

DeVol Funeral Home Addition for Viewing Parlors and Crematory

Q and A

Do you have questions about the conversion of the existing house at 14 East Deer Park Drive in Gaithersburg on the DeVol Funeral Home property into a funeral home with viewing parlors and accessory cremation services? Mr. Robert DeVol has invited residents to participate in a virtual informational meeting scheduled for Wednesday, September 9, 2020 from 6:30 to 8 p.m. Mr. DeVol expects to have an open, responsive, and respectful dialogue with the community. Below are questions and answers about the project that Mr. DeVol requested that the community receive before the meeting.

Q 1: Is there an environmental review process for permitting crematories?

A: Crematories, including facilities operated as an accessory to a funeral home as is proposed by Mr. DeVol and stand-alone facilities, are permitted by state environmental agencies and not by the federal Environmental Protection Agency (“EPA”). EPA considers crematories a relatively small source of air emissions.

In Maryland, the Maryland Department of the Environment (“MDE”) is responsible for permitting, inspecting and enforcing standards for cremation facilities. In interpreting federal requirements, MDE has explained that “as far as federally regulated criteria pollutants are concerned, crematories are not air pollution major sources, and do not require any federal permit approvals.” See email dated August 20, 2020, from Suna Yi Sariscak, Manager, Air Quality Permits Program, Air and Radiation Administration, MDE to City of Gaithersburg Planning Staff (the “MDE Email”), attached.

It is the responsibility of MDE’s Air and Radiation Administration to evaluate data about the proposed crematory, to review its compliance with federal and state air standards, and to issue a permit to install the crematory, but only if MDE determines the crematory applicant has satisfied all federal and state air standards. MDE’s job is important and comprehensive. MDE will, of course, evaluate emissions, including mercury, about which the community has expressed concern.

The MDE Air and Radiation Administration requires each proposed crematory to submit an application for a permit to install the unit. Under Maryland law, each applicant must have an MDE-issued permit to install equipment prior to construction and operation. MDE protects the quality of the air in the community by carefully examining the information that the applicant submits and making a determination whether the information the applicant has provided demonstrates compliance with federal and state air permitting rules.

Q 2: Community members have expressed concern about the possibility of harm that crematory emissions, including mercury, may cause. What protects the public from the potential of harm to their health from crematory emissions, including mercury?

A: MDE is well familiar with crematories and their operations, and based on its many years of reviewing crematory permits to install has stated:

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.

MDE Email, p.1.

Significantly, Maryland has established one of the most stringent procedures for evaluating and controlling toxic air pollutants, explaining that:

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.

MDE Email, p. 1.

Of course, MDE will evaluate each permit application on its own merit and on the specific factors that apply to it, which might include the crematory location on the property, the height of the chimney, and the distance of the chimney to the property line. MDE has made clear that it will not issue a permit if the applicant does not demonstrate compliance with all applicable federal and state air quality requirements.

Q 3: Will the community be able to participate in the MDE air permitting process and offer comments to MDE about the proposed crematory?

A: Yes, of course. MDE has established a formal process for public participation. Following MDE's receipt of an application, a notice is required to be placed in a local newspaper. This notice informs the public that it may request an informational meeting to discuss the permit to install application with MDE. MDE then will review the application and once it is satisfied issue a tentative determination that the permit will comply with all applicable air quality regulations. MDE's review is a substantive one, which may include a request that the applicant submit additional information, revisions to the application, conduct studies, or modify the unit's proposed operating conditions. Following tentative approval, a second notice is issued informing the public that it may request a public hearing and also provide written comment on the application, the tentative determination, the draft permit conditions, and other supporting documents. MDE is required to carefully consider and respond in writing to each comment that it receives.

Q 4: What is the key to assuring that the crematory complies with the requirements established in its MDE permit and its operations will not cause odor, smoke, emissions or noise?

A: The answer is quite a simple one – it is conscientious attention to excellence in operation and maintenance of the crematory. That is, of course the commitment that Mr. DeVol has made to the community and the practices that he will implement to assure that the health and well-being of the community are not negatively impacted by the crematory. Even before securing zoning or environmental

approvals, Mr. DeVol participated in the National Funeral Director Association's Certified Crematory Operator ("CCO") course and obtained certification as a "Certified Crematory Operator". The program provides training in every aspect of crematory operation. In Maryland, an additional separate training is required to be provided by the equipment manufacturer prior to start-up. These two trainings and Mr. DeVol's sense of community and responsibility will guarantee the proper operation of the crematory.

And, of course, MDE retains the responsibility to assure that the crematory permittee complies with the permit that MDE has issued. Annual emissions reporting and certification by the permittee are required. MDE inspectors have access to the permittee's property to conduct sampling, review records, and inspect equipment to assess compliance with federal and state air requirements and the permit.