A BILL FOR AN ACT

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.)

Current law is unclear regarding whether, and under what conditions, graywater may be used. Section 1 of the bill declares the importance of water conservation to the economy of Colorado and the well-being of its citizens.

Section 2 defines "graywater" as that portion of wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or...
in institutional facilities for the purpose of being put to beneficial uses authorized by the water quality control commission (commission) in the department of public health and environment. Sources of graywater may include discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines, as well as water from other sources authorized by rules promulgated by the commission. Graywater does not include wastewater from toilets, urinals, kitchen sinks, non-laundry utility sinks, and dishwashers. Graywater must be collected in a manner that minimizes household wastes, human excreta, animal or vegetable matter, and chemicals that are hazardous or toxic, as determined by the commission. Section 2 also defines "graywater treatment works".

Section 3 authorizes the commission to establish minimum statewide requirements, standards, and prohibitions. Graywater may only be used:

! In accordance with the terms and conditions of applicable decrees or well permits for source water rights or source water and any return flows therefrom;

! In accordance with all federal, state, and local requirements; and

! If a local government adopts a resolution or ordinance authorizing its use.

Sections 4 and 5 give counties and municipalities the discretion to authorize graywater use and the exclusive authority to enforce compliance with their graywater use resolutions and ordinances.

Section 6 authorizes the board of any groundwater management district to adopt rules restricting the use of graywater treatment works. Section 6 also permits a person using a small capacity well within a designated basin to use graywater, subject to the limitations on use contained in the well permit.

Sections 7, 8, and 10 authorize a person withdrawing water from a well to use graywater, subject to the limitations on use contained in the well permit or, if applicable, in an approved replacement plan or a decreed plan of augmentation.

Section 9 concerns graywater use by water users served by a municipality's or water district's water supplies. The graywater must be used for purposes that are permissible under the municipality's or water district's water rights. Such use of graywater is not reuse and is deemed not to cause injury.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby:
(a) Recognizes that increasing the economic well-being of the state by ensuring adequate future water supplies is one of the general assembly's highest priorities and greatest responsibilities;

(b) Determines that reducing per capita residential, commercial, and industrial demands for potable water is one of the important public policy strategies required for meeting Colorado's future water demands;

(c) Finds that innovative uses of existing technologies, such as graywater treatment systems, will:

(I) Play an important role in reducing per capita consumption of water;

(II) Enable significantly greater efficiencies in the use of water within facilities; and

(III) Have the potential to reduce water and wastewater treatment costs and energy consumption; and

(d) Declares that:

(I) The greater public interest is served by policies that promote greater efficiency in the first use of water within residential, commercial, and industrial facilities; and

(II) Policies allowing the use of graywater systems, while preserving the health, safety, and welfare of Coloradans, represent one strategy available for achieving greater efficiency in the use of the state's vital water resources.

SECTION 2. In Colorado Revised Statutes, 25-8-103, add (8.3) and (8.4) as follows:

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

(8.3) "GRAYWATER" MEANS THAT PORTION OF WASTEWATER
THAT, BEFORE BEING TREATED OR COMBINED WITH OTHER WASTEWATER,
IS COLLECTED FROM FIXTURES WITHIN RESIDENTIAL, COMMERCIAL, OR
INDUSTRIAL BUILDINGS OR INSTITUTIONAL FACILITIES FOR THE PURPOSE OF
BEING PUT TO BENEFICIAL USES AUTHORIZED BY THE COMMISSION IN
ACCORDANCE WITH SECTION 25-8-205 (1) (g). SOURCES OF GRAYWATER
MAY INCLUDE DISCHARGES FROM BATHROOM AND LAUNDRY ROOM SINKS,
BATHTUBS, SHOWERS, LAUNDRY MACHINES, AND OTHER SOURCES
AUTHORIZED BY RULE. GRAYWATER DOES NOT INCLUDE THE WASTEWATER
FROM TOILETS, URINALS, KITCHEN SINKS, DISHWASHERS, OR NONLAUNDRY
UTILITY SINKS. GRAYWATER MUST BE COLLECTED IN A MANNER THAT
MINIMIZES HOUSEHOLD WASTES, HUMAN EXCRETA, ANIMAL OR
VEGETABLE MATTER, AND CHEMICALS THAT ARE HAZARDOUS OR TOXIC,
AS DETERMINED BY THE COMMISSION.

