Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

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BILL 3

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LLS NO. 12-0124.01 Thomas Morris x4218 **INTERIM COMMITTEE BILL**

Water Resources Review Committee

SHORT TITLE: "Authorize Graywater Reuse"

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION OF THE REUSE OF GRAYWATER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Water Resources Review Committee. Except in connection with individual septic systems, current law is unclear regarding whether, and under what conditions, graywater may be reused. **Section 1** of the bill defines "graywater" as wastewater from sources other than toilets, kitchen sinks, and dishwashers collected within a residential, commercial, or industrial building that meets certain standards established by the water quality control commission. **Section 2** authorizes the commission to adopt

a control regulation establishing reuse standards and specifies that if the graywater is applied only to uses that are allowed by the water sources' well permits and water rights, the use of the graywater is deemed to be consistent with the well permits and water rights and deemed to not cause injury.

Graywater can be reused only if the commission has adopted a control regulation and a local government authorizes the reuse. The local government has exclusive enforcement authority regarding compliance with the commission's control regulation. **Section 4** allows counties to authorize graywater reuse, and **section 5** allows municipalities to authorize graywater reuse. **Section 3** repeals an obsolete provision authorizing local boards of health to adopt rules regarding graywater reuse with individual septic systems.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-103, **add** (8.3)
3 as follows:

4 **25-8-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (8.3) "GRAYWATER" MEANS WASTEWATER FROM SOURCES OTHER
7 THAN TOILETS, KITCHEN SINKS, AND DISHWASHERS THAT IS COLLECTED
8 WITHIN A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL BUILDING AND THAT
9 MEETS THE REQUIREMENTS, PROHIBITIONS, AND STANDARDS ADOPTED BY
10 THE COMMISSION FOR SUBSEQUENT REUSE.

11 **SECTION 2.** In Colorado Revised Statutes, 25-8-205, **add** (1) (g)
12 as follows:

13 **25-8-205. Control regulations.** (1) The commission may
14 promulgate control regulations for the following purposes:

15 (g) (I) TO DESCRIBE REQUIREMENTS, PROHIBITIONS, AND
16 STANDARDS ON THE REUSE OF GRAYWATER FOR PURPOSES OTHER THAN
17 DRINKING THAT WILL PROTECT PUBLIC HEALTH AND ENCOURAGE THE
18 REUSE OF GRAYWATER.

(II) THE REGULATION PROMULGATED PURSUANT TO THIS PARAGRAPH (g) DOES NOT AUTHORIZE GRAYWATER REUSE. GRAYWATER MAY BE REUSED ONLY IN AREAS WHERE THE LOCAL CITY, CITY AND COUNTY, OR COUNTY HAS ADOPTED AN ORDINANCE OR RESOLUTION APPROVING THE REUSE OF GRAYWATER PURSUANT TO SECTION 30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S. A CITY, CITY AND COUNTY, OR COUNTY THAT HAS ADOPTED AN ORDINANCE OR RESOLUTION APPROVING THE REUSE OF GRAYWATER PURSUANT TO SECTION 30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S., HAS EXCLUSIVE ENFORCEMENT AUTHORITY REGARDING COMPLIANCE WITH THE REGULATION PROMULGATED PURSUANT TO THIS PARAGRAPH (g), AND THE DIVISION HAS NO ENFORCEMENT RESPONSIBILITIES REGARDING SUCH COMPLIANCE.

(III) IF THE GRAYWATER IS APPLIED ONLY TO USES THAT ARE ALLOWED BY THE WATER SOURCES' WELL PERMITS AND WATER RIGHTS, THE USE OF THE GRAYWATER IS DEEMED TO BE CONSISTENT WITH THE WELL PERMITS AND WATER RIGHTS AND DEEMED TO NOT CAUSE INJURY.

SECTION 3. In Colorado Revised Statutes, 25-10-105, **amend** (1) introductory portion and (1) (i) as follows:

25-10-105. Minimum standards for individual sewage disposal systems. (1) Rules adopted by local boards of health under section 25-10-104 (2) or (4) or promulgated by the department under section 25-10-104 (3) ~~shall~~ govern all aspects of the performance, location, construction, alteration, installation, and use of individual sewage disposal systems and ~~shall~~ MUST include, as a minimum, provisions regarding the following matters:

(i) Design criteria and construction standards for vaults; for privies and slit trenches, either of which may be prohibited at the option

of the local health department; AND for incineration toilets and chemical toilets; ~~and for graywater limited to disposal of wastewater from sinks, lavatories, tubs, and showers;~~

SECTION 4. In Colorado Revised Statutes, 30-11-107, **add** (1) (kk) as follows:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(kk) TO AUTHORIZE THE REUSE OF GRAYWATER, AS THAT TERM IS DEFINED IN SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH A CONTROL REGULATION PROMULGATED PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S., IF THE WATER QUALITY CONTROL COMMISSION HAS ADOPTED A CONTROL REGULATION.

SECTION 5. In Colorado Revised Statutes, 31-15-601, **add** (1) (m) as follows:

31-15-601. Building and fire regulations - emission performance standards required. (1) The governing bodies of municipalities have the following powers in relation to building and fire regulations:

(m) TO AUTHORIZE THE REUSE OF GRAYWATER, AS THAT TERM IS DEFINED IN SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH A CONTROL REGULATION PROMULGATED PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S., IF THE WATER QUALITY CONTROL COMMISSION HAS ADOPTED A CONTROL REGULATION.

SECTION 6. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2012 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor. <{***Do you want a safety***
7 ***clause or a specific effective date?***}>