



HB18-1093

SHORT TITLE: Reclaimed Water Use for Edible Crops

LONG TITLE: Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for food crops.

SPONSORS: [Rep. J. Arndt](#) | [Sen. D. Coram](#)

PURPOSE OF THE BILL: To allow reclaimed water that has been treated to the appropriate level to be used to irrigate edible crops.

PROponents OF THE BILL: Advocates for reclaimed water use including Denver Water, WaterReuse Colorado, Western Resource Advocates; CDPHE supports broader use of reclaimed water but also cautions against too rapid development

POTENTIAL STAKEHOLDERS: Conservation groups, agriculture groups, Colorado Dept. of Public Health & Environment, Water utilities that reclaim or wish to reclaim

BACKGROUND: The Interim Water Resources Review Committee heard testimony regarding the many potential uses of reclaimed water and the role of water reuse in the Colorado Water Plan. Several draft bills were prepared to address specific uses. This bill dealing with irrigation of food crops was rejected as an interim committee proposal. CDPHE has expressed concern in a previous hearing that the various bills allow for the Water Quality Control Commission to move treatment requirements to less stringent levels but do not address potential move to more stringent treatment if it is shown to be necessary.

Is this bill necessary this year (is there a specific deadline to be met)? No.

How does the bill change current law? Water Quality Control Commission Regulation 84 allows the use of reclaimed water for irrigation of silviculture and non-edible crops. The regulatory definition for agricultural irrigation expressly prohibits use for crops for human consumption. This bill would add edible crops to the list of allowable uses and provide statutory authority. Regulation 84 can be found at https://www.colorado.gov/pacific/sites/default/files/84_2013%2807%29hdr.pdf

Does the bill affect the prior appropriations system? Probably not, since only the water that would be available for reuse is that which is already allowed to be used to extinction. There may be concern voiced by those who currently rely on water used only once and immediately put back into the stream. However, it could also result in less water being withdrawn for initial treatment. Use of reclaimed water is allowed only in accordance with terms and conditions of contracts, decrees, and well permits applicable to the source of the water rights and the return flows therefrom.

How is the bill implemented? Some uses of reclaimed water are already allowed under Regulation 84; however irrigation of food crops is not. A rulemaking would be necessary to add food crops to the list. The bill also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. The bill allows more stringent standards to be imposed if the Commission finds documented identification of microbial disease with reasonable potential to affect public health and which the Commission has identified reclaimed domestic wastewater as the likely source of the disease. The

Commission may also impose more stringent standards if a peer reviewed published article identifies potential public health risk from use of reclaimed domestic wastewater for irrigation of edible crops. The bill takes effect August 8 unless a referendum petition is filed.

Practical considerations: The CDPHE has expressed concern that use of reclaimed water move forward cautiously to ensure that public health is protected (i.e., adequate treatment levels maintained). Their concern is that if there is an outbreak of illness related to the water quality then the whole effort of reuse will be set back due to public perception.

Fiscal Impact: No fiscal impact has been identified although the ordinary cost of a rulemaking would occur.