



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

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Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

December 16, 2014

**CERTIFIED MAIL – 7012 2920 0001 7803 1434**

Return Receipt Requested

Chaney Enterprises Limited Partnership  
2410 Evergreen Road, Ste. 201  
Gambrills MD 21054

Loveville

RE: State Water Appropriation and Use Permit No. SM1995G042 (03)

Dear Permittee:

Enclosed is your revised State Water Appropriation and Use Permit. The permitted allocation has been reduced to an annual average of 30,000 gallons of water per day. This reduction is based on reported water withdrawals of zero since 2001 and the highest reported annual average of 28,000 gpd (1999). The Permittee is responsible for complying with all permit conditions. Accordingly, you are advised to carefully read the Permit and become thoroughly familiar with its requirements.

A semi-annual Water Withdrawal Report is required by this permit. Forms for making this report will be mailed to you in June and December of each year and shall be submitted to this office by the following July and January respectively. If you have any questions, please contact this office at (410) 537-3590.

Sincerely,

Marianna Eberle  
Water Supply Program

cc: St. Mary's County Health Department

**STATE OF MARYLAND**  
DEPARTMENT OF THE ENVIRONMENT  
WATER MANAGEMENT ADMINISTRATION

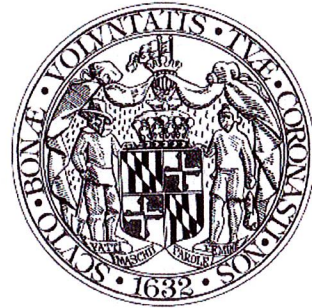
**WATER APPROPRIATION AND USE PERMIT**

Permit Number: SM1995G042 (03)

Effective Date: January 1, 2015

Expiration Date: December 31, 2026

First Appropriation: October 1, 1996



**CHANEY ENTERPRISES LIMITED PARTNERSHIP**

Hereinafter referred to as the "Permittee", is authorized by the Water Management Administration, hereinafter referred to as the "Administration" pursuant to the provisions of Title 5 of the Environment Article, Annotated Code of Maryland (2007 replacement volume) as amended, to appropriate and use waters of the State subject to the following conditions:

1. Allocation - The water withdrawal granted by this permit is limited to:  
A daily average of 30,000 gallons on a yearly basis and  
A daily average of 44,000 gallons for the month of maximum use.
2. Use - The water is to be used for make-up water for a sand and gravel wash plant.
3. Source - The water shall be taken from one well in the Aquia aquifer.
4. Location - The point(s) of withdrawal shall be located at Chaney Enterprises Loveville Mine, 24255 Maypole Road, on the east side of Maryland Route 5, 1.5 miles north of Leonardtown, St. Mary's County, Maryland.

5. Right of Entry - The Permittee shall allow authorized representatives of the Administration access to the Permittee's facility to conduct inspections and evaluations necessary to assure compliance with the conditions of this permit. The Permittee shall provide such assistance as may be necessary to effectively and safely conduct such inspections and evaluations.
6. Permit Review - The Permittee will be queried every three years (triennial review) regarding water use under the terms and conditions of this permit. Failure to return the triennial review query will result in suspension or revocation of this permit.
7. Permit Renewal - This permit will expire on the date indicated on the first page of this permit. In order to renew the permit the Permittee shall file a renewal application with the Administration no later than 45 days prior to the expiration.
8. Permit Suspension or Revocation - This permit may be suspended or revoked by the Administration upon violation of the conditions of this permit, or upon violation of any regulation promulgated pursuant to Title 5 of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume) as amended.
9. Change of Operations - Any anticipated change in appropriation which may result in a new or different use, quantity, source, or place of use of water shall be reported to the Administration by the Permittee by submission of a new application.
10. Additional Permit Conditions - The Administration may at anytime (including triennial permit review or when a change application is submitted) revise any condition of this permit or add additional conditions concerning the character, amount, means and manner of the appropriation or use, which may be necessary to properly protect, control and manage the water resources of the State. Condition revisions and additions will be accomplished by issuance of a revised permit.
11. Drought Period Emergency Restrictions - If the Administration determines that a drought period or emergency exists, the Permittee may be required under the Department's direction to stop or reduce water use. Any cessation or reduction of water use must continue for the duration of the drought period or emergency, or until the Administration directs the Permittee that water use under standard permit conditions may be resumed.
12. Non-Transferable - This permit is non-transferable. A new owner may acquire authorization to continue this appropriation by filing a new application with the Administration. Authorization will be accomplished by issuance of a new permit.
13. Flow Measurement - The Permittee shall measure all water used under this permit by a method which shall be approved by the Administration.

