

SMALL BUSINESS COMPLIANCE ADVISORY COMMITTEE MEETING MINUTES

April 17, 2024

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

Call to Order and Introductions

The Small Business Compliance Advisory Committee's (SBCAC or Committee) April 17, 2024, 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.

Chair Kaplan announced Donald Poligone from the Department of Community and Economic Development (DCED) as taking over Terrell Martin's seat on the Committee. Mr. Poligone introduced himself to the Committee.

Members of the Committee introduced themselves.

Administrative Items

Approval of Minutes from Previous Meeting

The January 17, 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 first quarter of 2024 (January 1 through March 31), EMAP received 40 requests for technical assistance; 14 of them were received through the EMAP hotline, and 26 were received through other means, such as directly through the EMAP website or direct referrals.

There were 26 technical requests that were air quality permit related. There were 16 requests referred by DEP, 15 of which were air quality related. There were five requests relating the Small Business Advantage Grant and Pollution Prevention Assistance Account Loan program. There were twelve new EMAP clients that entered into new SBDC/EMAP client engagement agreements during the quarter.

EMAP assisted or provided information to 89 small businesses and conducted six onsite assessments. Major work output included: eight Requests for Determination (RFD); four Plan Approval applications; 19 State-Only Operating Permit applications; four

SBCAC Meeting Minutes 4/17/2024

General Permit applications; and four Allegheny County Health Department (ACHD) installation/operating permit applications.

Mr. Hancher provided details on the National Small Business Environmental Assistance Program (SBEAP) annual training in Chattanooga Tennessee. At the meeting, Mr. Hancher presented “Leveraging AI tools for Small Business Assistance & Outreach”. EMAP small business client, Quality Industrial Coatings, was recognized with the Small Business Environmental Stewardship Award for their efforts in reducing VOC emissions at their organization.

Regarding reporting, EMAP provided support to eight small businesses in completing and submitting their 2023 Annual Emission Statement. EMAP assisted three small businesses with National Emission Standards for Hazardous Air Pollutants (NESHAP) semiannual reporting for Metal Fabrication and Finishing and also Iron and Steel Foundries. EMAP guided two small businesses through the Electronic Discharge Monitoring Report (eDMR), a semiannual report for stormwater permitting compliance. Lastly, assistance was provided to multiple small businesses to establish recordkeeping and reporting spreadsheets to facilitate calculation of 12-month rolling totals and address various air quality compliance needs.

Since February 2024, EMAP has received several requests from small businesses relating to the annual reporting requirements for DEP’s rules on volatile organic compounds (VOC) for oil and natural gas sources. EMAP also received questions and requests for assistance from three residential owners of oil and gas wells.

Mr. Hancher mentioned some common trends in VOC Annual Reporting Assistance. Many small businesses and residential well owners seek guidance on completing the VOC reporting template. This includes understanding required information, spreadsheet usage, and VOC emissions calculation. There is a lack of understanding, particularly among residential well owners, regarding reporting requirements. Non-compliance issues have arisen, with at least one well owner receiving notices of violation (NOVs) for not reporting Mechanical Integrity Assessment (MIA) and Annual Production reports. Mr. Hancher noted how variability in operator equipment and size of operations adds complexity to the required reporting and calculations. Additionally, there is a general lack of understanding on how to follow the guidelines in reporting and calculating fugitive emissions. Factors like equipment variability, operating conditions, chemical composition, estimation methods, and data availability are impacting the ability of small businesses to complete their report.

Small Business Ombudsman (SBO) Report

DEP SBO, Samantha Harmon, began by providing an update on the status of the Small Business Advantage Grant (SBAG) program. The 2023-2024 SBAG grant program closed on March 22, 2024. There were 169 applications received, with nearly 50 received in the final week, with a total of \$873,135 in funds requested. Which is roughly double the amount reported at the January SBCAC meeting.

SBCAC Meeting Minutes 4/17/2024

The 2024-2025 grant is anticipated to open in July 2024. The max grant awards will be increased from \$8,000 to \$12,000. The lowest tier grant award amount will also increase from \$5,000 to \$7,500. She is also looking into allowing more project costs as eligible costs, which would make less work for staff and applicants. Because of these changes to the program, there will be updates made to guidance videos and the website.

The Pollution Prevention Assistance Account (PPAA) loan program has \$1,658,558 available as of February 2024. This loan is available to all small businesses for pollution prevention or energy efficiency projects at a two percent fixed interest rate. Businesses can apply for loans up to \$100,000 for a variety of environmental project types. The SBO office is considering revisions to the application form to make it more user friendly. They are looking to possibly make updates to the PPAA loan webpage.

Ms. Harmon said that she is part of the DEP Grant Equity and Language Access workgroups. She explained that an outside contractor would be supporting the program with language access solutions that aim to assist small business owners and individuals who do not speak English, ensuring that language resources are accessible to as many people as possible.

Ms. Harmon provided an update regarding the series of five new flyers that the SBO office has been working on, relating to the small business program. The flyers have made it through the approval process and are now accessible online. Ms. Harmon also provided printed versions of the flyers for the Committee. Mr. Hershey will be forwarding links to those flyers to the Committee to include with the other follow-up items from the meeting.

