

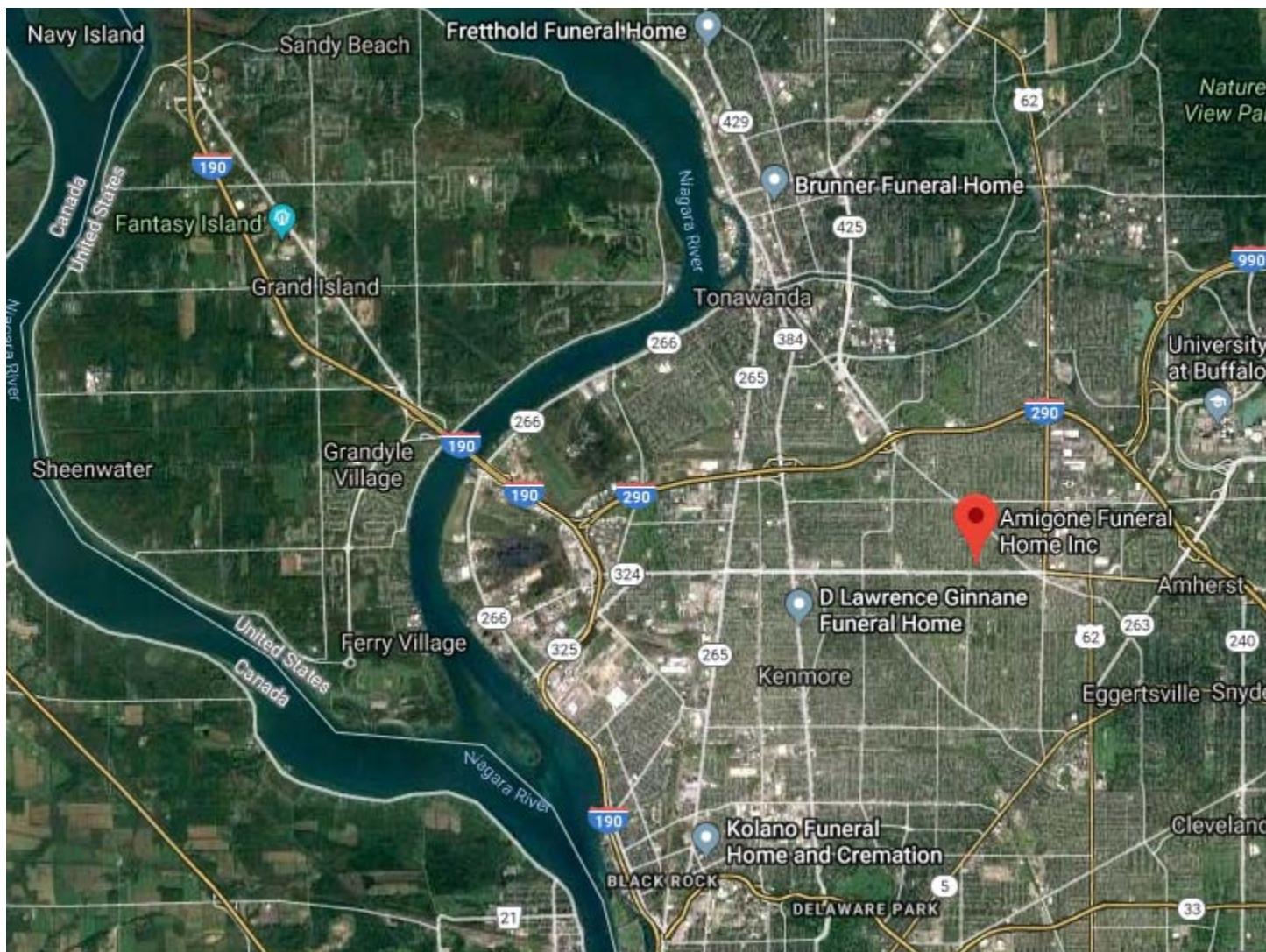
# **SHERIDAN PARK CREMATORY**

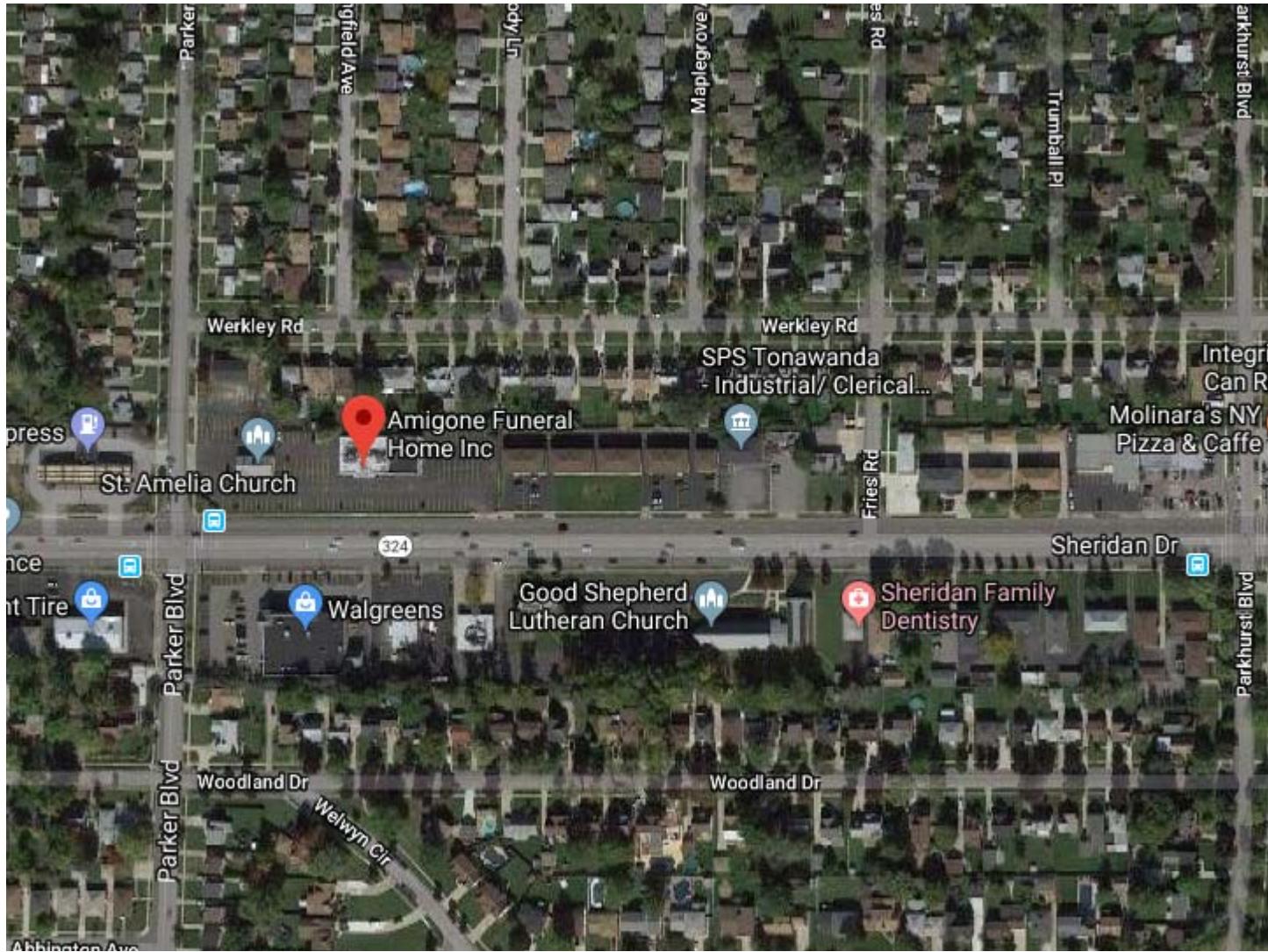
## **(AMIGONE)**

### **AM I GONE**

**By: Alan J. Zylinski, PE  
Environmental Engineer  
NYSDEC**









## Presentation will be as follows:

Early History of Approvals, Registration and Complaints;

2009 Registration and Complaints;

Sampling and Attorney General's involvement;

Notice of Violation;

Voluntary Shutdown; and

New Permit with CONTROLS



## Town Approval Letter



building department  
MICHAEL P. HAZEN  
Supervising Building Inspector

June 14, 1990

Mr. William Pignatara  
Amigone Funeral Home, Inc.  
2600 Sheridan Drive  
Tonawanda, New York 14150

RE: Installation of Cremation Facilities

Dear Sir:

As per our discussion yesterday, 6/13/90, the installation of a cremation oven within the new addition at 2600 Sheridan Drive would be permitted by this Department provided emissions from the Facility meet New York State Department of Environmental Conservation requirements and are free from dust, fumes, smoke, odor, gas, noise, and/or vibration.

A separate Building Permit for this Facility will not be required provided it is installed within the new addition for which your current Building Permit (copy attached) is still open. The installation would, of course, require inspection by this Department to insure that proper Fire Separations, wall thicknesses, etc. are strictly adhered to in accordance with the New York State Uniform Fire Prevention and Building Code, Town of Tonawanda Codes, and the manufacturers specifications.

If you determine that the oven facility is to be installed in one of your other existing Buildings at 2600 Sheridan Drive, this would also be permitted by this Department however, a separate Building Permit would be required.

Should you decide to proceed with this installation, please submit a detailed set of plans and a location plan for review and approval by this Office prior to construction.

Thank You for your cooperation. Should you have any questions or require further information, please contact this Department at your earliest convenience.

Very truly yours,

Michael P. Hazen  
Supervising Building Inspector

CC: David J. Johnston, CET  
Building Inspector  
C. Calabrese

|            |         |  |           |              |
|------------|---------|--|-----------|--------------|
| PHONE CALL |         | TO/UP  | DATE 9/16 | TIME 0:53 AM |
| FOR        | M.      | Gon Ol' Calabrese  |           |              |
| OF         | OF      | 2005 - EPA - Virginia  |           |              |
| PHONE      | PHONE   | 3005 - EPA - Virginia  |           |              |
| MESSAGE    | MESSAGE | CEM Sys  |           |              |
|            |         | <input checked="" type="checkbox"/> TELEPHONED<br><input type="checkbox"/> RETURNED YOUR CALL<br><input type="checkbox"/> PLEASE CALL ...<br><input type="checkbox"/> WILL CALL AGAIN<br><input type="checkbox"/> CAME TO SEE YOU<br><input type="checkbox"/> WANTS TO SEE YOU |           |              |



NEW YORK  
STATE OF  
OPPORTUNITY

Department of  
Environmental  
Conservation

# Rezone Approval

RECEIVED  
ERIE COUNTY  
LEGISLATURE

OCT 16 10 55 AM '90

RE: CEMETERY LAND

WHEREAS, that in accordance with the provision of Section 1506 (C) of the Not for Profit Corporation Law, this Honorable Body will consider the application of the Sheridan Park, Inc., for the consent to construct a crematory on the fourth day of October, 1990, at two o'clock in the afternoon of said day at its chambers on the 7th floor of 25 Delaware Avenue, Buffalo, New York, and

WHEREAS, the required notice of application for such consent shall be published, once a week for six (6) weeks, in a newspaper designated to publish the session laws, and

WHEREAS, at the public hearing the Sheridan Park, Inc., presented to the Clerk of this body, the duly executed affidavits of publication attesting to the required publication set forth above, and

WHEREAS, any and all persons interested in being heard on this matter were afforded the opportunity to do so, and

WHEREAS, it is the determination of this body that the application of the Sheridan Park, Inc., should be granted and that such application does not adversely affect the public health and welfare,

NOW, THEREFORE, BE IT

RESOLVED, that the application of the Sheridan Park, Inc., for legislative consent to acquire cemetery land is granted and

  
YORK  
OF  
OPPORTUNITY



Department of  
Environmental  
Conservation



## ENVIRONMENTAL CONSERVATION

### Part 211: General Prohibitions

(Statutory authority: Environmental Conservation Law, §§ 3-0301, 19-0301, 19-0303)

[Filed 7/12/83. Effective 30 days after filing. Amendment filed 9/21/10. Effective 1/1/11.]