14. Withdrawal Reports - The Permittee shall submit to the Administration, semi-annually (July-December, no later than January 31st and January-June, no later than July 31st), pumping records. These records shall show the total quantity of water withdrawn each month under this permit.
15. Water Level Measurements - For all the Permittee's wells four (4) inches in diameter or larger, pumping equipment shall be installed so that water levels can be measured during pumping and nonpumping periods without dismantling any equipment. Any opening for tape measurements of water shall have a minimum inside diameter of 0.5 inches and be sealed by a removable cap or plug. The Permittee shall provide a tap for taking raw water samples before water enters a treatment facility, pressure tank, or storage tank.
16. Well Pump Placement - For all the Permittee's wells, the Permittee shall not place a submersible well pump or water intake part of the well pump lower than the top of the confined aquifer from which the water is being withdrawn.
17. Permit Supersession - This permit has been reviewed and revised and supersedes the Appropriation and Use granted by the following prior permit(s) issued to:  
Southstar Limited Partnership effective on December 1, 2008 (SM95G042(02))

By Authority of the Director  
Water Management Administration



December 16, 2014

For  
John Grace, Chief  
Source Protection and Appropriation Division

## **FACT SHEET**

### **JUDICIAL REVIEW PROCESS**

Legislation passed by the 2009 General Assembly changes procedures for certain permits issued by the Department, including water appropriation permits. The judicial review procedures took effect on January 1, 2010 and applies to final permit decisions issued on and after January 1, 2010.

Under pre-existing procedures, permit applicants and third parties with standing under Maryland law could challenge the issuance of a permit or the conditions of a permit through a request for a "contested case" adjudicatory hearing conducted by the Office of Administrative Hearings. Effective January 1, 2010, the "contested case" process no longer applies to final decisions on applications for these permits. Rather, permits can be challenged through a request for direct judicial review in the Circuit Court for the county where the activity authorized by the permit will occur. Applicants, and persons who meet standing requirements under federal law and who participated in a public comment process by submitting written or oral comments (where an opportunity for public comment was provided), may seek judicial review. Judicial review will be based on the administrative record for the permit compiled by the Department and limited to issues raised in the public comment process (unless no public comment process was provided, in which case the review will be limited to issues that are connected to the permit).

#### **Who Has Standing?**

Anyone who meets the threshold standing requirements under federal law and is either the applicant or someone who participated in the public participation process through the submission of written or oral comments, as provided in Environment Article § 5-204, Annotated Code of Maryland. The three traditional criteria for establishing standing under federal law are injury, causation, and redressability, although how each criterion is applied is highly fact-specific and varies from case to case. Further, an association has standing under federal law to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are related to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

#### **What is the Procedure for Seeking Judicial Review?**

Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with § 1-605 of the Environment Article no later than 30 days following publication by the Department of a notice of final determination or final permit decision and must be filed in the circuit court of the county where the permit application states that the proposed activity will occur. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure (Title 7, Chapter 200).

*To review the legislation follow the link below:*

[http://mgaleg.maryland.gov/2009rs/chapters\\_noln/Ch\\_650\\_sb1065T.pdf](http://mgaleg.maryland.gov/2009rs/chapters_noln/Ch_650_sb1065T.pdf)

*For a complete list of permits that these procedures apply to follow the link below:*

<http://www.mde.maryland.gov/programs/researchcenter/legislativetestimony/pages/jrproc.aspx>