

Jasmine Forbes

From: Suna Yi Sariscak <sun.sariscak@maryland.gov>
Sent: Thursday, August 20, 2020 5:09 PM
To: Jasmine Forbes
Cc: Marcie Gurley -MDE-; MDE WEBMASTER -MDE-; Mary Jane Rutkowski -MDE-
Subject: Air Quality Requirements for Crematories

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Hello Ms. Forbes,

Your message to the MDE Webmaster was forwarded to me for response. Crematories are considered air pollution sources, because they emit both federally regulated criteria pollutants such as oxides of nitrogen (NO_x), volatile organic compounds (VOC), sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter, and hazardous air pollutants (HAP), and state regulated toxic air pollutants. Crematories require an air quality permit to construct prior to construction, and after an initial temporary operating period, an air quality State Permit to Operate (that must be renewed every 5 years).

From a federally regulated criteria pollutant standpoint, crematories emit a minor amount of emissions. Here is a summary of criteria pollutant emissions from an average crematory with one retort (the federal major source thresholds applicable in Montgomery County for each pollutant are listed in parentheses next to each pollutant):

NO_x: 4.5 tons per year (25 tons per year)
VOC: 1.6 tons per year (25 tons per year)
SO₂: 1.0 tons per year (250 tons per year)
CO: 3.8 tons per year (250 tons per year)
Particulate Matter: 0.8 tons per year (250 tons per year)
Total HAP: Less than 1.0 tons per year (25 tons per year)
Single Most Emitted HAP: Less than 0.5 tons per year (10 tons per year)

So, as far as federally regulated criteria pollutants are concerned, crematories are not air pollution major sources, and do not require any federal permit approvals.

From a state regulatory standpoint, crematories must not cause visible emissions, must emit less than 0.10 grains of particulate matter per standard cubic feet of dry exhaust gases, must not create a nuisance or odor, and must meet Maryland's stringent toxic air pollutant emissions requirements. A well operated and maintained crematory will not cause any visible emissions, will meet the particulate matter emissions standard, and will not cause a nuisance or odor.

As for emissions of Maryland toxic air pollutants, the permit applicant must first quantify the amount of emissions from toxic air pollutants. Then, the applicant must demonstrate that the concentration of each toxic air pollutant's emissions at the property line and beyond are less than the threshold determined in State regulation to be protective of public health. These levels vary depending on the toxicity of each pollutant.

Many factors affect the amount of toxic air pollutant emissions that a crematory would be allowed to emit and still demonstrate compliance. These factors include, but are not limited to, the crematory location on the property, the height of the stack, and the distance of the stack to the property line. A crematory may be able to

install several retorts or process more if they are located on a large property. Some locations may only be able to meet Maryland's requirements with only one retort with limits on the number of cremations each day due to the proximity to other buildings, the property line, etc. These limits are very specific to the facility and location. Until a permit application is received and reviewed, it is difficult to tell whether a crematory will be in compliance with all federal and state air quality regulations so that a permit could be issued. A permit would not be issued if the applicant could not demonstrate compliance with all applicable federal and state air quality requirements.

At this point, we do not have an air quality permit application in-house for a proposed crematory in Montgomery County. The application must include evidence of zoning approval before we will accept any permit application for processing.

If you have any additional questions, please let me know. Thank you.



Suna Yi Sariscak
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Air and Radiation Administration
Maryland Department of the Environment
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410-537-4129 (O)
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Because of the COVID-19 virus and the need for safety precautions, many state employees are working remotely.

----- Forwarded message -----

From: **Jasmine Forbes** <Jasmine.Forbes@gaithersburgmd.gov>
Date: Thu, Aug 20, 2020 at 1:59 PM
Subject: Crematorium Regulations
To: mde.webmaster@maryland.gov <mde.webmaster@maryland.gov>

Good Afternoon,

I am a planner for the City of Gaithersburg and currently reviewing an application for a funeral home that wants to expand their services to include a crematorium. The funeral home plans to only install one retort and is adjacent to some residential homes. During the public hearing meeting, the public had concerns about the amount of emissions that is generated from a crematorium. I know that MDE issues and regulates the permit. I want to know what emissions are MDE reviewing for a crematorium and what is the acceptable amount of the emissions that can be released from the crematorium to not impact the people that lives near a crematorium. Thank you.

Jasmine Forbes, Planner I

Planning and Code Administration



City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877

Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov

Jasmine.Forbes@gaitersburgmd.gov

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Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 24, 2020 9:24 AM
To: 'Kathy Daniels'
Subject: RE: Crematorium

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

<https://www.gaithersburgmd.gov/government/projects-in-the-city/10-and-14-east-deer-park-drive> .