[page 1 of 1]

For administrative information about this posting, contact: [Division of Air Resources](#). The Bureau of Stationary Sources at (518) 402-8403 is the contact for technical questions pertaining to this rule.

#### Contents:

##### Sec.

[211.1 Air pollution prohibited](#)

[211.2 Visible emissions limited](#)

#### §211.1 Air pollution prohibited

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

#### §211.2 Visible emissions limited

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.



## **SUBPART 219-4 INCINERATORS, CREMATORIES**

219-4.1 Definitions

219-4.2 Applicability

219-4.3 Particulate emissions

219-4.4 Design requirements

219-4.5 Operating requirements

219-4.6 Other wastes

219-4.7 Continuous emission monitoring

219-4.8 Stack testing

219-4.9 Data and calculations

219-4.10 Operator training and certification

219-4.11 Inspection and reporting

### **§ 219-4.1 Definitions.**

For the purpose of this Subpart, the definitions of Subpart 219-1 and Part 200 of this Title apply.

### **§ 219-4.2 Applicability.**

This Subpart applies to all new and modified (after the effective date of this Subpart [30 days after December 1, 1988]) facilities used for the cremation of human and animal bodies and body parts and for the incineration of associated animal bedding.



Department of  
Environmental  
Conservation

**§ 219-4.3 Particulate emissions.**

No person may cause or allow emissions of particulates into the outdoor atmosphere from any emission source located in a crematory facility in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

**§ 219-4.4 Design requirements.**

- (a) Furnace design must provide for a residence time for combustion gas of at least one second at no less than 1,800°F. For a multichamber incinerator, these parameters must be met after the primary combustion chamber and the primary combustion chamber temperature must be maintained at no less than 1,400°F.
- (b) Auxiliary burners must be designed to provide combustion chamber temperatures as described in subdivision (a) of this section by means of automatic modulating controls.
- (c) Mechanically fed crematories must incorporate an air lock system to prevent opening the crematory to the room environment. The volume of the loading system must be designed so as to prevent overcharging to assure complete combustion of the charge.

### **§ 219-4.5 Operating requirements.**

- (a) No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any emission source subject to these requirements.
- (b) No person may operate a crematory facility unless the temperatures described in section 219-4.4 of this Subpart are maintained at all times that waste is being burned.
- (c) The commissioner must be notified in writing at least 10 days prior to the commencement of operation of the crematory.

### **§ 219-4.6 Other wastes.**

- (a) Municipal solid waste may not be burned in a crematory.
- (b) Infectious waste (other than pathological waste and animal bedding) in excess of five percent of the total permitted hourly charging rate may not be burned in a crematory.
- (c) Radioactive waste, may not be burned in a crematory unless that crematory is exempt from or has been issued a permit pursuant to Part 380 of this Title.
- (d) Hazardous waste may not be burned in a crematory unless that crematory is exempt from or has been issued a permit pursuant to Part 373 of this Title.

**§ 219-4.7 Continuous emission monitoring.**

- (a) Any person who owns or operates a crematory facility must install, operate and maintain in accordance with manufacturer's instructions, instruments meeting specifications acceptable to the commissioner for continuously monitoring and recording the following emission and operating parameters:
- (1) primary combustion chamber exit temperature;
  - (2) secondary (or last) combustion chamber exit temperature.

**§ 219-4.8 Stack testing.**

- (a) Each incinerator to be installed in a crematory facility must demonstrate compliance with the standards in this Subpart by either (1) onsite testing, or (2) submittal of a test report for an identical incinerator tested in New York and approved by the commissioner.
- (b) A test protocol, including the configuration of breeching, stack and test port locations and test methods must be submitted for the commissioner's approval at least 30 days prior to stack testing.

- (c) Witnessing of all stack tests by the commissioner's representative is required. Results of any stack test done in the absence of an approved protocol, or which is not witnessed, will not be accepted.
- (d) Three copies of the stack test report must be submitted by the permittee to the commissioner within 60 days after completion of the tests, in accordance with section 202.3 of this Title.

#### **§ 219-4.9 Data and calculations.**

Each application for a permit to construct a source of air contamination for a crematory facility must include:

- (a) basic engineering data relative to the material to be burned, crematory design, combustion air, control devices and air cleaning devices; and
- (b) an impact analysis using procedures acceptable to the commissioner.

**§ 219-4.10 Operator training and certification.**

- (a) No facility subject to this Subpart will be permitted to operate unless under the onsite direction of a person possessing an appropriate incinerator operator certification issued by the commissioner.
- (b) No person may operate a facility subject to this Subpart unless certified in writing by the holder of an incinerator operator certification, relative to:
  - (1) proper operation and maintenance of equipment at that facility; and
  - (2) knowledge of environmental permit conditions and the impact of plant operation on emissions for that facility.

**§ 219-4.11 Inspection and reporting.**

Each owner or operator of a permitted crematory facility must annually inspect that facility and submit a report to the commissioner, certifying that the condition and operation of that facility, including the calibration of all instrumentation, meet manufacturer's specifications.

**New York State Department of Environmental Conservation  
600 Delaware Avenue, Buffalo, New York 14202**



Thomas C. Jorling  
Commissioner

May 17, 1991

Mr. Anthony P. Amigone  
President  
Amigone Funeral Home, Inc.  
2600 Sheridan Drive  
Tonawanda, New York 14150

Dear Mr. Amigone:

## Letter to Amigone describing the incinerator requirements

CREMATORIAL - PERMIT #146400-0104-00001

The following conditions must be met in order to operate the incinerator:

1. Furnace design must provide for a residence time for combustion gas of at least one second at no less than 1800° F. in the secondary chamber. The primary chamber temperature must be maintained at no less than 1400° F.
2. Primary combustion chamber exit temperature and secondary combustion chamber exit temperature must be continuously monitored and recorded.
3. The above stated temperatures must be maintained at all times that waste is being burned.
4. Prior to apply for a Certificate to Operate a copy of an acceptable stack test report for the same unit being stack-tested in Schenectady, New York must be submitted to this office.
5. Infectious waste (other than pathological waste and animal bedding) in excess of five percent of the total permitted hourly charging rate may not be burned in this unit.
6. No radioactive waste or hazardous waste may be burned in this unit.

Very truly yours,  
*Al Caracci*  
Alfred Caracci, P.E.  
Environmental Engineer 2

