



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • www.mde.state.md.us

Martin O'Malley  
Governor

Anthony G. Brown  
Lieutenant Governor

Robert M. Summers, Ph.D.  
Secretary

April 5, 2013

DANIEL C. TURNER  
PATUXENT VALLEY NURSERIES  
6905 MINK HOLLOW ROAD  
HIGHLAND, MD 20777

RE: State Water Appropriation  
Permit No. HO1989S006(03)  
Revision 03

Dear Permittee:

Enclosed is your State Water Appropriation Permit. 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.

If you have any questions, please contact this office at (410)537-3590.

Sincerely,

NORMAN H. LAZARUS  
Water Supply Program

cc: HOWARD COUNTY HEALTH DEPARTMENT

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

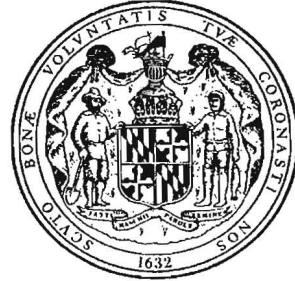
**WATER APPROPRIATION AND USE PERMIT**

PERMIT NUMBER: HO1989S006(03)

EFFECTIVE DATE: APRIL 1, 2013

EXPIRATION DATE: APRIL 1, 2025

FIRST APPROPRIATION: APRIL 1, 1989

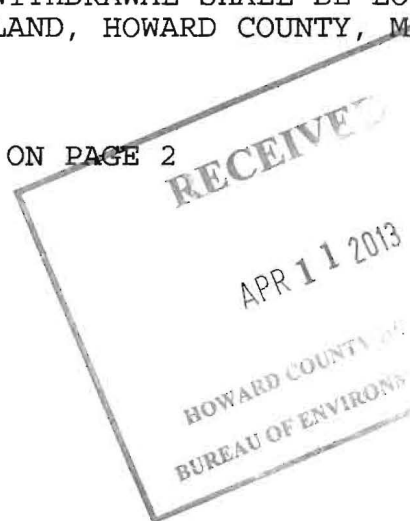


DANIEL C. TURNER

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 100 GALLONS ON A YEARLY BASIS AND  
A MAXIMUM DAILY WITHDRAWAL OF 500 GALLONS.
2. USE - THE WATER IS TO BE USED FOR NURSERY STOCK IRRIGATION AT PATUXENT VALLEY NURSERIES.
3. SOURCE - THE WATER SHALL BE TAKEN FROM AN UNNAMED TRIBUTARY TO THE PATUXENT RIVER.
4. LOCATION - THE POINT(S) OF WITHDRAWAL SHALL BE LOCATED AT 6905 MINK HOLLOW ROAD, HIGHLAND, HOWARD COUNTY, MARYLAND.

CONTINUED ON PAGE 2



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.

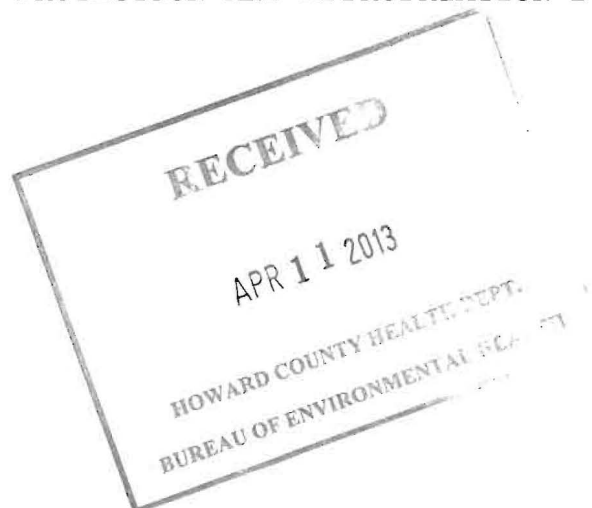
11. DROUGHT PERIOD EMERGENCY RESTRICTIONS - IF THE DEPARTMENT DETERMINES THAT A DROUGHT PERIOD OR EMERGENCY EXISTS, THE PERMITTEE MAY BE REQUIRED UNDER THE DEPARTMENT'S DIRECTION TO STOP OR REDUCE WATER USE. ANY CESSATION OR REDUCTION OF WATER USE MUST CONTINUE FOR THE DURATION OF THE DROUGHT PERIOD OR EMERGENCY, OR UNTIL THE DEPARTMENT DIRECTS THE PERMITTEE THAT WATER USE UNDER STANDARD PERMIT CONDITIONS MAY BE RESUMED.
12. NON-TRANSFERRABLE - THIS PERMIT IS NON-TRANSFERRABLE. 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. PERMIT SUPERSESSION - THIS PERMIT HAS BEEN REVIEWED AND REVISED AND SUPERSEDES THE APPROPRIATION AND USE GRANTED BY THE FOLLOWING PRIOR PERMIT ISSUED TO:  
DANIEL C. TURNER ON MAY 1, 2001 (HO1989S006(02))
14. FLOW-BY - AT ALL TIMES DURING WATER WITHDRAWALS UNDER THIS PERMIT, THERE MUST BE A FLOW-BY OF AT LEAST 0.01 CUBIC FEET PER SECOND OF TIME (4.5 GALLONS PER MINUTE) FLOWING IN THE UNNAMED TRIBUTARY TO THE PATUXENT RIVER PAST THE PERMITTEE'S POINT OF WITHDRAWAL.

BY AUTHORITY OF THE DIRECTOR  
WATER MANAGEMENT ADMINISTRATION

*John W. Grace* 4/5/2013

for John W. Grace, Chief  
SOURCE PROTECTION AND APPROPRIATION DIV

MSM



## **FACT SHEET NEW JUDICIAL REVIEW PROCESS**

Legislation passed by the 2009 General Assembly changes procedures for certain permits issued by the Department, including water appropriation permits. The new judicial review procedures take effect on January 1, 2010 and will apply 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://nrc.mde.state.md.us/2009is/chapters/nrcm/Ch\\_650\\_sb1065T.pdf](http://nrc.mde.state.md.us/2009is/chapters/nrcm/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/LawsandRegulations/Pages/researchcenter.aspx>

PERMIT NO.: HO1989S006(03) ACTID: 198982870 April 5, 2013

APPLICANT: DANIEL C. TURNER  
REMARKS: NURSERY STOCK IRRIGATION  
PROJECT DESC: TURNER

WATER TYPE: F REPORT CODE: N  
AQUIFER TEST: N WQ ANALYSIS: N

ADC MAP: 13 J 13

MD GRIDS: NORTH 489000 EAST 0805000

TAX MAP NO.: 40 BLOCK NO.: 8 PARCEL: 207 SBDN BLOCK: LOT:

CO GEO-HYDRO MAP: G USGS TOPO: CLARKSVILLE, MARYLAND

SUB-BASIN: 02-13-11-07 STREAM CODE: PXT AQUIFER CODE:

WATER USE:	CODE 1	CODE 2	CODE 3	CODE 4
	205 100.0	0.0	0.0	0.0

INTAKES: INTAKE ID N GRID E GRID USE PERCENT

CARBON COPIES:

SUPPLEMENTAL/RELATED (S/R):

SECONDARY NAMES:  
PATUXENT VALLEY NURSERIES