

**SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE  
MEETING MINUTES  
October 24, 2018**

Members Present: Dale Kaplan (Chair), Walter Schroth, Laura Edinger, Ed Boito, and Michael McManus

Others Present: Susan Foster, Nancy Herb, Samantha Harmon, Chuck Haney, Jordan McGregor, Jeremy Hancher, Adriana Frontino, Keith Salador, Caroline Zepp, Keith Rearick, and Jennie Demjanick

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Call to Order

The Small Business Compliance Advisory Committee's (SBCAC or Committee) October 24, 2018, meeting was called to order by the Chair, Dale Kaplan, at 10:00 a.m. in the Rachel Carson State Office Building, 12th Floor Conference Room, Harrisburg.

Introductions

Members of the SBCAC and the audience introduced themselves.

**Administrative Items**

Approval of Minutes from Previous Meeting

The July 25, 2018, draft SBCAC meeting minutes were approved unanimously as written.

Approval of 2019 Meeting Schedule

The Committee unanimously approved the 2019 meeting schedule as follows:

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

**Informational Items**

Environmental Management Assistance Program (EMAP)

Jeremy Hancher introduced himself as the EMAP Program Manager. EMAP staff formerly based at the Small Business Development Center (SBDC) at the University of Pennsylvania relocated to EMAP's new host SBDC at Widener University. All EMAP services, including the hotline, continued without interruption during EMAP's transition.

Mr. Hancher reported that in the third quarter of 2018, EMAP received 27 requests for technical assistance; 17 of them were received through the EMAP hotline. Nine of the requests were for permit-related assistance, eight air-related and one water-related. Three of the requests were from small businesses referred by DEP staff. EMAP provided 52 small businesses with in-depth technical assistance. EMAP environmental

consultants conducted nine on-site assessments at small businesses. Major work output included: six Request for Determination (RFD) forms; two Plan Approval applications; 20 State-Only Operating Permits; and four Allegheny County Health Department (ACHD) installation/operating permits.

During the third quarter of 2018, EMAP assisted small businesses with compliant coatings questions; recordkeeping systems for air quality; review of draft air quality permits; storm water permits; and solid waste management, storage, and disposal issues.

Chair Kaplan asked why facilities typically submit RFDs. Mr. Hancher explained that for the small business facilities that EMAP assists, often the facility is asked to submit an RFD by a DEP inspector. The facility then requests EMAP's assistance preparing the RFD. The information in the RFD is reviewed by DEP's regional permit engineer, who determines whether the process or equipment requires an air permit.

DEP understands that having a determination in writing from DEP provides assurance that a permit is not required but noted that RFDs are not necessary for projects explicitly listed on the air permit exemptions list.

#### Small Business Ombudsman Report

Mr. Boito distributed a summary of the results of the 2017-18 Small Business Advantage Grant (SBAG) program and an update on the status of the 2018-19 grants. The SBAG program provides \$1,000,000 for projects to reduce energy use or pollution. This year the SBAG program is open to farmers and landowners for projects that protect streams. In 2017-18, approximately \$925,000 was awarded to 149 grantees; 92 of the projects were for lighting and 29 were for medical equipment. The 28 other projects included projects such as boilers, dry-cleaning equipment, and HVAC systems. For the 2018-19 grant round, approximately \$600,000 has been awarded. The demand for the grants has been lower despite marketing through social media.

Mr. Boito noted that the following project sector caps apply: \$350,000 for lighting projects; \$150,000 for medical equipment projects (\$5,000 maximum per project); and \$300,000 for agricultural projects. If the funds allocated for agricultural projects are not used by the end of October, these funds will be reallocated to other projects.

#### Frequently Asked Questions (FAQ) for the Diesel-Powered Motor Vehicle Idling Act (Act 124)

Samantha Harmon explained that Act 124 restricts the idling of heavy-duty diesel-powered vehicles to five minutes in a continuous 60-minute period, with a few exemptions. DEP personnel and local and state law enforcement have the authority to enforce the law. Technology has advanced in the 10 years since Act 124 became effective. Today, many of these vehicles are equipped with onboard technology that eliminates the need for idling. DEP's website and documents for Act 124 are currently in the process of being updated. DEP is also developing a FAQ document that will consolidate existing information related to Act 124.

DEP's website includes a link that details the signage (Sign R7-100) required to be posted at locations that provide parking for these vehicles or anywhere the vehicles load or unload. Mr. Hancher noted that failure to post the required signage is something that may be noted in inspection reports for small businesses, but it is an issue that is easily and quickly resolved.

Mr. Schroth asked about the few exemptions in Act 124. Examples of exemptions include: vehicles that are in traffic, waiting to load or unload or actively loading or unloading, or waiting for police escort for an oversize load; school buses providing heat or air conditioning to passengers on board; and police and emergency vehicles operating in emergency mode. DEP indicated that vehicles may also idle to operate mechanical, electrical, or safety equipment, if necessary. However, many new vehicles have technology that eliminates the need to idle to operate this equipment.