AC:ml



NY  
STATE  
OF  
OPPORTUNITY

Department of  
Environmental  
Conservation

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**INCINERATOR**

APPLICATION FOR PERMIT TO CONSTRUCT OR CERTIFICATE TO OPERATE

*(1-14-44-0510-0)*

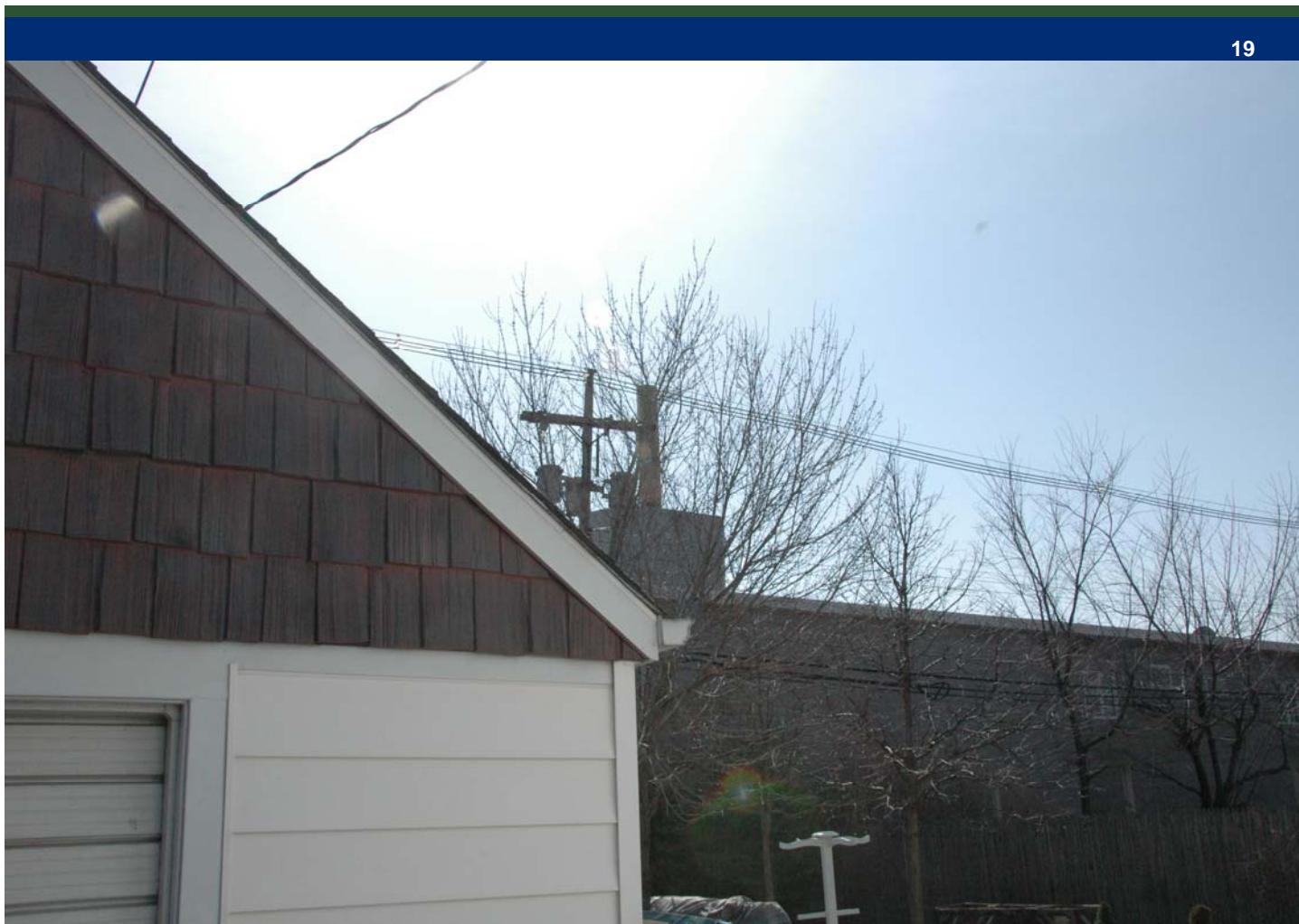
|  |  |   |  |   |  |  |  |   |  |   |  |   |  |   |  |
|--|--|---|--|---|--|--|--|---|--|---|--|---|--|---|--|
| OP LOCATION  |  | FACILITY  |  | EMISSION POINT  |  |  |  |   |  |   |  |   |  |   |  |
| <b>A1 46400010400001R</b>  |  |   |  |   |  |  |  |   |  |   |  |   |  |   |  |
| <input type="checkbox"/> ADD<br><input type="checkbox"/> CHANGE<br><input type="checkbox"/> DELETE   |  | <small>READ INSTRUCTIONS<br/>CONTAINED IN<br/>FORM 76-H-1<br/>BEFORE ANSWERING<br/>ANY QUESTION</small> |  |   |  |  |  |   |  |   |  |   |  |   |  |
| INCINERATOR  |  |   |  |   |  |  |  |   |  |   |  |   |  |   |  |
| APPLICATION FOR PERMIT TO CONSTRUCT OR CERTIFICATE TO OPERATE  |  |   |  |   |  |  |  |   |  |   |  |   |  |   |  |
| 1. NAME OF OWNER/FIRM<br><b>/Amigone Funeral Home, Inc.</b>  |  |   |  | 9. NAME OF AUTHORIZED AGENT<br><b>Anthony P. Amigone</b>  |  |  |  | 10. TELEPHONE   |  | 19. FACILITY NAME (IF DIFFERENT FROM OWNER/FIRM)                                |  |   |  |   |  |
| E 2 NUMBER AND STREET ADDRESS<br><b>2600 Sheridan Drive</b>  |  |   |  | 11. NUMBER AND STREET ADDRESS<br><b>2600 Sheridan Drive</b>                                       |  |  |  |   |  | 20. FACILITY LOCATION (NUMBER AND STREET ADDRESS)<br><b>2600 Sheridan Drive</b> |  |   |  |   |  |
| T 3 CITY - TOWN - VILLAGE<br><b>Tonawanda</b>  |  | 4 STATE<br><b>NY</b>  |  | 5 ZIP<br><b>14150</b>   |  | 12. CITY - TOWN - VILLAGE<br><b>Tonawanda</b>  |  | 13. STATE<br><b>NY</b>  |  | 14. ZIP<br><b>14150</b>   |  | 21. CITY - TOWN - VILLAGE<br><b>Tonawanda</b> |  | 22. ZIP<br><b>14150</b>                         |  |
| N 6. OWNER CLASSIFICATION<br><input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> UTILITY <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> RESIDENTIAL<br><input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> FEDERAL <input type="checkbox"/> EDUC. INST. <input type="checkbox"/> OTHER |  |   |  | 15. NAME OF PE OR ARCHITECT<br>PREPARING PLANS<br><b>N/A</b>                                      |  |  |  | 16. N.Y.S. PE<br>OR ARCHITECT<br>LICENSE NO.  |  | 17. TELEPHONE   |  | 23. BUILDING NAME OR NUMBER<br><b>2600</b>    |  | 24. FLOOR NAME OR NUMBER<br><b>Ground Floor</b> |  |
| A 7. NAME & TITLE OF OWNERS REPRESENTATIVE<br><b>Anthony P. Amigone, Pres.</b>   |  |   |  | 8. TELEPHONE<br><b>716-836-6500</b>   |  |  |  | 18. SIGNATURE OF OWNERS REPRESENTATIVE OR AGENT WHEN<br>APPLYING FOR PERMIT TO CONSTRUCT<br><i>Anthony P. Amigone</i> |  |   |  | 25. START UP DATE<br><b>8 / 91</b>            |  | 26. DRAWING NUMBERS OF PLANS SUBMITTED          |  |
| S 29. EMISSION POINT ID<br><b>B 00001</b>  |  | 30. GROUND ELEVATION (FT.)<br><b>578' above sea level</b>   |  | 31. HEIGHT ABOVE STRUCTURES (FT.)<br><b>3 9</b>   |  | 32. STACK HEIGHT (FT.)<br><b>25</b>  |  | 33. INSIDE DIMENSION(S) (IN.)<br><b>16.5</b>  |  | 34. EXIT TEMPERATURE (°F)<br><b>20.0</b>  |  | 35. EXIT VELOCITY (FT./SEC.)<br><b>1002</b>   |  | 36. EXIT FLOW (ACFM)<br><b>13.7</b>             |  |
| S 37. FEED<br><b>03</b>  |  | 38. UNIT TYPE<br><b>02</b>  |  | 39. ENCON ID. NUMBER<br><b>None</b>   |  | 40. UNIT MANUFACTURER'S NAME AND MODEL NUMBER<br><b>Industrial Equipment &amp; Engineering Co. Model IE43-PPII</b> |  | 41. SOURCE CODE<br><b>8190</b>  |  |   |  |   |  |   |  |
| S 42. REFUSE TYPE<br><b>4</b>  |  | 43. % TYPE S REFUSE<br><b>0</b>   |  | 44. % TYPE S REFUSE<br><b>0</b>   |  | 45. RADIOACTIVE REFUSE<br><b>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></b>               |  | 46. CAPACITY LBS/HR<br><b>100</b>   |  | 47. AMOUNT REFUSE CHARGED LBS/HR<br><b>100</b>                                  |  | 48. HRS/DAY<br><b>8</b>                       |  | 49. DAYS/YR<br><b>260</b>                       |  |
| S 51. ADD. REF.<br><b>C 66</b>   |  | 52. <b>67</b>   |  | 53. <b>1</b>  |  | 54. <b>68</b>  |  | 55. <b>56</b>   |  | 56. <b>57</b>   |  | 57. <b>58</b>                                 |  | 58. <b>59</b>                                   |  |
| S 60. AUXILIARY EQUIP. TYPE<br><b>1</b>  |  | 61. TOTAL NO. OF UNITS<br><b>1</b>  |  | 62. AUXILIARY EQUIPMENT MANUFACTURER'S NAME AND MODEL NUMBER<br><b>North American, Model 4422</b> |  |  |  | 63. TEMPERATURE ACTUATED<br><b>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>                |  | 64. RATED BURNER CAPACITY BTU/HR<br><b>1,000,000</b>                            |  | 65. FUEL TYPE<br><b>52</b>                    |  |   |  |
| S 72. EMISSION CONTROL EQUIP. TYPE<br><b>1 D</b>   |  | 73. MANUFACTURER'S NAME AND MODEL NUMBER<br><b>North American, Model 4422</b>                           |  | 74. DISPOSAL METHOD<br><b>9</b>   |  | 75. DATE INSTALLED MO/YR<br><b>8/91</b>  |  | 76. USEFUL LIFE<br><b>10</b>  |  | 77. <b>81</b>   |  | 78. <b>82</b>                                 |  | 79. <b>83</b>                                   |  |
| CALCULATIONS   |  |   |  |   |  |  |  |   |  |   |  |   |  |   |  |

| TO BE COMPLETED FOR ALL SOURCES USING ITEM 27 AND OTHER SOURCES AS DEFINED IN THE INSTRUCTION FORM 76-11-7  |                       |                            |                 |   |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
|---|-----------------------|----------------------------|-----------------|---|---|---|---|--|------------------------------|--|------------------------------|------|--------------------|--------------------------|-----------------------|----------------------------|-----------------|-----------------|---|---|---|--|----------|---------|--|---|---------|---------|----|----------------------------|--|--|--|----|--|--|--|------------------|----------------------|----------------------------|----------|---|--|--|--|----------|---------|-------------------|--|--|--|--|--|
| S<br>E<br>C<br>T<br>I<br>O<br>N<br><br>G  | CONTAMINANT           |                            |                 | EMISSIONS   |   |   |   | %<br>CONTROL<br>EFFICIENCY   | HOURLY EMISSIONS<br>(LBS/HR) |  | ANNUAL EMISSIONS<br>(LBS/YR) |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
|   | NAME                  | CAS NUMBER                 | ACTUAL          | UNIT  | HOW<br>DET.   | PERMISS.  | ACTUAL  |  | ACTUAL                       | $10^3$   | PERMISS.                     |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 84  | TOTAL PARTICULATES    | 85. NY079-00-0             | .05             | 06-018  | 67  | 88  | 89  | 90.  | 99                           | 91.  | 92                           | 93.  | 94                 |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 95.   | SULFUR DIOXIDE        | 96 7446-09-5               | 97              | 055   | 80  | 99  | 100   | 101.   | 99                           | 102  | 103                          | 104  | 105                |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 106   |                       | 107.                       |                 |   | 109.  | 110.  | 111.  | 112.   |                              | 113.   | 114.                         | 115. | 116                |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 117   |                       | 118.                       |                 |   | 119.  | 120.  | 121.  | 122.   |                              | 123.   | 124.                         | 125. | 126                |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 128   |                       | 129.                       |                 |   | 130.  | 131.  | 132.  | 133.   | 134.                         | 135.   | 136.                         | 137. | 138.               |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| S<br>E<br>C<br>T<br>I<br>O<br>N<br><br>H  | SOLID FUEL            |                            |                 | LIQUID FUEL   |   |   |   | GAS  |                              |  | APPLICABLE<br>RULE           |      | APPLICABLE<br>RULE |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 139   | TYPE                  | TONS/YR                    | %S              | TYPE  | THOUSANDS OF GALS/YR  | %S  | TYPE  | THOUSANDS OF CU FT/YR  | STU/CF                       | 148.   | 219.-4                       | 149. |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 140   |                       | 141                        | 142             | 143   |   | 144   | 145   | 146  | 147                          |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
|   |                       |                            |                 |   | 52.   | 2000  |   |  | 1050.                        |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| Upon completion of construction sign the statement listed below and forward to the appropriate field representative   |                       |                            |                 |   |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| THE INCINERATOR HAS BEEN CONSTRUCTED AND WILL BE OPERATED IN ACCORDANCE WITH STATED SPECIFICATIONS AND IN CONFORMANCE WITH ALL PROVISIONS OF EXISTING REGULATIONS   |                       |                            |                 |   |   |   |   |  |                              | 150 SIGNATURE OF AUTHORIZED REPRESENTATIVE OR AGENT DATE |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
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| 1464000104187276587261  |                       |                            |                 |   | 5/17/91   | 5/17/91   | AC  |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| <b>PERMIT TO CONSTRUCT</b>  |                       |                            |                 |   |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
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| 06/12/91  | 5/01/92               | Richard P. Sealey          |                 |   |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
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| 10/17/91  | 11/1/96               |                            |                 |   |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
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| 3.  |                       |                            |                 | 4.  |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |
| 5.  |                       |                            |                 | 6.  |   |   |   |  |                              |  |                              |      |                    |                          |                       |                            |                 |                 |   |   |   |  |          |         |  |   |         |         |    |                            |  |  |  |    |  |  |  |                  |                      |                            |          |   |  |  |  |          |         |                   |  |  |  |  |  |





Conservation



Conservation



November 1, 1991

Ronald Moline, Supervisor  
Town of Tonawanda  
Municipal Building  
Kenmore, New York 14217

## LaBuda's petition

Dear Mr. Moline:

The neighborhood of Werkley Road, which is densely populated, is unfairly being deprived of clean air and tranquility.

Amigone Funeral Home has been operating a crematory which is classified as industrial in a C-1 restricted business zoning adjacent to a first class residential property. The neighbors were unaware of its presence until they smelled offensive odors and heard a sound only what could be described as deafening. When the crematory is in operation, it runs continuously for six to eight hours.

An informal meeting was held at the Brighton Library, September 6, 1990 without notification to all residents. At this meeting, Mr. Amigone assured those present that the crematory would be noiseless and odorless.

It's hard to comprehend why the Town of Tonawanda did not notify us about such a serious matter to voice our opinion at a formal town meeting.

The EPA stopped the crematory's operation three different



Department of  
Environmental  
Conservation

instances because the noise and pollution levels were unacceptable.

On the last neighborhood meeting, it was agreed if the situation was not remedied actions would be taken to shut the crematory down.

We feel it should not be allowed next to a first class residential section because it deprives us of having our windows open in warm weather and enjoying our backyards with family and friends.

*Yours,*  
Mrs. Lillian LaBuda  
Werkley Road Association  
Representative  
833-1876

LL:gp

cc: Town of Tonawanda Councilmen

We the undersigned are in agreement with the letter written by our representative Lillian La Buda.

*Gwendine Pickington* *Mrs. M. J. Bailey*  
*Charles A. Jones, Nancy Jones* *Mr. + Mrs. J. Rose*  
*Patricia & Milton Hartman*  
*Mary R. Calleri*  
*Mr. & Mrs. J. Gulla*  
*Mr. & Mrs. S. Wawzymer*



Department of  
Environmental  
Conservation

## PETITION

We the undersigned are in opposition to the crematory  
that is being operated at the Amigone Funeral Home in  
our residential neighborhood and are asking that action  
be taken to stop this facility from continuing to operate.

