

# SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE DRAFT MEETING MINUTES

February 12, 2026

Members Present: Dale Kaplan, Laura Griffin, Samantha Harmon, Jeremy Hancher, Rebecca Oyler, Leora Appleby, Richard Burrell (Virtual)

Members Absent: Walter Schroth, Eric Kuijpers

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## Call to Order and Introductions

The Small Business Compliance Advisory Committee's (SBCAC or Committee) February 12, 2026 meeting was called to order by Chair, Dale Kaplan, at 10:01 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 November 20, 2025, draft meeting minutes were approved as written. Ms. Oyler asked if names of members who were unable to attend meetings be included in the minutes going forward. DEP agreed to include that information going forward.

### Public Comments

There were no public comments.

## **Informational Items**

### Environmental Management Assistance Program (EMAP)

Jeremy Hancher, EMAP Program Manager, provided an update on EMAP activities for the fourth quarter of 2025 (September 30 to December 31).

A small business contacted EMAP after receiving a 60-day notice alleging industrial stormwater non-compliance due to missing National Pollutant Discharge Elimination System (NPDES) permit coverage or a No Exposure Certification. The situation reflects a broader trend EMAP has observed this year where law firms and related groups are sending notices to small facilities before regulators become involved.

A recent EMAP survey of roughly 100 small businesses assisted in 2025 (with a 30% response rate) shows that regulatory complexity, rather than cost, as being the dominant barrier to compliance, with more than 70% of respondents identifying it as their biggest challenge. The survey also confirmed that most businesses learn about

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EMAP through referrals from DEP or Allegheny County Health Department inspectors, showing that Pennsylvania's compliance-assistance referral network is effective.

EMAP received anonymous calls early this year about air permitting concerns at a data center construction site, where a subcontractor was operating rock-crushing equipment. This example shows how large, high-profile infrastructure projects increasingly involve small subcontractors who may be unaware of air permitting obligations and can be drawn into compliance issues under heightened community scrutiny.

Ms. Oyler followed up with Mr. Hancher's mention of the compliance feedback loop and his reference to how small businesses surveyed feel the complexity of regulations is a bigger barrier than the cost. She asked if that information loops back to DEP to improve processes to eventually help streamline complexity. Mr. Hancher referenced his experience handling General Permit 14 (GP-14) for crematories, where EMAP received feedback from businesses that he shared with DEP. DEP then revised GP-14 based on the feedback, making it easier for those businesses to comply. Ms. Harmon mentioned that the ombudsman's office often receives feedback and creates compliance assistance tools such as handouts or calculators to help businesses.

### Small Business Ombudsman (SBO) Report

DEP SBO, Samantha Harmon, began by providing a status update on the Small Business Advantage Grant program (SBAG), an annual program for energy efficiency and pollution prevention and natural resource protection assistance.

The 2025-2026 SBAG grant program opened to applications on August 1, 2025, with \$1 million in funding. The grant will close on March 13, 2026, or when funds are exhausted. There is funding still available, and applications are still being accepted.

The Pollution Prevention Assistance Account (PPAA) loan program has \$1,737,240 available as of December 31, 2025. This is a program that the Ombudsman's Office co-administers with the Department of Community and Economic Affairs. There are currently new application documents and a guidance document that are under development which, once complete, will act as a helpful resource to the public.

Mr. Kaplan brought up the value he sees in social media and specifically mentioned LinkedIn. Ms. Harmon followed up, explaining that she participates in the National Small Business Environmental Assistance Program's (SBEAP) Promotions Subcommittee, which is a workgroup of programs out of different states that focus on how to best promote their programs. This subcommittee has a LinkedIn page, which is highlighting individual programs in short videos.

### Final-Form Rulemaking on Legal Authority for Delegation of Federal Plans in 40 CFR Part 62

Arun Sharma, Air Quality Engineering Specialist for DEP Air Quality, presented on the Final-Form Rulemaking concerning legal authority for delegation of Federal Plans under 40 CFR Part 62 and described the regulatory changes EPA requires to enable DEP to

request delegation for applicable Federal Plans. Historically, DEP relied on Pa. Code §122.3 (relating to adoption of standards) as the express legal authority when submitting delegation requests, but EPA determined that this did not provide sufficient authority for delegation. The rulemaking is intended to address EPA's concerns by establishing the proper legal authority needed for DEP to obtain delegation.

ACT 45 of 2025 (HB 416) Related to the Proposed Rulemaking for Administrative Amendments to 25 Pa. Code Chapters 121 and 127

Viren Trivedi, DEP Division Chief, presented on Proposed Rulemaking for Administrative Amendments to 25 Pa. Code Chapters 121 and 127, relating to changes in the language specific to air quality general permits. The provisions in the proposed rulemaking govern how applications for authorization to use air quality general permits are reviewed, the timelines involved, and under what circumstances applications are approved or denied.

Ms. Oyler asked if the rulemaking would be expedited as a final-form emergency regulation. Mr. Trivedi said that the rule will go through the normal rulemaking process as proposed and then final, as it would allow for public comments, unlike an emergency rule.

There was a discussion on how general permit application timelines/deadlines are being handled prior to the rulemaking being finalized. It was also clarified that days in the rule will be measured as calendar days.

There was a question about the timing of the public comment period. The presentation at this meeting was a concepts presentation. After the proposed rulemaking is developed (expected in May), there will be a public comment period.

Proposed Guidance Revisions: Compliance Assurance Policies for Incinerators

Todd Starnier, DEP Air Quality Group Manager, presented on proposed revisions to two of DEP's Compliance Assurance Policies (CAPs), one for municipal waste incinerators and the other for hospital waste incinerators. These CAPs were last revised in 1996. The policies establish criteria for penalties and are only applicable when facilities are out of compliance. The CAPs will account for past and future inflation by adjusting penalty amounts using the Consumer Price Index for All-Urban Consumers.

There was discussion on how the changes would affect small businesses and how often penalties were levied on these sources in the past. DEP staff explained that there would be minimal impact on small business from this rule since it primarily affects larger sources, and that this agenda item was included for informational purposes. Since these sources are monitored on a continuous basis, violations are more likely to be identified than at sources without continuous monitoring.

2025 Ozone Year in Review

Sean Nolan, DEP Air Quality Division Chief, presented an overview of ozone conditions in Pennsylvania in 2025 and how weather impacted the overall air quality. The talk

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covered the basics of how ozone forms, comparing 2025 conditions with previous years, highlighting important weather factors like temperature and rainfall, and walked through what the data showed about ozone concentrations and instances of ozone exceedances across Pennsylvania. He also explained how air quality forecasts are developed in the state and what goes into making predictions.

Mr. Lazor mentioned that the AirNow forecasts can be accessed via a smartphone app. Mr. Kaplan requested more information on the AirNow app. The AirNow app can be found in smartphone app stores under AirNow and can be accessed online at <https://www.airnow.gov>.

### Other Business and Discussion

Mr. Hershey asked the SBCAC members whether they would prefer less personal information be included on the posted SBCAC membership list. SBCAC members expressed some interest in changes. Mr. Lazor indicated that BAQ will look for ways to streamline the list.

### Adjournment

The SBCAC meeting was adjourned at 12:04 p.m.

The next SBCAC meeting is scheduled for May 21, 2026.