#### Driving PA Forward

Ms. Harmon provided an update on the Driving PA Forward suite of grant and rebate programs. Eight programs will be available and two of the onroad programs are currently accepting applications. Ms. Harmon explained how to navigate DEP's Driving PA Forward webpage and showed the Committee the information available, including webinars, the newsletter, application instructions, program guidelines, and rebate calculators.

Ms. Harmon discussed each of the eight Driving PA Forward programs, including the eligibility and scoring criteria. Anyone can sign up for the Driving PA Forward newsletter to be notified about programs opening, funding awarded, and other relevant information.

DEP indicated that Driving PA Forward funding will be used to match funds for the Diesel Emission Reduction Act (DERA) grant program. The DERA grant program has broader eligibility criteria than the other Driving PA Forward programs and will have approximately \$2.5 million available this year.

Mr. Hancher asked whether there is a trusted vendor list that could be used by small businesses. DEP suggested that small businesses contact their utility company's innovation or sustainability manager. The Electrify America website is also a helpful resource on zero emission vehicles (ZEV).

#### DCED's Business One-Stop Shop

Michael McManus presented on the Department of Community and Economic Development's (DCED) Business One-Stop Shop, which was highlighted in Governor Wolf's 2017 budget address, and provided a tour of the Business One-Stop Shop website. The concept of a Business One-Stop Shop was developed to assist individuals wanting to start a business and describes the steps needed to get started. In addition to DCED, the Business One-Stop Shop provides information and requirements from the departments of State, Revenue, and Labor and Industry, as well as from secondary agencies. The Business One-Stop Shop has a single website, a single toll-free number, and a dedicated office.

Mr. Schroth commented that it has been his experience with state office toll-free numbers that his messages have not been returned. He also noted that sometimes toll-free numbers listed are a general line for a Department and do not get the caller to the right person. Mr. Schroth asked if calls to the Business One-Stop Shop toll-free number will be answered by a real person. Mr. McManus confirmed that the toll-free number will be answered by a real person. The Business One-Stop Shop was designed to improve customer service. The goal is to use “soft transfers” for callers, instead of transferring calls blindly. Callers will be held on the line while the call center gets the appropriate contact on the line.

Mr. Boito asked if businesses with questions about environmental requirements will be directed to DEP. Mr. McManus indicated that this will be included in a planned enhancement to address licensing and operating permits with approximately 19 agencies involved.

Mr. Boito noted concerns about not being able to process grants because of small businesses having outstanding obligations to the Department of Revenue. A recent example involved a missing form from 2004, and the grant applicant no longer had the information available. The Committee had a discussion related to frozen accounts. Mr. McManus asked Mr. Boito to forward him details about the example and offered to assist in resolving the situation. Mr. Schroth asked who has the authority to set limitations for consideration of these outstanding obligations, particularly those that do not include money due. Mr. McManus indicated a legislative change would likely be needed.

#### Overview of the Regulatory Process

The Regulatory Coordinator for DEP, Laura Edinger, provided an overview of the regulatory process in Pennsylvania and the role of advisory committees. The regulatory process is lengthy and complex, involving many steps and several levels of review.

Mr. Schroth asked what percentage of DEP regulations are driven by federal requirements. Ms. Edinger indicated that it is generally true across DEP programs that regulatory development is driven by federal requirements. For the air quality program, the underlying purpose of most regulations is to satisfy federal Clean Air Act requirements such as the National Ambient Air Quality Standards (NAAQS). However, rulemakings may also be developed to update existing regulations to address changes in Commonwealth statutes, technology, etc. For example, the air quality program recently amended a regulation to allow for certain permit applications to be submitted electronically.

For every rulemaking, DEP must complete a Regulatory Analysis Form (RAF) that includes answering questions on public benefit, small business impact, economic competitiveness, public participation in the regulatory process, etc. In fact, all rulemakings include substantial public participation, such as time for public comment and relevant advisory committee review. Most air quality regulations are reviewed by three advisory committees: SBCAC (if small business stationary sources are affected),

the Air Quality Technical Advisory Committee (AQTAC), and the Citizens Advisory Council (CAC). By law, the public comment period for air regulations must be no less than 60 days, as opposed to other DEP regulations which have a minimum 30-day comment period.

DEP's goal is to develop regulations that are protective of public health and welfare and the environment, while balancing the operational needs of industry. Chair Kaplan commented on the power and benefits of the thorough vetting provided through the regulatory process and advisory committee review that Pennsylvania has in place.

Ms. Edinger also discussed the Governor's Office regulatory agenda, which is updated biannually, and includes regulations in development for all Commonwealth agencies. Ms. Edinger also regularly updates the rolling regulatory agenda located on DEP's website (under the public participation dropdown).

#### Other Business/Discussion

The Committee discussed continuing to get the word out about the availability of SBAG, since many of the very cost-effective projects have been completed in prior years. EMAP offered to help get information out through the SBDC network.

The next SBCAC meeting is scheduled for January 23, 2019.

#### Adjournment

The SBCAC meeting was adjourned at 1:00 p.m.