

REGISTRATION OF WATER USES THAT PRE-DATE COMMISSION REGULATIONS

OVERVIEW

In 2016, the Commission completed a study that compiled all available data to characterize Basin-wide water use and availability. It was concluded there were possibly more than 700 older, unpermitted facilities with an estimated water use of nearly one billion gallons per day, roughly equal to the total amount accounted for, and managed by, the Commission across the entire Basin at that time.

In an effort to close this significant knowledge gap regarding unpermitted water use and to ensure the Commission's ability to effectively manage the water resources of the Basin, we developed a Grandfathered Water Uses Program. From January 1st, 2018 through December 31st, 2019, facilities were given the opportunity to register their grandfathered withdrawals and consumptive water uses to preserve exemption from obtaining a permit into the future.

Since then, more than 250 facilities whose water use equals or exceeds the regulatory threshold, providing there has been no environmental harm, have been registered as grandfathered. The Commission is now able to account for more than 795 million gallons per day previously unknown. As of early 2024, there are a small amount of registrations yet to be processed.

WHO REGISTERED?

Generally, the grandfathered registration program applied to facilities that:

- had a groundwater withdrawal of 100,000 gallons per day* or more initiated prior to July 13, 1978; and/or
- had a surface water withdrawal of 100,000 gallons per day* or more initiated prior to November 11, 1995;
- consumed 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.*



Rachelle Eby, SRBC Compliance Specialist, conducts an inspection of a facility registered under the Grandfathered Water Uses program.

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; or
- any amount of increase in withdrawal or use above the grandfathered quantity as determined through the registration process.

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 IF MY FACILITY DIDN'T REGISTER?

Grandfathered facilities that failed to register within the two-year window that ended in 2019 lost the exemption from review and approval. Those facilities must obtain a permit from the Commission in order to continue to operate.

For additional information, please email GFregistration@srbc.gov or visit <https://www.srbc.gov/grandfathering-registration/index.html>.