and Water Quality Report for Wills Creek and Selected Tributaries:** The Draft Biological and Water Quality Report for Wills Creek and Selected Tributaries is now available for review and comment. The draft report can be found viewed [here](#), and a fact sheet can be viewed [here](#). The comment period ends **July 19, 2019**.

### Waste - Hazardous

No updates at this time.

### Waste - Non-Hazardous

**Division of Materials and Waste Management (DMWM) Landfill Interested Party Draft:** DMWM has released an interested party draft of eight municipal solid waste rules in Ohio Administrative Code (OAC) 3745-27. The Business Impact Analysis can be viewed [here](#), and the Interested Party Fact Sheet can be viewed [here](#). Follow the links below to view the draft rules.

- [3745-27-02 Draft](#)
- [3745-27-05 Draft](#)
- [3745-27-06 Draft](#)
- [3745-27-07 Draft](#)
- [3745-27-08 Draft](#)

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- [3745-27-09 Draft](#)
- [3745-27-11 Draft](#)
- [3745-27-14 Draft](#)

Comments on the draft rules must be received by **5:00 p.m.** on **July 31, 2019**.

## Department of Environmental Response and Revitalization

No updates at this time.

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## OHIO DEPARTMENT OF NATURAL RESOURCES

### Oil and Gas

No updates at this time.

### Mineral Resources

No updates at this time.

### Geology

No updates at this time.

### Soil and Water Resources

No updates at this time.

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## OHIO DEPARTMENT OF AGRICULTURE

### Administration

**Governor DeWine Requests USDA Disaster Designation for Ohio Farmers Impacted by Heavy Rainfall:** On June 14, 2019, Ohio Governor Mike DeWine sent a letter to U.S. Department of Agriculture (USDA Secretary Sonny Perdue requesting a USDA Secretarial disaster designation for Ohio amid heavy rainfall impacting Ohio farmers. Excessive rainfall presented challenges as early as last fall. Because of poor field conditions, some 2018 crops are still in the field and yet to be harvested. The letter is a formal request to the U.S. Department of Agriculture for a USDA disaster declaration for Ohio so that assistance can be made available to Ohio farmers.

### Animal Health

No updates at this time.

### Dairy

No updates at this time.

### Food Safety

#### Recalls

**June 24, 2019:** Keurig Dr Pepper today announced it will voluntarily withdraw Peñafiel unflavored mineral spring water products, imported from Mexico, due to the presence of violative levels of arsenic. Arsenic, when present in the diet at very high levels, well above those detected in recent samples of Peñafiel, is associated with numerous chronic diseases. Water quality tests of Peñafiel samples conducted by an independent laboratory on behalf of Keurig Dr Pepper detected arsenic at levels that exceeded the FDA's bottled water standards for mineral water of 10 ppb. Additional information can be found [here](#).

**June 24, 2019:** Perrigo Company plc is issuing a voluntary nationwide recall of 35 oz, 992-gram containers of Parent's Choice Advantage Infant Formula Milk-Based Powder with Iron. This product, sold exclusively at Walmart, is being recalled because of the potential presence of metal foreign matter in a single lot of the product (C26EVFV. The total number of containers affected by this recall is 23,388. No adverse events have been reported to date, and the recall is being initiated out of an abundance of caution stemming from a consumer report. Additional information can be found [here](#).

**June 21, 2019:** In cooperation with ADM Milling Co., Brand Castle, LLC of Bedford Heights, Ohio is voluntarily recalling 25 oz and 32 oz glass jars of cookie and brownie mix out of an abundance of caution because it may be contaminated with pathogenic E. coli. The product is being recalled because an ingredient supplier, ADM Milling Co., has issued a recall for the flour used in these products due to E. coli contamination found in a single lot code of H&R Flour at their Buffalo production plant. Additional information can be found [here](#).

**June 20, 2019:** UNFI is voluntarily recalling its 10 oz packages of Woodstock frozen Organic Grilled Red Peppers because they have the potential to be contaminated with *Listeria monocytogenes*. The product comes in a 10 oz plastic package marked with UPC code 4256301714, lot #60B, and an expiration date of April 2020 stamped on the back of the package and was distributed nationally to retail stores. No illnesses have been reported to date in connection with this problem. Additional information can be found [here](#).

