

# Environmental Update

September 2019 (Issue 6)

## OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

### Air

**Availability of Draft Amended Rules for Comment - OAC Chapter 3745-110 - Nitrogen Oxides - Reasonably Available Control Technology Regulations:** 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 3745-110, "Nitrogen Oxides - Reasonably Available Control Technology Regulations." These rules establish requirements for emissions of nitrogen oxides (NOx) from very large, large, mid-size, and small boilers, stationary combustion turbines, stationary internal combustion engines or reheat furnace as defined in OAC rule 3745-110-01, or that are located at a facility that emits or has the potential to emit a total of more than one hundred tons per year of NOx emissions from all sources at that facility. DAPC will be accepting comments through **Wednesday, October 2, 2019**. The Public Notice is available [here](#); the Business Impact Analysis is available [here](#); and, the Synopsis of Changes is available [here](#).

### Water and Drinking and Groundwater

**Division of Drinking and Ground Water (DDAGW) Seeks Comments on Draft Policy Document:** DDAGW seeks comments on the draft policy document, ENG-20-001: Guidelines for Obtaining Approval of Backflow Prevention Methods in Drinking Water Treatment Plants. The document is available [here](#). 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. Comments or questions should be submitted to [DAGW\\_Rulecomments@epa.ohio.gov](mailto:DAGW_Rulecomments@epa.ohio.gov) by **September 5th, 2019**.

**Division of Drinking and Ground Water (DDAGW) Seeks Comments on Plan to Amend Disadvantaged Community Loan Rules:** DDAGW seeks comments on its plan to amend Disadvantaged Community Loan rules in Chapter 3745-88 of the Ohio Administrative Code (OAC) to satisfy the five-year rule review requirements of section 106.03 of the Ohio Revised Code. Comments are due by **September 16, 2019**. The Early Stakeholder Fact Sheet is available [here](#).

### Water - Surface

**Division of Surface Water (DSW) Seeking Comments on Draft National Pollutant Discharge Elimination System (NPDES) Permit:** DSW is seeking comments on a draft NPDES permit to CCU Coal & Construction, LLC to discharge into the Johnson Run stream and subsequently West Branch Sunday Creek. The draft NPDES permit is available [here](#). Comments should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 or via email to: [epa.dswcomments@epa.ohio.gov](mailto:epa.dswcomments@epa.ohio.gov); and 2) Ohio Environmental Protection Agency, Southeast District Office 2195 Front St., Logan OH 43138, [(740) 385-8501] or via email to: [scott.foster@epa.ohio.gov](mailto:scott.foster@epa.ohio.gov). Please include the name Johnson Run Mine and NPDES number 0IL00168\*AD and/or Public Notice No. 19-08-033 on the correspondence. Comments should be submitted in person or by mail no later than **October 14, 2019**.

### Waste - Hazardous

No updates at this time.

### Waste - Non-Hazardous

No updates at this time.

### Department of Environmental Response and Revitalization

**Department of Environmental Response and Revitalization (DERR) Revisions to Chapter 3745-300 of the Ohio Administrative Code (OAC):** 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. The proposed amendments are a result of the five-year rule review requirements of Section 106.03 of the Revised Code (ORC). The public comment period runs

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until September 6, 2019. A public hearing on this proposed rule making will be held to consider public comments in accordance with Section 119.03 of the Ohio Revised Code. The hearing will be held at Ohio EPA, 50 W. Town St. Columbus, OH 43215 on September 6, 2019 at 10:30am. The Public Hearing Notice is available [here](#). The draft rules Fact Sheet is available [here](#). Additional information is available [here](#).

**Grimes Aerospace Decision Document:** On August 29, 2019 the Ohio Environmental Protection Agency (EPA) finalized a Decision Document identifying the selected alternative to remediate contamination at the Grimes Aerospace Co. facility located at 515 North Russel Street in Urbana, Champaign County, Ohio (Site). The decision document can be viewed [here](#). This action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based.

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## OHIO DEPARTMENT OF NATURAL RESOURCES

### Oil and Gas

**Ohio Department of Natural Resources (ODNR) Opens Three Rule Packages for Informal Review:** ODNR Division of Oil and Gas Resources Management is making three new and revised rules available for interested party/informal review. The draft rules and executive summaries are below.

#### **Chapter 1501:9-1 Oil Well Drilling**

- [Draft Rules \[pdf\]](#)
- [Executive Summary \[pdf\]](#)

#### **Chapter 1501-9-6 Waste Facilities**

- [Draft Rules \[pdf\]](#)
- [Executive Summary \[pdf\]](#)

#### **Chapter 1501:9-7 Class III Solution Mining**

- [Draft Rules \[pdf\]](#)
- [Executive Summary \[pdf\]](#)

### 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

**Hemp Is Now Legal:** Senate Bill 57 was signed into law on July 30, 2019. The law decriminalizes hemp, making it a legal crop for Ohio farmers to cultivate and process. It allows for the creation of a hemp program to be administered by the Ohio Department of Agriculture. The law also sets up a licensing structure for farmers who are interested in growing the crop and those interested in processing it. Additional information is available [here](#).

