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.)

Section 1. [Short Title.] Concerning the Authorization of the Use of Graywater.

Section 2. [Definitions.]
(1) "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 3(1)(a). 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.
(2) "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. [Control regulations.]
(1) The commission may promulgate control regulations for the following purposes:
   (a) 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.
   (b) 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 4(1) or Section 5(1)(a)(b). The city, city and county, or county that has adopted an ordinance or resolution approving the use of graywater pursuant to Section 4(1) or Section 5(1)(a)(b), has exclusive enforcement authority regarding compliance with the ordinance or resolution.
(c) 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.
(d) 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. [Power of the board.]
(1) The board of county commissioners of each county has power at any meeting:
(a) To adopt a resolution to authorize, in consultation with the local board of health, local
public health agencies, and any water and wastewater service providers serving the
county, the use of graywater, as defined in Section 2(1) in compliance with any
regulation adopted pursuant to Section 3(1) and to enforce compliance with the board’s
resolution.
(b) Before adopting a resolution to authorize the use of graywater pursuant to subparagraph
(a) board of county commissioners is encouraged to enter into a memorandum of
understanding with the local board of health, local public health agencies, and any water
and wastewater service providers serving the county concerning graywater usage and the
proper installation and operation of graywater treatment works, as defined in Section
2(2).

Section 5. [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:
(a) To adopt an ordinance to authorize, in consultation with the local board of health, local
public health agencies, and any water and wastewater service providers serving the
municipality, the use of graywater, as defined in Section 2(1) in compliance with any
regulation adopted pursuant to Section 3(1), and to enforce compliance with the
governing body’s ordinance.
(b) Before adopting an ordinance to authorize the use of graywater pursuant to subparagraph
(a), the municipal governing body is encouraged to enter into a memorandum of
understanding with the local board of health, local public health agencies, and any water
and wastewater service providers serving the municipality concerning graywater usage
and the proper installation and operation of graywater treatment works, as defined in
Section 2(2).

Section 6. [Small capacity wells.]
(1) The board of a groundwater management district 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 a groundwater
management district may adopt rules that expand the acre-foot limitations for small
capacity wells set forth in this section. However, the board of a groundwater management
district shall not allow an annual volume of more than eighty acre-feet for any small
capacity well.
(b) The board may institute its rules only after a public hearing. The board shall publish notice of the hearing, stating the time and place of the hearing and describing, in general terms, the rules proposed. Within sixty days after the hearing, the board shall announce the rules adopted and shall publish notice of the action. 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 a rule may, not later than thirty days after the last date of publication, initiate judicial review in accordance with [Insert citation]; except that venue for judicial review of the rule must be in the district court for the county in which the office of the groundwater management district is located.

(2) 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 2(1) and Section 2(2), in compliance with the requirements of Section 3(1). Any limitations on use set forth in the well permit apply to the use of graywater.

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

(1) A person withdrawing water from a well pursuant to [insert citation] of this section may use graywater through use of a graywater treatment works, as those terms are defined in Section 2(1)(2) in compliance with the requirements of Section 3(1). 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. [Permits to construct wells outside designated basins - fees - permit no groundwater right - evidence - time limitation – well permits - rules - repeal.]

(1) A person withdrawing water from a well pursuant to [insert citation] may use graywater and install graywater treatment works, as those terms are defined in Section 2(1)(2) in compliance with the requirements of Section 3(1). 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. [Legislative declaration - basic tenets of Colorado water law.]

(1) Water users served by a provider of municipal or industrial water supplies may use graywater and install graywater treatment works, as those terms are defined in Section 2(1)(2), if:
   (a) The use of graywater is limited to the confines of the operation that generates the graywater;
   (b) Graywater is used for purposes that are permissible under the municipality's or water district's water rights; and
   (c) Graywater is used in compliance with the requirements of Section 3(1).
Section 10. [Exemptions - presumptions - legislative declaration.]

(1) 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 2(1)(2) in compliance with the requirements of Section 3(1). Any limitations on use set forth in the well permit apply to the use of graywater.

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

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

Section 13. [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.

Section 14. [Severability.] Insert severability clause.

Section 15. [Repealer.] Insert repealer clause.

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