

DEPARTMENT OF ENVIRONMENTAL QUALITY

LAND AND WATER MANAGEMENT DIVISION

(By authority conferred on the water resources commission by sections 2 and 5 of Act No. 245 of the Public Acts of 1929, as amended, sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, and Executive Order No. 1976-8a, being SS323.2, 323.5, 24.233, and 24.263 of the Michigan Compiled Laws)

PART 15. IRON ORE BENEFICIATION

R 323.1351 Definition.

Rule 351. As used in this part, "beneficiation act" means Act No. 143 of the Public Acts of 1959, being SS323.251 to 323.258 of the Michigan Compiled Laws.

History: 1979 AC.

R 323.1352 Applications.

Rule 352. An application filed under the beneficiation act for a permit to drain, divert, control or use water for the operation of low grade iron ore mining property shall be in letter form, supplemented by maps, charts, and data, setting forth in detail the location of the mining property, the necessity for the proposed water use development, the waters to be affected thereby including information on the points of drainage, diversion, control or use, the natural conditions and variations of the waters involved and the effects thereon from the proposed development. The application shall be signed by the operator of the mining property or his duly authorized representative and shall be filed in duplicate with the executive secretary of the commission.

History: 1979 AC.

R 323.1353 Permits.

Rule 353. A permit issued under the beneficiation act for diversion or control of water is valid only during such times as the permittee maintains in proper operation devices to measure and record:

- (a) The amount of water being diverted.
- (b) The flow in streams below the diversion or control, if the permit is conditioned on reservation or maintenance of a specified minimum stream flow.

History: 1979 AC.

R 323.1354 Hearings.

Rule 354. (1) The 2 notices of hearings required by the beneficiation act shall be published at intervals of 1 week or more and the last notice shall be published 2 weeks before the scheduled hearing date.

(2) All evidence, including records and documents in possession of the commission of which it desires to avail itself, and excepting those materials excluded by section 22 of Act No. 306 of the Public Acts of 1969, shall be offered at the public hearing and made a part of record in a case brought under the beneficiation act. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference. A hearing may be continued as necessary to permit the submittal of additional evidence. A permit will not be issued in a case where the commission deems the evidence submitted to be insufficient for determining that its exercise would not unreasonably impair the interest of the public or of riparians in lands or waters or the beneficial use thereof and would not endanger the public health or safety.

(3) Procedures for hearings shall be those as provided in part 3 of the general rules.

History: 1979 AC.