(8.4) "GRAYWATER TREATMENT WORKS" MEANS AN
ARRANGEMENT OF DEVICES AND STRUCTURES USED TO:

(a) COLLECT GRAYWATER FROM WITHIN A BUILDING OR A
FACILITY; AND

(b) TREAT, NEUTRALIZE, OR STABILIZE GRAYWATER WITHIN THE
SAME BUILDING OR FACILITY TO THE LEVEL NECESSARY FOR ITS
AUTHORIZED USES.

SECTION 3. In Colorado Revised Statutes, 25-8-205, add (1) (g)
as follows:

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

(g) (I) TO DESCRIBE REQUIREMENTS, PROHIBITIONS, AND
STANDARDS FOR THE USE OF GRAYWATER FOR NONDRINKING PURPOSES,
TO ENCOURAGE THE USE OF GRAYWATER, AND TO PROTECT PUBLIC HEALTH
AND WATER QUALITY.

(II) GRAYWATER MAY BE USED ONLY IN AREAS WHERE THE LOCAL
CITY, CITY AND COUNTY, OR COUNTY HAS ADOPTED AN ORDINANCE OR
RESOLUTION APPROVING THE USE OF GRAYWATER PURSUANT TO SECTION
30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S. THE CITY, CITY AND
COUNTY, OR COUNTY THAT HAS ADOPTED AN ORDINANCE OR RESOLUTION
APPROVING THE USE 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 ORDINANCE OR
RESOLUTION.

(III) USE OF GRAYWATER SHALL BE ALLOWED ONLY IN
ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECREES,
CONTRACTS, AND WELL PERMITS APPLICABLE TO THE USE OF THE SOURCE
WATER RIGHTS OR SOURCE WATER AND ANY RETURN FLOWS THEREFROM,
AND NO USE OF GRAYWATER SHALL BE ALLOWED THAT WOULD NOT BE
ALLOWED UNDER SUCH DECREES, CONTRACTS, OR PERMITS IF THE
GRAYWATER ORDINANCE OR RESOLUTION DID NOT EXIST.

(IV) A LOCAL CITY, CITY AND COUNTY, OR COUNTY MAY ONLY
AUTHORIZE THE USE OF GRAYWATER IN ACCORDANCE WITH FEDERAL,
STATE, AND LOCAL REQUIREMENTS.

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 ADOPT A RESOLUTION TO AUTHORIZE, IN CONSULTATION
WITH THE LOCAL BOARD OF HEALTH, LOCAL PUBLIC HEALTH AGENCIES,
AND ANY WATER AND SANITATION SERVICE PROVIDERS SERVING THE
COUNTY, the use of graywater, as defined in section 25-8-103 (8.3),
C.R.S., in compliance with any regulation adopted pursuant to
section 25-8-205 (1) (g), C.R.S., and to enforce compliance with
the board's resolution.

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 adopt an ordinance to authorize, in consultation
with the local board of health, local public health agencies,
and any water and sanitation service providers serving the
municipality, the use of graywater, as defined in section 25-8-103
(8.3), C.R.S., in compliance with any regulation adopted pursuant
to section 25-8-205 (1) (g), C.R.S., and to enforce compliance with
the governing body's ordinance.

SECTION 6. In Colorado Revised Statutes, 37-90-105, amend
(7); and add (8) as follows:

37-90-105. Small capacity wells. (7) (a) The board of any
groundwater management district has the authority to
MAY adopt rules that further restrict the issuance of small capacity well
permits and use of rooftop precipitation collection systems OR
GRAYWATER TREATMENT WORKS. In addition, the board of any ground
water management district has the authority to
MAY adopt rules that expand the acre-foot limitations for small capacity wells
set forth in this section. However, in no event THE BOARD OF A
GROUNDWATER MANAGEMENT DISTRICT shall NOT ALLOW an annual volume of more than eighty acre-feet to be allowed for any small capacity well.

