

REGISTRATION OF WATER USES THAT PRE-DATE COMMISSION REGULATIONS

OVERVIEW

In a recent study that compiled all available data to characterize Basin-wide water use and availability, the Commission estimated that there are possibly more than 700 older, unpermitted facilities with an estimated water use of nearly one billion gallons per day. If accurate, this volume of water use is roughly equal to the total amount currently accounted for, and managed, by the Commission across the entire Basin.

With such large quantities in question, the Commissioners instructed staff to develop a program that would close this significant knowledge gap regarding older, unpermitted water use in order to ensure the Commission's ability to effectively manage the water resources of the Basin.

This new program is launching on January 1, 2018 for the registration of older, unpermitted water withdrawals and consumptive use facilities. These older, unpermitted facilities—also known as *grandfathered*—are those where water withdrawals or consumptive uses equal or exceed the regulatory threshold, but began operating before the applicable regulations became effective. These water withdrawals and uses are generally considered to be exempt from obtaining a Commission permit or docket, provided there has been no environmental harm.

Under the new registration program, in order to preserve the exemption from obtaining a permit into the future, facilities must register their grandfathered withdrawals and consumptive uses by December 31, 2019. Registration will also provide certainty to a facility on retaining its existing exempt status and the security of

knowing that the Commission will strive to protect those water sources from future impacts.

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WHO NEEDS TO REGISTER?

Generally, the new registration program applies to facilities that:

- have a groundwater withdrawal of 100,000 gallons per day* or more initiated prior to July 13, 1978; and/or
- have a surface water withdrawal of 100,000 gallons per day* or more initiated prior to November 11, 1995;
- consume 20,000 gallons per day* or more from surface water, groundwater, a combination thereof, or any other source (including a public water supply), initiated prior to January 23, 1971.

**Threshold volumes are expressed as consecutive 30-day averages. The facility's volume is determined by totaling the actual daily withdrawal or consumptive use over the peak consecutive 30-day period, then dividing by 30.*

WHAT WILL THE REGISTRATION PROCESS INVOLVE?

The registration process is designed to be simple and have flexible data requirements, with consideration given to any withdrawal and consumptive use data that are readily available. Primary information to be submitted includes:

- basic information about the facility and its water sources;
- the method of tracking or metering quantities of water; and
- withdrawal and/or consumptive water use quantity data.

Facilities are requested to submit withdrawal and consumptive water use data for the past five years. The facility may also provide any additional information including historical and previous grandfathering determinations by the Commission.

The Commission will review all submitted data to determine the peak consecutive 30-day average for the withdrawal from each source and the total consumptive use of a facility. The determination of a grandfathered quantity will be made by the Executive Director, taking into account the most reliable data and allowing for operational flexibility to avoid the need to obtain a permit in the future unless a change to the facility occurs. Once set, a grandfathered determination is a definitive quantity of water that provides certainty on how the facility may operate and still retain its existing exempt status.

CAN A FACILITY LOSE ITS GRANDFATHERED STATUS AFTER REGISTRATION?

A properly registered grandfathered facility retains its existing exempt status and is not subject to review and approval by the Commission unless there is:

- a change in the nature of the use of water;
- a change of ownership of the facility;
- the addition of a new source; or
- any amount of increase in withdrawal or use above the grandfathered quantity as determined through the registration process.

WHAT ARE THE REGISTRATION FEES?

Facilities have a two-year window in which to register. Fees are based on when the facility registers during that two-year window:

January 1 through June 30, 2018	\$ 0
July 1 through December 31, 2018	\$ 500
January 1 through December 31, 2019	\$ 1,000

The fee schedule is available on the Commission's website at www.srbc.net/policies/policies.htm.

WHAT ARE MY ONGOING REPORTING RESPONSIBILITIES?

Periodic reporting of water withdrawn and/or consumptively used for each facility is the only ongoing obligation of facility registration. The Commission and its member states will share all reporting data to avoid unnecessary duplication of reporting.

WHAT HAPPENS IF MY FACILITY DOESN'T REGISTER?

Grandfathered facilities that fail to register within the two-year window will lose the exemption from review and approval and have to obtain a permit from the Commission in order to continue to operate.

INFORMATION AND OUTREACH

To inform facilities about these changes, the Commission will hold informational webinars to explain the registration process on November 14 and December 13, 2017. Facilities are also encouraged to visit the Commission's website for periodic updates and additional information at www.srbc.net/grandfathering-registration.

For additional information, please contact Rachelle Eby at 717.238.0423, ext. 1215, or by email at GFregistration@srbc.net.