

## CHAPTER 199

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 17-1008**

BY REPRESENTATIVE(S) Arndt, Becker J., Bridges, Danielson, Esgar, Ginal, Hansen, Lawrence, Lebsock, Lontine, McKean, McLachlan, Pabon, Saine, Winter, Young, Duran;  
also SENATOR(S) Sonnenberg, Baumgardner, Cooke, Crowder, Kefalas, Marble, Martinez Humenik, Scott, Tate, Grantham.

**AN ACT**

**CONCERNING AN EXEMPTION FROM THE WATER QUALITY CONTROL COMMISSION'S GRAYWATER CONTROL REGULATIONS FOR GRAYWATER USED FOR THE PURPOSE OF SCIENTIFIC RESEARCH INVOLVING HUMAN EXPOSURE.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-8-103, **amend** the introductory portion and (8.3) as follows:

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

(8.3) (a) "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); EXCEPT THAT GRAYWATER USE FOR PURPOSES OF SCIENTIFIC RESEARCH MUST COMPLY WITH THE REQUIREMENTS OF SECTION 25-8-205.3, BUT NEED NOT COMPLY WITH THE COMMISSION'S CONTROL REGULATIONS ESTABLISHED UNDER SECTION 25-8-205 (1).

(b) 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; EXCEPT THAT A PERSON MAY COLLECT, TREAT, AND USE GRAYWATER IN A MANNER THAT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DEPARTS FROM THE COMMISSION'S CONTROL REGULATIONS ESTABLISHED UNDER SECTION 25-8-205 (1) IF THE PERSON COLLECTS, TREATS, AND USES GRAYWATER FOR PURPOSES OF SCIENTIFIC RESEARCH IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 25-8-205.3.

**SECTION 2.** In Colorado Revised Statutes, 25-8-205, **amend** (1)(g)(II) as follows:

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

(g) (II) EXCEPT AS AUTHORIZED IN SECTION 25-8-205.3, 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.

**SECTION 3.** In Colorado Revised Statutes, **add** 25-8-205.3 as follows:

**25-8-205.3. Exemption from control regulations for graywater research - definition.** (1) SUBJECT TO THE CONDITIONS SET FORTH IN SUBSECTION (2) OF THIS SECTION, A WATER UTILITY, AN INSTITUTION OF HIGHER EDUCATION IN COLORADO, OR A PUBLIC OR PRIVATE ENTITY THAT A WATER UTILITY OR AN INSTITUTION OF HIGHER EDUCATION IN COLORADO CONTRACTS WITH TO CONDUCT GRAYWATER RESEARCH ON THE UTILITY'S OR INSTITUTION'S BEHALF, MAY COLLECT, TREAT, AND USE GRAYWATER IN A MANNER THAT DEPARTS FROM THE REQUIREMENTS OF THE COMMISSION'S CONTROL REGULATIONS, AS PROMULGATED PURSUANT TO SECTION 25-8-205 (1)(g), FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH ON THE COLLECTION, TREATMENT, AND USE OF GRAYWATER.

(2) A PERSON COLLECTING, TREATING, OR USING GRAYWATER PURSUANT TO THIS SECTION:

(a) SHALL COLLECT AND USE THE GRAYWATER 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;

(b) SHALL UTILIZE A GRAYWATER TREATMENT WORKS SYSTEM THAT INCORPORATES A SECONDARY WATER SUPPLY, SUCH AS A MUNICIPAL WATER SUPPLY, TO PROVIDE AN ALTERNATIVE SOURCE OF WATER IF ANY PORTION OF THE SYSTEM DOES NOT FUNCTION PROPERLY; HOWEVER, THIS SUBSECTION (2)(b) DOES NOT APPLY TO SCIENTIFIC RESEARCH INVOLVING THE USE OF GRAYWATER EXCLUSIVELY FOR IRRIGATION PURPOSES;

(c) MAY COLLECT, TREAT, AND USE THE GRAYWATER IN AN AREA THAT IS NOT WITHIN THE JURISDICTION OF ANY CITY, CITY AND COUNTY, OR COUNTY THAT HAS ADOPTED AN ORDINANCE OR RESOLUTION AUTHORIZING GRAYWATER USE PURSUANT TO SECTION 25-8-205 (1)(g)(II);

(d) MAY USE THE GRAYWATER FOR A NONPOTABLE BENEFICIAL USE INCLUDING IRRIGATION OR TOILET FLUSHING IF SUCH USE IS TIED TO THE PURPOSE OF THE PERSON'S SCIENTIFIC RESEARCH;

(e) MUST COMPLY WITH 45 CFR 46 AND OTHER APPLICABLE STATUTES AND REGULATIONS FOR SCIENTIFIC RESEARCH INVOLVING HUMAN EXPOSURE TO GRAYWATER; AND

(f) ON AN ANNUAL BASIS, SHALL REPORT TO THE WATER RESOURCE REVIEW COMMITTEE, CREATED IN SECTION 37-98-102, THE RESULTS OF PERIODIC MONITORING OF THE PROJECT CONDUCTED TO ASSESS:

(I) THE FUNCTIONING OF THE GRAYWATER TREATMENT WORKS SYSTEM USED TO COLLECT GRAYWATER; AND

(II) FOR SCIENTIFIC RESEARCH INVOLVING HUMAN EXPOSURE, THE PROJECT'S CONTINUED COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES' REGULATIONS CONCERNING THE PROTECTION OF HUMAN RESEARCH SUBJECTS, CODIFIED IN 45 CFR 46.

(3) ONLY AN INSTITUTION OF HIGHER EDUCATION OR A PERSON CONTRACTING WITH AN INSTITUTION OF HIGHER EDUCATION MAY COLLECT, TREAT, AND USE GRAYWATER FOR RESEARCH INVOLVING HUMAN EXPOSURE.

(4) AS USED IN THIS SECTION, "SCIENTIFIC RESEARCH INVOLVING HUMAN EXPOSURE" MEANS A RESEARCH STUDY IN WHICH:

(a) EMPIRICAL DATA IS COLLECTED AND ANALYZED ABOUT COLLECTION, TREATMENT, OR USE OF GRAYWATER; AND

(b) HUMANS PARTICIPATE AS SUBJECTS IN THE STUDY.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 8, 2017