(b) THE BOARD MAY INSTITUTE ITS rules adopted by the board may be instituted only after a public hearing. Notice THE BOARD SHALL publish notice of such the hearing, shall be published. Such notice shall state STATING the time and place of the hearing and describe DESCRIBING, in general terms, the rules proposed. Within sixty days after such THE hearing, the board shall announce the rules adopted and shall cause PUBLISH notice of such THE action. to be published. In addition, the board shall mail, within five days after the adoption of the rules, a copy of the rules to the state engineer.

(c) Any party adversely affected or aggrieved by such a rule may, not later than thirty days after the last date of publication, initiate judicial review in accordance with the provisions of section 24-4-106, C.R.S.; except that venue for such judicial review shall OF THE RULE MUST be in the district court for the county in which the office of the ground-water GROUNDWATER management district is located.

(8) A PERSON WITHDRAWING WATER FROM A WELL PURSUANT TO PARAGRAPH (a) OR (c) OF SUBSECTION (1) OF THIS SECTION MAY USE GRAYWATER THROUGH USE OF A GRAYWATER TREATMENT WORKS, AS THOSE TERMS ARE DEFINED IN SECTION 25-8-103 (8.3) AND (8.4), C.R.S., FOR THE USES AUTHORIZED BY THE WATER QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S. ANY LIMITATIONS ON USE SET FORTH IN THE WELL PERMIT APPLY TO THE USE OF GRAYWATER.

SECTION 7. In Colorado Revised Statutes, 37-90-107, add (5.5)
as follows:


(5.5) A PERSON WITHDRAWING WATER FROM A WELL PURSUANT TO SUBSECTION (3) OF THIS SECTION MAY USE GRAYWATER THROUGH USE OF A GRAYWATER TREATMENT WORKS, AS THOSE TERMS ARE DEFINED IN SECTION 25-8-103 (8.3) AND (8.4), C.R.S., FOR THE USES AUTHORIZED BY THE WATER QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S. ANY LIMITATIONS ON USE SET FORTH IN THE WELL PERMIT, OR IN THE PROVISIONS OF ANY APPROVED REPLACEMENT PLAN, APPLY TO THE USE OF GRAYWATER.

SECTION 8. In Colorado Revised Statutes, 37-90-137, add (15) as follows:

37-90-137. Permits to construct wells outside designated basins - fees - permit no groundwater right - evidence - time limitation - well permits - rules - repeal. (15) A PERSON WITHDRAWING WATER FROM A WELL PURSUANT TO SUBSECTION (1) OR (4) OF THIS SECTION MAY USE GRAYWATER THROUGH THE USE OF A GRAYWATER TREATMENT WORKS, AS THOSE TERMS ARE DEFINED IN SECTION 25-8-103 (8.3) AND (8.4), C.R.S., FOR THE USES AUTHORIZED BY THE WATER QUALITY CONTROL COMMISSION PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S. ANY LIMITATIONS ON USE SET FORTH IN THE WELL PERMIT, AND THE PROVISIONS OF ANY DECREED PLAN FOR AUGMENTATION, APPLY TO THE USE OF GRAYWATER.

SECTION 9. In Colorado Revised Statutes, 37-92-102, add (7) as follows:

37-92-102. Legislative declaration - basic tenets of Colorado
(7) (a) Water users served by a municipality's or water district's water supplies may use graywater and install graywater treatment works, as those terms are defined in section 25-8-103 (8.3) and (8.4), C.R.S., if:

(I) The use of graywater is limited to the confines of the operation that generates the graywater; and

(II) Graywater is used for purposes that are permissible under the municipality's or water district's water rights.

(b) The use of graywater in applications permitted by a municipality's or water district's well permits and water rights is not reuse and is deemed not to cause injury.

SECTION 10. In Colorado Revised Statutes, 37-92-602, add (1.5) as follows:

37-92-602. Exemptions - presumptions - legislative declaration. (1.5) A person withdrawing water from a well pursuant to this section may use graywater through use of a graywater treatment works, as those terms are defined in section 25-8-103 (8.3) and (8.4), C.R.S., for the uses authorized by the water quality control commission pursuant to section 25-8-205 (1) (g), C.R.S. Any limitations on use set forth in the well permit apply to the use of graywater.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.