

MEMORANDUM

TO: Woodstock Planning Commission
Woodstock City Council

FROM: Patti Hart Zoning Administrator

DATE: March 28, 2012

SUBJECT: CUP#004-2012 Additional Information requested regarding the environmental as well as economic impact to neighboring residential property in proximity to a crematory.

1) Environmental Protection Agency References

From Cremation Association of North America (CANA) – “As a result of the Clean Air Act of 1990, the Environmental Protection Agency first classified crematories as medical waste incinerators, then later as OSW (Other Solid Waste) incinerators. After an intensive, costly and aggressive testing project in 1999 on working crematories that covered most types of emissions, including particulate matter, carbon monoxide and mercury, done jointly with the Cremation Association of North America and reviewing information presented, the EPA decided not to regulate human or animal crematories.”

EPA Attachments;

- 1A) 1997 EPA Report to Congress - Regarding Mercury Emissions**
- 1B) EPA – Crematories are listed on Trivial List – requiring no Air Permit.**
- 1C) GECAP – Air Permits**

2) Georgia State Law References

Nuisance – Lee Zell asked how this use fits in with the State’s definition of nuisance;

§ 41-1-1. Nuisance defined generally

A nuisance is anything that causes hurt, inconvenience, or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable man.

See OCGA 43-18-72 (G)2B 1000 foot rule crematories on same tract/parcel as funeral home are exempt.

See OCGA 43-18-72 Limited to one body per retort

James Drinkard asked for information regarding the procedure in place if the state has to shut a licensed facility down:

See OCGA 43-18-46 Grounds For Revocation

Attachments:

2A) TITLE 43 CH 18 Funeral Directors, and Establishments, Embalmers and Crematories.

2B) Email from Steve Lindsey Executive Director State Funeral Board Re; Remediation

3) Comparisons have been made to the Penn State Study and the Grinnell Study;

Grinnell Iowa – I Spoke with City Clerk/Finance Officer Kay Cmelik – This was an existing Funeral Home in General Business District zoning, adjacent to residentially zoned property, that wanted to add a crematory unit to a garage at the rear of the property. Could have been permitted by staff but the owners of the Funeral home wanted to open it up for Public Input. Grinnell College (3-5 blocks from the crematory) drove the opposition. The City Clerk reported that since the crematory was permitted they have not had one complaint.

Penn State Study – Rawlins, Wyoming Planning Staff permitted a 40 ton, two chamber, natural gas filled Millenium II Crematory as an accessory use to an existing funeral home to be located in an accessory garage on the property (permitted March 2004 began operations August 2004). The subject property was zoned residential. Shortly

after, neighboring residents began to complain about the “glaring, all-night illumination, noise and noxious odor, which permeated the residents houses, making them feel ill and ‘devaluing’ their properties.” In January 2005 the Wyoming Department of Environmental Equality ordered an emissions test and found that the annual ambient cadmium and dioxin/furan concentrations at the crematory property boundary exceeded National Air Quality Standards by 2200% and Hydrogen chloride concentrations at this boundary exceeded the one hour US Environmental Protection Agency’s ‘remediation goal’ by 797%.

Study Attachments;

3A) Grinnell Cremation Research

3B) Penn State Study – “Applied Economics – Directional heterogeneity of environmental disamenities; the impact of crematory operations on adjacent residential values.”

Note - Contrary to the title of the study, the marker for the study was an “environmental shock” from this point source, not the existence of the crematory in proximity to residential neighborhoods.

4) Bartow County - Technical Assistance (provided by Cherokee County Planning Department)

5) Aerials of local licensed crematories showing proximity to residential Attached.