

Environmental Update

December 2019 (Issue 9)

OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

Air

Stakeholder Input Requested on Potential Rules Amendments - OAC Chapter 3745-26, I/M Program Rules: Ohio EPA is requesting stakeholder input on potential amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-26, "I/M Program Rules," which contains the requirements for Ohio's motor vehicle inspection and maintenance (I/M) program, also known as E-Check. The Stakeholder Outreach Fact Sheet is available [here](#). Comments are due **Wednesday, December 4, 2019**.

Stakeholder Input Requested on Potential Rules Amendments - OAC Chapter 3745-22, Asbestos Licensing Rules: Ohio EPA is requesting stakeholder input on potential amendments to rules in Ohio Administrative Code (OAC) Chapter 3745-22, "Asbestos Licensing Rules." The rules in this chapter establish Ohio's licensing, certification and approval requirements for business entities and individuals that are performing activities related to asbestos including contractors, training providers, supervisors, workers, inspectors, and project designers. The Stakeholder Outreach Fact Sheet is available [here](#). Comments are due **Friday, January 3, 2020**.

Availability of Draft Business Impact Analysis for Comment - OAC Rule 3745-114-01, "Toxic Air Contaminants Rule": The Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC), is making available a draft business impact analysis document for comment for Ohio Administrative Code (OAC) rule 3745-114, "Toxic Air Contaminants." 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. Upon completion of a review to fulfill the requirements of Ohio Revised Code 106.03 (five-year review), Ohio EPA has determined this rule remains necessary and is without need of change. The Public Notice is available [here](#). The Business Impact Analysis is available [here](#). Comments are due **Friday, January 3, 2020**.

Water - Drinking and Groundwater

No updates at this time.

Water - Surface

Proposed Water Quality Criteria for the Protection of Human Health (OAC 3745-1: Ohio EPA 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 Fact Sheet is available [here](#). The Public Notice is available [here](#). The responses to the interested party review period, April 2, 2019 through May 3, 2019 are available [here](#). Comments are due **Wednesday, December 4, 2019**.

Wiles Storage Pond Public Notice: Ohio EPA, Division of Surface Water (DSW), is accepting comments on its proposal to issue an NPDES permit to Pleasant Home Farm LLC for bio-solids storage, beneficial use, and management activities subject to certain effluent conditions and special conditions, and for the monitoring of groundwater. The Public Notice is available [here](#). Comments are due **Tuesday, December 11, 2019**.

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Ashtabula River Watershed Draft Loading Analysis Plan: The Ashtabula River Watershed Draft Loading Analysis Plan is now available for review and comment. The Loading Analysis Report is available [here](#). The Fact Sheet is available [here](#). Comments are due **Wednesday, December 12, 2019**.

Kokosing River Watershed Draft Loading Analysis Plan: The Kokosing River Watershed Draft Loading Analysis Plan is now available for review and comment. The Loading Analysis Report is available [here](#). The Fact Sheet is available [here](#). Comments are due **Wednesday, December 12, 2019**.

Waste - Hazardous

No updates at this time.

Waste - Non-Hazardous

Stakeholder Input Requested on Solid Waste Disposal Fees OAC Rules 3745-502-01, 3745-502-02, 3745-502-03, 3745-502-04, 3745-502-05: The Ohio EPA is seeking stakeholder input on the following rules:

- 3745-502-01 Definitions
- 3745-502-02 Requirements for Collecting, Remitting, and Reporting State Disposal and Environmental Protection Fees
- 3745-502-03 Requirements for Collecting, Remitting, and Reporting Solid Waste Management District Disposal and Generation Fees
- 3745-502-04 Requirements for Collecting, Remitting, and Reporting Host Community Fees
- 3745-502-05 C&DD Disposal Fee at Municipal Solid Waste Facility Multiple Townships or Municipal Corporations

The Early Stakeholder Outreach Fact Sheet is available [here](#). The Public Notice is available [here](#). Comments are due **Friday, December 6, 2019**.

Stakeholder Input Requested on Solid Waste Program Requirements for Professional Engineer Certifications: The Ohio EPA is seeking stakeholder input on the solid waste program requirements for professional engineer certifications listed in OAC Rule 3745-27-99. The Early Stakeholder Outreach Fact Sheet is available [here](#). Comments are due **Friday, December 6, 2019**.

Department of Environmental Response and Revitalization

No updates at this time.

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.