Regards,

Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

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Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Kathy Daniels <danielskd330@gmail.com>
Sent: Saturday, August 22, 2020 8:57 AM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Crematorium

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Ms. Forbes,

I'm writing to express my concern about the planned crematorium for DeVol Funeral Home. I'm a member of Unity of Gaithersburg, located near the funeral home, and we enjoy a beautiful campus. I'm concerned that the crematorium will generate a strong, offensive odor that will make the area undesirable and destroy the beauty of our campus. This appears to be an area that is mostly residential and it seems the crematorium would be better placed in a commercial area. Please give strong consideration to the area residents, as well as our church and others, when deciding on this request. I am one strong dissenter.

--

Kathy Daniels

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 24, 2020 9:27 AM
To: 'Rachel Mendoza'
Subject: RE: DeVol Crematorium

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

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Regards,

Jasmine Forbes



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Jasmine.Forbes@gaithersburgmd.gov

From: Rachel Mendoza <charirachel11@gmail.com>
Sent: Saturday, August 22, 2020 10:16 AM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: DeVol Crematorium

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Planner

I live in the Deer Park area which is a residential zone. I am concerned that the Devol crematorium will bring an industrial zone into my neighborhood and will negatively affect the people I care about. I don't want a tall "chimney" emitting smoke and chemicals into the air where thousands of residents live, work, go to school. This parcel is not zoned for industrial use. I don't want the quality of life here changed by more traffic and smoke. Please reject this proposal.

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 24, 2020 9:31 AM
To: 'Eve Carpenter'
Subject: RE: NO to proposed DeVol application SP-8415-2020

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

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Regards,

Jasmine Forbes



Jasmine Forbes, Planner I
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Jasmine.Forbes@gaithersburgmd.gov

From: Eve Carpenter <chocice47@gmail.com>
Sent: Saturday, August 22, 2020 12:29 PM
To: Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>
Subject: NO to proposed DeVol application SP-8415-2020

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Mayor Ashman & City Council,

My wife and I are residents of the E. Deer Park neighborhood, and we strongly oppose Devol Funeral Home's application to build and operate a crematorium. We understand that the proposed location is zoned CD; nevertheless, we believe there are legal grounds to deny said application within the verbiage of the CD designation, namely: "space and facilities for the **preparation** of such bodies for burial or other final disposition" (emphasis/bold added). Funeral homes falling under CD zoning are permitted to prepare bodies for "other final disposition," i.e., cremation - not to **engage** in the aforementioned "burial or other final disposition" - but to prepare the bodies for it. Taking the legal phrase in its entirety, therefore, one cannot argue that the funeral home is permitted to bury or otherwise dispose of bodies. Ignoring the portion of the legal phrase that

says "preparation," by default, would also mean that funeral homes could **bury** bodies **on site** - clearly, that is not under the purview of the zoning law. While I did not immediately find the Maryland definition of "final disposition," I have provided two quotes of the definition of said phrase, one from a general site on definitions of law and the other from actual statutory language, respectively - I am sure that there are no conflicts between these provided definitions of "final disposition" and Maryland's laws: "**Final disposition** means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus" (LawInsider.com) "Final disposition" means the **burial, interment, cremation**, removal from the **state** or other authorized disposition of a **dead body** or fetus (OregonLaws.org) . Again, grounds for denial of Devol Funeral Home's application are plain in the zoning language - they may "prepare" a body for its "final disposition" (to be cremated), but they may not **do** the final disposition under the auspices of the fact that the CD zoning allows for funeral homes to be "temporarily resting places for dead human bodies" and to "prepare" them for "final disposition" - it does not allow them to be permanent "resting places for dead human bodies," so they are **not** allowed to be buried on site, nor are they, by default of the use of the linking word "or" in the zoning verbiage to do the "other final disposition" on site - *if they cannot bury them on site, they cannot cremate them on site. They may only prepare them to be buried "**or**" (emphasis added) to be cremated.*

Notwithstanding the minor health risks of small particulate pollution to the families in our neighborhood, many of whom, including my own, have young children, there are legal zoning grounds to **deny** Devol Funeral Home's application to operate a crematorium. Thank you for your time and all of your dedicated hard work to serving our city.

Sincerely,
Eve Carpenter
11 Holly Drive
Gaithersburg, MD

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, August 24, 2020 9:35 AM
To: 'Sandra Andrade'
Subject: RE: STOP THE CREMATORIUM

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8415-2020. Your correspondence will be included in the Council's record for their consideration. Please note that the Council's record on this application will close on September 16th. For information about the application, please visit the project page:

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Regards,

Jasmine Forbes



Jasmine Forbes, Planner I
Planning and Code Administration

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Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Sandra Andrade <sandrade810@gmail.com>
Sent: Saturday, August 22, 2020 12:43 PM
To: Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: STOP THE CREMATORIUM

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DO NOT allow in a heavily-populated area near schools, the post office, businesses, churches, and above all homes, and apartment buildings. Not only do we have to deal with the on-going deadly pandemic, but if you go forward with this dangerous plan, the health consequences will be even greater and more deadly. Lots of us are already dealing with health issues, the concept of adding more poisonous pollutants to our already polluted air is unconscionable, immoral, and a total disregard for human life and your constituents.

