



# SUSQUEHANNA RIVER BASIN COMMISSION

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**Docket No. 20220610**

**Approval Date: June 16, 2022**

## **NEW ENTERPRISE STONE & LIME CO., INC. FACILITY: TYRONE QUARRY**

**Groundwater Withdrawal (30-Day Average) of 0.173 mgd  
from Well MW-36B**

### **Section 1. Approval**

After review of the record, including the technical findings of Susquehanna River Basin Commission (Commission) staff, the Commission has determined that no significant adverse impacts are anticipated by the operation of this project as described and conditioned herein, the project is physically feasible, and does not conflict with or adversely affect the Commission's Comprehensive Plan. Accordingly, the Commission hereby approves the project described herein in accordance with the conditions set forth below.

The project sponsor maintains and operates water supply sources for use in a quarrying operation that includes five groundwater sources (Wells 1, 2, 3, MW-36B, and 5) and two surface water sources (Logan Spring Run 2 and the Little Juniata River 1). Based on information provided by the project sponsor, no other sources are operated by the project.

The Commission previously approved the withdrawal of 0.010 million gallons per day (mgd) from Well 4 under Commission Docket No. 20031205-1, but the project sponsor no longer uses Well 4. The Well 4 approval has been rescinded due to abandonment.

The project sponsor requested approval to withdraw up to 0.173 mgd from Well MW-36B to increase its system capacity and replace Well 4. This approval authorizes withdrawal from Well MW-36B at the requested rate.

Commission staff has coordinated with the Pennsylvania Department of Environmental Protection (PADEP) and the Pennsylvania Fish and Boat Commission (PFBC) during review of this project.

### **Section 2. Project Information**

Information concerning the project sponsor, water use type, and location are set forth in the table below.

Project Information	
<b>Project Sponsor:</b>	New Enterprise Stone & Lime Co., Inc.
<b>Facility:</b>	Tyrone Quarry
<b>Approval Type:</b>	Groundwater Withdrawal
<b>Authorized Water Use Purpose:</b>	Quarry Materials Processing, Concrete and Asphalt Production, Dust Suppression, and Related Incidental Quarry Use
<b>Municipality:</b>	Warriors Mark Township
<b>County:</b>	Huntingdon County
<b>State:</b>	Pennsylvania

### Section 3. Source Information

Information concerning the source of water from which the withdrawal will be made is set forth in the table below.

Source Information	
<b>Withdrawal Type:</b>	Groundwater
<b>Approved Source:</b>	Well MW-36B
<b>Subbasin:</b>	Juniata
<b>Watershed Boundary Dataset (WBD):</b>	0205030205 (Little Juniata River)
<b>Withdrawal Location (degrees):</b>	Lat: 40.668308 N      Long: 78.210824 W
<b>Special Flow Protection Required:</b>	No

### Section 4. Aquifer Testing

The constant-rate aquifer testing required by 18 CFR § 806.12 for groundwater withdrawals was completed with prior Commission approval. A 72-hour, constant-rate aquifer test of Well MW-36B was conducted on February 20 through 23, 2020, pumping at an average rate of 120 gallons per minute (gpm).

Commission staff determined that the withdrawal from Well MW-36B at the requested withdrawal rate should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin, subject to the conditions set forth below.

### Section 5. Approved Withdrawal Quantities and Limitations

The withdrawal approved hereunder is subject to the quantitative limits and restrictions set forth in the table below.

<b>Approved Withdrawal Quantities and Limitations</b>	
<b>30-Day Average Withdrawal (mgd):</b>	0.173
<b>Maximum Instantaneous Withdrawal Rate (gpm):</b>	120 (Not to Exceed)
<b>Peak Day Withdrawal (mgd):</b>	0.173

The withdrawal is also subject to all other conditions set forth in this docket approval.

## Section 6. Existing Approved Withdrawals and Consumptive Uses

Quantities applicable to the existing approved withdrawals and consumptive uses are listed in the tables below.

<b>Existing Approved Groundwater Withdrawals</b>			
<b>Source</b>	<b>30-Day Average Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Well 1	0.095	20220611	December 11, 2028
Well 2	0.006	20220611	December 11, 2028
Well 3	0.050	20220611	December 11, 2028
Well 5	0.0003	20220611	December 11, 2028

<b>Existing Approved Surface Water Withdrawals</b>			
<b>Source</b>	<b>Peak Day Withdrawal (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Logan Spring Run 2	0.200	20220611	December 11, 2028
Little Juniata River 1	0.216	20220611	December 11, 2028

<b>Existing Approved Consumptive Uses</b>			
<b>Sources</b>	<b>Peak Day Consumptive Use (mgd)</b>	<b>Commission Docket No.</b>	<b>Docket Expiration Date</b>
Wells 1, 2, 3, 5 and MW-36B, and Logan Spring Run 2 and Little Juniata River 1	0.532	20220611	December 11, 2028

## Section 7. Grandfathering Determination – Withdrawals and Consumptive Use

All withdrawals used and consumptive use by the project have Commission approval.

## Section 8. Standard Conditions

1. The project sponsor shall comply with all Commission regulations, 18 CFR Parts 801, 806, and 808. This project is subject to the Annual Compliance and Monitoring fee as specified

in the Commission's Regulatory Program Fee Schedule, which may be modified over the term of the approval.

2. The project sponsor shall adhere to the metering plan reviewed and approved by Commission staff. Any modifications proposed for the metering plan shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan.

