

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

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BILL 11

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LLS NO. 13-0106.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Water Resources Review Committee

SHORT TITLE: "Authorize Graywater Use"

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION OF THE USE 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 used. **Section 1** defines "graywater" as water from sources within a residential, commercial, or industrial building that requires little or no treatment to meet the requirements, prohibitions, or standards for subsequent use adopted by the division of administration (division) in the department of public health

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

and environment and specifies the sources of graywater. **Section 2** authorizes the division to adopt guidance, including best management practices, that describes use standards. Section 2 also specifies that graywater may only be used in areas where the local government has adopted an ordinance or resolution approving its use, and that in such areas, the local government has exclusive enforcement authority over the ordinance or resolution. Graywater may only be used in a manner permitted by the water sources' well permits and water rights. Use of graywater for applications approved by the water sources' well permits and water rights is deemed to not cause injury, but a graywater ordinance or resolution does not alter an individual's or entity's obligations under an applicable plan for augmentation.

Sections 3 and 4 give counties and municipalities the discretion to authorize graywater use.

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 WATER SOURCES WITHIN
7 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL BUILDINGS THAT REQUIRE
8 LITTLE OR NO TREATMENT TO MEET GUIDANCE, INCLUDING BEST
9 MANAGEMENT PRACTICES, ADOPTED BY THE DIVISION TO DESCRIBE
10 PROPOSED REQUIREMENTS, PROHIBITIONS, AND STANDARDS FOR
11 SUBSEQUENT USE. SOURCES OF GRAYWATER MAY INCLUDE THE
12 DISCHARGE FROM BATHROOM AND LAUNDRY ROOM SINKS, BATHTUBS AND
13 SHOWERS, AND LAUNDRY MACHINES. GRAYWATER DOES NOT INCLUDE THE
14 WASTEWATER FROM TOILETS, URINALS, KITCHEN SINKS, DISHWASHERS, OR
15 NONLAUNDRY UTILITY SINKS.

16 **SECTION 2.** In Colorado Revised Statutes, 25-8-302, **add** (2) as
17 follows:

1 **25-8-302. Duties of division.** (2) (a) IN COMPLIANCE WITH
2 PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2), THE DIVISION MAY
3 ADOPT GUIDANCE, INCLUDING BEST MANAGEMENT PRACTICES, THAT:

4 (I) DESCRIBES PROPOSED REQUIREMENTS, PROHIBITIONS, AND
5 STANDARDS ON THE USE OF GRAYWATER FOR NONDRINKING PURPOSES;

6 (II) ENCOURAGES THE USE OF GRAYWATER; AND

7 (III) PROTECTS PUBLIC HEALTH AND WATER QUALITY.

8 (b) GRAYWATER MAY BE USED ONLY IN AREAS WHERE THE LOCAL
9 CITY, CITY AND COUNTY, OR COUNTY HAS ADOPTED AN ORDINANCE OR
10 RESOLUTION APPROVING THE USE OF GRAYWATER PURSUANT TO SECTION
11 30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S. A CITY, CITY AND
12 COUNTY, OR COUNTY THAT HAS ADOPTED AN ORDINANCE OR RESOLUTION
13 APPROVING THE USE OF GRAYWATER PURSUANT TO SECTION 30-11-107 (1)
14 (kk) OR 31-15-601 (1) (m), C.R.S., HAS EXCLUSIVE ENFORCEMENT
15 AUTHORITY REGARDING COMPLIANCE WITH THE ORDINANCE OR
16 RESOLUTION, AND THE DIVISION HAS NO ENFORCEMENT RESPONSIBILITIES
17 REGARDING COMPLIANCE.

18 (c) GRAYWATER MAY BE APPLIED ONLY TO USES THAT ARE
19 ALLOWED BY THE WATER SOURCES' WELL PERMITS AND WATER RIGHTS.
20 THE USE OF GRAYWATER IN SUCH APPLICATIONS IS DEEMED TO NOT CAUSE
21 INJURY; HOWEVER, TO PROTECT DOWNSTREAM SENIOR APPROPRIATORS,
22 AN INDIVIDUAL OR ENTITY THAT HAS OBTAINED A PLAN FOR
23 AUGMENTATION AND IS SUBJECT TO A GRAYWATER ORDINANCE OR
24 RESOLUTION MUST MEET THE SAME AUGMENTATION REQUIREMENTS THAT
25 THE INDIVIDUAL OR ENTITY WOULD BE REQUIRED TO MEET IF THE
26 GRAYWATER ORDINANCE OR RESOLUTION DID NOT EXIST.

27 **SECTION 3.** In Colorado Revised Statutes, 30-11-107, **add** (1)

1 (kk) as follows:

2 **30-11-107. Powers of the board.** (1) The board of county
3 commissioners of each county has power at any meeting:

4 (kk) TO AUTHORIZE, IN CONSULTATION WITH THE LOCAL HEALTH
5 JURISDICTION, THE USE OF GRAYWATER, AS THAT TERM IS DEFINED IN
6 SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH GUIDANCE ADOPTED
7 PURSUANT TO SECTION 25-8-302 (2), C.R.S., IF SUCH GUIDANCE HAS BEEN
8 ADOPTED, AND TO ENFORCE COMPLIANCE WITH THE BOARD'S RESOLUTION.

9 **SECTION 4.** In Colorado Revised Statutes, 31-15-601, **add** (1)
10 (m) as follows:

11 **31-15-601. Building and fire regulations - emission**
12 **performance standards required.** (1) The governing bodies of
13 municipalities have the following powers in relation to building and fire
14 regulations:

15 (m) TO AUTHORIZE, IN CONSULTATION WITH THE LOCAL HEALTH
16 JURISDICTION, THE USE OF GRAYWATER, AS THAT TERM IS DEFINED IN
17 SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH GUIDANCE ADOPTED
18 PURSUANT TO SECTION 25-8-302 (2), C.R.S., IF SUCH GUIDANCE HAS BEEN
19 ADOPTED, AND TO ENFORCE COMPLIANCE WITH THE GOVERNING BODY'S
20 ORDINANCE.

21 **SECTION 5. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2014 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.