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October 1, 2010

Alameda County Planning Department
224 W. Winton Avenue, Room 111, Hayward, CA 94544
Attn: Rodrigo Orduña, Senior Planner
E-mail: rodrigo.orduna@acgov.org

Subject: Initial Study – Amendment to County General Ordinance Code
Sections 6.20.30 and 17.52.580 re: Crematoria

Dear Mr. Orduña,

Bay Area Air Quality Management District (the District) staff has reviewed your agency's Initial Study and Negative Declaration (IS/ND) for the proposed amendment to the Alameda County General Ordinance Code (Health & Safety) Section 6.20.30 and Section 17.52.580 (Zoning Ordinance). The existing ordinance requires crematoria to be located at least 300 feet away from the nearest residence. The proposed Project would essentially allow crematoria within 300 feet of a residence by creating a conditional use permit process that would require an existing mortuary or cemetery wanting to construct a crematorium to demonstrate that the operation would not be a nuisance or threat to public health and safety and that the facility obtain the necessary Air District permits. Each such case that may come forward following adoption of the Ordinance Amendment would be subject to its own environmental review through the conditional use process (CUP). This letter complements the August 16, 2010 letter sent by Jack P. Broadbent, the District's Executive Officer/Air Pollution Control Officer, to Albert Lopez, Alameda County's Planning Department Director.

District staff has the following specific comments on the aforementioned IS.

Pages 15-17

Fine particulate matter (PM_{2.5}) should have been listed in the Significance Thresholds section with the applicable emission thresholds of 54 pounds per day or 10 tons per year. An analysis is needed to determine if the project meets this threshold. In addition, the definition of the term "substantial levels" should be more clearly defined as levels that exceed applicable thresholds under the District's *Regulation 2, Rule 5: New Source Review of Toxics Air Contaminants* and the District's California Environmental Quality Act (CEQA) Guidelines (2010).

The reference in the IS to the District's CEQA Guidelines applies to PM emissions associated with construction dust and NOT off-road equipment exhaust. Construction activities may pose a significant health concern, mainly due

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to diesel emissions from off-road equipment. Implementation of the recommended basic construction mitigation measures in the District's CEQA Guidelines will reduce PM dust emissions from construction activities to a less than significant level. However, the PM dust mitigation measures described in the CEQA Guidelines would not reduce construction exhaust emissions impacts. A project specific construction equipment exhaust emission analysis would be needed to accurately identify potential significant impacts and appropriate mitigation measures to address a project's construction exhaust emissions.

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The IS refers to Grissom's Chapel and Mortuary in San Lorenzo as an example of a quantitative evaluation of air quality impacts from a proposed crematory. At the time that Grissom's Chapel and Mortuary applied for a District permit, the District had not yet adopted its current thresholds of significance for PM_{2.5} emissions. Potential PM_{2.5} impacts from future crematory operations subject to the ordinance would need to be assessed and compared against the District's recently adopted thresholds.

The IS states that "if all five sites were to be granted a CUP for a crematory unit, the cumulative impact from these five sites would be *less than significant*." Under the District's CEQA Guidelines, the cumulative analysis requires that the impacts from all sources within a 1,000-foot radius of the new source be evaluated. The example permit application only evaluates the impact from the operations at the crematory, but excludes emissions from other stationary or mobile sources. A "less than significant" determination cannot be concluded based on the data provided in the IS analysis.

It must be clarified that, under CEQA, any quantification of potential air quality impacts, both at the project and cumulative level, is the responsibility of the lead agency (Alameda County) and not a responsible agency (the District). The District's CEQA Guidelines contains recommendations for analyzing air quality impacts to assist lead agencies. Additionally, the crematoria could potentially create exposures greater than the applicable District CEQA thresholds and therefore have project alone and cumulative significant impacts. These potentially significant impacts, if any, would need to be mitigated through the environmental document prepared for each facility's conditional use permit.

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The significance criteria should include not only the cancer risk threshold of ten in a million, but a chronic and acute hazard index of one. The trigger levels included in Table 3 must be updated according to the District's Regulation 2, Rule 5. It should be noted that in the project example used in the IS, the project's mercury and hexavalent chromium levels would exceed the updated trigger levels in Regulation 2, Rule 5.

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If any estimated emission exceeds a trigger level, a detailed risk analysis is required for the entire project, considering all toxic emissions. The District approved *Regulation 2, Rule 5: New*

Source Review of Toxic Air Contaminants in 2005, which supersedes the *Risk Management Policy*, and subsequently revised it on January 6, 2010. As previously mentioned, the District analyzes project risk for Regulation 2, Rule 5, but the CEQA lead agency is responsible for the actual CEQA analysis that includes all applicable thresholds and single-source and cumulative risk analysis.

The IS uses Grissom's Chapel and Mortuary as an example project illustrative of other similar types of projects and, therefore assumes other crematory facilities of this nature would be considered as having less than significant impacts on sensitive receptors. A "less than significant" determination cannot be assessed for crematory facilities without a detailed project specific and cumulative analysis. Any inference regarding the potential health impacts from other similar crematory operations cannot be made without specific consideration of local meteorology, proximity to sensitive receptors, source parameters, and emissions of nearby stationary and mobile sources.

The IS addresses cumulative analysis by stating that all three legally existing mortuaries are located further than 1,000 feet apart and, consequently, no single sensitive receptor would be impacted by emissions from all mortuaries that would exceed the threshold level of 10 cases in 1 million. The County has misinterpreted the District's Guidelines and thresholds of significance. The District's CEQA Guidelines would require that each potential project conduct a cumulative analysis that takes into account all mobile and stationary sources within a 1,000-foot radius from the specific project site.

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The current District's CEQA thresholds were approved by the Air District Board of Directors on June 2, 2010 and the updated CEQA Guidelines were released in June 2010.

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The District's CEQA Guidelines recommend cumulative analysis of all sources of toxic emissions within 1,000 feet of a project.

District staff is available to assist City staff in addressing these comments. If you have any questions, please contact Sigalle Michael, Senior Environmental Planner, at (415) 749-4683.

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Vice Chair Tom Bates
BAAQMD Director Scott Haggerty
BAAQMD Director Jennifer Hosterman
BAAQMD Director Nate Miley