

SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE MEETING MINUTES

February 26, 2025

Members Present: Dale Kaplan, Walter Schroth, Laura Griffin, Samantha Harmon, Jeremy Hancher, Rebecca Oyler, Donald Poligone (Virtual), Richard Burrell (Virtual)

Call to Order and Introductions

The Small Business Compliance Advisory Committee's (SBCAC or Committee) February 26, 2025, 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.

Members of the Committee and attendees in Room 105 introduced themselves.

Administrative Items

Approval of Minutes from Previous Meeting

The October 23, 2024, 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 fourth quarter of 2024 (October 1 through December 31), EMAP received 30 requests for technical assistance; 15 of them were received through the EMAP hotline, and 15 were received through other means, such as directly through the EMAP website or direct referrals. There were 11 requests referred by DEP, eight of which were related to air quality.

There were 10 total requests for permit assistance, of which, eight being air quality permit related, one being for a waste permit, and one request relating to environmental permit requirements to start a bio char company. When a business wants to know all environmental permits that may apply to a particular business operation, such as for the bio char company, EMAP refers these businesses to DEP's permit application consultation tool (PACT) or suggests scheduling a pre-application meeting with the respective DEP regional office.

EMAP assisted or provided information to 72 small businesses, 20 of which operate in Environmental Justice areas (or 28% of all EMAP clients in the quarter). There were 10 new EMAP clients during the quarter, and EMAP conducted six onsite assessments in that time.

Major work output included: eight Requests for Determination (RFD); three plan approval applications; 12 state-only operating permit applications; four general permit applications; and 12 Allegheny County Health Department (ACHD) installation/operating permit applications.

EMAP assisted businesses with air permitting issues, VOC emissions, and greenhouse gas emissions reporting. Specific cases involved helping businesses understand and meet regulatory requirements, such as Requests for Determination (RFDs) and operating permits.

EMAP also provided guidance on residual waste compliance, waste oil generator requirements, and waste transfer permitting. They provided support on regulatory compliance, proper waste disposal, and necessary permits.

Assistance was also given for general environmental consulting. Topics included lead certification, solar electric power generation, and environmental compliance for new business ventures. EMAP offered referrals, provided relevant regulatory information, and assisted with grant applications and funding opportunities.

EMAP small businesses clients received assistance in the following industry sectors:

- Manufacturers: metal fabricators, resin sign, cabinet, concrete block
- Small oil & gas producer
- Crematories – both animal and human
- Dry cleaner
- Automotive Parts
- Electroplaters
- Copper recycler

EMAP assisted a dry cleaner in preparing and submitting a Small Business Advantage Grant application for the decommissioning of perchloroethylene (perc) dry cleaning equipment. The business purchased and installed a state-of-the-art wet cleaning system. Additionally, EMAP supported the business with compliance tasks related to air quality recordkeeping and notification.

EMAP is planning to develop a fact sheet or FAQ document covering the many facets of perc dry cleaners who will have to decommission their existing equipment. Details will include notifying the respective DEP office of ceasing use of perc, hazardous waste considerations and management, recycling/disposing of equipment, and funding opportunities such as the Small Business Advantage Grant (SBAG) and Pollution Prevention Assistance Account (PPAA) for new machines.

As EPA recently took actions to ban and phase out perc for dry cleaners over the next 10-years, EMAP reviewed other states' approaches and found that comprehensive information is often lacking. Typically, literature or guidance focuses on one aspect (e.g., hazardous waste).

Mr. Hancher mentioned that a small business owner, who was an EMAP client, wanted to share their experience in which they successfully applied for and received funding through the PPAA program. While this small business appreciates the program's support, she found the application process as daunting and overwhelming, especially as someone running the business entirely on her own. While she understands the need for safeguards against fraud and potential misuse of funds, the level of complexity made the process difficult and time-consuming, nearly causing her to give up. The small business first contacted EMAP on March 18, 2024, and received the check from the PPAA program on January 24, 2025.

EMAP has provided permitting and regulatory compliance assistance to more than a dozen crematories (both human and animal) and funeral homes over the past five years. With Pennsylvania DEP currently accepting public comments on proposed revisions to GP-14 (Human or Animal Crematory Incinerators), EMAP is actively working to inform small crematory operators about this opportunity to provide input. Ensuring a well-designed and practical general permit is important for small businesses across the Commonwealth, and EMAP's outreach efforts aim to support their engagement in the permitting process.

Small Business Ombudsman (SBO) Report

DEP SBO, Samantha Harmon, began by providing an update on the status of the Small Business Advantage Grant program. The 2023-2024 SBAG grant program closed in June 2024. Over the course of the grant cycle, 169 applications were received, with a total of \$797,828 in funds requested. Of these applications, 135 were approved, with final reimbursements of \$738,965.

