

**SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE
MEETING MINUTES**

APRIL 27, 2022

Members Present: Dale Kaplan, Walter Schroth, Samantha Harmon, Richard Burrell, Laura Griffin, Rebecca Oyler, Jeremy Hancher (virtual), Adam Walters (virtual)

Others Present: Susan Foster, Nancy Herb, Lucas Hershey, Sarah Pinter, Matt Toth, Darek Jagiela, Jesse Walker, Mark Hammond, Keith Rearick, Mike Deighan, Justin Dula, Viren Trivedi (virtual), Lee Ann Briggs (virtual), Evan Franzese (virtual), David Clark (virtual), Krishnan Ramamurthy (virtual), Nam-Phuong Cong-Huyen (virtual), Glendon King (virtual), Soumya Arikeri, Panna Chibber (virtual), Brian Morgan (virtual), Susan Hoyle (virtual)

Call to Order and Introductions

The Small Business Compliance Advisory Committee's (SBCAC or Committee) April 27, 2022, meeting was called to order by Chair, Dale Kaplan, at 10:00 a.m. in the Rachel Carson State Office Building, Room 105, Harrisburg. Several in attendance also joined via WebEx conference call.

Members of the SBCAC and others participating in the meeting introduced themselves.

Bureau of Air Quality Director, Mark Hammond, introduced himself to the Committee. He expressed his appreciation to the Committee for their service in providing DEP with advice regarding small business and for acting as ambassadors for small business by providing DEP with small business-related information. He emphasized that his door is always open for any of the Committee's questions and explained that he is data-driven and appreciates the information the Committee provides.

Administrative Items

Approval of Minutes from Previous Meeting

The January 27, 2022, draft SBCAC meeting minutes were approved as written.

Informational Items

Environmental Management Assistance Program (EMAP)

Jeremy Hancher, EMAP Program Manager, provided an update on EMAP activities. Mr. Hancher reported that in the first quarter of 2022 (January 1 through March 31), EMAP received 20 requests for technical assistance; 7 of them were received through the EMAP hotline, and 13 were received through other means, such as directly through the EMAP website or direct referrals.

Seven requests were referred by DEP. Five requests were air quality-related, one was waste-related, and one was related to Energy. Five of these technical requests were air quality permit related. There were four new EMAP clients that entered into new SBDC/EMAP client engagement during the quarter.

EMAP assisted or provided information to 72 small businesses and conducted 3 onsite assessments. Major work output included: three Requests for Determination (RFD); two Plan Approval applications; 15 State-Only Operating Permit applications; four General Permit applications; and six Allegheny County Health Department (ACHD) installation/operating permit applications.

Mr. Hancher said that there was an uptick in non-permit air quality assistance requests related to National Emission Standards for Hazardous Air Pollutants (NESHAP) applicability, and recordkeeping and reporting, and for instructions to better navigate online portals (often for recordkeeping and reporting through Greenport). He also noted an uptick in questions regarding hazardous/residual waste, related to reporting requirements.

Mr. Hancher mentioned that Mr. Schroth introduced EMAP to the coordinator for the Indiana County Consortium and that Lee Ann Briggs plans to present to them on April 28.

Mr. Hancher said that EMAP client, Abeline Boot Company, was recently recognized by the National Small Business Environmental Assistance Program (SBEAP) with their 2022 Small Business Stewardship award. The company reduced its facility Volatile Organic Compound (VOC) emissions from the adhesives and chemicals it uses in manufacturing. They worked with EMAP to calculate their air emissions and ensure their recordkeeping was in order. They eventually were able to have their air permit removed due to their lowered facility air emissions.

He also pointed out that EMAP was recognized by the National SBEAP with their 2022 Small Business Environmental Assistance Program Excellence Award. The award recognizes EMAP's exemplary performance in the areas of compliance assistance, sustainability, advocacy, and collaboration at the national level. The award ceremony will be held virtually on Thursday, May 12. Mr. Hancher thanked Nancy Herb for the award nomination, the DEP Bureau of Air Quality, and others who support the program.

Ms. Oyler asked if there is a process of interactions with DEP to address some of the common regulatory challenges small businesses are encountering. Mr. Hancher pointed out that the SBCAC meeting is helpful in addressing the more common regulatory challenges. EMAP also meets with DEP regional offices periodically to address and take feedback on these types of concerns. EMAP recently conducted a survey of small business owners requesting their environmental feedback. Ms. Foster explained that EMAP provides confidential services to small business, so information given to DEP is more generalized in nature. She said EMAP provides DEP with an annual report and quarterly reports on their work. These reports provide the

Department with insight on regulatory issues businesses find challenging. She also requested that members of the Committee let DEP know of any small business concerns during the quarterly SBCAC meetings.

Small Business Ombudsman (SBO) Report

Ms. Harmon provided an update on the status of the 2021-2022 Small Business Advantage Grant (SBAG) program. The grant closed for applications on April 13. SBAG awarded \$774,332 of the \$1,000,000 in available funding. It is expected that some applications will drop out, so the final amount awarded is anticipated to be around \$760,000.