Joseph & Lillian LaBuda 33 Werckley Rd.  
John & Lillian Fulla 57 Werckley Rd.  
Larry & Cottis Wawozgrin 45 Werckley Rd.  
John & Mary Rojek 41 Werckley Rd.  
Mary Galler 67 Werckley Road  
Tom & Bert Spatman 77 Werckley Road  
Stephen & Rev. Dennis 31 Werckley Road  
William & Gertrude Lexington 85 Werckley Rd.  
Sally Dibble 93 Werckley Rd.  
Ted & Joan Shaw 97 Werckley Rd.  
Dan & Kathy Pachnowski 105 Werckley Rd.  
Larry & Smith 109 Werckley Rd.  
Donald & Barbara Bryan 115 Werckley Rd.  
Tom & Diane Dad 122 Werckley Rd.  
Milt & Mary Ann Jackson 114 Werckley Rd.  
Mary & Chuck Taubecker 100 Werckley Rd.  
John D. Thompson 96 Werckley Rd.  
Katherine Thornton 96 Werckley Rd.  
Robert & Lois 96 Werckley Rd. Tux, N.Y.  
Anton & Tussie M. 64 Werckley Rd.  
James & Barbara Schlegel 56 Werckley Rd.  
Linda & Scott Blakely 49 Werckley Rd.  
Jimmy and Betty Martino 40 Springfield Ave.  
Donald Kambus 37 Springfield Ave.  
Bob & Maureen Till 43 Springfield Ave.  
Mr & Mrs Ellsworth L. Weston 64 Springfield Ave.



NEW YORK  
STATE OF  
OPPORTUNITY  
Department of  
Environmental  
Conservation

## PETITION

We the undersigned are in opposition to the crematory  
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our residential neighborhood and are asking that action  
be taken to stop this facility from continuing to operate.

|   |  |
|---|--|
| <i>Glenysen Sidoruk</i>                     | <i>46 Melody Ln.</i>                           |
| <i>H.C. Sidoruk Jr.</i>                     | <i>40 Melody Lane</i>                          |
| <i>P. Jezewski Jr.</i>                      | <i>40 Melody Lane</i>                          |
| <i>W. Kowalski</i>                          | <i>36 Melody Lane</i>                          |
| <i>Mrs. Mary G. Kryszczuk</i>               | <i>28 Melody Lane</i>                          |
| <i>Frank DeMatteo</i>                       | <i>12 Melody Lane</i>                          |
| <i>Mr. &amp; Mrs. S. Nitkowski</i>          | <i>7(1) W 20th St. 12c/1</i>                   |
| <i>Mrs. and Mrs. Harry Deller</i>           | <i>8 Weikley Rd Tonawanda N.Y.</i>             |
| <i>Mrs. &amp; Mr. John Talarico</i>         | <i>115 Melody Rd Tonawanda N.Y.</i>            |
| <i>Mrs. &amp; Mrs. Paul</i>                 | <i>129 Weikley Rd. Tonawanda N.Y. 14150</i>    |
| <i>Mrs. &amp; Mrs. Phyllis &amp; George</i> | <i>1574 Parker Blvd. Tonawanda N.Y. 14150</i>  |
| <i>Marilyn Noller</i>                       | <i>86 Weikley Rd. Tonawanda N.Y. 14150</i>     |
| <i>Mike Cappello</i>                        | <i>11 Springfield St. Tonawanda N.Y. 14150</i> |
| <i>Dean Felt</i>                            | <i>19 Springfield Ave.</i>                     |
| <i>Elvina Martin</i>                        | <i>20 Springfield Ave.</i>                     |
| <i>Robert Samuels</i>                       | <i>8 Springfield Ave.</i>                      |
| <i>Mrs. &amp; Mr. Vermone</i>               | <i>47 Melody Ln.</i>                           |
| <i>Elizabeth &amp; Elmo</i>                 | <i>25 Melody Ln.</i>                           |
| <i>Kim G.L. Denell</i>                      | <i>18 Melody Lane Tonawanda N.Y. 14150</i>     |
| <i>E.O. Johnson</i>                         | <i>35 Maplewood Ave. Tonawanda N.Y. 14150</i>  |
| <i>D.J. Callie</i>                          | <i>30 Maplewood Ave.</i>                       |
| <i>Mike Callie</i>                          | <i>34 Maplewood</i>                            |
| <i>John Callie</i>                          | <i>36 Maplewood</i>                            |
| <i>Rocco Passavant</i>                      | <i>16 Maplewood</i>                            |
|   | <i>86 Erie St Rd.</i>                          |



Department of  
Environmental  
Conservation

**66 people signed****PETITION**

We the undersigned are in opposition to the crematory that is being operated at the Amigone Funeral Home in our residential neighborhood and are asking that action be taken to stop this facility from continuing to operate.

|                           |                   |
|---------------------------|-------------------|
| Maryne Gaberry            | 55 Tress Rd       |
| Natalie Steeman           | 40 Tress Rd.      |
| Maria Peña                | 59 Tress Rd.      |
| Darlene Schmitt           | 1009 Parker Blvd  |
| Jay & Torrance W. Queen   | 1571 Parker Blvd  |
| <del>Geo A. Hobbing</del> | 1581 PARKER BLVD  |
| Maureen Pawlowski         | 1571 PARKER BLVD. |
| Wanda Lindott             | 1567 Parker Blvd  |
| Norman D. Gilbert         | 70 Warkley Rd     |
| Robert F. Hewitt          | 100 Tress Rd.     |
| Charles Wayed             | 71 Warkley Road   |
| Nancy A. Vons             | 71 Warkley Rd.    |
| Monique Varco             | 71 Warkley Rd     |
| Cathy Zabuda              | 63 Warkley Rd     |



Department of  
Environmental  
Conservation

**New York State Department of Environmental Conservation**  
**Registration ID: 9-1464-00005/00005**      **Facility DEC ID: 9-1464-00005**

**AIR FACILITY REGISTRATION CERTIFICATE**  
**In accordance with 6NYCRR Part 201-4**

**Registration Issued to:** SHERIDAN PARK INC  
 2600 SHERIDAN DRIVE  
 TONAWANDA,NY 14150

**Contact:** MICHAEL R SPIDER  
 SHERIDAN PARK CREMATORY  
 2600 SHERIDAN DR  
 TONAWANDA,NY 14150  
 (716) 836-6500

**Facility:** SHERIDAN PARK CREMATORY  
 2600 SHERIDAN DR  
 TONAWANDA,NY 14150

**Description:**

This is a cremation facility for human remains. The only emission point will consist of one Matthews Power-Pak II Crematory incinerator which will replace the existing cremation unit. The annual cremation rate is approximately 450 bodies. The cremation unit is subject to 6 NYCRR Part 219.4 which requires the furnace design to provide for a residence time for combustion gas of at least one second at no less than 1800 degrees Fahrenheit. For a multi-chamber incinerator, these parameters must be met after the primary combustion chamber, and the primary combustion chamber temperature must be maintained at no less than 1400 degrees Fahrenheit. The facility will operate and maintain, in accordance with manufacturer's instructions, instruments meeting NYSDEC specifications for continuously monitoring and recording both the primary and secondary combustion chamber exit temperatures. All records of inspections, operation, and maintenance will be kept on site for five years for NYDEC review.

**Total Number of Emission Points:** 1      **Cap By Rule:** No

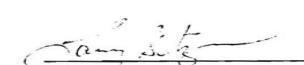
**Authorized Activity By Standard Industrial Classification Code:**  
 7261 - FUNERAL SERVICE AND CREMATORIES

**Registration Effective Date:** 05/27/2009

**Registration Expiration Date:** (Not Applicable)

**List of Regulations in Application:**

|            |                          |
|------------|--------------------------|
| 6NYCRR 200 | General Provisions       |
| 6NYCRR 201 | Permits and Certificates |
| 6NYCRR 211 | General Prohibitions     |
| 6NYCRR 219 | Incinerators             |
| 6NYCRR 202 | Emissions Verification   |

  
 LARRY STITZMAN  
 REGION 9 AIR POLLUTION CONTROL ENGINEER  
 NYSDEC  
 270 MICHIGAN AVE  
 BUFFALO,NY 14203-2915

This registrant is required to operate this facility in accordance with all air pollution control applicable Federal and State laws and regulations. Failure to comply with these laws and regulations is a violation of the ECL and the registrant is subject to fines and/or penalties as provided by the ECL. If ownership of this facility changes, the registrant is required to notify the Department at the address shown below using the appropriate forms and procedures within 30 days after the transfer takes place. The present registrant will continue to be responsible for all fees and penalties until the Department has been notified of any change in ownership.

FINAL

05/28/2009

  
 /YORK  
 OF  
 OPPORTUNITY



Department of  
 Environmental  
 Conservation

## FILE COPY

**New York State Department of Environmental Conservation**  
**Division of Air, Region 9**  
 270 Michigan Avenue, Buffalo, New York, 14203-2915  
 Phone: (716) 851-7130 • FAX: (716) 851-7009  
 Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
 Commissioner

September 11, 2009

Mr. Anthony P. Amigone  
 Amigone Funeral Home, Inc.  
 2600 Sheridan Drive  
 Tonawanda, New York 14150

Dear Mr. Amigone:

The New York State Department of Environmental Conservation (Department) has recently received odor complaints from the operation of the crematory at your Sheridan Drive facility. From my investigations, the problem appears to be due to the downwashing of emissions onto the neighboring houses. The stack, which is approximately 9 (nine) feet above the roof, needs to be at least 15 (fifteen) feet above the roof. This will make the stack approximately the same height as the recently replaced stack. As you will recall, that stack was raised to approximately 15 (fifteen) feet above the roof to alleviate similar complaints.

It is my understanding that you have already contracted with a local firm to raise the stack and it shall be completed no later than September 30, 2009.

The Department thanks you for your cooperation and commitment to pollution control.

Very truly yours,

Alan J. Zylnski, P.E.  
 Environmental Engineer II

AJZ:ib

cc: Mr. Larry Sitzman, P.E., Regional Air Pollution Control Engineer





Conservation



NEW YORK  
STATE OF  
OPPORTUNITY

Department of  
Environmental  
Conservation



On July 7, 2010, I visited Mr. Ron LaBuda's home at 63 Werkley in the Town of Tonawanda. When I arrived at approximately 4:00 PM, I was greeted by Mr. LaBuda and also Ms. Linda White of the State Attorney General's Buffalo Office. I attempted to take a dust sample from Mr. LaBuda's pickup truck that he reported has not been moved from his driveway in months. Very little dust was present on the roof and hood, however I gathered a small amount of material into a petri dish from the bed of the truck. As we all stood in Mr. LaBuda's yard discussing the sample, at 4:24 PM we smelled a chlorine odor. The odor was strong enough to be distinguished as chlorine and lasted about 30 seconds. I proceeded to Sheridan Park Crematory and found that the crematory was operating in compliance with 6 NYCRR Part 219-4 as the temperature of the secondary chamber was 1850 degrees Fahrenheit. I spoke to the crematory operator and his log indicated that the body was in a cardboard casket and placed into the crematory at 4:15 PM. The operator stated that there was no plastic shroud in the casket. We discussed the possibility of the cardboard containing chlorine products in them. I will be investigating this further.

