

'Mega-crematorium' still sparking controversy

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By now, the warehouse at 9850 Kitty Lane, near Oakland International Airport, was supposed to be burning more than 3,000 bodies a year. But instead, the 6,100-square-foot facility purchased last year by a funeral services business to serve as a so-called “mega-crematorium” is collecting dust. After a year of inactivity, though, that could change soon.

In 2011, the Neptune Society of Northern California began the process of moving its crematory business to East Oakland from a facility it has operated in Emeryville since the 1970s. Neptune Society officials said a desire to modernize its facilities, plus the City of Emeryville’s decision to allow residential housing near its Apollo crematorium on Horton Street, prompted the company to try to relocate to Oakland.

But a year ago, the Oakland City Council passed an emergency ordinance to block the Neptune Society from moving into its Kitty Lane warehouse, after environmentalists and community advocates expressed concerns that pollution from the facility would threaten the air quality of a nearby neighborhood.

The Neptune Society sued the city over the ordinance a few months later, and the project has remained in limbo ever since. A court hearing between the Neptune Society and the city is scheduled for next month — around the same time the council’s moratorium expires.

Company officials said the Kitty Lane property would better serve families in the area. “More families want to witness cremations,” said Mike Miller, senior vice president of Stewart Enterprises, which owns the Neptune Society. “We want to bring them to this facility that can accommodate them with more parking and a professional appearance. We’re preparing for the future.”

Cremation rates are rising. Today, 75 percent of bodies are cremated, compared to 40 percent in the 1980s, said Dan Isard, founder and president of Foresight Companies, which provides business consulting for funeral home owners. The increased demand is something Miller said the city should keep in mind. There are five crematories already operating in Oakland.

“These services are needed in the community; they have to be performed somewhere,” he said, adding that the Neptune Society served 600 Oakland families this past year both at its Emeryville facility and its Oakland office. “We felt wronged because we went through every process with the city.”

Community leaders feel differently. In May 2012, Reverend Daniel Buford of Allen Temple Baptist Church in East Oakland sent emails to Mayor Jean Quan and councilmembers Rebecca Kaplan, Jane Brunner, and Larry Reid, asking them to stop the crematory from coming to East Oakland. Reid then introduced the ordinance at a City Council meeting on May 15, where it passed unanimously. The ordinance required the Neptune Society to get a conditional use permit (the company had already received a building permit), a step usually reserved for cases when the area is not zoned for a particular type of activity.

The warehouse at Kitty Lane, though, is zoned for crematories, according to an email from Alex Katz, chief of staff to City Attorney Barbara Parker. Last August, Stewart Enterprises filed a lawsuit against the city that claimed the ordinance was intended specifically to block its crematory.

The lawsuit argued that the additional requirement of the conditional use permit was unnecessary and violated the company’s legal rights. In a later court filing, the city said the property’s fate is still unsettled because Stewart Enterprises has not applied for a conditional use permit.

The two parties are scheduled to meet on May 23 in Alameda County Superior Court in Oakland to see if they can talk through their differences and avoid going to trial. The moratorium is set to expire on May 10.

The Neptune Society has considered other locations around the East Bay. In 2006, the company tried to move its Emeryville crematory to North Richmond, but environmental and community advocates raised similar concerns over air pollution, according to news reports. “It was rejected in Richmond and it was rejected in Richmond for the obvious environmental

hazards it would pose,” Buford said in an interview. “They didn’t want it there and now they’ve come into Oakland.”

Buford has started a signature campaign among community members to ask the City Council to make the emergency ordinance permanent.

Environmental groups contend that the facility will fill the air with particulate matter and mercury vaporized from dental fillings in the cremation process. Mercury is a potentially lethal environmental pollutant. Elemental mercury, the kind found in dental fillings, is usually harmless if touched or swallowed, but can cause lung problems, brain damage or death if inhaled in small amounts over time, according to the National Institutes of Health.

One body emits an average of 0.0034 pounds — one-twentieth of an ounce — of mercury during the cremation process, according to a Bay Area Air Quality Management District memo. Mercury emissions in cremations are becoming less of an issue though, because fewer people are getting dental fillings made of silver amalgam, which contains some mercury. Silver amalgam in fillings has declined in use since the 1970s.

In November, the air district granted the Neptune Society a permit to build two natural-gas-powered incinerators in the Kitty Lane warehouse. The district found the facility would have no significant health impacts, said district spokeswoman Jennifer Jones. “We did a thorough check that the risk levels for this project were going to be really insignificant,” she said. “It’s tricky. Nobody really wants a crematory as their neighbor. Residents are more likely to be impacted by highway emissions than by this facility.”

Jones said there are no schools or residents within 1,000 feet of the site. The Oakland location is better than the Neptune Society’s site in Emeryville, she added, because the Emeryville area is now zoned for residential buildings.

Jones said residents can call an air quality complaint hotline with complaints about odors or visible emissions if they see excessive smoke. Since 2008, the Neptune Society’s Emeryville location has received only five complaints, Jones said, not enough to trigger the air district’s public nuisance violation. Neptune has never received a violation from the district.

The nearest neighborhood to the proposed crematory in East Oakland is less than one-half mile up 98th Avenue, not far from Interstate 880. Nehanda Imara, an organizer for Communities for a Better Environment, disagreed with the Air Quality District's approval and said the crematory would harm the neighborhood's air quality. "These regulatory agencies, they don't have a lot of enforcement," she said, "So it would take a million people to call in until they say 'OK let's see what's going on in this facility.'"

"It's not just Communities for a Better Environment, it's the community, it's the businesses, it's the public health (department), it's residents who live there who don't want this," Imara added. "They want a kind of business that's going to be healthy, green and going to bring jobs to East Oakland."

Many residents in the neighborhood said they were unaware of the proposal. Freddie Murray, an employee of the San Francisco Public Health Department, who was visiting a friend on Heskett Road, said the residents here are predominately older in age or Hispanic, and not vocal about local issues.

Imara, who with Communities for a Better Environment is assisting Buford's signature campaign, said she hopes the city rejects the crematory. "I just think that we want to hear some good news coming in to East Oakland," she said. "We want to not always have to fight something bad that's happening to ... we'd like to spend more energy trying to work with the city to create more access to starting community gardens."

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