

February 11, 2018

Directors, below is a list of new bills, along with summaries and recommended positions that I will ask for positions on at this Thursday's special, telephone board meeting.

**HB 18-1147** Continuing Weather Modification Programs

Ginal and Ransom; Coram

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_1147\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1147_01.pdf)

Summary: This bill would extend the sunset (end) date for the regulation within DNR of any person who conducts weather modification programs to 2033.

**Recommended position:** Monitor

**HB 18-1151** Deficit Irrigation Pilot Projects

Arndt and Catlin; Crowder

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_1151\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1151_01.pdf)

Summary: Last year's HB 17-1219 extended the time for and maximum number of pilot ag water leasing-following pilot projects. HB 1151 adds deficit irrigation to the types of pilot programs that may be approved by the CWCB. Deficit irrigation pilot programs are subject to the same limitations as following pilot projects (e.g., max 3 in 10 years, no more than 30% of acreage). Water "saved" or leased under these pilot programs are explicitly excluded from impacting the historical consumptive use calculation.

Background: There are numerous challenges facing this bill, not least among them is a statewide definition of deficit irrigation. Other hurdles are how to measure consumptive use savings from a deficit irrigation pilot and how to distinguish deficit irrigation from previously inefficient or wasteful practices. However, these are pilot programs and allowing the CWCB to investigate the answers to these and allied questions can be to the District's and the state's benefit. Keeping with the District's position that such water savings programs must not be 100% focused on irrigated agriculture, Rep. Catlin will offer an amendment requiring at least 25% of approved deficit irrigation pilot programs involve reductions in municipal irrigation.

**RECOMMENDED POSITION:** Support in concept

**HB18-1199** Aquifer Storage and Recovery

Catlin; Coram

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_1199\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1199_01.pdf)

Summary: Requires the ground water commission to promulgate rules governing implementation of an application and approval process for proposed aquifer storage and recovery projects in designated groundwater basins. There are no designated groundwater basins on the West Slope.

**RECOMMENDED POSITION:** Monitor

**HB 18-1215** NORM and TENORM Study and Rulemaking

Arndt

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_1215\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1215_01.pdf)

Summary: Requires CDPHE to study enhanced protections regarding the disposal of naturally occurring radioactive materials (NORM) and technologically enhanced naturally occurring radioactive materials (TENORM). During its "rulemaking investigation," HB 1215 requires CDPHE to temporarily prohibit the disposal of oil and gas exploration and production waste unless the receiving site is specifically approved to receive such waste.

Background: This proposal has been under discussion for at least a couple of months. Zane and I attended at least one (very crowded) meeting, and I reached out to CRD drinking water and wastewater treatment districts and utilities to determine if their waste (sludge) might be implicated in this regulation. None indicated that it would. Several wastewater treaters offered that this could help prevent their receiving such wastes via dump stations and off site waste collection sites. Such waste can cause severe impacts to normal wastewater treatment operations.

**RECOMMENDED POSITION:** Monitor

**SB 18-117** Greenhouse Gas Emission Data Collection

Donovan; Hansen

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_117\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_117_01.pdf)

Summary: Under an existing Executive Order from Gov. Hickenlooper (2017-015), CDPHE is required to report every five years on greenhouse gases and progress towards identified goals. SB 117 finds that with only two more 5-year reports due before the 2025 target date for achievement of the stated goals, additional data and more frequent reporting is required. SB 117 directs CDPHE to promulgate rules for collection and reporting of greenhouse gas emissions consistent with the legislative declaration.

Background: SB 117 has been assigned to Senate State Affairs Committee and is unlikely to pass that committee.

**RECOMMENDED POSITION:** Monitor

**SB 18-134** Exempt Nonprofit Water Companies from PUC

Cooke; Arndt

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_134\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_134_01.pdf)

Summary: Under current law, the public utilities commission (PUC) is directed to grant simplified regulatory treatment to water companies that serve fewer than 1,500 customers. This bill exempts from regulation water companies that are registered as nonprofits, so long as their rates, charges, and terms and conditions of service are just and reasonable.

Provisions are included to petition for PUC review if rates or practices are unreasonable.

Background: Few (if any) such private water companies or their customers know they are currently under PUC jurisdiction.

**RECOMMENDED POSITION:** Monitor

**SB 18-143** Parks and Wildlife Fee Increases

Fenberg & Coram; Arndt & Wilson

[http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a\\_143\\_01.pdf](http://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_143_01.pdf)

Summary: This is the comprehensive fee increase bill, which is the anticipated complement to HB 1008, the Mussel-free Colorado Act. Most of the fee increases are outlined in Section 6. This section also allows the Wildlife Commission to apply a CPI adjustment to hunting and fishing fees. (And yes, Director Merritt, it increases the price of senior fishing licenses.) Section 2 (paragraph VII) states that one of the purposes of the increased fees and intended uses of the new revenue is cutting in half the deferred O&M on 11 “high hazard” dams and establishing an “appropriate funding stream to continue maintenance of all of the division’s 110 dams.”

**RECOMMENDED POSITION:** Monitor

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