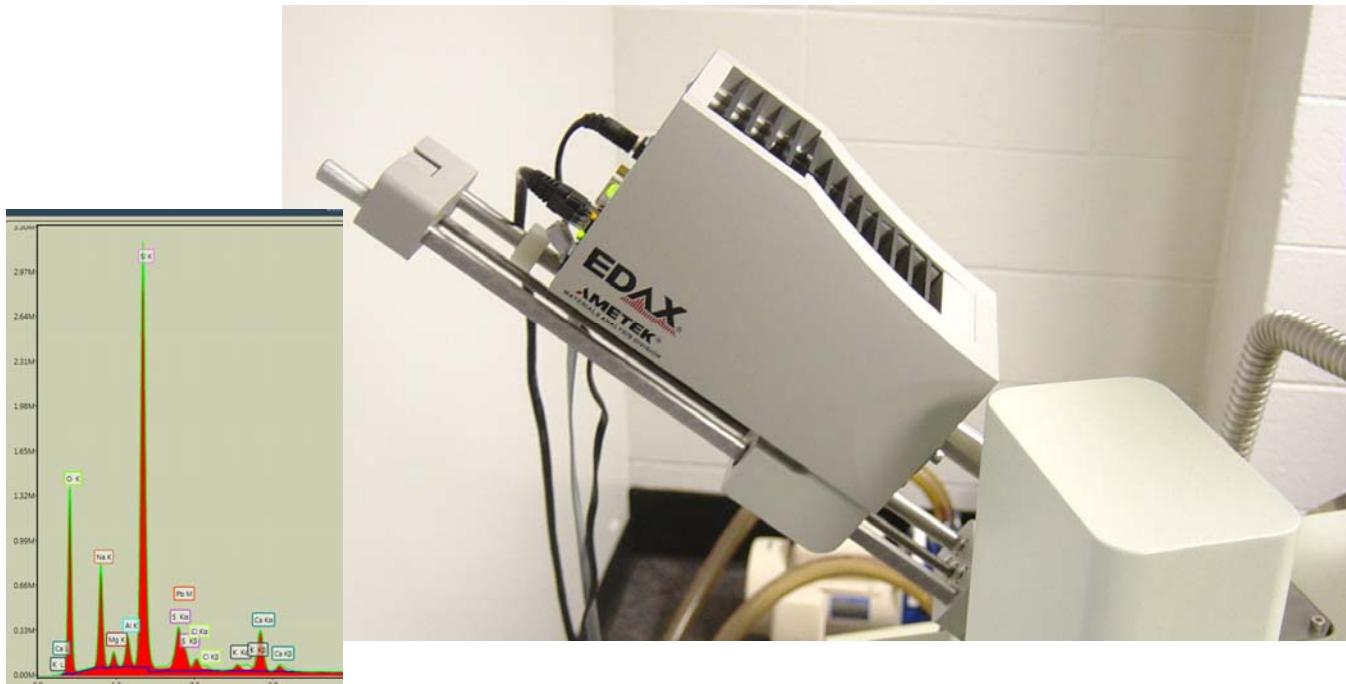


Department of  
Environmental  
Conservation

On July 8, 2010, at approximately 2:15 PM I visited Sheridan Park Crematory (Amigone) to perform an inspection. When the temperature in the secondary chamber was above 1800 degrees Fahrenheit, I observed a body in a cardboard casket being put into the crematory at 2:30 PM. I then proceeded to walk outside and be downwind of the heat trace coming from the stack. At approximately 2:35 PM, I observed black smoke of 40 percent opacity for approximately 45 seconds and then heat trace again. I then visited Mr. Ron LaBuda's home at 63 Werkley in the Town of Tonawanda. I collected a tarp that covered Mr. LaBuda's boat for particle analysis. At 2:43 PM, Mr. LaBuda and I smelled a chlorine odor. It was faint and lasted about 15 seconds.

I then proceeded to Mr. Neal Hodgson's house at 40 Fries Road in the Town of Tonawanda. I took two cotton swab samples from his house siding for analysis.

## The Latest in PID EDAX Elemental Analysis System



New York State Department of Environmental Conservation

# Scanning Electron Microscope

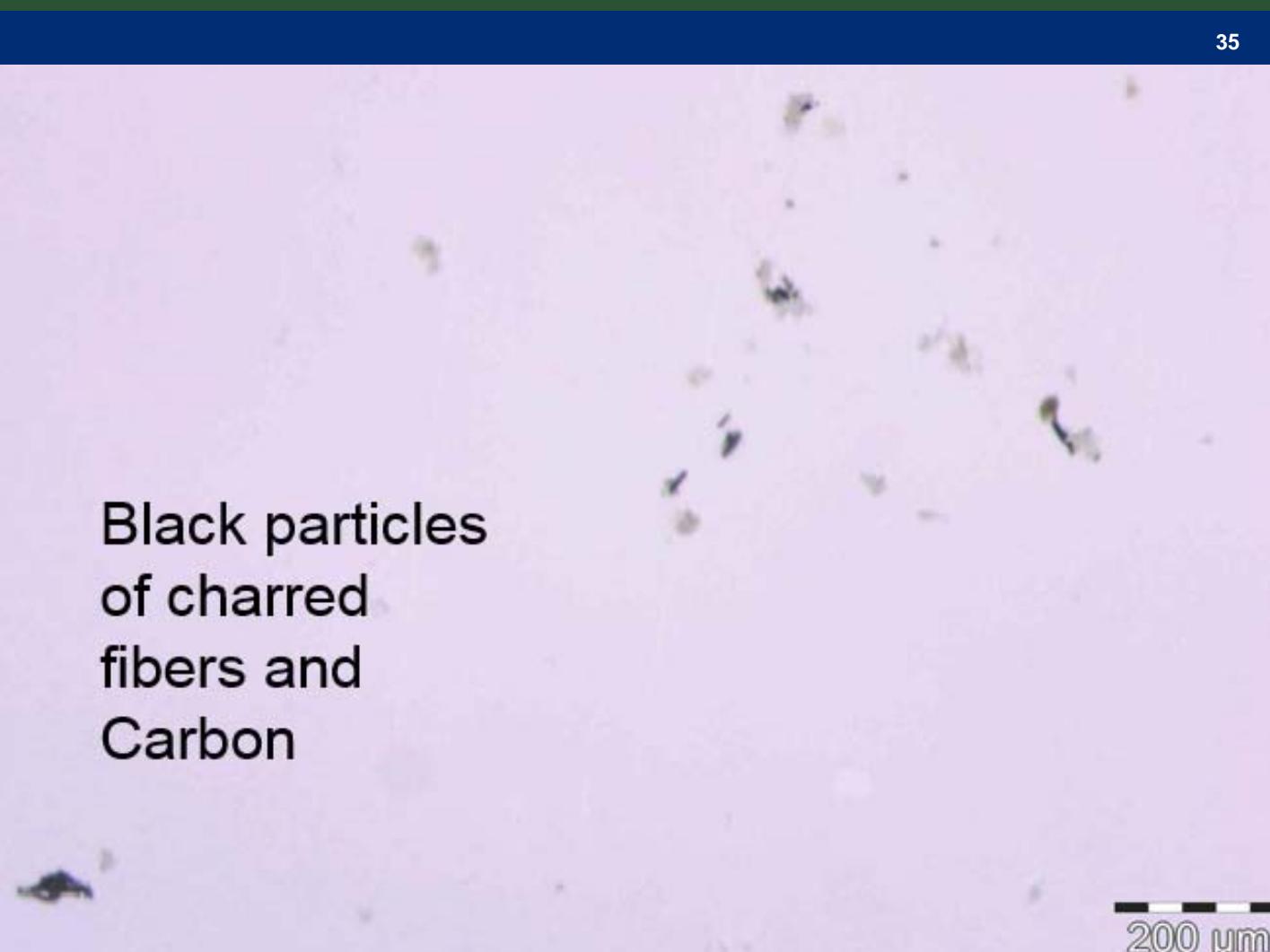
JEOL 6490 LV



New York State Department of Environmental Conservation



Black particles  
of charred  
fibers and  
Carbon



200  $\mu\text{m}$

**New York State Department of Environmental Conservation**  
**Deputy Commissioner & General Counsel**  
**Office of General Counsel, 14<sup>th</sup> Floor**  
**625 Broadway, Albany, New York 12233-1500**  
**PHONE: (518) 402-9185 or FAX: (518) 402-9019**  
**Website: [www.dec.ny.gov](http://www.dec.ny.gov)**



OCT 19 2010

Honorable Andrew M. Cuomo  
 Attorney General  
 New York State Department of Law  
 The Capitol  
 Albany, New York 12224

Re: Amigone/Sheridan Park, Inc.  
 2600 Sheridan Drive  
 Tonawanda, NY 14150

Dear Attorney General Cuomo:

This is to request that your office commence an enforcement action against Amigone/Sheridan Park, Inc. (Amigone) for violations of the Environmental Conservation Law.

Amigone operates a crematory for the cremation of human remains, and is located in the Amigone Funeral Home on Sheridan Drive in the Town of Tonawanda. Amigone operates the crematory pursuant to an Air Facility Registration. The crematory is directly adjacent to homes on Werkley Road, which is a residential street. Sampling of particles found in the backyard of a Werkley Road home inatch samples taken from inside the crematory's incinerator, and contain charred fibers, calcium ash, and fused ash. The facility is in compliance with 6 NYCRR 219-4 (which governs the operation of incinerators and crematories) but we believe there are violations of 6 NYCRR 211.2 for particulates and odors, as well as potential public nuisance and trespass violations.

DEC staff have had preliminary discussions with Assistant Attorney General Linda White of your Buffalo Office. Our counsel and technical staff will make our files available and provide necessary support. Maureen Brady, Regional Attorney in Region 9 will serve as the Department's liaison with the Department of Law. Maureen may be reached at (716) 851-7190. Please send copies of all draft and final papers for our review and files.

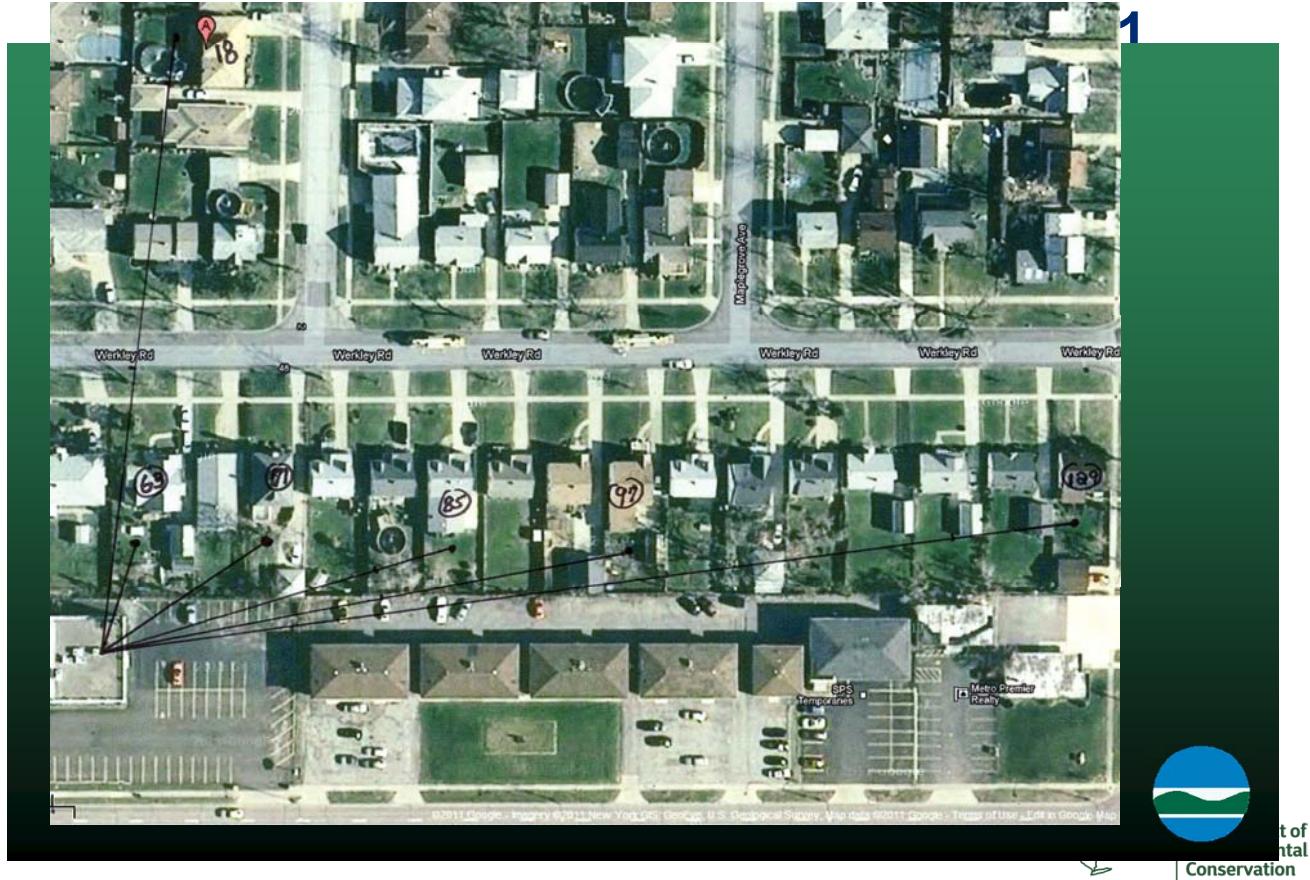
Sincerely,

Alison H. Crocker  
 Deputy Commissioner  
 and General Counsel



Department of  
 Environmental  
 Conservation

## Amigone Snow Core Sampling



| <u>Sample#</u> | <u>Where/Location</u> |
|----------------|-----------------------|
| 1A             | 63 Werkley            |
| 2A             | 67 Werkley            |
| 3A             | 71 Werkley            |
| 4A             | 40 Fries              |
| 5A             | 85 Werkley            |
| 5B             | 85 Werkley            |
| Bkgrd-A        | Curtis Park           |
| Bkgrd-B        | Curtis Park           |
| Bkgrd -100     | 100 Maple             |



