

1 DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
2 OF THE STATE OF DELAWARE

3 RE: Congo Funeral Home Natural)
4 Minor Construction Permit,)
5 Virtual Public Hearing)

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8 Virtual Public Hearing
9 Dial-In Number: 1-408-418-9388
Access Code: 129 968 8282

10 Tuesday, August 4, 2020
11 6:00 p.m.

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BEFORE: Lisa Vest, Hearing Officer

14

FOR THE DIVISION: Bradley Klotz, DNREC
15 OF AIR QUALITY Angela Marconi, DNREC

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-- Transcript of Proceedings --

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1 MS. VEST: Okay. I think everybody
2 is connected. I want to thank everybody for
3 joining. We are going to go ahead and begin
4 tonight's proceedings.

5 The time is 6 p.m. on Tuesday,
6 August 4. And I want to first thank you guys
7 for taking the time on this busy, busy day to
8 join us.

9 For those of you that may not know
10 me, my name is Lisa Vest, and Secretary
11 Garvin has designated me to serve as hearing
12 officer for tonight's proceedings.

13 A little bit out of the ordinary, I
14 need to say this right from the offset: As
15 you know, we had the hurricane/tropical storm
16 come through earlier. For some reason, my
17 power out here where I am at has been cycling
18 on and off in a rolling groundout for the
19 past half an hour.

20 We did not want to postpone or
21 cancel this hearing because of all of the
22 preparations. So, in the event my feed goes
23 dark, Angela Marconi, who is the Department's
24 representative for this matter with Congo is

1 able to take on as the alternate host and
2 conduct the hearing, if that need be.

3 But I do apologize. This has never
4 happened before. But we will make the most
5 of it, and we will do our best to make
6 everything accessible.

7 So, again, thank you for taking the
8 time to be here tonight.

9 We are here this evening to provide
10 the virtual platform for DNREC's virtual
11 public hearing on the pending permit
12 application of Congo Funeral Home.

13 Their permit application is to
14 build a crematory unit at their facility
15 currently located at 100 N. Cleveland Avenue
16 in Wilmington, Delaware.

17 As you all may know, there have
18 been changes made to DNREC's standard hearing
19 process, necessitated by Delaware's ongoing
20 state of emergency due to the COVID-19
21 pandemic.

22 First and foremost, this hearing is
23 being conducted virtually. No one is in the
24 same room. Everyone is participating

1 independently at their independent locations.

2 While there are no sign-in sheets
3 to document physical attendance tonight,
4 WebEx does generate a list of those that are
5 virtually attending this matter, so the
6 Department still can maintain a record of
7 those who have electronically joined with us
8 tonight. And I thank you for your interest
9 in this permitting matter.

10 At the conclusion of these remarks,
11 I will be turning the hearing over to
12 representatives for both the Department and
13 the Applicant so that both may make their
14 presentations for the record that is being
15 generated in this matter.

16 There is a court reporter that is
17 present. She is attending virtually,
18 as well. She will prepare a verbatim
19 transcript of the hearing tonight pursuant to
20 the statutory requirements of DNREC to have
21 the same done.

22 And, as always, that transcript
23 will be posted on the hearing web page
24 dedicated to this matter as soon as it is

1 received.

2 Please note that subject to our
3 virtual hearing protocol, the Department will
4 not be accepting verbal comments during the
5 time of this hearing.

6 DNREC wishes to ensure, however,
7 that everyone is able to offer their written
8 comments for consideration by the Secretary
9 and inclusion into the hearing record, if
10 they wish to do so.

11 Therefore, as is the case with all
12 of our virtual hearings, the record will
13 remain open through August 19, 2020 so that
14 the public may have adequate time for
15 commenting, again if that is desired. Ut-oh.

16 MS. MARCONI: Okay. It looks like
17 we have lost Lisa temporarily, so I'm going
18 to pick up where she left off.

19 I would encourage those who have
20 logged in or called in this evening to check
21 out DNREC's web page for public hearings
22 under the Administrative Law section of the
23 website for more detail concerning this
24 pending permitting matter.

1 Both presentations, along with
2 other documentation related to this
3 permitting matter, will be posted on the
4 Department's hearing web page dedicated to
5 this matter, and the public may gain a wealth
6 of information by reviewing the same.

7 Of course, all mechanisms
8 previously available by which to offer
9 comment remain in place. These include using
10 the electronic link on the website devoted to
11 this matter, submitting comments via e-mail,
12 and via the U.S. Postal Service.

13 Also, the following protocols
14 remain in place for all DNREC public
15 hearings. All comments must be received --
16 sorry. All comments received must be limited
17 solely to the subject matter of tonight's
18 hearing.

