A BILL FOR AN ACT

CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC
WASTEWATER, AND, IN CONNECTION THERewith, ALLOWING
RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR
MARIJUANA CULTIVATION.

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://leg.colorado.gov/.)

Water Resources Review Committee. The bill codifies rules
promulgated by the water quality control commission (commission) of the
Colorado department of public health and environment concerning
allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water. Section 3 of the bill defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds marijuana cultivation as an allowable use for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. Section 3 also authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater. Sections 1, 2, and 4 make conforming amendments.

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

SECTION 1. In Colorado Revised Statutes, 25-8-103, amend (17.5) as follows:

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

(17.5) "Reclaimed domestic wastewater" means wastewater that has received treatment IN ACCORDANCE WITH SECTION 25-8-205.7 AND that enables the wastewater to meet the requirements, prohibitions, standards, and concentration limitations adopted by the commission for subsequent reuses other than drinking.

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

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

(f) IN ACCORDANCE WITH SECTION 25-8-205.7, to describe requirements, prohibitions, standards, and concentration limitations on the reuse of reclaimed domestic wastewater for purposes other than drinking that will protect public health and encourage the reuse of reclaimed domestic wastewater;
SECTION 3. In Colorado Revised Statutes, add 25-8-205.7 as follows:

25-8-205.7. Control regulations for reuse of reclaimed domestic wastewater - definitions - rules. (1) As used in this section, unless the context otherwise requires:

(a) "Category 1 standard" means a water quality standard for reclaimed domestic wastewater:

(I) Requiring, at a minimum, that the water has received secondary treatment with disinfection; and

(II) For which, at the point of compliance, the water meets the E. coli and total suspended solids standards promulgated by the commission for category 1 water.

(b) "Category 2 standard" means a water quality standard for reclaimed domestic wastewater:

(I) Requiring, at a minimum, that the water has received secondary treatment with filtration and disinfection; and

(II) For which, at the point of compliance, the water meets the E. coli and turbidity standards promulgated by the commission for category 2 water.

(c) "Category 3 standard" means a water quality standard for reclaimed domestic wastewater:

(I) Requiring, at a minimum, that the water has received secondary treatment with filtration and disinfection; and

(II) For which, at the point of compliance, the water meets the E. coli and turbidity standards promulgated by the commission for category 3 water.

(d) "E. coli" means the Escherichia coli bacteria that are
FOUND IN THE ENVIRONMENT, FOODS, AND THE INTESTINES OF PEOPLE AND
ANIMALS.

(e) (I) "FOOD CROP" MEANS A CROP PRODUCED FOR DIRECT HUMAN
CONSUMPTION OR A TREE THAT PRODUCES NUTS OR FRUIT INTENDED FOR
DIRECT HUMAN CONSUMPTION.

(II) "FOOD CROP" DOES NOT INCLUDE A CROP PRODUCED FOR
ANIMAL CONSUMPTION ONLY; EXCEPT THAT A CROP PRODUCED WHERE
LACTATING DAIRY ANIMALS FORAGE IS A FOOD CROP.

(f) (I) "MARIJUANA" HAS THE SAME MEANING AS SET FORTH IN
SECTION 16 (2)(f) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION.

(II) "MARIJUANA" INCLUDES A USABLE FORM OF MARIJUANA USED
FOR MEDICAL USE, AS THOSE TERMS ARE DEFINED IN SECTION 14 (1) OF
ARTICLE XVIII OF THE COLORADO CONSTITUTION.

(g) "POINT OF COMPLIANCE" MEANS A POINT, AS IDENTIFIED BY
THE PERSON THAT TREATS THE WATER, IN THE RECLAIMED DOMESTIC
WASTEWATER TREATMENT PROCESS OR THE RECLAIMED DOMESTIC
WASTEWATER TRANSPORTATION PROCESS, THAT OCCURS AFTER ALL
TREATMENT HAS BEEN COMPLETED BUT BEFORE DILUTION AND BLENDING
OF THE WATER HAS OCCURRED.

