



## [HB25-1106](#)

**SHORT TITLE:** Remove Precipitation Collection Limitations

**LONG TITLE:** Concerning removing limitations on residential rooftop precipitation collection.

**SPONSORS:** Rep. Larry D. Suckla

**COMMITTEES:** House Energy and Environment

**PURPOSE OF THE BILL:** To repeal the 100-gallon limitation on rain barrels and expand allowable uses to include potable water.

**PROPONENTS OF THE BILL:** environmental organizations

**POTENTIAL STAKEHOLDERS:** Water rights owners, public and private water suppliers, CDPHE county boards of health, Conservation groups, environmental advocates

**BACKGROUND:** In 2016, after significant debate, the legislature enacted HB 16-1005 which allowed the use of rain barrels to collect rooftop precipitation, subject to certain limitations in the amount and type of beneficial use. Supporters of the bill claimed it would minimally affect water rights, while opponents argued for quantity limits to prevent potential impacts. The competing concerns and subsequent agreement resulted in the current statute

**Is this bill necessary this year?** No.

**How does the bill change current law?** Under current law, rainfall may be collected from a residential rooftop if no more than two barrels with a combined storage of 100 gallons is employed; the collected rainwater is used for outdoor purposes only; and the water is not used for drinking water or indoor household purposes. This bill removes these specific prohibitions on residential rooftop collection and use to allow rainwater to be collected without limit, and permit any use on the residential property where the precipitation is collected.

**Does the bill affect the prior appropriations system?** Depending on quantity and location of the collection as well as method of return, it can decrease the amount of water returning to the surface and groundwater systems that are subject to prior appropriation.

**How is the bill implemented?** The bill is self-executing but allows the State Engineer to limit rain barrel use under his authority and directs CDPHE to provide guidance on potable use.

**Practical considerations:** Potential health impacts of rainwater use for human consumption are dependent on the content of the rainfall before it is deposited on the roof and the composition of roofing materials, as well as how long it remains in the barrel before use. Impact on water rights depends on the amount of precipitation collected. Unlimited collection and use could have a significant impact. Considerations also include whether water returns via a sewer system or ground surface application.

**Fiscal Impact:** No appropriation is required