19 All comments pertinent to the
20 subject matter of this virtual hearing will
21 be incorporated into the record being
22 generated in this matter.

23 In order to ensure that everyone
24 who wishes to offer comment for the

1 Secretary's consideration is accommodated,
2 the record in this matter shall remain open
3 following tonight's proceeding through
4 August 19, 2020.

5 There is only one authentic record
6 of the formal proceeding tonight, and it is
7 the official court reporter's verbatim
8 transcript.

9 The statutory purpose of tonight's
10 hearing is to build a record with regard to
11 the Department's proposed actions.

12 A record consisting of the
13 transcript of the hearing tonight, all
14 written comments, all exhibits, and
15 eventually the Hearing Officer's Report that
16 Lisa will prepare will be reviewed by
17 Secretary Garvin.

18 The Secretary will ultimately issue
19 an order, following that review process,
20 containing his decision on the matter and the
21 reasons therefor.

22 Again, there will be no Q and A or
23 chat session permitted during this hearing,
24 nor will any realtime comments -- sorry, I'm

1 just -- I'm having a little computer
2 glitch -- sorry -- nor will any realtime
3 comments be accepted via the virtual platform
4 during the course of tonight's proceeding.

5 Comments also cannot be made via
6 social media platforms. That includes
7 Facebook and Twitter.

8 They must be submitted either
9 through the website, through e-mail, or via
10 the U.S. Postal Service.

11 Lastly, it's important to note that
12 no decision has already been made by the
13 Department, nor will any decision be made
14 tonight with regard to the pending permitting
15 matter for Congo Funeral Home.

16 The public comment period shall
17 remain open through August 19, 2020 so that
18 members of the public have ample opportunity
19 to offer written comments for the Secretary's
20 consideration, should they wish to do so.

21 As I said before, comments may be
22 submitted through a comment form link on the
23 hearing web page, via e-mail to
24 DNRECHearingComments, all one word, at

1 delaware.gov, or via the U.S. Postal Service
2 at the physical address for DNREC indicated
3 on the hearing page, or the public notice
4 previously issued in this matter.

5 Written comments to DNREC may not
6 be submitted using social media platforms.

7 Please remember that all comment
8 received either through the U.S. Postal
9 Service or via electronic mechanisms noted
10 just now, as long as it is received before
11 the deadline, which is August 19th, will bear
12 the same weight, and all will be considered
13 equally by the Secretary prior to making a
14 final decision in this matter.

15 The ultimate decision regarding the
16 matter is made by Secretary Garvin. The
17 formal hearing tonight acts as a mechanism to
18 enable the Department to thoroughly vet the
19 proposed action to the public and to let the
20 public know various ways which comment may be
21 submitted for Secretary Garvin's
22 consideration if so desired.

23 At this time I am going to turn it
24 over to Bradley Klotz, who is a

1 representative of the Department's Division
2 of Air Quality for DNREC, so that he can
3 present on the Department's process.

4 MR. KLOTZ: Thank you, Angela.
5 Good evening. My name is Bradley Klotz. I'm
6 an Environmental Engineer with DNREC's
7 Division of Air Quality.

8 I am the assigned engineer that
9 will be reviewing Congo's application for the
10 crematory unit.

11 The Division of Air Quality would
12 like to present a brief overview of the air
13 permitting process. The Division of Air
14 Quality received the application on May 29,
15 2020 for the construction of the crematory
16 unit.

17 Public notice was posted in the
18 local newspapers on June 7, 2020, and a
19 public hearing request was received on
20 June 10, 2020, which leads us to the public
21 hearing this evening on August 4th.

22 Please note that the public comment
23 period will be open through August the 19th
24 of 2020.

1 The proposed project consists of
2 the construction of a crematory unit at 100
3 N. Cleveland Avenue in Wilmington, Delaware.

4 The location is zoned commercial
5 both by the City of Wilmington and New Castle
6 County.

7 And the unit will be required to
8 meet strict emission standards and associated
9 recordkeeping and monitoring requirements.

10 The emissions from the crematory
11 unit are summarized as follows: They consist
12 of particulate matter, known as PM; sulfur
13 dioxide known as SO₂; nitrogen oxides, known
14 as NO_x; carbon monoxide, known as CO;
15 volatile organic compounds, VOCs; and there
16 are other contaminants in the cremation
17 process, but the amounts are varied and are
18 considered trace amounts, such as Mercury.

19 The Congo Funeral Home facility is
20 considered a Natural Minor Facility because
21 their potential to emit is below the Major
22 Source threshold levels in New Castle County,
23 Delaware.

24 And the next two slides detail the

1 various counties located in Delaware and what
2 those Major Source threshold limits are in
3 tons per year.

