



# SUSQUEHANNA RIVER BASIN COMMISSION

4423 North Front Street • Harrisburg, Pennsylvania 17110-1788

(717) 238-0423 Phone • (717) 238-2436 Fax

[www.srbc.net](http://www.srbc.net)

**Docket No. 20220611**

**Approval Date: December 11, 2003**

**Modification Date: June 13, 2007**

**Modification Date: September 11, 2008**

**Modification Date: June 16, 2022**

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

**Groundwater Withdrawals (30-Day Averages) of 0.095 mgd from Well 1,  
0.006 mgd from Well 2, 0.050 mgd from Well 3, and 0.0003 mgd from Well 5;  
Surface Water Withdrawals (Peak Day) of up to 0.200 mgd from Logan Spring Run 2  
and 0.216 mgd from Little Juniata River 1; and  
Consumptive Use (Peak Day) of up to 0.532 mgd from Wells 1, 2, 3, 5 and MW-36B,  
and Logan Spring Run 2 and Little Juniata River 1**

### **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 modification of the project described herein in accordance with the conditions set forth below.

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

The project's consumptive use was originally approved by Commission Docket No. 20031205 on December 11, 2003, with modifications (Commission Docket Nos. 20031205-1 and 20031205-2) approved on June 13, 2007, and September 11, 2008, respectively. The modifications added approvals of withdrawals from the surface water and groundwater sources, revised certain project features, and rescinded certain provisions and conditions.

The project sponsor submitted a consumptive use modification application requesting to increase consumptive use for aggregate processing, concrete production, asphalt production, and aggregate quarrying from 0.294 million gallons per day (mgd) to 0.532 mgd (peak day), and add Well MW-36B as an approved source for consumptive use. The project sponsor indicated that

Well 4 is abandoned and is being replaced by Well MW-36B. This approval authorizes the requested increased consumptive use; rescinds approval of Well 4; clarifies rescission of approval of withdrawal from Logan Spring Run 1, which as previously indicated in Docket No. 20031205-1, has not been used since 2003; and adds Well MW-36B as an approved source for consumptive use. Additionally, this approval supersedes Commission Docket Nos. 20031205, 20031205-1, and 20031205-2 by incorporating, consolidating, and clarifying the prior approvals and conditions with this modification.

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 Types:</b>	Groundwater Withdrawal, Surface Water Withdrawal, and Consumptive Use
<b>Original Docket Nos.:</b>	20031205, 20031205-1, and 20031205-2
<b>Authorized Water Use Purpose:</b>	Aggregate Processing, Concrete and Asphalt Production, Truck Washing, Dust Suppression, and Related Incidental Activities
<b>Municipality:</b>	Warriors Mark Township
<b>County:</b>	Huntingdon County
<b>State:</b>	Pennsylvania

## Section 3. Source Information

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

Source Information	
<b>Withdrawal Types:</b>	Groundwater and Surface Water
<b>Approved Sources:</b>	Wells 1, 2, 3 and 5, and Logan Spring Run 2 and Little Juniata River 1
<b>Subbasin:</b>	Juniata
<b>Watershed Boundary Dataset (WBD):</b>	0205030205 (Little Juniata River)
<b>Special Flow Protection Required:</b>	No

#### Section 4. Aquifer Testing

The project sponsor requested that the constant-rate aquifer testing required by 18 CFR § 806.12 for groundwater withdrawals from Wells 1, 2, 3, and 5 be waived. Historical aquifer testing results for Well 1, groundwater availability estimates and hydrogeologic setting were reviewed by Commission staff in evaluating the request for waivers. Commission staff previously determined that the withdrawals from the wells at the requested withdrawal rates should not cause permanent loss of aquifer storage, render competing supplies unreliable, or cause adverse impacts to the water resources of the basin. The aquifer testing requirements for Wells 1, 2, 3, and 5 required by 18 CFR § 806.12 were waived by the Commission on September 11, 2008.

#### Section 5. Approved Withdrawal Quantities and Limitations

The withdrawals approved hereunder are subject to the quantitative limits and restrictions set forth in the tables below.

