



SB18-1069

SHORT TITLE: Reclaimed Water Use for Toilet Flushing

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

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

COMMITTEES: House Committees – Agriculture, Livestock, & Natural Resources; Appropriations. Senate Committees – Agriculture, Natural Resources, & Energy; Appropriations.

PURPOSE OF THE BILL: To establish levels of treatment necessary for various types of water reuse and to authorize the water quality control commission to set standards according to those treatment levels. The bill identifies various non-potable uses to which reclaimed water may be applied and adds toilet flushing to the list of permissible uses for wastewater treated to Category 3 standards, a higher level of treatment than some other uses because it could involve human contact.

PROponents OF THE BILL: Advocates of reclaimed water use; Denver Water, WateReuse Colorado, Western Resource Advocates, Colorado State University

POTENTIAL STAKEHOLDERS: General interest in reuse: Denver Water, WateReuse Colorado, Western Resource Advocates

BACKGROUND: As Colorado continues to gain population the stress on existing water supplies will grow. One way of stretching our supply is to allow use of reclaimed or treated wastewater for various non-potable uses such as irrigation of certain crops, landscaping, industrial cooling water, commercial vehicle washing, commercial laundry facilities. Before such use can be safely approved and to gain public acceptance of the use a regulatory structure needs to be in place. Advocates of water reuse came before the Water Resources Review Committee to discuss the steps which should be in place to gain public acceptance and encourage the use of reclaimed water. Several uses for reclaimed water were recommended and split into separate legislative proposals. Colorado State University has operated a program of water reuse for toilet flushing in previous years that was subject to legislative and regulatory approval.

Is this bill necessary this year? No.

How does the bill change current law? The bill expands and prescribes regulations which may be adopted by the water quality control commission covering treatment levels and uses of reclaimed water. The bill defines point of compliance for treatment standards, in particular for indoor non-potable use and requires installation of non-potable systems to be performed in accordance with state plumbing laws.

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? The water quality control commission would undertake a rulemaking to set the standards identified in the bill. Water providers would then assure that infrastructure needs are available to treat water to the desired level and deliver that water to the appropriate uses. Home builders would need to be brought into discussions in order to encourage implementation. The bill takes effect August 8 unless a referendum petition is filed.

Practical considerations: In order to achieve the long-range goal of water reuse, the public would need to be educated regarding the safety of the water for various uses. Use of reclaimed water for some landscaping is fairly well accepted but other uses may generate concerns if the water results in human contact particularly by children. Toilet flushing has been tested on a limited basis but to be used on a broader scale would require separate plumbing in new residential or commercial structures. It may be cost prohibitive to retrofit in older structures. Toilet flushing would require a higher level of treatment than some other potential uses.

Fiscal Impact: None identified for the taxpayer except for ordinary rulemaking costs. State expenditures identified in fiscal impact statement at \$30,578 during FY 2018-19 and \$39,596 FY 2019-20. Water providers would be responsible for the expense of new infrastructure and treatment which may be balanced against the cost of obtaining and treating new raw water. Homebuilders and home purchasers would encounter additional costs for separate or dual plumbing.