(2) RECLAIMED DOMESTIC WASTEWATER MAY BE USED AS
FOLLOWS:

(a) IN COMPLIANCE WITH THE CATEGORY 1 STANDARD, FOR:

(I) EVAPORATIVE INDUSTRIAL PROCESSES;

(II) NONEVAPORATIVE INDUSTRIAL PROCESSES;

(III) NONDISCHARGING CONSTRUCTION AND ROAD MAINTENANCE;

(IV) LANDSCAPE IRRIGATION AT SITES WITH RESTRICTED ACCESS;

(V) ZOO OPERATIONS;
(VI) **IRRIGATION OF CROPS THAT ARE NOT FOOD CROPS; AND**

(VII) **SILVICULTURE.**

(b) **IN COMPLIANCE WITH THE CATEGORY 2 STANDARD, FOR:**

(I) **ALL OF THE USES FOR WHICH RECLAIMED DOMESTIC**

WASTEWATER MAY BE USED IN COMPLIANCE WITH THE CATEGORY 1

STANDARD;

(II) **WASHWATER APPLICATIONS;**

(III) **LANDSCAPE IRRIGATION AT SITES WITHOUT RESTRICTED**

ACCESS;

(IV) **COMMERCIAL LAUNDRIES;**

(V) **AUTOMATED VEHICLE WASHING;**

(VI) **MANUAL, NONPUBLIC VEHICLE WASHING;**

(VII) **NONRESIDENTIAL FIRE PROTECTION; AND**

(VIII) **MARIJUANA CULTIVATION.**

(c) **IN COMPLIANCE WITH THE CATEGORY 3 STANDARD, FOR:**

(I) **ALL OF THE USES FOR WHICH RECLAIMED DOMESTIC**

WASTEWATER MAY BE USED IN COMPLIANCE WITH THE CATEGORY 1

STANDARD AND THE CATEGORY 2 STANDARD;

(II) **LANDSCAPE IRRIGATION AT SITES THAT ARE CONTROLLED BY**

RESIDENTS; AND

(III) **RESIDENTIAL FIRE PROTECTION.**

(3) **IN ADDITION TO COMPLYING WITH THE CATEGORY 2 STANDARD**

PURSUANT TO SUBSECTION (2)(b)(VIII) OF THIS SECTION, REGARDLESS OF

WHETHER THE USE IS FOR MARIJUANA PRODUCED FOR COMMERCIAL OR

NONCOMMERCIAL USE, RECLAIMED DOMESTIC WASTEWATER MAY BE USED

FOR MARIJUANA CULTIVATION ONLY IF THE USE MEETS THE WATER

QUALITY STANDARDS FOR COMMERCIAL CROPS SET FORTH IN THE FEDERAL
"FDA Food Safety Modernization Act", Pub.L. 111-353, as amended. In promulgating rules for the Category 2 standard at the point of compliance for use of reclaimed domestic wastewater for marijuana cultivation, the Commission shall not promulgate any rule that is more stringent than the relevant standards set forth in the federal "FDA Food Safety Modernization Act", Pub.L. 111-353, as amended.

(4) (a) On or before December 31, 2019, the Commission shall promulgate rules in accordance with this section.

(b) In promulgating rules in accordance with this section, the Commission:

(I) May create new categories of water quality standards beyond the three categories set forth in this section; and

(II) May recategorize any of the uses set forth in subsection (2) of this section to a less stringent category of water quality standard.

(c) The Commission, by rule, may authorize additional uses of reclaimed domestic wastewater for any of the categories of water quality standards set forth in subsection (2) of this section or may create a new category of water quality standard for one or more additional uses of reclaimed domestic wastewater.

(5) The division may grant a user of reclaimed domestic wastewater a variance from the water quality standards set forth in subsection (2) of this section or established by rule by the Commission pursuant to subsection (4) of this section if the
USER DEMONSTRATES TO THE DIVISION'S SATISFACTION THAT THE PROPOSED USAGE OF RECLAIMED DOMESTIC WASTEWATER WILL SUFFICIENTLY PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

SECTION 4. In Colorado Revised Statutes, 25-8-308, amend (1) introductory portion and (1)(h) as follows:

25-8-308. Additional authority and duties of division - penalties. (1) In addition to the authority specified elsewhere in this article ARTICLE 8, the division has the power to:

(h) Implement a program, in accordance with SECTION 25-8-205.7 AND rules and orders of the commission, for the reuse of reclaimed domestic wastewater for purposes other than drinking.

SECTION 5. 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 8, 2018, if adjournment sine die is on May 9, 2018); 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.