

## CONSERVATION AND THE ENVIRONMENT

# Graywater Promotion and Use

The act authorizes the utilization of “graywater”, which is wastewater from a building’s showers or hand washing sinks or washing machines, by cities and counties for nondrinking water purposes like irrigation or to flush toilets. The Colorado Water Control Commission is directed to create statewide standards for gray water systems that protect public health and water quality. The Commission will not allow the use of graywater systems unless a local city, county, or municipality has approved an ordinance or resolution.

Submitted as:

Colorado

[HB 1044](#)

Status: Signed into law on May 15, 2013.

### Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title.*] Concerning the Authorization of the Use of Graywater.  
2
- 3 Section 2. [*Definitions.*]
- 4 (1) "Graywater" means that portion of wastewater that, before being treated or combined with  
5 other wastewater, is collected from fixtures within residential, commercial, or industrial  
6 buildings or institutional facilities for the purpose of being put to beneficial uses authorized  
7 by the commission in accordance with Section 3(1)(a). Sources of graywater may include  
8 discharges from bathroom and laundry room sinks, bathtubs, showers, laundry machines, and  
9 other sources authorized by rule. Graywater does not include the wastewater from toilets,  
10 urinals, kitchen sinks, dishwashers, or nonlaundry utility sinks. Graywater must be collected  
11 in a manner that minimizes household wastes, human excreta, animal or vegetable matter,  
12 and chemicals that are hazardous or toxic, as determined by the commission.
- 13 (2) "Graywater treatment works" means an arrangement of devices and structures used to:
- 14 (a) Collect graywater from within a building or a facility; and  
15 (b) Treat, neutralize, or stabilize graywater within the same building or facility to the level  
16 necessary for its authorized uses.  
17
- 18 Section 3. [*Control regulations.*]
- 19 (1) The commission may promulgate control regulations for the following purposes:
- 20 (a) To describe requirements, prohibitions, and standards for the use of graywater for  
21 nondrinking purposes, to encourage the use of graywater, and to protect public health and  
22 water quality.
- 23 (b) Graywater may be used only in areas where the local city, city and county, or county has  
24 adopted an ordinance or resolution approving the use of graywater pursuant to Section  
25 4(1) or Section 5(1)(a)(b). The city, city and county, or county that has adopted an  
26 ordinance or resolution approving the use of graywater pursuant to Section 4(1) or  
27 Section 5(1)(a)(b), has exclusive enforcement authority regarding compliance with the  
28 ordinance or resolution.

- 1 (c) Use of graywater shall be allowed only in accordance with the terms and conditions of  
2 the decrees, contracts, and well permits applicable to the use of the source water rights or  
3 source water and any return flows therefrom, and no use of graywater shall be allowed  
4 that would not be allowed under such decrees, contracts, or permits if the graywater  
5 ordinance or resolution did not exist.
- 6 (d) A local city, city and county, or county may only authorize the use of graywater in  
7 accordance with federal, state, and local requirements.

8  
9 Section 4. [*Power of the board.*]

- 10 (1) The board of county commissioners of each county has power at any meeting:
- 11 (a) To adopt a resolution to authorize, in consultation with the local board of health, local  
12 public health agencies, and any water and wastewater service providers serving the  
13 county, the use of graywater, as defined in Section 2(1) in compliance with any  
14 regulation adopted pursuant to Section 3(1) and to enforce compliance with the board's  
15 resolution.
- 16 (b) Before adopting a resolution to authorize the use of graywater pursuant to subparagraph  
17 (a) board of county commissioners is encouraged to enter into a memorandum of  
18 understanding with the local board of health, local public health agencies, and any water  
19 and wastewater service providers serving the county concerning graywater usage and the  
20 proper installation and operation of graywater treatment works, as defined in Section  
21 2(2).

22  
23 Section 5. [*Building and fire regulations – emission performance standards required.*]

- 24 (1) The governing bodies of municipalities have the following powers in relation to building and  
25 fire regulations:
- 26 (a) To adopt an ordinance to authorize, in consultation with the local board of health, local  
27 public health agencies, and any water and wastewater service providers serving the  
28 municipality, the use of graywater, as defined in Section 2(1) in compliance with any  
29 regulation adopted pursuant to Section 3(1), and to enforce compliance with the  
30 governing body's ordinance.
- 31 (b) Before adopting an ordinance to authorize the use of graywater pursuant to subparagraph  
32 (a), the municipal governing body is encouraged to enter into a memorandum of  
33 understanding with the local board of health, local public health agencies, and any water  
34 and wastewater service providers serving the municipality concerning graywater usage  
35 and the proper installation and operation of graywater treatment works, as defined in  
36 Section 2(2).