Department of Health's microbiological standards for private water systems in Ohio. The beef, pork, and lamb products were produced between May 21, 2019 and June 17, 2019. The complete list of products can be found [here](#).

**June 17, 2019:** Hometown Food Company, in cooperation with ADM Milling Co., today initiated a voluntary recall of two specific lot codes of its Pillsbury® Best 5 pound Bread Flour due to a potential presence of pathogenic E. coli. The product was manufactured by ADM Milling Co., at the company's mill in Buffalo, New York. Approximately 4,620 cases of impacted Pillsbury® Best 5 pound Bread Flour were distributed to a limited number of retailers and distributors across the following 10 states: Connecticut, Delaware, Maryland, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Virginia. Additional information can be found [here](#).

**June 17, 2019:** Ruiz Foods Products Inc., a Denison, Texas, establishment, is recalling approximately 246,514 pounds of frozen, not ready-to-eat (NRTE) breakfast wrap products containing bacon that may be contaminated with extraneous materials, specifically small rocks. The products subject to recall bear establishment number "EST. 17523A" on the back of the package. These items were shipped to retail locations nationwide. The problem was discovered on June 14, 2019, when Ruiz Foods advised FSIS of three consumer complaints regarding foreign material in the wrap products. The firm continues to investigate the source of the foreign material. Additional information can be found [here](#).

**June 17, 2019:** able 87 Frozen, LLC, a Brooklyn, New York firm, is recalling an undetermined amount of frozen pizza products containing pork and beef that were produced without the benefit of federal inspection. The scope of this recall now includes ready-to-eat, prosciutto and pepperoni pizza products produced from June 3, 2017 through June 4, 2019. The products subject to recall bear establishment number "EST. 51192" inside the USDA mark of inspection. The firm applied this mark of inspection to the labels of the pork and beef pizza products without authorization. These items were shipped to retail and wholesale locations, as well as through online sales, nationwide. Additional information can be found [here](#).

**June 17, 2019:** In cooperation with ADM Milling Company, King Arthur Flour, Inc. of Norwich, Vermont is voluntarily recalling 14,218 cases of 5 pounds Unbleached All-Purpose Flour due to the potential presence of Escherichia coli bacteria (E. coli). Additional information can be found [here](#).

**June 10, 2019:** Taylor Farms Illinois, Inc., a Chicago, Illinois establishment, is recalling approximately 51 pounds of cheese and bacon quiche products due to misbranding and undeclared allergens. There have been no confirmed reports of adverse reactions due to consumption of these products. Anyone concerned about an injury or illness should contact a healthcare provider. Additional information can be found [here](#).

**June 10, 2019:** Tyson Foods, Inc., a New Holland, Pennsylvania establishment, is recalling approximately 190,757 pounds of ready-to-eat chicken fritter products that may be contaminated with extraneous materials, specifically hard plastic. The products subject to recall bear establishment number "P-1325" inside the USDA mark of inspection. The recalled items were shipped to institutional foodservice locations nationwide and were not packaged for retail sale. Additional information can be found [here](#).

**June 10, 2019:** The Kroger Co. (NYSE: KR) is recalling Private Selection Frozen Triple Berry Medley (48 oz), Private Selection Frozen Triple Berry Medley (16 oz), and Private Selection Frozen Blackberries (16 oz) manufactured by Townsend Farms due to possible Hepatitis A contamination. No customer illnesses have been reported to date. Kroger was informed by the FDA that a sample of the Private Selection frozen berries was tested by the FDA and found to be contaminated with Hepatitis A. Additional information can be found [here](#).

**June 7, 2019:** Table 87 Frozen, LLC, a Brooklyn, New York firm, is recalling approximately 649 pounds of frozen pizza products that contain pork that were produced without the benefit of federal inspection. The products subject to recall bear establishment number "EST. 51192" inside the USDA mark of inspection. These items were shipped to retail and wholesale locations, as well as through online sales, nationwide. Additional information can be found [here](#).

**June 3, 2019:** Deep Foods Inc. of Union, New Jersey is recalling Deep Golden Raisin 7 oz, 14 oz and 28 oz. 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 can be found [here](#).

