CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 93-143

NPDES NO. CA0029581

WASTE DISCHARGE REQUIREMENTS FOR:

NEPTUNE SOCIETY OF NORTHERN CALIFORNIA
SAN FRANCISCO, SAN FRANCISCO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter the Board) finds that:

1. The Neptune Society provides funeral services in the Bay Area which include the scattering at sea of ashes from cremations. By application dated August 25, 1993, the Society has reapplied for a permit for the scattering activity pursuant to the Federal Clean Water Act and the National Pollutant Discharge Elimination System (NPDES).

2. Cremated remains (ashes) amount to about five pounds per funeral, and consist largely of calcium phosphate and a very small amount of other inorganic compounds that remain after cremation. The remains are processed after cremation to produce a material with the appearance of combined sea salt and crushed egg shells. The Society proposes the scattering from a boat of about 2,500 cremations per year, for a total of about 15,000 pounds.

3. The area proposed for the scattering of ashes is Bonita Cove, as indicated in Attachment A, which is hereby made a part of this Order. Bonita Cove is an arm of the Pacific Ocean, and a water of the United States and the State of California.

4. The Board amended its Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on September 16, 1992, and the State Water Resources Control Board (State Board) approved it on April 27, 1993. The Basin Plan contains water quality objectives for Bonita Cove and contiguous waters.

5. The beneficial uses of Bonita Cove and contiguous waters are:

   a. Industrial service supply
   b. Navigation
   c. Water contact recreation
   d. Non-contact water recreation
   e. Ocean commercial and sport fishing
   f. Preservation of rare and endangered species
   g. Preservation of areas of special biological significance
   h. Wildlife habitat
   i. Marine habitat
   j. Fish spawning and migration
   k. Shellfish harvesting

6. The Basin Plan prohibits the discharge of rubbish, refuse, bark, sawdust, or other solid waste into surface waters. The Basin Plan also prohibits the discharge of silt, sand, clay, or other earthen materials in quantities sufficient to cause deleterious bottom deposits, turbidity or discoloration, or to unreasonable affect or threaten to affect beneficial uses. The Board hereby finds that the scattering of insignificant quantities of ashes from cremations is not within the intent of these prohibitions.

7. This Order serves as an NPDES permit, the adoption of which is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.

8. The Board has notified the Neptune Society and interested agencies and persons of its intent to reissue the permit for the scattering of funeral ashes, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and comments.

9. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Neptune Society, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Water Pollution Control Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. PROHIBITIONS

The scattering of ashes is prohibited:

1. Outside of the area defined in Attachment 1 as the 'Ceremonial Ash Scattering Waters,' provided however, that when sea conditions make scattering within that primary area unsafe or difficult, scattering may occur in the 'alternate Ceremonial Ash Scattering Waters' area defined in Attachment 1.

2. Within one-quarter mile of the shoreline at any point.

B. RECEIVING WATER LIMITATIONS

1. The scattering of ashes shall not cause the following conditions to exist in waters of the State at any place:

   a. floating, suspended, or deposited macroscopic particulate matter of foam

   b. bottom deposits or aquatic growths

   c. alteration, turbidity, or apparent color beyond present natural conditions

   d. substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl

2. The scattering of ashes shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Federal Water Pollution Control Act and regulations adopted thereunder. If more stringent applicable water quality standards are approved or promulgated pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

C. PROVISIONS

1. The Society shall comply with all sections of this Order immediately upon its adoption by the Board.

2. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall take effect at the end of ten days from the date of hearing provided the Regional Administrator, U.S. Environmental Protection Agency, has no objection.

3. This Board's Order No. 89-133 is hereby rescinded.

4. This Order Expires November 19, 1998, and the discharger must file an application in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance new requirements.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on November 19, 1993.

Steven R. Ritchie
Executive Officer