

SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE MEETING MINUTES

October 25, 2023

Members Present: Dale Kaplan (Virtual), Walter Schroth, Laura Griffin, Jeremy Hancher (Virtual), Samantha Harmon (Virtual), Richard Burrell (Virtual), Terrell Martin (Virtual)

Call to Order and Introductions

The Small Business Compliance Advisory Committee's (SBCAC or Committee) October 25, 2023, 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 Teams conference call.

Due to Dale Kaplan experiencing some technical difficulties on the call, Vice Chair Walter Schroth, assisted in leading parts of the meeting.

Bureau of Air Quality's new Director, Nick Lazor, briefly introduced himself to the Committee.

Administrative Items

Approval of Minutes from Previous Meeting

The August 23, 2023, draft 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 third quarter of 2023 (July 1 through September 30), EMAP received 24 requests for technical assistance; ten of them were received through the EMAP hotline, and 14 were received through other means, such as directly through the EMAP website or direct referrals.

There were six technical requests that were air quality permit related. Five requests were referred by DEP, all of which were air quality related. There were eight new EMAP clients that entered into new SBDC/EMAP client engagement agreement during the quarter.

EMAP assisted or provided information to 77 small businesses and conducted 7 onsite assessments. Major work output included: 11 Requests for Determination (RFD); nine Plan Approval applications; 19 State-Only Operating Permit applications; and eight Allegheny County Health Department (ACHD) installation/operating permit applications.

Mr. Hancher noted some businesses had called EMAP requesting information on the Small Business Advantage Grant program. Those businesses primarily wanted to find out more about the program, what the application process requires, and to determine if they are eligible.

There were a variety of air quality issues that EMAP provided assistance with during the quarter, including: a calculation of Potential to Emit and actual emissions, a business asking about permitting implications for changing out equipment, creation of a dust control plan, and assistance with general requests to determine applicability of air quality regulations to specific operations and equipment.

There was a request for Superfund Amendments and Reauthorization Act (SARA) Tier II reporting requirements and applicability. Mr. Hancher noted that this is more of a Department of Labor and Industry issue, but EMAP encounters this topic from time to time because it relates to hazardous chemical inventory, and reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) authorized under SARA Title III.

EMAP sometimes receives requests for assistance submitting air quality applications and application payments on the electronic platform. In response, EMAP is developing fact sheets and other documents to try to make the process less confusing.

Mr. Hancher noted that EPA invited him to serve as a member of the Clean Air Act Advisory Committee (CAAAC) for a two-year term. CAAAC members provide EPA with independent advice, information and recommendations on policy and technical issues associated with development, implementation, and enforcement of the Clean Air Act. In Jeremy's role as a CAAAC member, he will be looking out for small business interests.

Environmental Justice Policy and PennEnviroScreen

Director of the Office of Environmental Justice (EJ), Justin Dula, presented the Committee with a brief history of Environmental Justice issues and reviewed Pennsylvania's past and current initiatives to address them. He provided an overview of DEP's updated Environmental Justice Policy and did a demonstration of the PennEnviroScreen tool.

Mr. Schroth provided his understanding of the demographics of the community in Indiana County. He expressed concern that the PennEnviroScreen tool does not appear to show an accurate demographic representation of his community. Mr. Dula explained that the exact borders for communities don't always match up perfectly with the census tract block groups used in the PennEnviroScreen tool. He said in situations like this, his team can engage with communities and opt-in those communities as environmental justice areas if it is found they are being misrepresented in the tool.

Mr. Schroth commended the program for surveying other states to identify the best way to develop the EJ Policy and tool. He asked if the other states surveyed utilize an EJ

policy or have EJ regulations. Mr. Dula explained that other states have employed both EJ policy and EJ regulation. In California, for example, they initially had an EJ policy and screening tool, and eventually enacted legislation referencing the data in the tool.

Mr. Schroth expressed appreciation for DEP's EJ Policy but indicated concerns that a future regulation based on the EJ Policy could have an adverse and unfair impact on small business.

Mr. Hancher asked if the EJ Area Viewer tool was retired with the development of PennEnviroScreen. Mr. Dula explained that the EJ Area Viewer tool still exists, however the hyperlink on DEP's EJ webpage for the EJ Area Viewer tool was replaced with a hyperlink to PennEnviroScreen.

