

Environmental Update

October 2019 (Issue 7)

OHIO EPA RULEMAKINGS AND ANNOUNCEMENTS

Air

Stakeholder Input Requested on Rules - OAC Chapter 3745-21, Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards: Ohio EPA is requesting stakeholder input on potential amendments to the rules in Ohio Administrative Code (OAC) Chapter 3745-21, "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards." The rules in this chapter establish requirements for the control of emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) from stationary emission sources. The intent of these rules is to limit emissions of VOCs and CO to allow the state of Ohio to attain and maintain National Ambient Air Quality Standard (NAAQS) for ozone and CO. The early stakeholder outreach fact sheet can be viewed [here](#). Ohio EPA is accepting comments on these potential changes through **October 18, 2019**.

Stakeholder Input Requested on Rules - OAC Chapter 3745-111, ERC Banking Program Rules: Ohio EPA is requesting stakeholder input on potential amendments to the rules in Ohio Administrative Code (OAC) Chapter 3745-111, "ERC Banking Program Rules." The rules in this chapter contain the rules governing the emission reduction credit (ERC) banking program. ERCs are credits representing the reduction of emissions at a facility that can be used as credit to offset increased emission at the same or a different facility. This chapter contains requirements defining how these credits are identified, transferred, and applied. The early stakeholder outreach fact sheet can be viewed [here](#). Ohio EPA is accepting comments on these potential changes through **October 22, 2019**.

Water - Drinking and Groundwater

Division of Drinking and Ground Waters (DDAGW) Revisions to Primary Drinking Water Standards Rules: DDAGW seeks comments on proposed rulemaking governing primary drinking water standards rules. The Public Notice can be viewed [here](#), and the Business Impact Analysis can be viewed [here](#). The draft rules are below.

[3745-81-23](#) (Amend) Inorganic Chemical Monitoring Requirements

[3745-81-31](#) (Amend) Reporting Requirements for Public Water Systems

[3745-81-33](#) (Amend) Record Maintenance

[3745-81-67](#) (Amend) LT2 Bin Classification and Treatment Technique Requirements

[3745-81-68](#) (Amend) Microbial Toolbox Options for Meeting Cryptosporidium Treatment Requirements

Comments are due by **October 7, 2019**.

Division of Drinking and Ground Waters (DDAGW) Revisions to Underground Injection Control Rules: DDAGW seeks comments on proposed rulemaking governing underground injection control rules. The Public Notice can be viewed [here](#), and the Business Impact Analysis can be viewed [here](#). The draft rules are below.

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[3745-34-09](#) (Amend) Requirements for Wells Injecting Hazardous Wastes

[3745-34-21](#) (Amend) Duration of Permits

[3745-34-63](#) (Amend) Class I Annual Permit Fee; Fee Per Ton of Waste Injected

Comments are due by **October 15, 2019**.

Proposed 'No Changes' Rulemaking Governing Underground Injection Control Rules: Division of Drinking and Ground Waters (DDAGW) is proposing "no change" to several rules in Chapter 3745-34 of the Ohio Administrative Code. DDAGW has reviewed these rules to satisfy the five-year rule review requirements of section 106.03 and 106.031 of the Ohio Revised Code. OAC Chapter 3745-34 sets forth the regulations for construction, permitting, maintenance, operations and closure of underground injection wells. DDAGW is proposing to file the following rules with no changes.

[3745-34-11](#) (no change) Class V Wells

[3745-34-16](#) (no change) Class V Permit Requirements

[3745-34-17](#) (no change) Signatories to Permit Applications and Reports

[3745-34-18](#) (no change) Class V Injection Well Area Permits

[3745-34-26](#) (no change) Conditions Applicable to All Permits

[3745-34-27](#) (no change) Establishing Drilling Permit and Injection Permit Conditions

The Public Notice can be viewed [here](#). The Business Impact Analysis can be viewed [here](#). Ohio EPA is accepting comments through **October 25, 2019**.

Water - Surface

Beneficial Use Designations Wave 2 (OAC 3745-1-09, -16, -17, -21): Ohio EPA is considering amendments to the following rules that address beneficial use designations.

[3745-1-09](#) Scioto River drainage basin.

[3745-1-16](#) Southeast Ohio tributaries drainage basin.

[3745-1-17](#) Southwest Ohio tributaries drainage basin.

[3745-1-21](#) Great Miami River drainage basin.

