



## SB18-038

**SHORT TITLE:** Reclaimed Water Use on Industrial Hemp

**LONG TITLE:** Concerning the allowable uses of reclaimed domestic wastewater, and, in connection therewith, allowing reclaimed domestic wastewater to be used for industrial hemp cultivation.

**SPONSORS:** [Sen. D. Coram](#) | [Sen. K. Donovan](#) | [Rep. Y. Willett](#) | [Rep. D. Esgar](#) (Interim bill)

**COMMITTEES:** Senate Committees – Agriculture, Natural Resources, & Energy; House Committees – Agriculture, Livestock, & Natural Resources; 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 industrial hemp to the list of crops which are not food crops and which may be irrigated with reclaimed water treated at a Category 1 level primarily treated for disinfection. This bill addresses industrial hemp and contains language common to the other bills on use of reclaimed water to achieve consistency.

**PROponents OF THE BILL:** Advocates of reclaimed water use; cultivators of industrial hemp (presumed)

**POTENTIAL STAKEHOLDERS:** General interest in reuse: Denver Water, WateReuse Colorado, Western Resource Advocates; other water users who depend on return flow

**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, and commercial laundry facilities. A regulatory structure needs to be in place before such use can be safely approved and to gain public acceptance of the use. 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. Marijuana, industrial hemp, and toilet flushing were all addressed in separate bills.

**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 directs the commission to undertake rulemaking to accomplish these purposes.

**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. The bill states that

reclaimed water can be used only in accordance with the terms and conditions of decrees, contracts, well permits of the water rights or source water 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. The bill states that

**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 landscaping is fairly well accepted but other uses may generate concerns if the water results in human contact particularly by children. Cultivation of industrial hemp would have potential human contact only to those working with the plants.

**Fiscal Impact:** None identified for the taxpayer except for the ordinary cost of rulemaking. State expenditures identified in fiscal impact statement for the amended bill are \$49,957 in FY 2018-19 and \$58,644 FY 2019-20. According to the Legislative Council analysis, CDPHE will utilize one half-time Environmental Protection Specialist II (0.5 FTE) to regulate the expanded uses, prorated to 0.4 to account for the General Fund pay date shift in FY 2018-19. The additional workload includes providing guidance to regulated entities, reviewing letters of intent and user plans, data entry, record keeping, drafting notices of authorization, developing forms and guidance documents, conducting inspections, drafting inspection reports, identifying noncompliance issues, reviewing noncompliance responses, responding to complaints, providing information to the public, and training.

Water providers would bear the expense of developing separate infrastructure systems for treating and delivering water at the various levels as well as educating the public.