



## HB18-1053

**SHORT TITLE:** Reclaimed Water Use for Marijuana Cultivation

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

**SPONSORS:** [Rep. J. Arndt](#) | [Rep. C. Hansen](#) | [Sen. K. Donovan](#) (Interim bill)

**COMMITTEE:** House Committee – Agriculture, Livestock, & Natural Resources

**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 marijuana cultivation to the permissible crops which may be irrigated with reclaimed water at Category 2 level of treatment.

**PROponents OF THE BILL:** Marijuana industry (presumed); advocates of water reuse

**POTENTIAL STAKEHOLDERS:** Water providers, advocates of water reuse; marijuana industry including producers of edible marijuana products

**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. 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. It adds cultivation of marijuana to the list of approved uses for water reclaimed at Category 2 levels of treatment.

**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.

**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.

**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. The primary human contact would be for those working with the plants. For this particular bill there may be concerns raised similar to those voiced regarding herbicides applied to plants. While marijuana is not defined as a food crop, it may be ingested in edible products.

**Fiscal Impact:** None identified for the taxpayer except for the ordinary cost of rulemaking. **Cost estimated at \$57,052 for FY 2018-19 and \$66,870 in FY 2019-20.** 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. Users would bear the cost of maintaining separate systems for potable water and the reclaimed water for cultivation.