Three broad types of changes will be considered: (1) Changing beneficial use designations for specific water bodies; (2) Adding water bodies that are currently undesignated to the rules; and (3) Verifying existing beneficial use designations already listed in the rules. The early stakeholder outreach fact sheet can be viewed [here](#). Ohio EPA is accepting comments through **October 28, 2019**.

Beneficial Use Designations Wave 3 (OAC 3745-1-10, -14, -24, -26, -27, -28): Ohio EPA is considering amendments to the following rules that address beneficial use designations.

[3745-1-10](#) Grand River drainage basin.

[3745-1-14](#) Ashtabula River drainage basin.

[3745-1-24](#) Muskingum River drainage basin.

[3745-1-26](#) Cuyahoga River drainage basin.

[3745-1-27](#) Black River drainage basin.

[3745-1-28](#) Vermilion River drainage basin.

[3745-1-28](#) Vermilion River drainage basin.

Three broad types of changes will be considered: (1) Changing beneficial use designations for specific water bodies; (2) Adding water bodies that are currently undesignated to the rules; and (3) Verifying existing beneficial use designations already listed in the rules. The early stakeholder outreach fact sheet can be viewed [here](#). Ohio EPA is accepting comments through **October 28, 2019**.

Waste - Non-Hazardous

Ohio EPA Division of Materials and Waste Management (DMWM) Files OAC Chapter 3745-513 with JCARR: DMWM has filed the "Rule 13" rules, OAC 3745-27-13 and OAC Chapter 3745-513 with the Joint Committee on Agency Rule Review (JCARR). Ohio EPA proposes to promulgate the following rules of the Ohio Administrative Code:

[3745-27-13 Draft](#)

[3745-513-01 Draft](#)

[3745-513-02 Draft](#)

[3745-513-05 Draft](#)

[3745-513-20 Draft](#)

[3745-513-300 Draft](#)

[3745-513-350 Draft](#)

[3745-513-370 Draft](#)

[3745-513-400 Draft](#)

[3745-513-450 Draft](#)

[3745-513-470 Draft](#)

The Public Notice can be viewed [here](#). Ohio EPA is accepting comments through **October 24, 2019**. A public hearing for these rules will be held on **October 24, 2019 at 10:30a.m.** at Ohio EPA, Lazarus Government Center, 50 W. Town Street, Suite 700, Columbus, Ohio 43215.

Waste - Hazardous

No updates at this time.

Division of Environmental Response and Revitalization

Decision Document: On September 4, 2019, the Ohio Environmental Protection Agency (EPA) finalized a Decision Document identifying the selected alternative to remediate contamination at the Phthalchem Site located at 266 West Mitchell Avenue, Cincinnati, Hamilton County, Ohio (Site). The Site, currently owned by Sun Chemical, is vacant. Phthalchem began operations at the facility in 1977 and ceased operations in 1996. During that time, Phthalchem manufactured phthalocyanine chemicals. The selected alternative includes institutional controls through the establishment of an environmental covenant (EC), continued operation and maintenance of the ground water interceptor system and slurry wall, with long-term ground water monitoring and free product removal, and continued monitoring of weep holes in Mill Creek. The Decision Document can be viewed [here](#).

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.

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

Recalls

September 3, 2019: Great One Trading Inc. issued a food recall on undeclared egg in the following products . QQ Fish Mushroom Fish Ball UPC 8886325910123, and QQ Fish Tofu Style Fried Fish Cake UPC 8886325910116; both with expiration date 01/19/2020. Additional information is available [here](#). This recall was expanded on September 5, 2019 to include QQ Fish Crab Flavoured Seafood Ball UPC 8886323239004, QQ Fish Cuttle Fish Flavoured Seafood Ball UPC 8886323239011, QQ Fish Shrimp Flavoured Seafood Ball UPC 8886323239028; all with the expiration date 01/19/2020. Additional information is available [here](#).

September 3, 2019: Makzemo LLC of Brooklyn, New York is recalling Balquis Yemeni spice, because it has the potential to be contaminated with lead. Additional information is available [here](#).

September 3, 2019: Mountain Mel's Essential Goods, LLC of Welches, Oregon is recalling The Milk Lady's Tea with LOT # ML6271950, Peaceful Baby Herbal Tea with LOT # PB781950, and Diges-Teas Herbal Tea with LOT # DT7619100, because it has the potential to be contaminated with Salmonella. The Milk Lady's, Peaceful Baby, and Diges-Teas were distributed in Oregon and Washington through New Seasons Market, and nationwide through Azure Standard, Mountainmels.com, and Amazon.com. The affected tea products were distributed by Mountain Mel's Essential Goods June 27, 2019 and July 20, 2019. Additional information is available [here](#).