Mr. Kaplan asked which funding categories are seeing the most demand for SBAG award funds. Ms. Harmon said that, as usual, the highest demand was for LED lighting projects. There were also a significant number of HVAC projects, along with boiler projects, and a grain dryer project.

Mr. Hancher asked how many projects were in environmental justice (EJ) areas. Ms. Harmon explained that once all applications are processed, they plan to conduct an analysis to determine that number. Due to the recent bump-up in the award level for businesses in EJ areas, they expect to see an increase in applicants from those areas. The SBO office also tracks whether applicants are women owned, minority owned, or veteran owned, to check the diversity of applicants and make sure that there are not specific groups being left out.

Proposed Rulemaking to Amend 25 Pa. Code Chapter 122 National Standards of Performance for New Stationary Sources

Soumya Arikeri, Air Quality Engineer, presented on DEP's draft proposed rulemaking to amend 25 Pa. Code Chapter 122 National Standards of Performance for New Stationary Sources (Delegation of Authority of Federal Plans).

This proposed rule would provide the legal authority for DEP to request delegation of Federal Plans implementing Emission Guidelines for existing stationary sources. If this proposal is finalized, DEP will submit the final-form regulation to the EPA as a revision to the Pennsylvania State Implementation Plan (SIP).

There were no questions from SBCAC on this rulemaking.

Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard

Hallie Weiss, Air Quality Program Specialist in the Monitoring Division and Bryan Oshinski, Air Quality Program Specialist, in the Air Resource Management Division presented Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard. The presentation detailed EPA's changes to the NAAQS published in the Federal Register on March 6, 2024, and the impacts to Pennsylvania.

The presentation showed that the 2023 annual PM2.5 design values in several Pennsylvania counties do not meet the new NAAQS standard of 9.0 ug/m³. After adjustments are made for biased T640 monitoring data some of these counties may meet the standard. Pennsylvania may also develop an exceptional events demonstration to flag air quality monitoring data impacted by Canadian wildfire smoke in the summer of 2023.

Mr. Schroth pointed out that the PM2.5 standards have been revised lower several times and asked when that would stop. Mr. Oshinski explained that this is a change at the federal level and is out of DEP's hands. EPA looks at the data that is currently available and determines health impacts. Mr. Nolan explained that PM2.5 data from rural counties in the state indicate baseline/background levels that are lower than what is seen near some of the urban areas.

Mr. Kaplan asked why the speciation charts showed higher concentrations of elemental carbon in Lebanon than in other counties. Ms. Weiss explained that some monitor locations will often have special characteristics that impact the speciation data, and that it could be agricultural activity increasing elemental carbon. Mr. Nolan explained that future modeling associated with the changes to the PM2.5 NAAQS should result in more detailed modeling that will likely explain these speciation trends in greater detail.

Mr. Burrell asked what the PM2.5 standard was prior to the year 2000 and if there is data detailing the trend of PM2.5 levels for that time. Mr. Nolan explained that tracking for PM2.5 began in 1999 as awareness of its health effects became apparent and as new technology became available to track it. Prior to this, only PM10 and total suspended particulate were tracked.

Ms. Harmon asked if there is any regulatory development planned for compliance with the new standard. Mr. Oshinski explained that there needs to be more data collection and analysis, along with determining which areas are found to be in non-attainment/attainment. He said that the entire process is lengthy and can take years.

SBCAC Meeting Minutes 4/17/2024

Ms. Griffin said that for the 2012 PM NAAQS, EPA issued an implementation rule in 2016 providing guidance on State Implementation Plan requirements. She asked Mr. Oshinski if EPA issues an implementation rule each time the NAAQS is revised. Mr. Oshinski explained that an implementation rule is expected to be issued shortly after the attainment designations are determined.

Mr. Hancher asked how jurisdictional boundaries are being determined in the designation process. Mr. Oshinski pointed to a slide referencing the 2014 nonattainment designations (showing 3 counties in nonattainment), explaining that the boundaries were based at the county level at that time. However, in the past, smaller jurisdictional areas have been used (e.g., metropolitan statistical areas, core-based statistical areas, etc.).

Mr. Hancher asked why the T640 monitors are located mostly east of the Mississippi river. Mr. Nolan said that the reason is likely climate related. The T640 handles high humidity well. The environment in the Western U.S. is less humid, so those states did not switch to the T640, and therefore other types of monitoring equipment is common in those areas.

Other Business and Discussion

Mr. Schroth asked if a presentation could be made to the Committee at a future meeting regarding DEP's changes in requirements to aboveground and underground storage tanks. Mr. Hershey agreed to look into adding this as an item for a future meeting.

Election of Officers

Mr. Kaplan asked Mr. Hancher to lead the nominations. Mr. Hancher opened the floor for nominations for Chair and Vice Chair for SBCAC. Ms. Harmon made a motion to retain the current officers. Ms. Griffin seconded the motion.

The Committee unanimously voted to retain the current chair and vice-chair, re-electing both Mr. Kaplan as Chair and Mr. Schroth as Vice Chair.

Adjournment

The SBCAC meeting was adjourned at 12:30 p.m.

The next SBCAC meeting is scheduled for July 24, 2024.