Mr. Hancher asked if a small business, such as a scrap metal facility, were to utilize the public participation process to seek a permit how much discretion would be offered. Mr. Dula said that in these instances, DEP would look at the permits, develop an understanding of the projects, and work within existing permitting timelines and guidelines. For example, sharing a plain language summary fact sheet with a township could be helpful, as the township can share that information in a newsletter in a way that the community can more easily understand the project.

Mr. Hancher asked how malodor complaints might play out as they relate to the EJ Policy. Mr. Dula emphasized outreach and used the example of working with a small business to see if they will voluntarily adjust their operations or timing to address the concerns of the community.

Small Business Ombudsman (SBO) Report

DEP Small Business Ombudsman, Samantha Harmon, began by providing an update on the status of the Small Business Advantage Grant (SBAG) program. She said that the last of the reimbursements for the 2022-2023 grant are being processed. The total awarded for 2022-2023 was \$835,714 with a total anticipated project count of 163, with 13 projects left to process.

The 2023-2024 SBAG Grant round opened to applications on August 18, 2023. The request to roll over of unused grant money from 2022-2023 was approved, increasing total funding to \$1,160,000 for the 2023-2024 grant round. As of October 18, there have been 37 applications received, amounting to \$186,152 to be awarded. The rate of applications is running a little slower than expected, so Ms. Harmon is planning outreach efforts to increase interest and awareness of the program.

Next, she discussed the Small Business Pollution Prevention Assistance Account (PPAA) Loan Program, which is available to all small businesses for pollution prevention or energy efficiency projects at a two percent fixed interest rate. There have been two applications to PPAA in the last year. The PPAA account currently has approximately

\$1,605,500 available. Businesses can apply for loans up to \$100,000 for a variety of environmental project types.

Ms. Harmon shared that the SBO office has been working on a series of five new flyers in print and electronic format relating to DEP's small business environmental assistance programs and the services and programs of the SBO office. These flyers will be helpful in instances where DEP staff have interactions with small businesses to let them know what resources are available.

Last, the SBO office is in the process of developing a landing page for the whole of DEP's small business environmental assistance programs. She explained that currently small business environmental assistance resources are rather scattered on DEP's website. The new landing page will help centralize these resources to a single location for easy access.

Mr. Hancher asked what application types the SBO office has been seeing most often recently for the SBAG program. Ms. Harmon said she has been seeing a lot of lighting projects, some HVAC projects, a natural resource protection project, along with some other unique projects. She mentioned they are working with PennTAP on some combination projects which include multiple project types in a single application, such as lighting and HVAC combined. As in the past, lighting projects continue to be the most common project type seeking SBAG award funding. Mr. Hancher showed interest in connecting with Ms. Harmon to explore ideas for new project types that might be eligible for SBAG funding.

Other Business & Discussion

Mr. Schroth sits on his local school board which is working to determine the appropriate HVAC systems for a school that is being planned for development. Current plans for the school include a traditional low initial cost HVAC system with poor energy efficiency. He would have preferred the school board to consider a high initial cost HVAC system (such as geothermal) that is highly energy efficient instead, as it is more environmentally friendly and will save the school district money in the long term. He also mentioned that low efficiency lighting is still common in schools in his district. Mr. Schroth asked if anyone on the Committee is aware of public grant funding being available to school districts, for energy efficiency projects like these.

Ms. Griffin said she can check with the Energy Programs Office regarding this, as she thinks financing options (rather than grant funding) are available for governmental buildings for energy efficiency projects. Ms. Harmon said that DEP's grants, loans, and rebates webpage is not showing any programs for schools that fit Mr. Schroth's requested criteria. Mr. Hancher mentioned a website called DSIRE (at dsireusa.org) which has a database of state and federal incentives for renewable energy, which could be a good resource.

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Approval of 2024 Meeting Schedule

The Committee unanimously voted to approve the 2024 meeting schedule as follows:

- Wednesday, January 17
- Wednesday, April 17
- Wednesday, July 24
- Wednesday, October 23

Adjournment

The SBCAC meeting was adjourned at 11:38 a.m.

The next SBCAC meeting is scheduled for January 17, 2024.