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

November 1, 2019: Nestlé USA voluntarily recalled its ready-to-bake refrigerated Nestlé Toll House Cookie Dough products due to the potential presence of food-grade rubber pieces. This voluntary recall only covers specific batch codes of products, which include ready-to-bake refrigerated Nestlé Toll House Cookie Dough bars, tubs and tube-shaped "chubs." These products were distributed in the continental U.S. and Puerto Rico. Additional information is available [here](#).

November 1, 2019: King Arthur Flour, Inc. was notified by ADM Milling Co. that three additional product lot codes of five pound Unbleached All-Purpose Flour were omitted from the original data they provided for the press release on October 3, 2019 regarding the potential presence of E. coli 026. The additional lot codes and their corresponding "Best Used By" dates are listed below:

- Best Used by Date 12/09/19: Lot codes L18A09A & L18A09C
- Best Used by Date 01/08/20: Lot code A19A08A

Additional information is available [here](#).

November 4, 2019: Mann Packing Co., Inc. announced the voluntary recall of a series of vegetable products sold to select retailers in the United States and Canada. The voluntary recall is a response to a notification by the Food and Drug Administration and the Canadian Food Inspection Agency of a potential contamination with *Listeria monocytogenes*. Additional information is available [here](#).

November 7, 2019: Meijer, in conjunction with Mann Packing Co., as part of a multistate recall due to the potential risk of *Listeria monocytogenes*, announced a voluntary recall of select vegetable trays in various weights ranging from seven ounce to two pounds and broccoli florets served on salad bars at two stores. The multistate recall involves product potentially sold between September 25, 2019 and November 4, 2019 in all Meijer stores in Michigan, Ohio, Indiana, Illinois, Kentucky, and Wisconsin. Additionally, two affected Meijer locations with salad bars involve purchases with broccoli florets made between October 1, 2019 and October 30, 2019 at the Knapps Corner and Rockford Meijer stores in the Grand Rapids, Michigan area. Additional information is available [here](#).

November 7, 2019: In response to Mann Packing Co., Inc.'s recall of vegetable products, Whole Foods Market voluntarily recalled multiple products from its stores in the United States. Mann Packing issued the recall because the vegetables may be contaminated with *Listeria monocytogenes*. No illnesses have been reported to date. Additional information is available [here](#).

November 7, 2019: Mill Stream Corp. (Sullivan Harbor Farm) of Hancock, Maine voluntarily recalled 10 lots of Cold Smoked Salmon because it is potentially contaminated with *Clostridium botulinum*, a bacterium which can cause life-threatening illness or death. Consumers are warned not to use the product even if it does not look or smell spoiled. Additional information is available [here](#).

November 7, 2019: Simmons Prepared Foods, Inc., a Gentry, Arkansas establishment, recalled approximately 2,071,397 pounds of poultry products that may be contaminated with extraneous materials, specifically metal. The poultry items were produced from October 21, 2019 through November 4, 2019. Additional information is available [here](#).

November 12, 2019: Med Man Distribution voluntarily recalled all lots of Up2 Dietary supplement. A Food and Drug Administration (FDA) laboratory analysis found Up2 Dietary supplement to be tainted with sildenafil. Sildenafil is an FDA-approved prescription drug for erectile dysfunction. The presence of sildenafil in Up2 products renders them unapproved drugs for which safety and efficacy have not been established, therefore subject to recall. Additional information is available [here](#).

November 12, 2019: Russ Davis Wholesale (RDW), a leading fresh produce processor and distributor, in an abundance of caution voluntarily recalled 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](#).

November 12, 2019: Ezzo Sausage Company, a Columbus, Ohio establishment, recalled approximately 25,115 pounds of sausage products that may be adulterated with *Listeria monocytogenes*. The ready-to-eat sausage products were produced on October 29, 2019, October 30, 2019 and November 5, 2019. Additional information is available [here](#).

November 14, 2019: Kettle Cuisine of Lynn, Massachusetts voluntarily recalled its 16 ounce Marketside Brand Creamy Cauliflower Parmesan Soup because a limited quantity of retail pots may contain fish and wheat allergens not declared on the label. People who have an allergy or severe sensitivity to wheat and/or fish should not consume the product as it may cause a serious or life-threatening reaction. Additional information is available [here](#).

November 15, 2019: Nature's Rx voluntarily recalled lot: 01251ZX1, Expiry Date: 11/2022 of Silver Bullet (10 Male Enhancement Capsules). This recall was initiated after an FDA laboratory analysis found the product contained undeclared sildenafil, the active ingredient in Viagra, which is a PDE-5 inhibitor. The undeclared PDE-5 inhibitor in the product may pose serious health risks to consumers with underlying medical issues. Additional information is available [here](#).