37  
38 Section 6. [*Small capacity wells.*]

- 39 (1)
- 40 (a) The board of a groundwater management district may adopt rules that further restrict the  
41 issuance of small capacity well permits and use of rooftop precipitation collection  
42 systems or graywater treatment works. In addition, the board of a groundwater  
43 management district may adopt rules that expand the acre-foot limitations for small  
44 capacity wells set forth in this section. However, the board of a groundwater management  
45 district shall not allow an annual volume of more than eighty acre-feet for any small  
46 capacity well.

1 (b) The board may institute its rules only after a public hearing. The board shall publish  
2 notice of the hearing, stating the time and place of the hearing and describing, in general  
3 terms, the rules proposed. Within sixty days after the hearing, the board shall announce  
4 the rules adopted and shall publish notice of the action. In addition, the board shall mail,  
5 within five days after the adoption of the rules, a copy of the rules to the state engineer.

6 (c) Any party adversely affected or aggrieved by a rule may, not later than thirty days after  
7 the last date of publication, initiate judicial review in accordance with [Insert citation];  
8 except that venue for judicial review of the rule must be in the district court for the  
9 county in which the office of the groundwater management district is located.

10 (2) A person withdrawing water from a well pursuant to paragraph (a) or (c) of subsection (1) of  
11 this section may use graywater through use of a graywater treatment works, as those terms  
12 are defined in Section 2(1) and Section 2(2), in compliance with the requirements of Section  
13 3(1). Any limitations on use set forth in the well permit apply to the use of graywater.

14  
15 Section 7. [*Application for use of groundwater - publication of notice - conditional permit -*  
16 *hearing on objections - well permits.*]

17 (1) A person withdrawing water from a well pursuant to [insert citation] of this section may use  
18 graywater through use of a graywater treatment works, as those terms are defined in Section  
19 2(1)(2) in compliance with the requirements of Section 3(1). Any limitations on use set forth  
20 in the well permit, or in the provisions of any approved replacement plan, apply to the use of  
21 graywater.

22  
23 Section 8. [*Permits to construct wells outside designated basins - fees - permit no groundwater*  
24 *right - evidence - time limitation – well permits - rules - repeal.*]

25 (1) A person withdrawing water from a well pursuant to [insert citation] may use graywater  
26 through the use of a graywater treatment works, as those terms are defined in Section 2(1)(2)  
27 in compliance with the requirements of Section 3(1). Any limitations on use set forth in the  
28 well permit, and the provisions of any decreed plan for augmentation, apply to the use of  
29 graywater.

30  
31 Section 9. [*Legislative declaration - basic tenets of Colorado water law.*]

32 (1) Water users served by a provider of municipal or industrial water supplies may use graywater  
33 and install graywater treatment works, as those terms are defined in Section 2(1)(2), if:

34 (a) The use of graywater is limited to the confines of the operation that generates the  
35 graywater;

36 (b) Graywater is used for purposes that are permissible under the municipality's or water  
37 district's water rights; and

38 (c) Graywater is used in compliance with the requirements of Section 3(1).

1 Section 10. [*Exemptions - presumptions - legislative declaration.*]  
2 (1) A person withdrawing water from a well pursuant to this section may use graywater through  
3 use of a graywater treatment works, as those terms are defined in Section 2(1)(2) in  
4 compliance with the requirements of Section 3(1). Any limitations on use set forth in the well  
5 permit apply to the use of graywater.  
6

7 Section 11. [*Legislative declaration.*]  
8 The General Assembly encourages the Examining Board of Plumbers to adopt and incorporate  
9 by reference Appendix C of the International Plumbing Code (I.P.C.), 2009 edition,  
10 promulgated by the International Code Council, first printing (January 2009), or the graywater  
11 provisions within a newer edition of the I.P.C., whether the provisions are contained in Appendix  
12 C or elsewhere.  
13

14 Section 12. [*Appropriation.*]  
15 No appropriation. The General Assembly has determined that this act can be implemented within  
16 existing appropriations, and therefore no separate appropriation of state moneys is necessary to  
17 carry out the purposes of this act.  
18

19 Section 13. [*Safety clause.*]  
20 The general assembly hereby finds, determines, and declares that this act is necessary for the  
21 immediate preservation of the public peace, health, and safety.  
22

23 Section 14. [*Severability.*] Insert severability clause.  
24

25 Section 15. [*Repealer.*] Insert repealer clause.  
26

27 Section 16. [*Effective Date.*] Insert effective date.