3. Prior to any withdrawal from the source listed in Section 3, the project sponsor shall install and maintain metering in accordance with 18 CFR § 806.30 and the approved metering plan. The project sponsor shall notify the Commission, in writing, and submit photographs of the meter when it has been installed, provide the serial number of the meter, and certify the accuracy of the measuring device to within five (5) percent of actual flow. Withdrawals shall not commence until Commission staff has approved the implementation of the approved metering plan and notified the project sponsor of such approval.

4. The project sponsor shall maintain the totalizing meter and other flow and volume measuring devices, accurate to within five (5) percent, so as to provide an accurate record of withdrawals, and certify to the Commission once every five (5) years, or as otherwise requested, the accuracy of all measuring devices and methods to within five (5) percent of actual flow.

5. The project sponsor shall adhere to the groundwater elevation monitoring plan reviewed and approved by Commission staff for the sources listed in Sections 3 and 6. The project sponsor shall maintain and monitor the accuracy of the measuring devices in accordance with the manufacturer's specifications.

6. The project sponsor shall keep daily records of the project's withdrawals for the sources listed in Sections 3 and 6 and shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure, and any modifications proposed for the groundwater elevation monitoring plan, shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

7. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 CFR § 808.12.

8. In accordance with 18 CFR § 806.30(b)(2), the project sponsor shall report violations of any withdrawal limits and any conditions of this approval within five (5) days of such violation or report loss of measuring or recording capabilities required under 18 CFR § 806.30(a)(1) within five (5) days after any such loss.

9. In accordance with 18 CFR § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of all approvals to the Commission within ninety (90) days of the change in ownership or project sponsor name change.

10. The project sponsor shall comply with the water conservation requirements specified in 18 CFR § 806.25.

11. This approval is conditioned on the project sponsor maintaining legal access to the withdrawal location for the duration of the approval.

12. The project sponsor shall register with the appropriate agency all surface water and groundwater sources described herein, as may be required by regulations of the member jurisdiction.

13. If the project sponsor fails to comply with the provisions of the Susquehanna River Basin Compact or any rule, regulation, or order of the Commission, or any term or condition of this docket, the project sponsor is subject to enforcement actions pursuant to 18 CFR Part 808.

14. Commission approval shall not be construed to exempt the project sponsor from obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this approval if the project sponsor fails to obtain or maintain such permits and/or approvals.

15. The Commission may at any time reopen any project approval or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to 18 CFR § 806.32.

16. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

17. This project is approved for inclusion in the Commission's Comprehensive Plan for the Water Resources of the Susquehanna River Basin.

18. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawal that would exceed the amounts listed herein.

19. If the Commission determines that the operation of the project's groundwater withdrawal adversely affects any existing groundwater or surface water withdrawal, the project sponsor shall be required to provide, at its expense, an alternate water supply or other mitigating measure.

## **Section 9. Special Conditions**

20. The project sponsor shall keep daily records of the groundwater elevations for Well MW-36B and weekly records for Wells 1 and 3. Groundwater elevations for Wells 2 and 5 will not be required. The project sponsor shall report the data to the Commission quarterly, and as otherwise required, in the form and manner as prescribed by Commission staff. Quarterly monitoring reports shall be submitted online and are due within thirty (30) days after the close of the preceding quarter. Any alternative measuring, monitoring, or accounting procedure, and any modifications proposed for the groundwater elevation monitoring plan, shall be submitted for review and approval by Commission staff in accordance with 18 CFR § 806.30. Modifications shall not be made until the project sponsor receives written approval of the amended plan. All data collected and submitted as required under this approval shall be maintained by the project sponsor for the duration of the approval and all subsequent renewals.

21. Except as authorized pursuant to Special Condition 23, the project sponsor shall only supply water for use in hydrocarbon development to persons who have properly registered or received approval pursuant to 18 CFR § 806.22(f), as applicable.

22. The project sponsor shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for use in hydrocarbon development, including daily quantities supplied. The project sponsor also shall keep daily records, and shall report the same to the Commission upon request, of all persons supplied water from the project for uses other than hydrocarbon development authorized pursuant to Special Condition 23, including daily quantities supplied.

23. Prior to supplying water for any use not authorized pursuant to Section 2 of this approval, the project sponsor shall first submit a minor modification application under 18 CFR § 806.18(c)(4) for such new use to the Executive Director. The project sponsor shall not supply water for such use unless and until such authorization is granted, and pursuant to any supplemental terms and conditions contained in such approval.

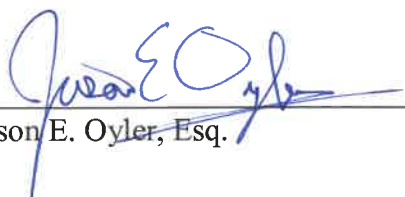
## **Section 10. Term**

24. The project sponsor has a period of three (3) years from the date of this approval to commence the withdrawal from the source in Section 3 or this approval will automatically expire, unless an extension is requested, in writing, by the project sponsor no later than one hundred twenty (120) days prior to such expiration and approved by the Commission as provided in 18 CFR § 806.31(b).

25. This approval is effective until June 15, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 15, 2036, the project sponsor may continue operation of this project pursuant to the terms and conditions of this approval until such time as the Commission acts on such application, or until otherwise notified by the Executive Director.

**CERTIFICATION:** I, Jason E. Oyler, Secretary to the Susquehanna River Basin Commission, do hereby certify that the foregoing project docket was approved by the Susquehanna River Basin Commission on June 16, 2022.

Dated: June 17, 2022

  
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Jason E. Oyler, Esq.