November 15, 2019: Go Raw, LLC, of Cottonwood, Utah, recalled its two pound frozen bags of "Quest Beef Cat Food" because they may be contaminated with *Salmonella*. *Salmonella* can affect animals eating the products and there is risk to humans from handling contaminated pet products, especially if they have not thoroughly washed their hands after having contact with the products or any surfaces exposed to these products. Additional information is available [here](#).

November 19, 2019: Select varieties of Breakstone's Cottage Cheese were voluntarily recalled due to the potential presence of pieces of red plastic and metal that may have been introduced during production. Consumption of hard or sharp foreign material could cause injury to teeth, mouth, throat, stomach, or intestine tissues if swallowed. Additional information is available [here](#).

November 21, 2019: Mondelēz Global LLC announced a voluntary recall of a limited quantity of *Cheese Nips* (11 ounce Box) product in the United States due to the potential presence of small food-grade yellow plastic pieces from a dough scraper that was incorporated into the production process of a small amount of product. Additional information is available [here](#).

November 21, 2019: The U.S. FDA, along with the Centers for Disease Control and Prevention (CDC), and state and local partners, are investigating a multistate outbreak of hepatitis illnesses in Indiana, Nebraska, and Wisconsin potentially linked to fresh conventional (non-organic) blackberries from the grocery store, Fresh Thyme Farmers Market. Based on the epidemiological information collected in the investigation thus far, ill patients reported consuming fresh conventional blackberries from Fresh Thyme Farmers Market stores in three states: Indiana, Nebraska, and Wisconsin. Additional information is available [here](#).

November 21, 2019: Missa Bay, LLC, a Swedesboro, New Jersey establishment, recalled approximately 97,272 pounds of salad products that contain meat or poultry because the lettuce ingredient may be contaminated with E. coli O157:H7. Additional information is available [here](#).

November 22, 2019: "Euroline Foods LLC," of Staten Island, New York, recalled its 17.65 ounce (500 gram) packages of "DRY FRUIT MIX "QUINCE COMPOTE" " 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](#).

November 25, 2019: Whole Foods Market is voluntarily recalling one lot code of Whole Foods Market Raspberry Cheesecake Italian Gelato because these product units contain egg that is not listed on the product label. People who have an allergy or severe sensitivity to egg run the risk of serious or life-threatening allergic reaction if they consume the product. Additional information is available [here](#).

November 27, 2019: The U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) is issuing a public health alert due to illnesses caused by E. coli O157:H7 associated with romaine lettuce from the Salinas, California, growing region. FSIS warns against consuming any wraps, sandwiches, prepackaged salad, salad kits, or other product containing romaine lettuce harvested from the Salinas, California, growing region. Additionally, consumers should not eat any salad products identified in a Missa Bay, LLC, [recall](#) announced by FSIS on November 21, 2019. Additional information is available [here](#).

November 29, 2019: Hodgson Mill, of Effingham, Illinois, announced a voluntary national recall of specific lots of its 5 pound Unbleached All-Purpose White Wheat Flour (UPC 0-71518-05009-2; Best By Date 10-01-2020 and 10-02-2020 with lot codes listed Lot# 001042 & 005517) because of the potential presence of pathogenic E. coli which was discovered through sampling raw, uncooked flour. Hodgson Mill has not received any confirmed reports of illnesses related to this product. Additional information is available [here](#).

November 29, 2019: UNFI announced a voluntary national recall of five pound bags of its Wild Harvest® Organic All-Purpose Flour, Unbleached (BEST IF USED BY 010820 CC 15:58 and UPC Code 711535509158). The recall is being issued for the potential presence of E. coli. Additional information is available [here](#).

December 2, 2019: Blue Grass Quality Meats, an Erlanger, Kentucky establishment, is recalling approximately 121,083 pounds of pork bacon and ready-to-eat turkey products due to misbranding and undeclared allergens. Additional information is available [here](#).

December 2, 2019: Fuji Food Products, Inc. (Fuji) announced a voluntary recall of ready-to-eat sushi, salads, and spring rolls sold to select retailers and distributors along the East Coast and Upper Midwest. The voluntary recall is in response to a notification by the Food and Drug Administration (FDA) of the potential for product contamination with *Listeria monocytogenes*. To date, public health officials have not reported any illness associated with these products. 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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