



west virginia department of environmental protection

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Response to Comments
for
Permit Application R13-3329
Elk Valley Pet Crematorium, LLC
Big Chimney, WV

The Division of Air Quality (DAQ) has developed this *Response to Public Comment* regarding permitting action R13-3329. During the DAQ public comment period that began on August 22, 2016 and ended on September 21, 2016, the agency received 2 written letters. As a result of these letters, the Director elected to conduct a public meeting on October 04, 2016 at the Coopers Rock Training Room – Department of Environmental Protection’s Headquarters located in Charleston, WV. A Press Release and Class I Legal Advertisement of the public meeting was published on September 23, 2016. An additional written letter was received on September 23, 2016 and an email was received on October 03, 2016. The public meeting convened at 6:00 PM and dismissed at approximately 7:10 PM. In attendance at the meeting were two individuals. Both made comments and asked questions concerning the proposed source. Collectively, the DAQ reviewed these comments and prepared the following responses. This document serves to provide the agency’s response to public comment. Pursuant to 45CSR13-8.8., the DAQ has reviewed and appropriately addressed comments received by the public.

Zoning/Siting

Several comments were concerned about the specific location of the crematory within the vicinity of a residential community. Another comment expressed concern regarding property values as a result of this crematory located at the proposed location.

The DAQ does not conduct or evaluate property values under the permit application review process. This concern should be addressed within the comprehensive plan developed by the county or municipality. Again this is not the role of the DAQ.

The DAQ has no authority to create or enforce land use rules or restrictions. This authority is given to the planning commission at the county/municipality level.

The DAQ viewed these specific comments focused at county or city zoning issues and not towards air quality related issues. The proposed location of a facility is taken into consideration when granting specific source permission to constructing an emission source at a proposed site. This consideration is limited with regards to causing or contributing to air quality related problems. If there is a potential air quality related issue with the proposal, the proper course of action for the agency is to deny that particular application.

45 CSR 6 “To Prevent and Control Air Pollution From Combustion of Refuse” requires the owner/operator engaged in any form of incineration to give careful consideration to the effects of the resultant emissions on the air quality of the area. Thus, the DAQ feels that this rule allows the agency to impose additional restrictions in a permit to ensure and/or prevent an air quality related problem from occurring due to a specific location.

City and/or county ordinances are developed and enforced by those governing bodies and not by the DAQ. The only way for the DAQ to enforce or recognize such ordinance is if it was needed for a specific area to meet a Federal Air Quality Standard. Basically, the DAQ would have to include that ordinance as part of a State Implementation Plan to bring an area back into

attainment of the National Ambient Air Quality Standard (NAAQS) and U.S. EPA has to approval it.

It is the public policy of this state, and the purpose of Article 5 (Air Pollution Control Act), to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state.

To these ends, it is the purpose of Article 5 of the West Virginia Code to provide for a coordinated statewide program of air pollution prevention abatement and control; to facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within single jurisdictions; and to provide a framework within which all values may be balanced in the public interest. The DAQ, however, must carry out this statutory policy principally through application of existing federal and state ambient air quality and emission standards that can practically be achieved in our economic system.

It is the responsibility of the DAQ to apply the rules and regulations of the state of West Virginia and of the U.S. EPA as they relate to air quality. The participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.

Health Effects

Several comments expressed concerns with the potential health risk associated from the emissions created by the cremation process. In the Clean Air Act, Congress required the EPA to develop and promulgate the National Ambient Air Quality Standard (NAAQS) for several common pollutants (criteria pollutants) such as particulate matter (PM), carbon monoxide (CO), oxides of nitrogen (NO_x), sulfur dioxide (SO₂), and ozone. These NAAQS are established and based upon studies and criteria used to protect the general population.

These standards are the basis of our permitting programs under the Clean Air Act. Basically, the major source and minor source permitting rules are used to help keep the local air quality within acceptable limits of these standards. The main definition between minor and major is a source having the potential to emit at least or more than 100 tons of any one of these criteria pollutants. It is understood that minor sources do not pose a risk to adversely affect any of the NAAQS. There are two standards, which are primary (public health) standard and a secondary (environment) standard. The primary standards set limits to protect public health, include the health of "sensitive populations such as asthmatic, children, and the elderly. Secondary standard set limits to protect public welfare, including protection against visibility

impairment, damage to animals, crops, vegetation, and building. The Clean Air Act requires periodic review of the science upon which the standards are based and the standards themselves.

Analyzing the potential health risk associated with an individual source or facility is usually not conducted. This is why the DAQ devotes a significant amount of resources to complying with the NAAQS that EPA promulgates. It is understood that a minor source of these criteria pollutants should not pose or increase the health risk for a specific area.