4 Specifically, we can focus on New
5 Castle County, because that is where the unit
6 is proposed to be located.

7 The Major Source threshold for
8 volatile organic compounds in New Castle is
9 25 tons per year; nitrogen oxides is 25 tons
10 per year; carbon monoxide is 100 tons per
11 year; sulfur dioxide is 100 tons per year;
12 particulate matter is 100 tons per year;
13 hazardous air pollutants is 10 tons per year
14 for any individual hazardous air pollutant,
15 and 25 tons combined for any hazardous air
16 pollutant.

17 All other pollutants of the Major
18 Source, the threshold levels are 100 tons per
19 year.

20 The next slide here details the
21 potential to emit of the facility, the
22 proposed facility, and has a breakdown of the
23 pollutants on the left-hand column, what the
24 hourly pound-per-hour emission rates will be.

1 The potential to emit is based on
2 the proposed unit operating at 12 hours a
3 day, six days a week, 52 weeks a year. The
4 requested permit limits are .7 tons per year
5 of particulate matter, .4 tons per year of
6 SO₂, .6 tons per year of NO_x, .5 tons per
7 year of carbon monoxide, and .05 tons per
8 year of volatile organic compound.

9 Facility-wide emission limits are
10 in the last column. And they are 1.4 tons
11 per year, 0.8 tons per year of SO₂, 1.2 tons
12 per year from NO_x, 1 ton per year of CO, and
13 .1 tons per year of volatile organic
14 compound.

15 The emissions are calculated based
16 on EPA's AP-42 compilation of emission
17 factors for similar units.

18 The unit will be fired on natural
19 gas. And the emissions on the public health,
20 safety, and welfare will be assessed
21 utilizing the Department's screening
22 criteria.

23 The public comments are received in
24 the DNREC comment form submitted online, via

1 e-mail, or in writing via the United States
2 Postal Service. Comments are entered into
3 the formal record.

4 The Division of Air Quality will
5 draft a technical response memo to address
6 comments that are pertinent to the air
7 quality considerations related to the
8 proposed emission unit.

9 The technical response memo may
10 also recommend issuance of a construction
11 permit. If so, the construction permit will
12 be submitted to the Hearing Officer.

13 The Hearing Officer will
14 subsequently draft a report and an order for
15 the Secretary's consideration.

16 If the Secretary approves the
17 permit, the Division of Air Quality will
18 issue a construction permit that, one, will
19 meet strict air quality emission standards
20 required by both Federal and Delaware State
21 regulations; two, will be supported by a
22 detailed technical review; and three, may
23 contain permit conditions that address
24 concerns raised during this public hearing

1 process.

2 If the construction permit is
3 issued, the Division of Air Quality will
4 conduct a construction-to-operation
5 inspection following the completion of the
6 construction of the unit.

7 Following a successful
8 construction-to-operation inspection, the
9 company would receive an operating permit.
10 And the Division of Air Quality regularly
11 performs periodic compliance inspections
12 after issuing operating permits to the
13 facility.

14 Normal permit conditions include
15 recordkeeping and record retention for a
16 minimum of at least five years, reporting of
17 all deviations from permitted conditions, and
18 additional reporting as required or deemed
19 necessary.

20 The Division of Air Quality issues
21 permits for the construction and operation of
22 equipment which has the potential to
23 discharge air contaminants into the
24 atmosphere.

1 These permits contain certain
2 operational limits that ensure proper
3 operation of the equipment. And the permits
4 do not contain requirements that are not
5 pertinent to air emissions.

6 At this time the Department would
7 like to ask that the following exhibits be
8 entered into the record:

9 Exhibit 1: Construction Permit
10 Application dated May 28, 2020, signed by
11 Mr. Ernest M. Congo, Owner.

12 Exhibit 2: 7 Delaware Admin Code
13 1102 Natural Minor Permit Application, legal
14 notices with associated affidavits for
15 publication for posting in the News Journal
16 and the Delaware State News on Sunday,
17 June 7, 2020.

18 Exhibit 3: Letters dated June 10,
19 2020 from Ms. Carmen Thomas requesting that a
20 public hearing be held on the application.

21 Exhibit 4: Legal notices of the
22 August 4, 2020 virtual public hearing with
23 affidavits for publication of postings in the
24 News Journal and Delaware State News on

1 Sunday, July 12, 2020.

2 Exhibit 5: E-mail dated July 9,
3 2020 from Angela Marconi, Program Manager,
4 from the Division of Air Quality, to
5 Ms. Carmen Thomas, notifying Ms. Thomas that
6 a virtual public hearing will be scheduled
7 and will be held on Tuesday, August 4, 2020,
8 at 6 p.m.

