

(9) A permit is not required before appropriating water for beneficial use if:

(a) the source is water from the Berkeley Pit System, which consists of waters within the Berkeley Pit and its underground mine;

(b) the appropriator is a party to the BMFOU CD, and the appropriation is agreed to, in writing, by the remaining BMFOU CD parties and:

(c) MDEQ provides written confirmation to DNRC that the appropriation is consistent with the BMFOU CD.

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