Approved Withdrawal Quantities and Limitations – Groundwater				
	Well 1	Well 2	Well 3	Well 5
<b>30-Day Average Withdrawal (mgd):</b>	0.095	0.006	0.050	0.0003
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	150	30	40	8
gpm – gallons per minute				

Approved Withdrawal Quantities and Limitations – Surface Water		
	Logan Spring Run 2	Little Juniata River 1
<b>Peak Day Withdrawal (mgd) (Not to Exceed):</b>	0.200	0.216
<b>Maximum Instantaneous Withdrawal Rate (gpm) (Not to Exceed):</b>	150	150

The withdrawals are also subject to all other conditions set forth in this docket approval.

#### Section 6. Approved Consumptive Use Quantities and Limitations

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

Approved Consumptive Use Quantities and Limitations	
<b>Sources for Project Consumptive Use:</b>	Wells 1, 2, 3, 5, and MW-36B; Logan Spring Run 2; and Little Juniata River 1
<b>Peak Day Consumptive Use Amount (mgd):</b>	0.532 (Not to Exceed)
<b>Authorized Project Consumptive Uses:</b>	1. Aggregate Processing 2. Concrete and Asphalt Production 3. Truck Washing 4. Dust Suppression 5. Related Incidental Activities
<b>Consumptive Use Mitigation Type:</b>	Payment of consumptive use mitigation fee

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

## Section 7. Existing Approved Withdrawals

Quantities applicable to the existing approved withdrawal are listed in the table below.

Existing Approved Groundwater Withdrawals			
Source	30-Day Average Withdrawal (mgd)	Commission Docket No.	Docket Expiration Date
Well MW-36B	0.173	20220610	June 15, 2037

## 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. 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 consumptive use, 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.

4. The project sponsor shall keep daily records of the project's withdrawals and consumptive use 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 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.

5. The project's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). To satisfy the Commission's current mitigation requirements for consumptive use, the project sponsor shall make quarterly payments to the Commission at the rate specified in the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission. For the purposes of this project, 0.032 mgd was determined to be the project's pre-1971 consumptive use and is considered to not be subject to consumptive use mitigation payment. Payments shall be made quarterly and shall be calculated by applying this rate to the total amount of water consumptively used by the project during the preceding calendar quarter. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

6. 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.

7. 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.

8. 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.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

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

17. The project sponsor is required to apply for and obtain approval prior to any increase in withdrawals or consumptive use that would exceed the amounts listed herein or to add a source used for consumptive use that is not listed in Section 6.

18. If the Commission determines that the operation of the project's groundwater withdrawals 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**

19. The withdrawal from Well 4 has been abandoned and, in accordance with 18 CFR § 806.31, Commission approval of Well 4 is rescinded.

20. The withdrawal from Logan Spring Run 1 has been abandoned and, in accordance with 18 CFR § 806.31, Commission approval of Logan Spring Run 1 is rescinded.

21. The date of the last meter certification for Logan Spring Run 2 Water Tank was April 22, 2019; therefore, the next meter certification is due no later than April 22, 2024. The

date of the last meter certification for Wells 2 and 3, and the Logan Spring Run 2 Crushing Plants 4 and 5, was May 1, 2020; therefore, the next meter certification is due no later than May 1, 2025. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

22. The Well 1 meter was installed in 2016. The project sponsor shall provide documentation of meter certification for the Well 1 meter within ninety (90) days from the date of this approval. Certification of meter accuracy shall be provided to the Commission no less frequent than once every five (5) years from the date of the last certification.

23. Except as authorized pursuant to Special Condition 25, 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.

24. 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 25, including daily quantities supplied.

25. Prior to supplying water for any use not authorized pursuant to Sections 2 or 6 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.

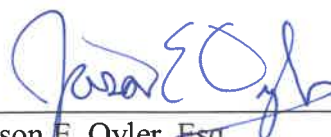
## Section 10. Term

26. This modified approval shall be effective immediately. The term of the modified approval shall remain effective until December 11, 2028. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before June 11, 2028, 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.

27. Commission Docket Nos. 20031205, 20031205-1, and 20031205-2 are hereby superseded.

**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.