AN ORDINANCE OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE No. 657, DATED NOVEMBER 29, 2005, CHAPTER 27, PETERS TOWNSHIP, ZONING ORDINANCE OF THE TOWNSHIP CODE OF ORDINANCES SPECIFICALLY AMENDING PART 7 CONDITIONAL USES BY ADDING SECTION 713 CREMATORIES AND PROVIDING FOR SPECIFIC CONDITIONS.

WHEREAS, the Peters Township Council has determined that crematories should be included as an allowable conditional use in the LI, Light Industrial District; and

WHEREAS, the Peters Township Council has determined that specific regulations are needed to regulate the use of crematories; and

WHEREAS, the Planning Commission of Peters Township has reviewed the proposed ordinance amendment and recommended the ordinance be adopted by Council.

NOW, THEREFORE, be it ordained and enacted by the Council of Peters Township in meeting assembled, and it is hereby ordained and enacted by and with the authority of same as follows:

Section 1.

§ 201. Definitions.

be amended and established as follows:

Crematory—An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection (PADEP).
§ 303. Permitted and Conditional Uses and Uses by Special Exception by Zoning District.

Be amended to add to Table 2: Non-residential Permitted Use Chart
Crematory as a Conditional Use in the LI, Light Industrial District

Section 3.

Part 7 shall be amended to add:

§713 Crematory

A crematory shall be granted as a conditional use in the Light Industrial (LI) zoning district subject to the following express standards and criteria:
A. A business established for cremation of human or animal remains shall be located on property of not less than one (1) acre.
B. The crematory cannot be constructed closer than 750 feet from an existing residence, unless the owner and tenant if different shall grant permission in writing to go closer, but in no case shall such a facility be closer than 500 feet from an existing residential structure.
C. Emission Standards—Air Emissions from the crematory shall not exceed the rates specified in the following table:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Limit</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particulate Matter</td>
<td>0.030</td>
<td>grains/dry standard cubic foot (gr/dscf) of exhaust gases</td>
</tr>
<tr>
<td>Visible Emissions</td>
<td>0%</td>
<td>Opacity</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>20</td>
<td>parts per million (ppm)</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.050</td>
<td>milligrams per normal cubic meter (mg/Nm$^3$)</td>
</tr>
<tr>
<td>Dioxins/furans</td>
<td>400</td>
<td>nanograms per body TEQ$<em>{DF}$-WHO$</em>{98}$</td>
</tr>
</tbody>
</table>

All emissions must also meet the requirements of the Pennsylvania Department of Environmental Protection as part of their permitting requirements.

D. Emission Control Devices—An afterburner or secondary chamber shall be used to achieve a minimum temperature of 1,800°F prior to charging the unit and throughout the cremation cycle. In addition, one of the following control systems shall be used to achieve the mercury emission standards: (1) Co-flow filters using absorbent for Mercury,
(2) a solid bed filter with absorbents, (3) gas scrubbers or (4) honeycomb catalytic absorbers. The owner may suggest another control option or work practice standards and the burden will be on the owner to demonstrate it can meet the emission standards.

Continuous Emission monitoring—the owner or operator of the crematory shall install a continuous emission monitoring system to continuously monitor the afterburner or secondary chamber temperature and to monitor visible emissions (opacity). To the extent that the U. S. EPA or PADEP creates standard for emission equipment and monitoring, they must be complied with. The monitors must be installed and calibrated by an approved engineering firm and in a manner that is consistent with best monitoring practices. The owner must keep copies of the monitoring records and provide them to the Township when requested. In addition, the owner or operator shall install a continuous mercury emission monitoring system to continuously monitor and record mercury air emission concentrations in the exhaust gases. For crematories that employ mercury control systems, an alternative continuous parameter monitoring system may be proposed provided the parametric monitoring system for air pollution control systems meets the requirements specified in the federal CAM Plan requirements at 40 CFR Part 64. **A CAM Plan must be submitted for approval prior to the initial use of the facility.** The burden will be on the owner to demonstrate that the alternative monitoring system will ensure compliance with the mercury emission limit. All costs for monitoring shall be borne by the applicant. **All operating, monitoring and control equipment are subject to inspection at any time by the township following an occurrence of emission limit exceedance with the results of such inspection to be made available to the public.**

E. Emission Performance Testing – the owner or operator of the crematory shall conduct initial performance testing to demonstrate compliance with the emission standards identified in section C within 60 days of startup of the unit and annually thereafter. The emission testing shall be conducted in accordance with U.S. EPA approved emission test methods and in accordance with the procedures identified in the PA DEP’s Source Testing Manual. The test will be done on at least 6 bodies being cremated, with dental fillings. A test report shall be submitted to the Township within sixty (60) days following the testing. If the testing demonstrates any of the emissions standards are exceeded, then the crematory shall not be operated until corrective actions and repairs are conducted and a report submitted to the Township documenting these actions. Follow-up emission testing shall be conducted during the first cremation that is performed following these corrective actions. If the follow-up emission test does not demonstrate compliance with the emission limits then the crematory will not be permitted to operate.

F. Hours of operation – operating hours shall be limited to 7:00 am to 7:00 pm Monday through Friday.

G. The cremation unit shall be totally enclosed within a building. The stack shall be designed to look like a residential chimney. “The owner shall conduct an evaluation of the design of the proposed crematory exhaust stack location and stack height in relation to nearby structures including, at a minimum, all structures on the owner’s property and all structures on neighboring properties within 300 feet of the proposed stack location. The evaluation shall assess the heights and projected widths of all these structures in relation to the proposed stack to ensure that the stack height meets “good engineering practice” guidelines as specified in the air dispersion modeling provisions of 40 CFR Part 51 Appendix W. At a minimum, the stack height shall be at least 1.5 times the height of nearby structures.

H. The crematory operator/owner shall provide the Township with the necessary certifications to operate the crematory.
I. The crematory shall perform no more than twelve (12) cremations a day.

J. The crematory operator/owner shall provide prior to issuance of a building permit a copy of the required PA DEP General Permit (BAQGPA/GP_14). In addition, the crematory shall be operated in conformance with all local, state, and federal laws.

K. A crematory may provide a room(s) for the private viewing of the cremation by members of the deceased family but may not be used to conduct public or private funeral home services.

L. Any additional standards or operational requirements that are needed to protect the public health, safety and welfare or to address unique Characteristics of a particular site as defined by the Township Planning Commission shall be complied with by the landowner and/or developer and crematory operator and owner.

M. Bodies shall be cremated in wooden/crate containers only and with plastic that do not create toxic emission (no halogenated plastics).

Section 4.

That any ordinance or part of any ordinance conflicting with the provisions contained within this ordinance amendment be and the same are hereby repealed to the extent of such conflict.

BE IT ORDAINED AND ENACTED BY the Peters Township Council, Washington County, Pennsylvania this _________ day of _________ 2012

ATTEST:  PETERS TOWNSHIP

__________________________________  By: ________________________________
Michael A. Silvestri           Robert L. Lewis
Township Manager           Chairman of Council