Although last year the total amount awarded of \$980,000 was greater, the number of projects was nearly the same. Going forward, the SBO plans to increase the maximum grant amount for individual projects to help distribute all the available funds.

The 2021-2022 SBAG program received 215 applications with around 180 that will be funded. Lighting projects accounted for the majority of applications received, with 160 of the 215 applications being lighting projects. Other common projects included: Medical equipment projects (such as digital x-ray machines), natural resource protection projects, boiler projects, and HVAC and auxiliary power unit projects.

Ms. Harmon also mentioned some of the more interesting/uncommon projects. There were funds awarded for an energy efficient grain dryer, which is used to bring grains to market faster. The application for an agricultural solar pumping project, which Ms. Harmon mentioned at the January SBCAC meeting, was withdrawn. The company plans to apply for funding next year.

For 2022-2023, the SBO's Office plans to start taking applications again in late July. Key changes to SBAG include increased grant funding for projects in Environmental Justice areas and for projects that provide greater environmental benefits. The increased funding for individual projects should help avoid unspent grant funds in future years. Currently, the maximum project award is \$5,000, or 50% of project cost.

Draft Final-Form Rulemaking: Additional Reasonably Available Control Technology (RACT) Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT III)

Sean Wenrich, Environmental Engineer Manager, presented the draft final-form rulemaking for the Additional RACT Requirements for Major Sources of oxides of nitrogen (NO_x) and VOCs for the 2015 Ozone NAAQS. The rulemaking amends Chapter 129 (relating to standards for sources) to adopt RACT requirements and RACT emission limitations for major stationary sources NO_x and VOC emissions in existence on or before August 3, 2018.

Mr. Schroth asked about the economic impact to small business and whether the RACT III case-by-case analysis could accommodate a small business that might not be able to afford to upgrade controls. Mr. Wenrich explained that the benchmarks used for a case-

by-case determination are flexible, and one of the reasons for this is to account for the fact that large businesses can often better afford the costs to upgrade as compared to small(er) businesses. It is possible that a small business could submit a case-by-case RACT evaluation and explain that the facility upgrade is unreasonable due to high capital costs.

Mr. Hancher asked what types of small business facilities will be impacted by RACT III. Mr. Trivedi and Ms. Foster explained that there will be some impacted facilities that meet the Small Business Administration definition (SBA) of small business. However, no small businesses as defined by the Pennsylvania Air Pollution Control Act will be impacted. DEP anticipates that there are 10-30 major facilities that qualify as small businesses using SBA criteria.

Mr. Hancher asked what types of equipment are, in general, pushing small businesses over the major source threshold, thereby requiring them to obtain Title V permits. Mr. Wenrich indicated that businesses with operations that emit VOC and hazardous air pollutants (HAPs) such as coating operations sometimes exceed major source thresholds when they increase throughput or otherwise expand the operation.

Ms. Oyler asked that in the future, DEP provide information in the Regulatory Analysis Form (RAF) for these rulemakings on the types of businesses or equipment that might be affected, so that businesses can be alerted ahead of time that they might be impacted. She explained that it can be difficult for small business advocates to get the word out to businesses if it is difficult to determine which types of businesses will be impacted due to a lack of information in the RAF.

Pennsylvania DEP's Environmental Justice (EJ) Policy

Justin Dula, Director of the Office of Environmental Justice (OEJ), presented on DEP's Environmental Justice Policy revision, which is currently open for public comment until May 11. The presentation highlighted the features of the updated policy, replacing the existing policy which has been in place since 2004. It moves beyond public participation in the permitting process to look at ways DEP can further EJ goals in compliance, enforcement, grantmaking, and other aspects of DEP's work.

Mr. Schroth asked whether there is a simple definition for EJ that he can use to better explain to people he knows that are unfamiliar with the term. Mr. Dula and other DEP staff indicated that there is not a simple straightforward definition as various sources have differing definitions (e.g., DEP's definition is not the same as EPA's). Mr. Dula explained that DEP's definition to determine EJ census tracts in the EJ Viewer tool is 30% or more people of color and 20% or more living below the poverty line. A link to DEP's EJ Viewer tool can be found on DEP's OEJ webpage.

Ms. Oyler asked about the permit review process and how certain permits are presumed to be covered because they are large and have a big impact. She asked if the permits are opted in by the department or the applicant. Mr. Dula explained that the permit is opted in by DEP's program staff who usually reach out to the applicant. Often,

the applicant is already working on public outreach due to community concern, as this typically speeds up the permitting process.

Mr. Hancher asked if the policy will include a component on minority populations in small business sectors. Mr. Dula indicated that there is no plan to include such a component and recommended Mr. Hancher submit an official comment on the OEJ website which would go into the comment response document.

Election of Officers

The Committee unanimously re-elected both Dale Kaplan as Chair and Walter Schroth as Vice Chair.

Adjournment

The SBCAC meeting was adjourned at 12:22 p.m.