

**DRAFT Permit Conditions for Water Appropriation and Use Permit Application No.
CE1988G083/08**

1. Allocation - The water withdrawal granted by this permit is limited to:

A daily average of 39,500 gallons on a yearly basis and
A daily average of 69,000 gallons for the month of maximum use.
2. Use - The water is to be used for a potable supply, sanitary facilities, equestrian race track irrigation, and maintaining soil moisture content in the arena footing material.
3. Source - The water shall be taken from four wells in the Gneiss at Rolling Mill.
4. Location - The point(s) of withdrawal shall be located at Fair Hill Race Track, on the south side of Md Route 273, 0.1 mile east of Md Route 213, Fair Hill, Cecil 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 (2013 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 by a method which accurately reflects the quantity withdrawn.
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. Supplemental Permit - This permit and the following listed permits are supplemental. Withdrawals under this permit may exceed a daily average of 39,500 gallons on a yearly basis as long as the total withdrawal under this permit and the following listed permit does not exceed a daily average of 69,000 gallons on a yearly basis.
CE2018S002(01)) Maryland Department of Natural Resources
16. Access for Measuring Water Level / Sampling Raw Water - In order that water levels can be measured during pumping and nonpumping periods in any well(s) authorized by this permit, well pumps/pumping equipment shall be installed in a manner that will accommodate measuring water level(s) without any adjustment/dismantling of the well pump/pumping equipment. An 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. In order to obtain raw water samples from any well(s) authorized for use by this permit, a tap shall be made available before the water enters a treatment facility, pressure tank, or storage tank.
17. Groundwater Level Monitoring Plan – The Permittee shall submit to the Administration, at least sixty days prior to the initiation of water use, a monitoring plan to measure groundwater changes in the region of the withdrawal from well CE-18-0085 for review and approval. The plan shall include a description of the wells to be monitored, the frequency of the monitoring, and a map showing the wells to be monitored. The plan shall describe the records associated with monitoring water levels that will be maintained. The plan shall include monitoring of the pumping well, CE-18-0085, and identify wells for monitoring in the orientation of nearby residential users (northwest, west, southwest and south). All monitoring is subject to the permission of the property owner(s). The Permittee shall not initiate withdrawal under this permit without an approved groundwater level monitoring plan.

18. Notice of Complaint and Investigation – The Permittee shall follow the following procedures upon receipt of a complaint that a water supply has been adversely impacted, which may be a result of the withdrawal authorized by this permit. The procedures apply to any property with a portion of the parcel boundaries within 1,800 feet of well CE-18-0085. The Permittee shall advise the well owner to contact a licensed plumber or well-driller, hereafter called licensed professional, to investigate why their supply is no longer providing adequate water, or is pumping turbid water. If the licensed professional determines the problem is caused by lowered water levels, the Permittee shall immediately cease pumping. The Permittee may not reactivate the withdrawal unless authorized by the Administration. Also, the Permittee shall immediately commence a preliminary investigation to determine whether the Permittee's withdrawal could be responsible for the impacts to the affected water supply. The Permittee shall notify the Administration of any complaint (regardless of the distance) and the location of the impacted water supply within twenty four (24) hours of receiving the complaint.

Within ten (10) days of receipt of the complaint that a water supply has been adversely impacted, the Permittee shall notify the Administration, in writing, of the findings of the investigation and, if necessary, all corrective actions taken or to be taken to address the impacts to the affected water supply. All corrective actions shall include a milestone date of when it was or will be completed. If the complaint involves an increase in turbidity in the water supply, the Permittee shall have a State certified water sampler collect a water quality sample from the affected water supply and have the sample analyzed by a State certified laboratory.

Other information regarding the affected well(s) to be included in the investigative report is as follows: the property owner name and address and type of water supply (well, spring, pond, etc.), the well tag number (if on the well or available from the County Environmental Health Department), the total depth of the well, any notable well construction information, the depth of the pump setting, and a water level measurement with reference location for measurement (i.e. top of casing) and time and date of measurement(s). In addition, information regarding the dates, times, and rates that the well(s) authorized by this permit was used for the thirty days prior to and including the date of the complaint shall be included in the investigation report.

19. Impacts to Wells - If the Administration determines that other water user(s) are unreasonably impacted by the water appropriation authorized by this permit, the Permittee shall within twenty-four (24) hours provide bottled water for drinking and, if required by the Administration, a tanker for other uses. The Administration may require the Permittee to replace or retrofit the water supply well of an impacted user or take other corrective measures. In addition, the Administration may require the Permittee to reduce and/or cease its water withdrawals to eliminate an unreasonable impact on other users or to allow the Administration to conduct an investigation to determine if the Permittee's use is causing an unreasonable impact on a nearby water supply well.

An individual domestic water supply which has been determined by the Administration to be adversely impacted by the withdrawal authorized by this permit shall be considered adequately

replaced when the Permittee provides a new or retrofitted well, or alternative water supply approved by the Administration and the County Environmental Health Department. A new or retrofitted well shall meet the minimum yield requirements established in COMAR 26.04.04.26 and approval of use requirements established in COMAR 26.04.04.30, and County Environmental Health Department approval.

Any non-domestic water supply which has been determined by the Administration to be adversely impacted by the withdrawal authorized by this permit shall be considered adequately replaced when the Permittee provides a new or retrofitted well or other alternative water supply approved by the Administration and County Environmental Health Department. A new or retrofitted well shall be capable of yielding water at the same quantity and quality of water used or needed by the property owner/entity in the five years prior to the water supply disruption. A new or retrofitted non-domestic water supply for potable uses, must also meet the approval of use requirements in COMAR 26.04.04.30. If the water supply interruption is not of a temporary nature, the Permittee shall provide a permanent retrofitted/replacement water supply of a sufficient quantity and quality for the required use within a reasonable time, not to exceed 60 days.

20. Expenses - The Permittee shall be responsible for all expenses associated with investigating a complaint, providing bottled water, water tankers, and/or the satisfactory retrofit/replacement of any water supply(ies) determined by the Administration to be adversely impacted by this withdrawal. The Permittee shall reimburse the well owner of an impacted water supply for all costs associated with having a licensed professional investigate why their supply is no longer providing adequate water, or turbid water, if the problem is due to a decrease in water levels as a result of this allocation, as determined by the Administration.
21. Notifications – All required written notifications shall be submitted by the Permittee or their designee to the Administration. Written notification may include notification by email, mail, or fax. Notification shall be made to the address shown below:

water.supply@maryland.gov OR

Division Chief
Source Protection & Appropriation Division
Water Supply Program
1800 Washington Blvd
Baltimore, MD 21230

22. Permit Supersession - This permit supersedes the Appropriation and Use granted by the following prior permit(s) issued to:
{ {permittee name} effective on {effective date} (previous permit number and version number))