September 4, 2019: Dog Goods is voluntarily expanding this recall to include all 30-packs of "Berkley & Jensen" brand pig ears sold at BJ's Wholesale Club stores. Dog Goods purchased these pig ears from a single supplier in Brazil from September 2018 through August 2019. Additional information is available [here](#).

September 9, 2019: The FDA is advising consumers to not eat yellowfin tuna steaks from the seafood counter or seasoned yellowfin tuna steaks in store-prepped Styrofoam trays from Kroger retail stores in AL, AR, GA, IL, IN, KS, KY, MI, MO, MS, NE, OH, SC, TN, VA and WV with sell by dates from August 29, 2019 and September 14, 2019 because they may cause scombroid poisoning. Scombroid poisoning is caused by eating fish that has not been properly refrigerated or preserved and therefore contains high levels of histamine. Additional information is available [here](#).

September 9, 2019: Conagra Brands is voluntarily recalling a limited quantity (approx. 2,200 cases) of Udi's Classic Hamburger Buns due to the potential presence of small pieces of white plastic. The company discovered the issue which occurred when a dough scraper was inadvertently incorporated into the production process for a small amount of the product. Additional information is available [here](#).

September 10, 2019: Hometown Food Company initiated a limited, voluntary, consumer-level recall of approximately 374 cases of two specific lot codes of its Martha White Gluten Free Sweet Cornbread Muffin Mix (UPC Item Code 0 1330082014 8), due to standard quality batch testing that indicated the presence of gluten derived from wheat, rye, barley, or crossbreeds of these grains. Additional information is available [here](#).

September 12, 2019: Alfa International Seafood, Inc. of Medley, Florida, voluntarily initiated a recall of refrigerated, wild-caught yellowfin tuna loins because of potentially elevated levels of histamine. The tuna loins were sold at Baker's, Dillon's, Gerbes, JayC Food, Kroger and Payless stores in AL, AR, GA, IL, IN, KA, KY, MI, MO, MS, NE, OH, SC, TN, VA and WV. Additional information is available [here](#).

September 13, 2019: Rong Shing of Brooklyn, New York is recalling its 450 gram packages of FuPaiYuan Nougat candy because they may contain undeclared eggs and milk allergens. Consumers who are allergic to eggs and milk may run the risk of serious or life-threatening allergic reactions if they consume this product. FuPaiYuan Nougat candy was distributed nationwide in retail stores and through mail orders. The product comes in 450g, clear plastic package marked with lot #20190424 on the top and a "Best Before: 01/23/2020" stamped on the box. The product UPC code is 6926098773012. Additional information is available [here](#).

September 13, 2019: Stark Group International of Greenvale, New York is recalling all codes of its 100 gram packages of Ritter Sport - KAFFEESPLITTER because they may contain undeclared milk allergens. Consumers who are allergic to milk allergens may run the risk of serious or life-threatening allergic reactions if they consume this product. The recalled Ritter Sport KAFFEESPLITTER were distributed nationwide in retail stores. The product comes in a 3.5 ounce/100 gram, brown plastic package. The product UPC code is 000417 927002. Additional information is available [here](#).

September 17, 2019: General Mills announced a voluntary national recall of five-pound bags of its Gold Medal Unbleached All Purpose Flour with a better if used by date of September 6, 2020. The recall is being issued for the potential presence of E. coli O26 which was discovered during sampling of the five-pound bag product. Additional information is available [here](#).

September 18, 2019: Fitoterapia USA Inc., is voluntarily recalling 19,000 bottles of MACHO ARTIFICIAL PASSION FRUIT FLAVORED VITAMIN C LIQUID SUPPLEMENT, liquid dietary supplement to the consumer level. FDA analysis has found the product to be tainted with Tadalafil. Tadalafil is an active ingredient in a FDA approved prescription drug that is used for the treatment of male erectile dysfunction. The presence of Tadalafil in Mero Macho renders it an unapproved drug for which safety and efficacy have not been established and, therefore, subject to recall. Additional information is available [here](#).

September 18, 2019: Perdue Foods, LLC, a Perry, Georgia establishment, is recalling approximately 495 pounds of frozen ready-to-eat chicken products due to misbranding and undeclared allergens. The product contains wheat, a known allergen, which is not declared on the product label. Additional information is available [here](#).