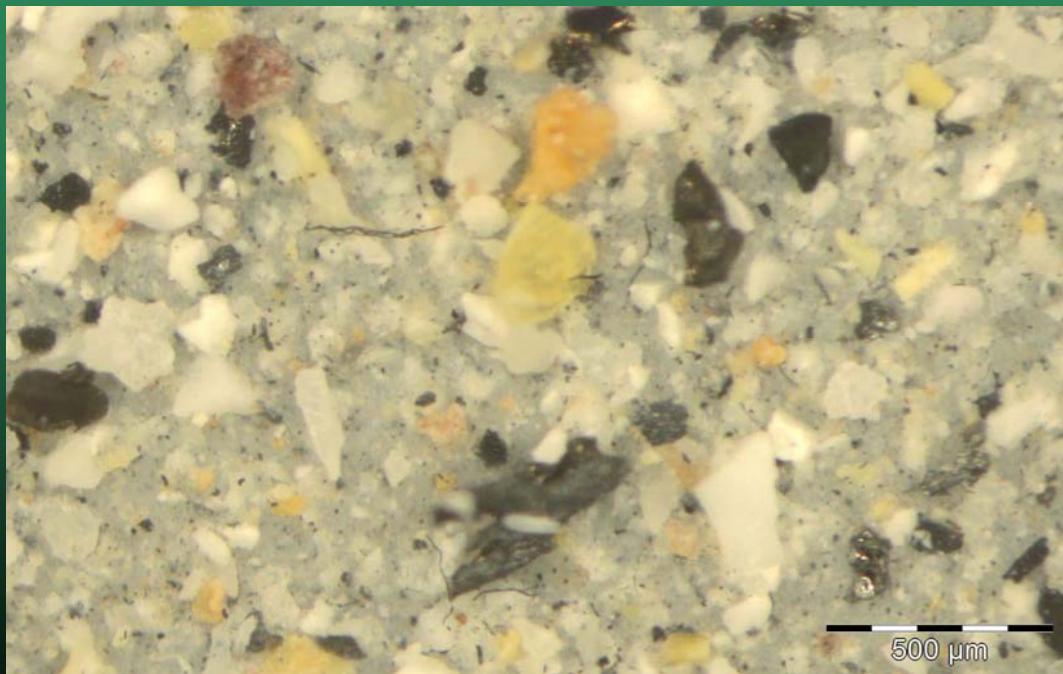
City of  
Hamilton

3/29/11

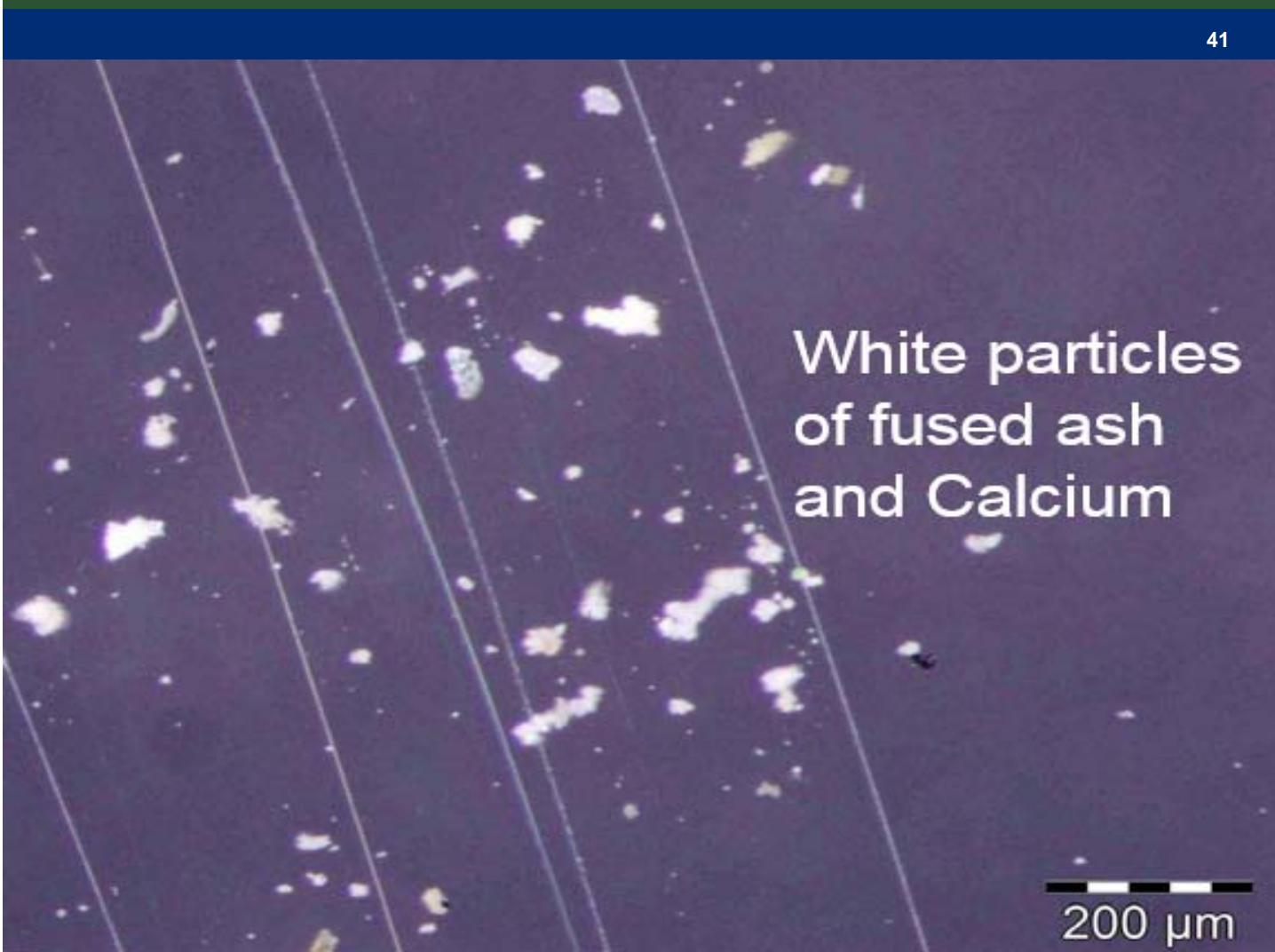
R9 collects source sample from  
University at Buffalo crematorium.

Submitted to lab for analysis and used as  
a source sample for ion chromatography  
(snow core analysis) and additional  
particulate analysis.





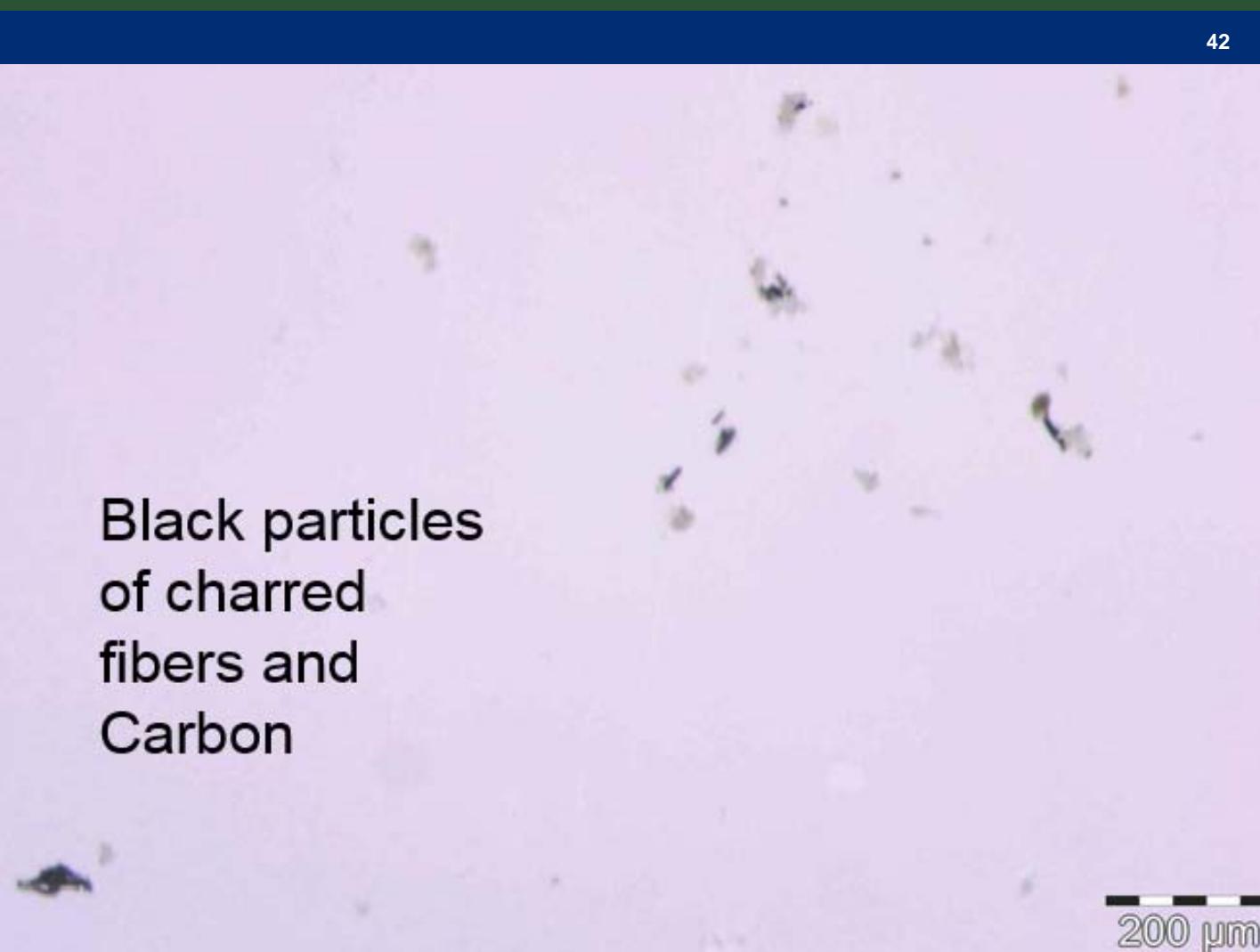
New Zealand  
Department of  
Conservation



White particles  
of fused ash  
and Calcium

200  $\mu\text{m}$

Black particles  
of charred  
fibers and  
Carbon



200  $\mu\text{m}$

## CONCLUSIONS

Crematory particulate was found at most residences.

Residential particulate matched our reference samples from the University at Buffalo and from the stack of Amigone.