**June 3, 2019:** Perdue Foods LLC, a Bridgewater, Virginia establishment, is recalling approximately 31,703 pounds of ready-to-eat chicken products that may be contaminated with extraneous materials, specifically pieces of bone material. Additional information can be found [here](#).

**June 3, 2019:** Johnsonville, LLC, a Sheboygan Falls, Wisconsin establishment, is recalling approximately 95,393 pounds of its ready-to-eat jalapeño cheddar smoked sausage products that may be contaminated with extraneous material, specifically hard green plastic. Additional information can be found [here](#).

All recalls can be viewed [here](#).

[Meat Inspection](#)

No updates at this time.

## Plant Health

No updates at this time.

## Soil and Water Conservation

**Ohio Department of Agriculture and Ohio Agribusiness Association Announces the Expansion of the Voluntary Nutrient Management Plan Development Program:** The Ohio Department of Agriculture (ODA) and the Ohio Agribusiness Association are announcing the expansion of the Voluntary Nutrient Management Plan Development to all 4R Certified Nutrient Dealers in the Western Lake Erie Basin. Started as a pilot program with two 4R certified Nutrient Retail providers, the Voluntary Nutrient Management Plan Development Program is a partnership with the Ohio Agribusiness Association, in which producers are reimbursed for nutrient management plans. Producers located in the Western Lake Erie Basin are encouraged to contact their local 4R Nutrient Certified dealers to learn more and sign up for the program. For more information contact your local soil and water conservation district.

**Funding Available for Farmers Through Lake Erie Conservation Reserve Enhancement Program:** The Ohio Department of Agriculture's (ODA) Division of Soil and Water Conservation is making farmers aware of funding available to farmers through the Lake Erie Conservation Reserve Enhancement Program (CREP). CREP is the country's largest private-land conservation program. Administered by the USDA Farm Service Agency in partnership with the ODA and local soil and water conservation districts, CREP targets high-priority conservation concerns in exchange for removing environmentally sensitive land from production. In return for establishing permanent resource-conserving plant species, farmers are paid an annual rental rate along with other federal and state incentives as applicable per each CREP agreement. New for 2019 is the \$200 bonus offered by the state of Ohio for all newly-enrolled filter strip and riparian area practices. For current CREP participants with expiring contracts, re-enrolling and expanding the width of filter strips or riparian areas will earn you the bonus dollars on those new added acres all the while expanding the environmental protection of these practices. For more information and to sign up visit your local soil and water conservation district or contact the ODA Division of Soil and Water Conservation at [dswc@agri.ohio.gov](mailto:dswc@agri.ohio.gov) or +1 614 265 6610.

**Ohio Department of Agriculture Announces Updates on Western Lake Erie Basin Assistance Programs:** The Ohio Department of Agriculture (ODA) is announcing the second sign up period for programs in the Western Lake Erie Basin funded by the passage of Ohio Senate Bill 299. Signed in 2018, Ohio Senate Bill 299 provided \$23.5 million for soil and water conservation districts (SWCD) located in the Western Lake Erie Basin (WLEB) for nutrient management programs. The program supports the planting of small grains and cover crops for the conservation benefits and provides livestock producers with a longer season to land apply manure and nutrients. During the first sign up period, 39,226 acres were in enrolled in the program. Signups for the Ohio Working Lands Hay Buffer and Small Grains Program began **June 17, 2019**. Local soil and water conservation districts (SWCDs) will manage the program signup and verification of eligibility and crop establishment. Producers located in the WLEB and interested in these programs should contact their local SWCD to learn how to signup.

**Ohio Department of Agriculture Announces 2019 Local Agricultural Easements Approved for Purchase:** ODA announced approval for local sponsors to purchase agricultural easements on 42 family farms representing 5,851 acres in 23 counties. Local sponsoring organizations, which include land trusts, counties and local Soil and Water Conservation Districts, receive funding from the Clean Ohio Fund to manage the Local Agricultural Easement Purchase Program (LAEPP). The easement ensures farms remain permanently in agricultural production. The program supports the state's largest industry, food and agriculture. For more information go to: [www.agri.ohio.gov/wps/portal/govoda/programs/farmland-preservation-office/home](http://www.agri.ohio.gov/wps/portal/govoda/programs/farmland-preservation-office/home).

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