September 19, 2019: Abbott Laboratories has voluntarily recalled a single lot of Calcilo XD® powder cans (13.2 ounce / 375 gram) with lot number 79696K80 in the United States and Canada due to an inconsistency in aroma and color in a small number of cans from this specific batch. Additional information is available [here](#).

September 23, 2019: Roland Foods, LLC of New York, New York is initiating a voluntary recall of its red and black lumpfish caviar products, which were manufactured at Ora ehf in Iceland, because they have the potential to be 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](#).

September 23, 2019: Astrochef LLC., a Rockwall, Texas establishment, is recalling approximately 11,475 pounds of frozen chicken pub style entrees labeled as beef pub style entrees due to misbranding and undeclared allergens. The product contains soy, a known allergen, which is not declared on the product label. Additional information is available [here](#).

September 25, 2019: TDBBS is conducting a voluntary recall of a limited distribution of two pig ear pet treat products sold through Amazon.com -USA Thick Pig Ear 8 Pack and USA Thick Pig Ear 20 Pack. Additional information is available [here](#).

September 30, 2019: The Bagel Shoppe in South Euclid, Ohio is voluntarily recalling the following bakery items due to an undeclared wheat allergen:

- Large Plain Challah (1 pound unit in a bag)
- Egg Rolls (6 rolls in a bag)
- Rye-Plain (1 pound loaf bread in a bag)
- Marble Rye (1 pound loaf bread in a bag)
- Bagels (4 assorted bagels in a bag)
- Fruit Danish (2 units on a plastic wrap tray)
- Fancy Cookie (10-12 units in a clam shell)
- Mini Chip Cookies (12 units in a clam shell)
- Chip Cookie (6 units in a clam shell)
- Oatmeal Raisin (12 units in a clam shell)
- Chocolate Roll (3 units in a clam shell) Mocha
- Roll (3 units in a clam shell)
- Jelly Roll (3 units in a clam shell)
- Cupcake (6 units in a clam shell)
- Honey Cake (1 unit in a clam shell)
- Blondie (1 unit in a clam shell)
- High Hats (2 units in a clam shell)
- Smiley Cookie (2 units on a plastic wrap tray)
- Chocolate Cake (1 unit in a clam shell)
- White Cake (1 unit in a clam shell)
- Rugelach (10-12 units in a clam shell)

This recall has been initiated due to the ingredient label not stating "wheat." Products were available for sale from 9/22/2019-9/27/2019 at Heinen's Grocery Store, 2180 South Green Road, University Heights, Ohio and Marc's Stores, 4519 Mayfield Road, South Euclid, Ohio. Additional information is available [here](#).

September 30, 2019: RONG SHING NY Trading Inc. of Brooklyn, New York, is recalling its 280-gram (9.8-ounce) packages of GANCHI NAIWEITANGPIAN candy because they may contain undeclared milk allergen. Consumers who are allergic to milk may run the risk of serious or life-threatening allergic reactions if they consume this product. GANCHI NAIWEITANGPIAN candy was distributed nationwide in retail stores and through mail orders. Additional information is available [here](#).

September 30, 2019: Tip Top Poultry, Inc., a Rockmart, Georgia, establishment, is recalling an undetermined amount of ready-to-eat (RTE) poultry products that may be adulterated with *Listeria monocytogenes*. The products subject to recall bear establishment number "Est. P-17453" inside the USDA mark of inspection. These items were shipped to institutions nationwide in the United States and Canada. Additional information is available [here](#).

September 30, 2019: Fisher Packing Company, a Redkey, Indiana establishment, is recalling approximately 744 pounds of ready-to-eat (RTE) pork products that may be adulterated with *Listeria monocytogenes*. The RTE pork products were packaged on August 27, 2019. The following products are subject to recall:

- Vacuum-sealed packages of various weights containing "FISHER MEATS OLD FASHION SMOKED HAM" with a lot code of 19239 on the label.
- Vacuum-sealed packages of various weights of "FISHER MEATS SMOKED HAM SHANKS WITH NATURAL JUICES" with a lot code of 19239 on the label.
- Vacuum-sealed packages of various weights of "FISHER MEATS CANADIAN BACON" with a freeze by date of 11/25/19 and a lot code of 19239 on the label.

The products subject to recall bear establishment number "74SEIN" inside the USDA mark of inspection. These items were shipped to retail locations in Indiana. Additional information is available [here](#).

All recalls are available [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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