The 2024-2025 SBAG grant program opened in late September and has so far received 70 applications for \$480,060. The grant closes to new applications on March 21, 2025. The SBO office plans to send out a final notice to their distribution list of roughly 500 contacts to see if there is any last-minute interest the 2024-2025 SBAG round.

The SBO office is using a new Partner Portal system where applicants are to upload documents for SBAG. The system is being used to help align the SBO office and Grants Center. The process of signing up for the portal appears to be deterring applicants from SBAG, as it can be tedious for them to complete an application. In the past, applicants would instead email the SBO office with the required documents. The SBO office is working to help applicants through the new process.

SBAG applicants are required to complete a one-year follow-up report. The current version of the form is in paper format, the SBO office is working to revise the form into a simplified digital format.

The PPAA loan program has \$1,640,262 available as of December 31, 2024. There were four approved loan applications in 2024, totaling approximately \$311,000. There were three loan applications denied in 2024.

Ms. Harmon mentioned the SBO Office is working to revise the PPAA loan application and program guidance to streamline the application process and avoid scenarios like the one Mr. Hancher mentioned, where applicants get frustrated and/or overwhelmed by the application process.

Ms. Harmon recently met with some of the DEP regional offices and explained the work of the SBO office and the types of assistance they provide. She said that there has been a lot of employee turnover at some of the regional offices and some regional staff are familiar with EMAP but are unaware of the services that the SBO office provides.

Draft Standard Testing Protocol for Small Boilers (SP-001)

Matthew Bomberger, of DEP's Bureau of Air Quality Source Testing Section, presented the Bureau of Air Quality's draft standard protocol for small boilers covered under General Permit 1 (GP-1). SP-001 will apply to boilers that use natural gas or No. 2 fuel oil that operate at equal to or less than 100 million BTU/hr.

Mr. Bomberger explained that the standard protocol simplifies the source testing process for small boilers operating under GP-1, saving costs and time as compared to submitting a facility-specific source testing protocol to DEP for approval. Use of the standard protocol will be optional. The standard protocol will give businesses extra flexibility and should provide opportunities for cost savings and time savings as there would be no need for a business to hire a consultant to create a site-specific testing protocol.

Mr. Bomberger mentioned that he is looking for cost-effective ways to spread awareness of the standard protocol to small businesses. Mr. Kaplan mentioned that the National Federation of Independent Businesses (NFIB) might be able to help spread the word via their monthly newsletter. Mr. Hancher and Ms. Harmon said they may be able to assist with outreach as well. Mr. Bomberger said that once SP-001 is finished, the Committee's recommendations will be good avenues to explore to spread awareness, and he expressed his gratitude for the support.

Mr. Schroth asked if there could be situations in which a boiler doesn't work well with the standard protocol. Mr. Bomberger responded that if the boiler falls under the general permit, there shouldn't be any issue qualifying for the standard protocol.

Mr. Burrell asked how many people would be affected by the new standard protocol and when it is planned to be finalized. Mr. Bomberger said there are around 100 small boilers under the GP1 permit that will have the option to use SP-001 and believes it should be finalized in March or April 2025.

Mr. Hancher asked if there will be standard protocols completed for some of the other general permits. Mr. Bomberger said that there is nothing formally planned as of now but mentioned combustion engines as possibly receiving a standard protocol.

Mr. Hancher said that some small businesses do not know where to get tests done, such as stack tests and asked if there are resources or lists available to small businesses to find organizations to perform testing. Mr. Bomberger said that these resources should be found via a Google search for the specific air quality test of interest. If a small business has questions, they can reach out to him or someone else in the Bureau of Air Quality's Source Testing section.

Emission Guidelines for GHG Emissions from Existing Oil & Natural Gas Facilities (40 CFR Part 60 Subpart OOOOc) Update:

Panna Chibber, assisted by Charles Boritz, both of the Bureau of Air Quality's Technical Support Section, provided an update on the development of a State Plan to comply with the Environmental Protection Agency's (EPA) Emission Guidelines (OOOOc). This State Plan outlines requirements for the production and processing of natural gas, including gathering and boosting at compressor stations, natural gas processing plants, and natural gas transmission and storage facilities, such as compressor stations and storage tank batteries. These requirements are adopted from the Model Rule established by the EPA in OOOOc.

State Plan requirements include DEP's obligation to develop enforcement measures that are legally and practically enforceable. DEP is developing a General Permit to meet requirements established by EPA's Model Rule. The GP will streamline any conflicting requirements in the Model Rule to incorporate the most stringent applicable standard. The GP will be published in the *Pennsylvania Bulletin* separately from the state plan and will be included in the final submission to EPA alongside the State Plan.

Ms. Oyler inquired how the GP will be different from Federal requirements and asked for clarification on DEP's definition of "the most stringent applicable standard". Ms. Chibber and Mr. Boritz explained that the GP adheres to the "the most stringent applicable standard", whether it pertains to the Model Rule or another DEP regulation. Currently, in most, if not all, cases, the requirements under the Model Rule are the most stringent.

