

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0316.01 Thomas Morris x4218

HOUSE BILL 12-1003

HOUSE SPONSORSHIP

Fischer,

SENATE SPONSORSHIP

Nicholson,

House Committees
State, Veterans, & Military Affairs

Senate Committees

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>.)

Except in connection with individual septic systems, 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 wastewater from sources other than toilets, urinals, kitchen sinks, nonlaundry utility sinks, and dishwashers collected within a residential, commercial, or industrial

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

building that meets certain standards established by the water quality control commission. **Section 3** authorizes the commission to adopt a control regulation establishing use standards and specifies that: Graywater may be applied only to uses that are allowed by the water sources' well permits and water rights; and, if so used, the use of the graywater is deemed to not cause injury.

Graywater can be used only if the commission has adopted a control regulation and a local government authorizes the use. The local government has exclusive enforcement authority regarding compliance with the commission's control regulation. **Section 5** allows counties to authorize graywater use, and **section 6** allows municipalities to authorize graywater use. **Section 4** repeals an obsolete provision authorizing local boards of health to adopt rules regarding graywater use with individual septic systems.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby:

4 (a) Recognizes that increasing the economic well-being of the
5 state by ensuring adequate future water supplies is one of the general
6 assembly's highest priorities and greatest responsibilities;

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

10 (c) Finds that technological advances, such as graywater systems:

11 (I) Will play an important role in reducing per capita
12 consumption;

13 (II) Currently enable significantly greater efficiencies in the use
14 of water within facilities; and

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

17 (d) Declares that:

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

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

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

10 **25-8-103. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (8.3) "GRAYWATER" MEANS WASTEWATER FROM SOURCES OTHER
13 THAN TOILETS, URINALS, KITCHEN SINKS, NONLAUNDRY UTILITY SINKS,
14 AND DISHWASHERS THAT IS COLLECTED WITHIN A RESIDENTIAL,
15 COMMERCIAL, OR INDUSTRIAL BUILDING AND THAT MEETS THE
16 REQUIREMENTS, PROHIBITIONS, AND STANDARDS ADOPTED BY THE
17 COMMISSION FOR SUBSEQUENT USE.

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

20 **25-8-205. Control regulations.** (1) The commission may
21 promulgate control regulations for the following purposes:

22 (g) (I) TO DESCRIBE REQUIREMENTS, PROHIBITIONS, AND
23 STANDARDS ON THE USE OF GRAYWATER FOR PURPOSES OTHER THAN
24 DRINKING THAT WILL PROTECT PUBLIC HEALTH AND WATER QUALITY AND
25 ENCOURAGE THE USE OF GRAYWATER.

26 (II) THE REGULATION PROMULGATED PURSUANT TO THIS
27 PARAGRAPH (g) AUTHORIZES GRAYWATER USE ONLY IN AREAS WHERE THE

1 LOCAL CITY, CITY AND COUNTY, OR COUNTY HAS ADOPTED AN ORDINANCE
2 OR RESOLUTION APPROVING THE USE OF GRAYWATER PURSUANT TO
3 SECTION 30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S. A CITY, CITY
4 AND COUNTY, OR COUNTY THAT HAS ADOPTED AN ORDINANCE OR
5 RESOLUTION APPROVING THE USE OF GRAYWATER PURSUANT TO SECTION
6 30-11-107 (1) (kk) OR 31-15-601 (1) (m), C.R.S., HAS EXCLUSIVE
7 ENFORCEMENT AUTHORITY REGARDING COMPLIANCE WITH THE
8 REGULATION PROMULGATED PURSUANT TO THIS PARAGRAPH (g), AND THE
9 DIVISION HAS NO ENFORCEMENT RESPONSIBILITIES REGARDING SUCH
10 COMPLIANCE.

11 (III) GRAYWATER MAY BE APPLIED ONLY TO USES THAT ARE
12 ALLOWED BY THE WATER SOURCES' WELL PERMITS AND WATER RIGHTS.
13 THE USE OF GRAYWATER IN APPLICATIONS THAT ARE ALLOWED BY THE
14 WATER SOURCES' WELL PERMITS AND WATER RIGHTS IS DEEMED TO NOT
15 CAUSE INJURY.

16 **SECTION 4.** In Colorado Revised Statutes, 25-10-105, **amend**
17 (1) introductory portion and (1) (i) as follows:

18 **25-10-105. Minimum standards for individual sewage disposal**
19 **systems.** (1) Rules adopted by local boards of health under section
20 25-10-104 (2) or (4) or promulgated by the department under section
21 25-10-104 (3) ~~shall~~ govern all aspects of the performance, location,
22 construction, alteration, installation, and use of individual sewage
23 disposal systems and ~~shall~~ MUST include, as a minimum, provisions
24 regarding the following matters:

25 (i) Design criteria and construction standards for vaults; for
26 privies and slit trenches, either of which may be prohibited at the option
27 of the local health department; AND for incineration toilets and chemical

1 toilets; and for graywater limited to disposal of wastewater from sinks,
2 lavatories, tubs, and showers;

3 **SECTION 5.** In Colorado Revised Statutes, 30-11-107, **add** (1)
4 (kk) as follows:

5 **30-11-107. Powers of the board.** (1) The board of county
6 commissioners of each county has power at any meeting:

7 (kk) TO AUTHORIZE, IN CONSULTATION WITH THE LOCAL HEALTH
8 JURISDICTION, THE USE OF GRAYWATER, AS THAT TERM IS DEFINED IN
9 SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH A CONTROL
10 REGULATION PROMULGATED PURSUANT TO SECTION 25-8-205 (1) (g),
11 C.R.S., IF THE WATER QUALITY CONTROL COMMISSION HAS ADOPTED A
12 CONTROL REGULATION, AND TO ENFORCE COMPLIANCE WITH THE CONTROL
13 REGULATION.

14 **SECTION 6.** In Colorado Revised Statutes, 31-15-601, **add** (1)
15 (m) as follows:

16 **31-15-601. Building and fire regulations - emission**
17 **performance standards required.** (1) The governing bodies of
18 municipalities have the following powers in relation to building and fire
19 regulations:

20 (m) TO AUTHORIZE, IN CONSULTATION WITH THE LOCAL HEALTH
21 JURISDICTION, THE USE OF GRAYWATER, AS THAT TERM IS DEFINED IN
22 SECTION 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH A CONTROL
23 REGULATION PROMULGATED PURSUANT TO SECTION 25-8-205 (1) (g),
24 C.R.S., IF THE WATER QUALITY CONTROL COMMISSION HAS ADOPTED A
25 CONTROL REGULATION, AND TO ENFORCE COMPLIANCE WITH THE CONTROL
26 REGULATION.

27 **SECTION 7. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.