



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



September 25, 2009

Mahesh K. Nayak, Esq.
Clark Hill PLC
151 South Old Woodward Avenue, Suite 200
Birmingham, Michigan 48009

Dear Mr. Nayak:

SUBJECT: Disposing Cremated Human Ashes into the Waters of the State

Thank you for your letter dated August 14, 2009, concerning placing cremated human remains in the form of ashes into the waters of the state. Based on the information provided, the Department of Environmental Quality (DEQ) has determined that the placement of an individual's cremation ashes into the waters of the state pursuant to a ceremony of the Hindu or Sikh faith does not require a permit under Michigan's water pollution control law.

The discharge of pollutants to waters of the state is governed by Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Part 31 provides that the discharge of any substance or material that is or may become injurious to any designated uses of the waters of the state is prohibited unless specifically authorized by the state, or an express statutory exemption applies.

Based on the description of the nature and volume of cremation ashes included in your request, the DEQ believes that dispersal of an individual's ashes would likely not be injurious to designated uses of waters of the state. Accordingly, the religious practice you describe can be undertaken without a permit under Part 31.

Please note that this conclusion is based on the understanding that cremation ashes will be spread by the families of individuals and that the aggregate effect of this religious practice by the Hindu and Sikh community will be dispersed over a widespread area and over time. The DEQ would need to evaluate any alternative method of disposal of human cremation remains to determine its potential for being injurious to the waters of the state.

I trust this satisfactorily responds to your request. If you have any questions, please contact Mr. William Creal, Chief, Water Bureau, at 517-335-4176.

Sincerely,



Steven E. Chester
Director
517-373-7917

cc: Governor Jennifer M. Granholm
Mr. Ramesh Verma
Mr. Andy Levin, Deputy Director, Department of Energy, Labor and Economic
Growth
Mr. Jim Sygo, Deputy Director, DEQ
Ms. JoAnn Merrick, Chief of Staff, DEQ
Mr. Frank J. Ruswick, Jr., Senior Policy Advisor, DEQ
Mr. George W. Bruchmann, DEQ
Mr. William Creal, DEQ
Mr. Barry Selden, DEQ