As the sample site distance increased from the source, the particle size of the ash decreased.

Crematory particulate concentration per sample had a general decrease the further away the sample site was located from the stack.

The contribution of crematory ash in the residential samples is in a relatively small amount, ranging from .2-.5% of the overall sample.

Particles were above respirable concern (larger than 2.5 microns).

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**JUST BECAUSE WE PROVED THAT  
PARTICLES FROM THE CREMATORY  
LANDED ON NEIGHBORING HOMES  
AND YARDS, DOES NOT MEAN THAT  
AMIGONE WAS IN VIOLATION.**

**MUST GET A CLEAR VIOLATION.**

## What is Opacity?

When you're talking about visible emissions, opacity is the degree to which light is blocked by the emissions. When you are observing emissions there is always a background behind the smoke plume. This background can be anything, but ideally it should contrast with the emissions you are observing.

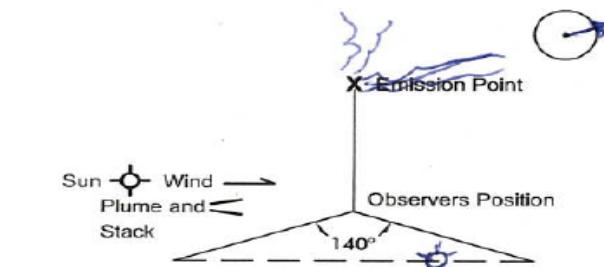


Department of  
Environmental  
Conservation

|   |   |                      |
|---|---|----------------------|
| ITY<br><u>Tonawanda</u>   | STATE<br><u>NY</u>  | ZIP<br><u>142150</u> |
| HONE<br><u>836-6500</u>   | SOURCE ID NUMBER  |                      |
| ROCESS EQUIPMENT<br><u>Crematory</u>  | OPERATING MODE<br><u>Normal</u>   |                      |
| ONTROL EQUIPMENT<br><u>Afterburner</u>  | OPERATING MODE<br><u>Normal</u>   |                      |
| ESCRIBE EMISSION POINT  |   |                      |
| TART <u>Top Round Metal Stack</u>   |   |                      |
| EIGHT ABOVE GROUND LEVEL<br><u>~45'</u>   | HEIGHT RELATIVE TO OBSERVER<br>START <u>=45'</u> STOP <u>~45'</u>   |                      |
| ISTANCE FROM OBSERVER<br>TART <u>440'</u> STOP <u>~440'</u>                                   | DIRECTION FROM OBSERVER<br>START <u>NNW</u> STOP <u>NNW</u>   |                      |
| ESCRIBE EMISSIONS   |   |                      |
| TART <u>Lofting</u>   | STOP <u>Lofting</u>   |                      |
| MISSION COLOR<br>TART <u>Black</u> STOP   | PLUME TYPE: CONTINUOUS <input checked="" type="checkbox"/> FUGITIVE <input type="checkbox"/> INTERMITTENT <input checked="" type="checkbox"/> |                      |
| ATER DROPLETS PRESENT:<br>NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> | IF WATER DROPLET PLUME:<br>ATTACHED <input type="checkbox"/> DETACHED <input type="checkbox"/>  |                      |
| POINT IN THE PLUME AT WHICH OPACITY WAS DETERMINED  |   |                      |
| TART <u>Exit of Stack</u> STOP <u>Exit of Stack</u>   |   |                      |
| ESCRIBE BACKGROUND  |   |                      |
| TART <u>White Clouds</u>  | STOP <u>Clouds</u>  |                      |
| ACKGROUND COLOR<br>TART <u>white</u> STOP <u>white</u>  | SKY CONDITIONS<br>START <u>overcast</u> STOP <u>overcast</u>  |                      |
| IND SPEED   |   |                      |
| TART <u>5-7 mph</u> STOP <u>5-7 mph</u>   |   |                      |
| MBIENT TEMP   |   |                      |
| TART <u>65°F</u> STOP <u>~65°F</u>  |   |                      |

Source Layout Sketch

Draw North Arrow



|   |    |    |    |    |  |    |    |    |    |
|---|----|----|----|----|--|----|----|----|----|
| 2   | 0  | 0  | 0  | 0  | 32   | 0  | 0  | 0  | 0  |
| 3   | 0  | 0  | 0  | 0  | 33   | 0  | 0  | 0  | 0  |
| 4   | 0  | 30 | 20 | 20 | 34   | 0  | 0  | 0  | 0  |
| 5   | 20 | 20 | 20 | 15 | 35   | 0  | 0  | 0  | 0  |
| 6   | 20 | 20 | 40 | 40 | 36   | 0  | 0  | 0  | 0  |
| 7   | 40 | 35 | 40 | 50 | 37   | 0  | 0  | 0  | 0  |
| 8   | 40 | 40 | 40 | 30 | 38   | 0  | 0  | 0  | 0  |
| 9   | 35 | 40 | 50 | 40 | 39   | 0  | 0  | 0  | 0  |
| 10  | 25 | 20 | 20 | 20 | 40   | 0  | 15 | 20 | 4  |
| 11  | 20 | 20 | 40 | 30 | 41   | 30 | 15 | 30 | 20 |
| 12  | 25 | 30 | 30 | 25 | 42   | 20 | 10 | 25 | 13 |
| 13  | 25 | 30 | 30 | 15 | 43   | 10 | 10 | 10 | 5  |
| 14  | 10 | 15 | 15 | 10 | 44   | 0  | 0  | 0  | 0  |
| 15  | 5  | 0  | 0  | 0  | 45   | 0  | 0  | 0  | 0  |
| 16  | 0  | 0  | 0  | 0  | 46   | 0  | 0  | 0  | 0  |
| 17  | 0  | 0  | 0  | 0  | 47   | 0  | 0  | 0  | 0  |
| 18  | 0  | 0  | 0  | 0  | 48   | 0  | 0  | 0  | 0  |
| 19  | 0  | 0  | 0  | 0  | 49   | 0  | 0  | 0  | 0  |
| 20  | 0  | 0  | 0  | 0  | 50   | 0  | 0  | 0  | 0  |
| 21  | 0  | 0  | 0  | 0  | 51   | 0  | 0  | 0  | 0  |
| 22  | 0  | 0  | 0  | 0  | 52   | 0  | 0  | 0  | 0  |
| 23  | 0  | 0  | 0  | 0  | 53   | 0  | 0  | 0  | 0  |
| 24  | 0  | 0  | 0  | 0  | 54   | 0  | 0  | 0  | 0  |
| 25  | 0  | 0  | 0  | 0  | 55   | 0  | 0  | 0  | 0  |
| 26  | 0  | 0  | 0  | 0  | 56   | 0  | 0  | 0  | 0  |
| 27  | 0  | 0  | 0  | 0  | 57   | 0  | 0  | 0  | 0  |
| 28  | 0  | 0  | 0  | 0  | 58   | 0  | 0  | 0  | 0  |
| 29  | 0  | 0  | 0  | 0  | 59   | 0  | 0  | 0  | 0  |
| 30  | 0  | 0  | 0  | 0  | 60   | 0  | 0  | 0  | 0  |
| AVERAGE OPACITY FOR HIGHEST PERIOD <u>33%</u> |    |    |    |    | NUMBER OF READINGS ABOVE 10 % WERE <u>50</u> |    |    |    |    |
| RANGE OF OPACITY READINGS <u>0%</u> MINIMUM   |    |    |    |    | MAXIMUM <u>50%</u>                           |    |    |    |    |

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Date : 05/04/2012

NOTICE OF VIOLATION

Owner : SHERIDAN PARK INC  
2600 SHERIDAN DR  
TONAWANDA, NY 14150

Facility : SHERIDAN PARK CREMATORY  
2600 SHERIDAN DR  
TONAWANDA, NY 14150

Contact : VINCENT AMIGONE  
2600 SHERIDAN DR  
  
TONAWANDA, NY 14150  
(716) 836-6500

**PLEASE TAKE NOTICE THAT YOU ARE IN VIOLATION OF NEW YORK STATE AIR POLLUTION CONTROL LAW, Article 19 of the Environmental Conservation Law ('ECL'), and applicable regulations as set forth herein, in connection with operation of the above named Facility.**

Compliance Status Determined On : 05/04/2012 8:25 AM

Compliance Status Determined By : LESTER WEINHEIMER, III  
NYSDEC - REGION 9  
270 MICHIGAN AVE  
BUFFALO, NY 14203-2915

Basis for Determination : Response To Complaint

Comments :

I arrived at Sheridan Park Crematory (Amigone) at 8:15 AM on May 4, 2012 to observe the stack in response to past complaints of smoke coming from the stack. I observed the stack for one hour and saw smoke emanating from the stack for 44 consecutive readings with the highest reading of 50 % and a low of 5 %. The highest 6-minute average opacity was 33 %. This is a violation of 6 NYCRR Part 219-4.5(a).

§219-4.5 Operating requirements (a) No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any emission source subject to these requirements.

**PLEASE TAKE FURTHER NOTICE THAT ECL §71-2103 provides that any person who violates ECL Article 19 or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty of up to \$18,000, plus an additional penalty not to exceed \$15,000 for each day that the violation continues and that such person may be enjoined from continuing such violation.**

# So, where do crematories belong



Department of  
Environmental  
Conservation















## **Crematory to Temporarily Shut Down After Residents Complaints**

Friday, July 27th, 2012

TOWN OF TONAWANDA, NY - A crematory in the Town of Tonawanda that has been the subject of complaints by neighbors about the soot it was emitting, has been temporarily shutdown.

The NYS Attorney General's office says the owners of the Amigone Funeral Home crematory have agreed to close the facility for at least six months.

Residents claim the sounds of the crematorium fans, as well as the smell from its emissions, was permeating their neighborhood on a more frequent basis.

The New York State Department of Environmental Conservation intervened in the dispute back in 2009 on the neighbors behalf by ordering Amigone to increase the height of its smokestack in an attempt to mitigate odors possibly coming from the crematorium.

The agreement also calls for the owners to relocate or hire an expert to recommend engineering solutions regarding the emission complaints.

The Department of Environmental Conservation and the Attorney General's Office need the Department of State, Division of Cemeteries to agree to let Sheridan Park Inc, better known as Amigone, move its crematory operation to a cemetery.

**BUFFALO NEWS Updated: 11/8/2012, 11:15 PM**

**State law bars relocation of Tonawanda crematory**

“The New York State Cemetery Board determined that it cannot permit a funeral home-operated crematory to move to a new location because that would be tantamount to allowing the funeral home to open a new crematory – something that is prohibited by state law banning funeral home and cemetery/crematory combinations,” said Jorge I. Montalvo, a Department of State spokesman.

The state law to which Montalvo referred was enacted in 1998, seven years after Sheridan Park Inc. began operations.

"Unfortunately, the neighbors in the new proposed location have expressed opposition to our operations, and the New York State Cemetery Board has expressed opposition to our moving the operations," Amigone said in the statement.

If the crematory isn't able to relocate, Sheridan Park is required to retain a technical expert – with experience in operating crematories – to recommend engineering solutions to end problematic emissions. Attorney General Eric T. Schneiderman reserved the right to take legal action if the concerns about emissions are not rectified.

Finally, it is imperative that the Department of State, Division of Cemeteries to agree to let Sheridan Park Inc, better known as Amigone, move its crematory operation to a cemetery.

## Anti-combination Law

### **§ 1506-a. Cemetery corporations; restrictions**

- (a) No cemetery corporation shall, directly or indirectly:
  - (1) sell, or have, enter into or perform a lease of any of its real property to a funeral entity, or use any of its property for location of a funeral entity;
  - (2) commingle its funds with a funeral entity;

- (3) direct or carry on its business or affairs with a funeral entity;
- (4) authorize control of its business or affairs by a funeral entity;
- (5) engage in any sale or cross-marketing of goods or services with a funeral entity;
- (6) have or enter into or perform a management or service contract for cemetery operations with a funeral entity; or
- (7) have, enter into or perform a management contract with any entity other than a not-for-profit cemetery corporation.

