

## 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.

**Jasmine Forbes**

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**From:** Jasmine Forbes  
**Sent:** Tuesday, September 8, 2020 9:26 AM  
**To:** 'ROBERT BREWER'  
**Subject:** RE: NO crematorium 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. 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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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

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**From:** ROBERT BREWER <brewer000@verizon.net>  
**Sent:** Saturday, September 5, 2020 9:06 AM  
**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>  
**Cc:** Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>  
**Subject:** Re: NO crematorium application SP-8415-2020

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

I'm Katie Brewer, I've lived on E. Deerpark Dr for 25 years. I have a severe asthmatic condition and would appreciate your opposing the crematorium.  
Thank you for your consideration.  
K. Brewer

## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Tuesday, September 8, 2020 9:28 AM  
**To:** 'ROBERT BREWER'  
**Subject:** RE: NO crematorium application SP-8415-2020 gaithersburg character counts

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. 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,  
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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

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**From:** ROBERT BREWER <brewer000@verizon.net>  
**Sent:** Saturday, September 5, 2020 9:31 AM  
**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>  
**Cc:** Planning External Mailing <Planning@gaithersburgmd.gov>; Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>  
**Subject:** Re: NO crematorium application SP-8415-2020 gaithersburg character counts

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

Please remember -in Gaithersburg "character counts" . You signed on to serve your constituents.  
The Gaithersburg "character counts" logo and city creed were in place when you were elected.  
In no way does any crematorium or other industrial facility fit in this neighborhood's character.  
Respectfully- do the right thing- reject the crematorium, remember - should the crematorium go sideways- it's approval was on your watch.  
Bob Brewer  
Gaithersburg,MD



## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Tuesday, September 8, 2020 9:31 AM  
**To:** 'Ricardo Garcia'  
**Subject:** RE: DeVol Crematorium

Good Morning,

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Regards,  
Jasmine Forbes



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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

**From:** Ricardo Garcia <ricardogarcia8994@gmail.com>  
**Sent:** Sunday, September 6, 2020 2:32 PM  
**To:** Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; 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>; 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.

I am a concerned citizen living in the Montgomery House Apartments facility located on Frederick Avenue near the DeVol Funeral Home. I very strongly oppose the construction of the DeVol Crematorium. I am concerned about smoke, ash, dust, debris, and other toxic chemicals in the air where I live. The apartment complex where I live is full of families with children. There are many other apartment complexes in the vicinity. The Gaithersburg High School is located nearby as well. Our community deserves clean and safe air. We should not have to sacrifice our health and safety so DeVol can make money.

## Jasmine Forbes

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**From:** Jasmine Forbes  
**Sent:** Tuesday, September 8, 2020 9:34 AM  
**To:** 'Kyra Wiley'  
**Subject:** RE: greener burial in Gaithersburg

Good Morning,

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Regards,  
Jasmine Forbes



**Jasmine Forbes, Planner I**  
**Planning and Code Administration**

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[Jasmine.Forbes@gaithersburgmd.gov](mailto:Jasmine.Forbes@gaithersburgmd.gov)

**From:** Kyra Wiley <kyrawiley8@gmail.com>  
**Sent:** Monday, September 7, 2020 8:28 AM  
**To:** Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Jud Ashman <Jud.Ashman@gaithersburgmd.gov>  
**Subject:** greener burial in Gaithersburg

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

Hello,

I live at Montgomery House Apartments on 355 near Devol Funeral Homes. I feel that if we are going to be adding in new facilities for processing the remains of our deceased we should go for the greenest options possible. I would much rather have access to alkaline hydrolysis procedures. Alkaline hydrolysis is a chemical process that reduces a body to components of liquid and bone. It is considered a greener alternative to cremation because it uses less energy than cremation and does not release matter into the atmosphere.

Maryland legalized alkaline hydrolysis in 2010, when the state explicitly defined cremation to include processes other than heat and flame:

“Cremation” means the process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process.

(Maryland Business Regulation Code § 5-101.)

While there is evidence that some Maryland funeral service providers are researching the possibility of offering alkaline hydrolysis, no Maryland facility has yet made the process available for human remains.

I would rather skip adding a new facility offering traditional cremation and get the first alkaline hydrolysis facility in our state. It would reduce CO2 emissions released into the air and chemicals buried in our soil.

Thank you for your consideration.

Sincerely,  
Kyra Wiley