



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20220616

Approval Date: June 16, 2022

VULCAN CONSTRUCTION MATERIALS, LLC FACILITY: HAVRE DE GRACE QUARRY

**Surface Water Withdrawal (Peak Day) of up to 0.234 mgd
from the Susquehanna River, and
Consumptive Use (30-Day Average) of up to 0.823 mgd
from the Susquehanna River and Stormwater**

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 renewal of the project described herein in accordance with the conditions set forth below.

This approval is a renewal of the project which was previously approved by Commission Docket No. 19920105 on January 23, 1992, and modified February 10, 2000, as Commission Docket No. 19920105-1. The project sponsor has requested an increase in the consumptive use quantity. Commission staff recommended continuation of no special flow protection requirements consistent with current policy, and recommended a change from a peak day basis to a 30-day average basis for consumptive use due to the use of stormwater. This approval incorporates those recommendations.

The project uses water from the Office/Shop Well, Scale House Well, and Tugboat Supply Well for domestic purposes only. Water from these three wells will not be consumptively used in operations of the facility.

Commission staff has coordinated with the Maryland Department of the Environment (MDE) 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	
Project Sponsor:	Vulcan Construction Materials, LLC
Facility:	Havre de Grace Quarry
Approval Types:	Surface Water Withdrawal and Consumptive Use
Previous Docket Nos.:	19920105 and 19920105-1
Authorized Water Use Purpose:	Stone Products Processing, Tire Washing, Dust Suppression, and Related Incidental Uses
Municipality:	Havre de Grace District
County:	Harford County
State:	Maryland

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	
Approved Source:	Susquehanna River
Subbasin:	Lower Susquehanna
Watershed Boundary Dataset (WBD):	0205030617 (Lower Susquehanna River)
Water Use Designation:	Tidal Freshwater Estuary (Tier II-P)
Withdrawal Location (degrees):	
Upper Dock	Lat: 39.571994 N Long: 76.102777 W
Lower Dock	Lat: 39.571043 N Long: 76.101391 W
Site Flow Statistics (cfs):	Q7-10 = 3,070; Average Daily Flow = 39,800
Impairment:	Polychlorinated Biphenyls (PCBs)
Drainage Area (square miles):	27,496
Aquatic Resource Class*:	6
Special Flow Protection Required:	No
cfs – cubic feet per second	
* Refer to Commission Policy No. 2012-01 (Low Flow Protection Policy Related to Withdrawal Approvals)	

Section 4. Approved Withdrawal Quantities and Limitations

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

Approved Withdrawal Quantities and Limitations	
Peak Day Withdrawal Amount (mgd):	0.234 (Not to Exceed)
Maximum Instantaneous Withdrawal Rate (gpm):	500 (Not to Exceed)
mgd – million gallons per day	
gpm – gallons per minute	

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

Section 5. 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	
Sources for Project Consumptive Use:	1. Susquehanna River 2. Stormwater
30-Day Average Consumptive Use Amount (mgd):	0.823 (Not to Exceed)
Authorized Project Consumptive Uses:	1. Stone Products Processing 2. Tire Washing 3. Dust Suppression 4. Related Incidental Uses
Consumptive Use Mitigation Type:	Utilize Storage and Discontinuance (see Special Condition 18)

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

Section 6. 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 uses, 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 adhere to the intake design reviewed and approved by Commission staff. Any modifications proposed by the project sponsor for the permitted intake structure shall be submitted for review and, if appropriate, approval by Commission staff in accordance with 18 CFR § 806.21 and § 806.23 prior to undertaking such modification(s).

5. The project sponsor shall keep daily records of the project's withdrawal and consumptive use 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 requested by the project sponsor 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.

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 location for the duration of the approval.

11. The project sponsor shall register with the appropriate agency all surface water 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 withdrawal 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 5.

Section 7. Special Conditions

18. The project's consumptive use is subject to mitigation requirements, as per 18 CFR § 806.22(b). Consistent with Section 5, mitigation requirements for consumptive use at the project are outlined below:

- a. To satisfy the Commission's mitigation requirements for consumptive use by using storage and discontinuance during a Commission-designated low flow period of consumptive use in accordance with 18 CFR § 806.22(b)(1)(i) and (iii), the project sponsor shall adhere to the consumptive use mitigation plan reviewed and approved by Commission staff. Any modifications proposed for the consumptive use mitigation plan shall be submitted for review and, if appropriate, approval by Commission staff. Modifications shall not be made until the project sponsor receives written approval of the amended plan.
- b. In any case of the project sponsor's failure to adhere to the mitigation plan for the consumptive use mitigation requirements described in Section 5 and Special Condition 18(a), in addition to any compliance action under 18 CFR Part 808, the project shall provide mitigation in the form of payment of the mitigation fee for the calendar year in which such failure occurs, and the Commission will reevaluate the continued acceptability of the method of mitigation. The payment of consumptive use mitigation fees shall be calculated by applying the rate from the effective Regulatory Program Fee Schedule, as modified from time to time by the Commission, for every day in the calendar year in which water was consumed if the foregoing were to occur. The rate of payment using this method of compliance is subject to change at the Commission's discretion.

19. The date of the last meter certification was December 4, 2018; therefore, the next meter certification is due no later than December 4, 2023. 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.

20. Prior to supplying water for any use not authorized pursuant to Sections 2 or 5 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.

21. The project sponsor shall demonstrate to the satisfaction of the Commission that appropriate controls and treatment to prevent the spread of aquatic nuisance species are employed at the water withdrawal site.

Section 8. Term

22. This approval shall be effective July 1, 2022, and shall remain effective until June 30, 2037. As specified in 18 CFR § 806.31(e), if the project sponsor submits an application on or before December 31, 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.

23. Commission Docket Nos. 19920105 and 19920105-1 shall remain effective through June 30, 2022, whereupon they shall expire.

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



Jason E. Oyler, Esq.