(b) Only the provisions of subdivisions one and two of paragraph (a) of this section shall apply to cemetery corporations with thirty acres or less of real property dedicated to cemetery purposes, and only to the extent the sale or lease is of real property dedicated to cemetery purposes, and such cemeteries shall not engage in the sale of funeral home goods or services, except if such goods and services are otherwise permitted to be sold by cemeteries, nor shall a majority of the members of the board of directors or trustees of such cemeteries be made up of the representatives of a funeral entity.



Department of  
Environmental  
Conservation

(c) For the purposes of this section, "funeral entity" means a person, partnership, corporation, limited liability company or other form of business organization providing funeral home services, or owning, controlling, conducting or affiliated with a funeral home, any subsidiary thereof or an officer, director or stockholder having a ten per centum or greater proprietary, beneficial, equitable or credit interest in a funeral home.

## March 2014 Court Decision

Erie County Supreme Court Justice Henry Nowak required Sheridan Park to:

- Provide two weeks written notice of their intent to resume operations,
- Retain a reputable third party consulting firm with expertise in crematory operations,
- Determine the validity of and develop recommendations for on-site operational changes addressing residents' concerns regarding odors, soot, smoke and noise, and further ensure compliance with the law,
- Submit a report of such recommendations and proposed implementation to NYSDEC & NYS AG.





# January 14, 2016

Sheridan Park notified  
NYSDEC and NYS AG  
of their intent to reopen the  
Sheridan Park Crematory.



Department of  
Environmental  
Conservation



# January 26, 2016

The NYS Attorney General's Office filed  
a complaint seeking an injunction to  
prevent the crematory from reopening.

A hearing was held in State Supreme  
Court on May 3, 2016.

## May 2016 Court Decision



NYS Supreme Court Justice E. Jeannette Ogden issued an Interim Order granting the State's request and directing Sheridan Park Crematory to submit an approvable Air State Facility permit application to NYSDEC and to receive consent from the State to restart operations.

# Permit Application

**Sheridan Park Crematory submitted  
the required permit application on  
December 27, 2016.**



**Following DEC review and subsequent  
changes to the application, the  
application was deemed complete  
on May 10, 2017.**

## 6NYCRR Subpart 219-4 Crematory Rule

All crematories in New York State are subject to  
6NYCRR Subpart 219-4.

Rule requirements include:

- Opacity Limit = 10 percent,
- Particulate Limit = 0.08 grains per dry standard cubic foot of flue gas,
- Continuously monitor:
  - (1) primary combustion chamber exit temperature, and
  - (2) secondary combustion chamber exit temperature.
- Minimum Operating Temperatures:

1,800°F in the secondary chamber

1,400°F in the primary combustion chamber.

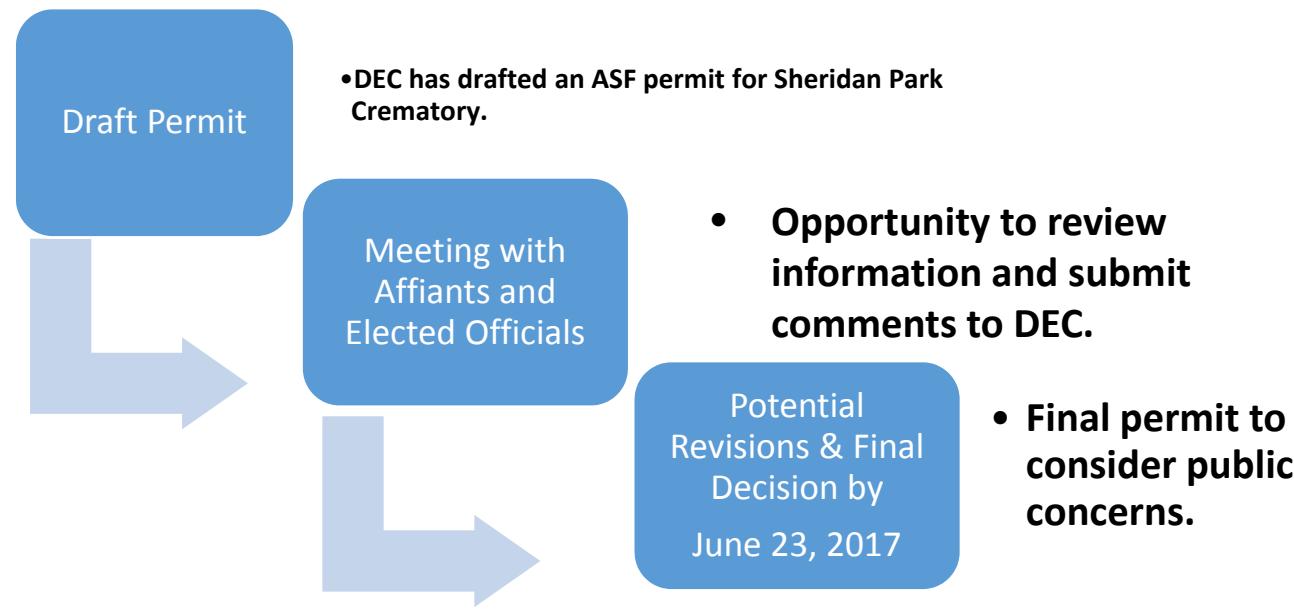
## 6NYCRR Subpart 219-4 Crematory Rule

Additional requirements:

- All operators must be certified.
- Annual third party inspection.

**NOTE:** There are NO applicable Federal air pollution control requirements. This is all that the crematories in New York State are subject to.

## DRAFT Air State Facility (ASF) Permit



## DRAFT Air State Facility (ASF) Permit

- Contains **UNPRECEDENTED** pollution control requirements.
- No other **crematory** in New York State (and perhaps USA) has been required to **include air pollution controls for mercury and acid gases**.
- Crematory will also **control particulate emissions** with a **bag house/dust collector**.
- **Emissions testing** to be performed within 90 days of startup.

## DRAFT Air State Facility (ASF) Permit

### *Mercury and Acid Gas Controls*

- To reduce the amount of mercury and acid gases emitted from the cremation process, a reagent will be added at the rate of 125 grams per hour.
- The reagent consists of:
  - Sodium Bicarbonate for control of acid gases and
  - Activated Carbon for control of mercury.

## DRAFT Air State Facility (ASF) Permit

### *Remote Monitoring & Management*

- Sheridan Park Crematory will install the *Mpyre™ 2.0 Remote Monitoring and Management System.*
- The *Mpyre™ 2.0* allows remotely-located crematory manufacturer technicians to immediately identify and diagnose problems.

# DRAFT Air State Facility (ASF) Permit

## *Particulate Emission Control*

Differential Pressure will be monitored across the Baghouse to ensure proper operation.

- The pressure differential shall be maintained between 3 and 20 inches of water column.
- The pressure differential shall be checked daily, when operating, and recorded in the inspection log. Records must be kept on-site for 5 years.
- If the pressure differential is outside of the normal range, then the process and emission control equipment shall be inspected and corrective actions taken.
- If corrective actions are ineffective, cremations must cease and the operator shall consult with the manufacturer.

## DRAFT Air State Facility (ASF) Permit

### *Particulate Emission Control*

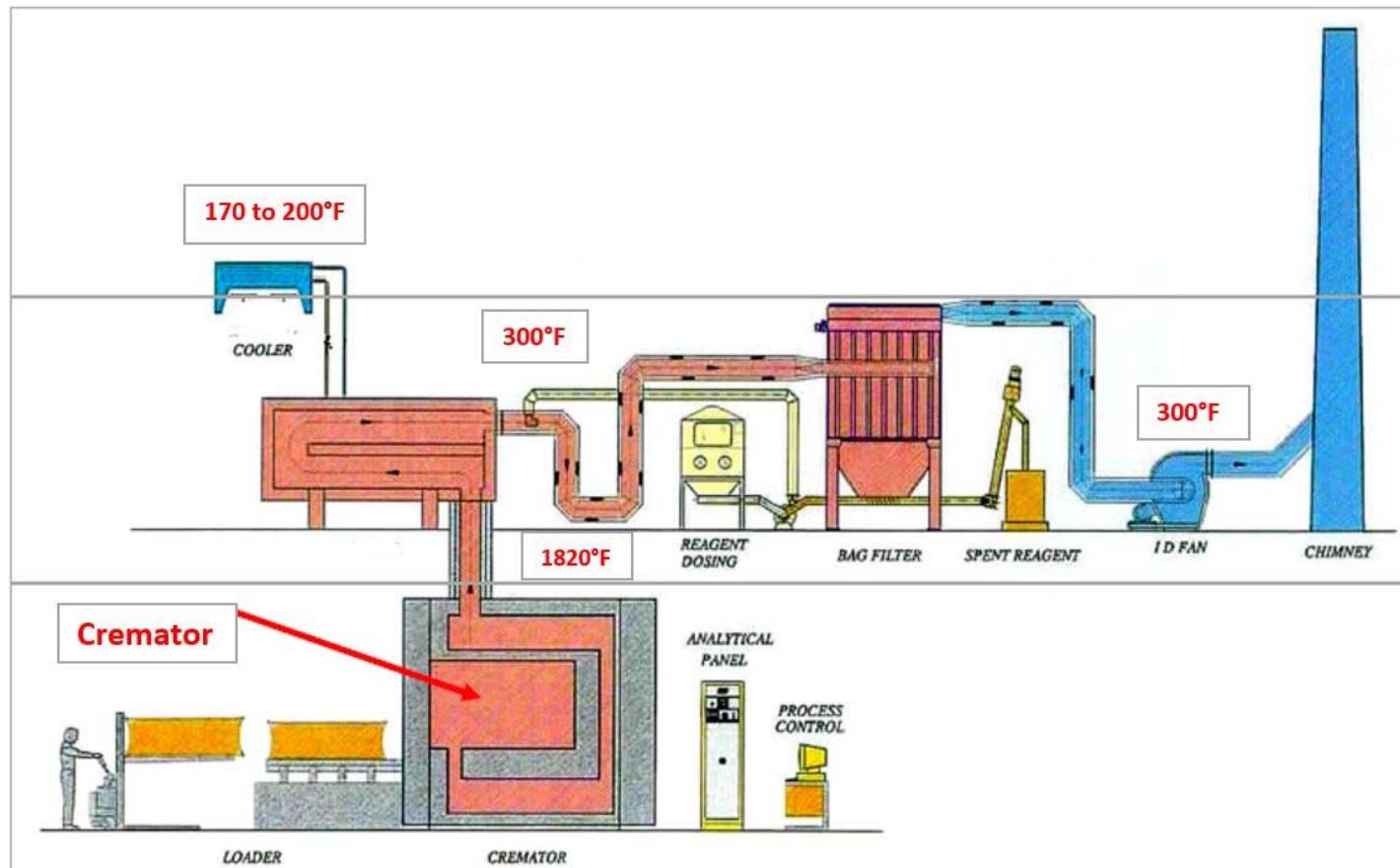
- There is a cremated remains processor at this facility.
- The cremated remains processor is self-contained and does not create any emissions.

# DRAFT Air State Facility (ASF) Permit

## *Emissions Testing*

To ensure that the crematory incinerator is operating as designed, the following emissions must be tested using approved USEPA methods within 90 days of startup:

- Particulate Matter,
- Mercury,
- Chlorine and compounds containing Chlorine,
- Carbon Monoxide,
- Carbon Dioxide, and
- Oxygen.



STATE OF  
OPPORTUNITY  
Department of  
Environmental  
Conservation

**ON JUNE 26, 2017, THE DEPARTMENT  
ISSUED AMIGONE A PERMIT TO  
RECONSTRUCT THE CREMATORIAL  
INCINERATOR WITH THE ADDITIONAL  
CONTROLS.**



Department of  
Environmental  
Conservation



# Thank You

**Connect with us:**

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