Ms. Oyler asked how the Model Rule will differ from the GP. Mr. Boritz explained that the requirements should largely be the same, with only minor differences expected. Compliance with the Volatile Organic Compounds (VOC) Reasonable Available Control Technology (RACT) rule is also required under the GP; however, the requirements under the VOC RACT rule and the Model Rule do not always align. For example, the Model Rule limits methane emissions from storage vessels to 20 tons per year, whereas the VOC RACT rule restricts VOC emissions to no more than 2.7 tons year. Under the new GP, both the requirements of the RACT rule and the Model Rule would apply.

Revisions to Storage Tank Closure Guidance Documents (263-4500-601 and 263-4200-001):

E. Alex Eckman, and Tim Slack, of the Bureau of Environmental Cleanup and Brownfields, summarized recent revisions to the Storage Tank Program's Technical Guidance Documents: "Closure Requirements for Underground Storage Tank Systems" and "Closure Requirements for Aboveground Storage Tank Systems."

Mr. Schroth asked for the definition of a “release” as it applies to above-ground tanks that also serve as containment areas and asked if the reporting requirements refer to the release of a regulated substance when it escapes the containment area or when it moves from the tank into the secondary containment area. Mr. Eckman explained that a release of a regulated substance from a tank, whether into the containment area or the environment, is considered a release, because, in both cases, there is an immediate threat to the environment as the substance is outside of the storage tank system.

Reducing Industrial Sector Emissions in Pennsylvania (RISE PA):

Louie Krak, DEP’s Infrastructure Implementation Coordinator, provided an overview of RISE PA, which is a \$396 million statewide industrial decarbonization grant program offering grants for small-, medium-, and large-scale projects to reduce greenhouse gas and co-pollutant emissions at industrial facilities.

Mr. Schroth asked what the difference is between Scope 1 and Scope 2 emissions. Mr. Krak explained that Scope 1 emissions are from direct combustion of fossil fuels onsite, while Scope 2 emissions are emissions associated with electricity usage.

Mr. Schroth asked how the Fair Labor Bonus (FLB) works. Mr. Krak explained that all projects must pay workers the prevailing wage and follow the Federal apprenticeship requirements. A 10% FLB will be awarded if a project meets certain requirements. There are three of these requirements, which include: a Good Neighbor Agreement, Collective Bargaining Commitments, and participation in the Commonwealth Workforce Transformation Program. To receive the FLB, Small-Scale Award Track applicants are required to complete one of the three requirements. Medium-Scale Award Track applicants are required to fulfill two of the three requirements, while Large-Scale Award Track applicants must meet all three requirements.

Mr. Schroth and Ms. Oyler expressed concern that the requirements of the program, such as the prevailing wage requirement, will likely be overburdensome and act as barriers to small businesses in accessing the program. Mr. Krak said that unfortunately the prevailing wage requirement is a federal requirement, and RISE PA is unable to make changes to that. He said that he is open to feedback from the committee to adapt the program to reduce the burden on small business.

Ms. Oyler asked Mr. Krak if he could report back at a future meeting on the status of the program and share any small business success stories and provide information on what they did or tools they used to apply successfully. Mr. Krak said he would be happy to report back on this at a future meeting.

Ms. Harmon asked if there are any funding match restrictions. Mr. Krak said that applicants can use other sources of local state or federal funding toward meeting the RISE PA match requirement. For example, SBAG funds could be used towards meeting the RISE PA match requirements. Pennsylvania Technical Assistance

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Program (PennTAP) should be able to assist applicants in sorting out how to manage match requirements.

Ms. Harmon then asked if applicants should be reaching out to PennTAP or DEP to start the RISE PA application. Mr. Krak explained that DEP's RISE PA webpage has a link that directs applicants to PennTAP's webpage. PennTAP's website has a Guidance Document that is specific to the Small-Scale Award track and will have an electronic application portal. Applicants will work directly with PennTAP to initiate the application process.

Mr. Hancher asked if there are any unique or innovative project types expected from small manufacturers applying to RISE PA. Mr. Krak expects most of the innovative project types to come from Large-Scale and Medium-Scale Award tracks. He expects that most of the projects funded through the Small-Scale Award track will be associated with energy efficiency and on-site solar.

In reference to on-site solar, Mr. Schroth asked if other renewable energy project types such as geothermal would be covered by RISE PA. Mr. Krak said that geothermal, wind, and hydro-power project types would be covered. That said, early feedback indicates that most companies pursuing on-site renewable energy generation are interested in solar projects.

Other Business and Discussion

There was no additional discussion.

Adjournment

The SBCAC meeting was adjourned at 12:37 a.m.

The next SBCAC meeting is scheduled for May 22, 2025.