9 Exhibit 6: E-mail dated July 9,
10 2020, from Angela Marconi, Program Manager,
11 Division of Air Quality, to Ms. Hopkins,
12 notifying Ms. Hopkins that a virtual public
13 hearing has been scheduled and will be held
14 on Tuesday, August 4, 2020, at 6 p.m.

15 Exhibit 7: E-mail dated July 9,
16 2020 from Bradley Klotz, Environmental
17 Engineer, DNREC Division of Air Quality, to
18 Ms. Karen Calvarese, Congo Funeral Home,
19 notifying the applicant that a virtual public
20 hearing has been scheduled and will be held
21 on Tuesday, August 4, 2020, at 6 p.m.

22 And, finally, Exhibit 8, DNREC's
23 Division of Air Quality's August 4, 2020
24 virtual hearing presentation, and also which

1 will follow this, the presentation from Congo
2 Funeral Home.

3 This concludes the Division of Air
4 Quality's portion of the presentation this
5 evening.

6 And we would now like to turn it
7 over to --

8 MS. MARCONI: Let me interrupt you
9 for just a minute.

10 MR. KLOTZ: Excuse me.

11 MS. MARCONI: So public Exhibits 1
12 through 7 have already been posted on the
13 website; is that correct?

14 MR. KLOTZ: Yes.

15 MS. MARCONI: And have there been
16 any changes made to the exhibits since their
17 posting?

18 MR. KLOTZ: No.

19 MS. MARCONI: Okay. Thank you. So
20 those are entered into the record.

21 The last exhibit is this
22 presentation. And this presentation will be
23 entered into the record and will be posted on
24 the website probably sometime during the day

1 tomorrow unless we have some technical
2 difficulties.

3 So now you can pass it over to the
4 presentation from the Applicant.

5 MR. KLOTZ: Okay.

6 MR. KEENAN: Good evening,
7 everyone. Me and Congo Funeral Home thank
8 you for taking your time out this evening for
9 us to be able to do a brief overview and
10 review of our services to the community.

11 On that note, since 1975, we have
12 been in business, with a second location in
13 1986. The Congo Funeral Home is the premier
14 funeral leader with superior services
15 throughout Wilmington and the surrounding
16 areas, receiving numerous awards for civic
17 and community services; serving the community
18 for over 45 years, because we care, with
19 compassion, respect, and dignity.

20 Some of our community awareness
21 awards are we service the community with the
22 Congo Hour. We have a senior picnic, a dove
23 ceremony, the kids' community cleanup
24 program, and student of the week program.

1 Our goal is to continue in the path
2 of compassion, dignity, and respect as we
3 expand our services.

4 The current trend is leaning more
5 towards cremation. 52 percent of all
6 funerals are cremation. Our goal is to offer
7 this service on site.

8 This will ensure your loved one
9 will continue to receive, directly from our
10 hands, the compassion, respect, and dignity
11 they deserve.

12 We are proud to introduce
13 Compassionate Cremation Services of Delaware,
14 a member of the Congo Funeral Services'
15 family.

16 At this time I would like to thank
17 you for our opportunity to serve the
18 community even further. And, again, thank
19 you for your time.

20 MS. MARCONI: Does that conclude
21 your presentation, Mr. Keenan?

22 MR. KEENAN: Yes, it does.

23 MS. MARCONI: Okay. I am going to
24 enter your presentation as Applicant's

1 Exhibit 1. And that, as well, will be posted
2 on the website sometime tomorrow.

3 Brad, could you advance to the last
4 slide?

5 MR. KLOTZ: Yes.

6 MS. MARCONI: So I want to thank
7 everyone for joining us tonight.

8 As I said before, the comment
9 period will be open through August 19th. You
10 can submit your comments through the comment
11 form on the website, via e-mail, or via U.S.
12 Postal Service.

13 A copy of the court reporter's full
14 verbatim transcript will be posted on the
15 hearing's web page as soon as it becomes
16 available.

17 And for more information, you can
18 visit the DNREC public hearing web page on
19 our website.

20 Thank you all for attending. This
21 hearing is adjourned.

22 (Concluded at 6:22 p.m.)

23

24

1
2 CERTIFICATE

3 I, Lorena J. Hartnett, a Notary Public and
4 Registered Professional Reporter, do hereby certify
5 that the foregoing is an accurate and complete
6 transcription of the proceeding held at the time and
7 place stated herein, and that the said proceeding
8 was recorded by me and then reduced to typewriting
9 under my direction, and constitutes a true record of
10 the testimony given by said witnesses.

11 I further certify that I am not a relative,
12 employee, or attorney of any of the parties or a
13 relative or employee of either counsel, and that I
14 am in no way interested directly or indirectly in
15 this action.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my seal of office on this 8th day
18 of August 2020.
19
20

21 _____
22 Lorena J. Hartnett
23 Registered Professional Reporter
24