

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 14-0802
Prime Sponsor(s): Sen. Schwartz
 Rep. Fischer

Date: February 14, 2014
Bill Status: Senate Agriculture
Fiscal Analyst: Alex Schatz (303-866-4375)

SHORT TITLE: PESTICIDE INSPECTION WATER AND WASTEWATER SYSTEMS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	Potential minimal reduction. See State Revenue and Expenditures section.	
State Expenditures		
FTE Position Change		
Appropriation Required: None		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under current law, pesticide storage and handling at water and wastewater treatment facilities is subject to regulation by two different state agencies. The Colorado Department of Agriculture (CDA) has the authority to control and inspect any facility that is used to store, mix, or load pesticides in commercial quantities. The Colorado Department of Public Health and Environment (CDPHE) inspects public water supply facilities when necessary to enforce safe drinking water standards, and inspects wastewater facilities regulated by the state's discharge permit system. Operators of water treatment facilities, who use chemicals classified as pesticides for water treatment, are also subject to certification by CDPHE.

This bill exempts water and wastewater treatment facilities from the scope of CDA's authority to regulate the storage of pesticides.

Background

In practice, the CDA's oversight of pesticides and the application of pesticides (chemigation) focuses on agricultural use. The CDA does not inspect the application of pesticides in water or wastewater treatment facilities. All permitting, monitoring, and enforcement activity concerning pesticides in these facilities is conducted by CDPHE.

State Revenue and Expenditures

The bill diminishes CDA's potential to generate revenue and expenditures related to water and wastewater treatment facilities. By removing CDA's discretion to regulate water or wastewater treatment facilities due to the storage of pesticides, the bill forecloses a source of permitting and inspection activity, equating to potential lost fines revenue and reduced expenditures. However,

the CDA's authority over pesticides also includes batch loading and mixing areas and certain large pesticide containers. Because many water and wastewater facilities may continue to be subject to CDA regulation on the basis of this residual authority in statute, the overall effect of the bill is minimal.

Assumptions. The CDA is unlikely to assert authority to regulate water or wastewater treatment plants in the future. The CDA water quality program is directed at pollution from agricultural chemicals in agricultural settings. This policy is unchanged by the bill, and CDPHE effectively regulates chemicals used in water and wastewater treatment facilities.

Local Government Impact

Municipalities and special districts that operate water or wastewater treatment facilities will continue to comply with CDPHE regulations regarding pesticide storage and handling. By clarifying that CDA will not encroach on CDPHE regulations, the bill simplifies water quality compliance for these facilities, resulting in a minimal savings for affected local governments.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Agriculture
Municipalities
Public Safety

Public Health and Environment
Special Districts
Natural Resources

Local Affairs
Counties
Corrections