Inspections

One comment questioned how frequently will the DAQ inspect this source. EPA establishes guidance for states conducting inspections. Basically, this guidance focused the on major sources, minor sources that have taken a limit from not being classified as a major source and minor sources within 80% of the major source threshold level. This guidance does not include crematories. When resources are available, the DAQ does and will conduct compliance inspections of crematories.

Quality of Life

One comment questioned the visible emissions, odors, and quality of life due to the crematory. It is expected that a properly maintained and operated crematory will not exhibit any visible emissions (i.e. smoke) except at start-up.

There should not be any objectionable odors discharged from the operation of any crematory. In the opinion of the DAQ, odors or smoke being discharged from a crematory would be an indicator there is either a problem with the machine or how it is being operated. Quality of Life is not a defined term used by the DAQ in regulating or permitting stationary sources. However, if discharge of smoke and objectionable odors are factors in judging the effects of quality of life as a result of a specific activity, then this proposed crematory shall not have any adverse effects on the quality of life in this area.

Questions

The DAQ fielded several questions via email, prior to the October 04, 2016, Public Meeting. The DAQ felt that these questions should be noted in this response to comments document, which are the following:

Question: What are the West Virginia laws and regulations that apply to pet crematoriums?

Answer: 45CSR4 (Odors), 45CSR6 (Cremation, Incineration), 45CSR13 (Permitting) and 45CSR22 (Application fees and yearly fees).

Question: Are there any regulations that dictate the location of a pet crematorium?

Answer: There are no zoning laws, ordinances, or air quality regulations that affect the siting or choice of a location for a pet crematory. However, all state and federal air quality regulations are written to ensure the protection of the public health and any secondary impacts to the environment.

Question: Are there stipulations regarding the location of a pet crematorium in a residential neighborhood?

Answer: There are no zoning laws or ordinances that prohibit the location of a pet crematory in a residential neighborhood. Most human and pet crematories are located in these types of neighborhoods as the funeral homes they are associated with are already located there. These are fairly common sources in WV, across the US and around the world.

Question: What are the air quality control mandates?

Answer: Trained operators, the secondary chamber is to be maintained at 1400 degrees minimum during cremation cycle, incinerator to be operated in accordance with manufacturers recommendation, ensure the incineration rate of no greater than 85 lb/hr and a maximum charge capacity of 400 pounds is not to be exceeded.

Question: How will they be regulated and monitored on a regular basis?

Answer: The incinerator will be added to the list of source inspections with periodic inspections by our Compliance and Enforcement Section. The source is required to maintain records of operation of the crematory to prove compliance with required temperature and other operating parameters. In the past three years the DAQ has had only one problem with a crematory. The difficulty was due to the cremation of very large human remains (over 400 pounds).

Question: What is the state's managerial control of these regulations?

Answer: WV is a SIP approved state, meaning that we have been granted delegation of authority to implement the Clean Air Act. State Regulations are reviewed and approved by the legislature, signed by the Governor and must be approved by the USEPA to be added to the States' State Implementation Plan (SIP).

Question: Can you offer any information pertaining to long-term effects on people living near a pet crematorium?

Answer: Incineration is a very common form of air pollution control. Cremation of human and pet remains are also a common activity in WV, across the nation and around the world. If the source meets the requirements of the applicable state regulations

and its permit, then the health of the public and secondary effects on the environment will be protected.

Question: Will there be solid waste as an effect of the cremation or is this business operated on the method of returning all cremated matter to the pet owner?

Answer: Solid waste in the form of ash only, with the remains being returned to the pet owner. If those remains are not returned they can be safely disposed of in any public landfill.

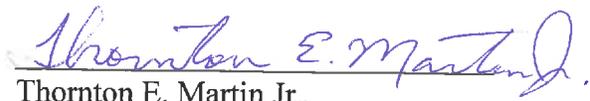
Question: Why is there no limit to the number of daily cremations nor a limit on the operating hours of the pet crematorium?

Answer: Emission limits are based on 2080 hours/year (8 hours/day; 260 days/yr), however, the draft permit does not limit operating schedule at this time. Cremations could take place at night. The time for a cremation depends upon the size of the remains. A great Dane will take longer to cremate than a Chihuahua. It also takes time for the crematory to cool down so the ashes can be collected, before another cremation can take place. It is the experience of the DAQ that human and pet cremation businesses rarely operate more than a few hours per day during normal business hours.

Conclusion

The DAQ appreciates the public interest in this particular application and hopes that this response is informative and adequate to the questions and concerns raised during the public comment period for this application.

Pursuant to §45-13-8.8, all submitted relevant comments received during the R13-3329 public comment periods have been reviewed and are appropriately addressed in this document. It is the view of the DAQ that, after consideration of all comments, the available information indicates Elk Valley Pet Crematorium, LLC's proposed construction of a Pet Crematory facility will meet the emission limitations and conditions set forth in the permit and should comply with all currently applicable state and federal air quality management rules and standards.


Thornton E. Martin Jr.
Permit Engineer


Date