### Animal Health

**No updates at this time.**

### Dairy

**No updates at this time.**

### Food Safety

### Recalls

**August 28, 2019:** Nature's One, of Lewis Center, Ohio, is recalling PediaSmart® SOY Vanilla Beverage Mix because milk is not listed under the "contains" label statement. Each lot is tested for milk allergen by independent 3rd party laboratories before release for sale: no milk allergen was detected in any lots of the finished product. No illnesses have been reported to date; however out of an abundance of caution, the product is being recalled. People who have an allergy or severe sensitivity to milk run the risk of serious or life-threatening allergic reaction if they consume this product. Additional information is available [here](#).

**August 26, 2019:** Krasnyi Oktyabr USA Inc of Brooklyn, New York is recalling its 500gram (17.65oz) packages of "TAINY VOSTOKA ASSORTED DRIED FRUITS - QUINCE" because they contain 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](#).

**August 21, 2019:** Tip Top Poultry, Inc., a Rockmart, Georgia establishment, is recalling approximately 135,810 pounds of fully cooked poultry products that may be adulterated with *Listeria monocytogenes*. The products subject to recall bear establishment number "P-17453" inside the USDA mark of inspection or on the case. These items were shipped to hotels, restaurants, and institutions nationwide. Additional information is available [here](#).

**August 19, 2019:** The U.S. Food and Drug Administration ("FDA"), together with the Centers for Disease Control and Prevention ("CDC") and State partners, is investigating a suspected link between pig ear pet treats and human cases of salmonellosis. Dog Goods USA LLC ("Dog Goods"), a distributor of Tobyhanna, Pennsylvania has been contacted by the FDA and, based on the best information currently available, is conducting a voluntary recall of the following products (the "Products"): non-irradiated bulk and packaged pig ears branded Chef Toby Pig Ears due to potential *Salmonella* contamination. Additional information is available [here](#).

**August 16, 2019:** The U.S. Food and Drug Administration is cautioning pet owners not to feed their pets any of the Texas Tripe brand raw frozen pet food listed below because several samples of Texas Tripe raw pet food have tested positive for *Salmonella* and/or *L. mono*. Additional information is available [here](#).

**August 16, 2019:** Tyson Foods Inc., a Pine Bluff, Arkansas establishment, is recalling approximately 39,078 pounds of Weaver brand frozen chicken patty product that may be contaminated with extraneous materials. The products subject to recall bear establishment number "P-13456" printed on the back of the resealable plastic bag. These items were shipped to retail locations nationwide. Additional information is available [here](#).

**August 12, 2019:** Taylor Farms Inc., a Chicago, Illinois establishment, is recalling approximately 342 pounds of breaded chicken products due to a processing defect that may have led to undercooking of products. The products subject to recall bear establishment number "EST. or P-21794" inside the USDA mark of inspection. These items were shipped to retail locations in Arkansas, Michigan, Mississippi, Ohio, Tennessee, and West Virginia where the products are sold in the deli section of retailers. Additional information is available [here](#).

**August 12, 2019:** Dole Fresh Vegetables, Inc. is voluntarily recalling a limited number of cases of baby spinach. The products being recalled are 6 ounce Dole Baby Spinach bag, Lot code W20308A (UPC code 0-71430-00964-2), and 10 ounce Dole Baby Spinach clamshell, Lot code W203010 (UPC code 0-71430-00016-8), both with Use-by dates of 08-05-2019, due to a possible health risk from *Salmonella*. Additional information is available [here](#).

**August 2, 2019:** Ruleau Brothers Inc. of Stephenson, Mississippi, is recalling its 8 ounce containers of "Door County Whitefish Smoked Whitefish Pate" because they may contain undeclared allergens of Egg, Soy, and Anchovies. People who have allergies to Eggs, Soy, and Anchovies run the risk of serious or life-threatening allergic reaction if they consume these products. Additional information is available [here](#).

**August 2, 2019:** Bimbo Bakeries USA, Inc. has initiated a voluntary recall of Entenmann's Little Bites Soft Baked Cookies (5 pack Mini Chocolate Chip variety) due to the potential presence of visible, blue plastic pieces in the individual packaging pouch. The plastic is not baked into the product since it was introduced during the packaging process; however, consumption of the plastic pieces may result in a choking hazard. Additional information is available [here](#).

**August 1, 2019:** Conagra Brands, Inc., a Milton, Pennsylvania establishment, is recalling approximately 32,400 pounds of canned beef products due to a potential processing defect, resulting in the potential survival of bacterial pathogens in the products. The products subject to recall bear establishment number "EST. 794" inside the USDA mark of inspection. These items were shipped to distribution centers and retail locations in Indiana, Kentucky, Maryland and Texas. Additional information is available [here](#).

**August 1, 2019:** The Lennox Intl Inc, located in Edison, New Jersey, is expanding its voluntary recall of its Natural Pig ears because they have the potential to be contaminated with *Salmonella*. The recalled products affected where shipped to nationwide distributors and/or retail stores from November 1, 2018 to July 3, 2019. Additional information is available [here](#).

**August 1, 2019:** Home Market Foods, Inc: Cooked Perfect Brand Homestyle Meatballs All Natural has reason to believe that several retail locations, including Ohio, received frozen ready-to-eat beef and pork meatball products that have been recalled by Home Market Foods, Inc., a Norwood, Massachusetts establishment. The products were re-called due to misbranding and undeclared allergens. Additional information is available [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

No updates at this time.

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