

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
9.28.17

**BILL 4b**

LLS NO. 18-0225.02 Jennifer Berman x3286

**INTERIM COMMITTEE BILL**

**Water Resources Review Committee**

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**BILL TOPIC: "Expand Uses For Reclaimed Water Use"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ALLOWABLE USES OF RECLAIMED DOMESTIC**  
102 **WASTEWATER, AND, IN CONNECTION THEREWITH, ALLOWING**  
103 **RECLAIMED DOMESTIC WASTEWATER TO BE USED FOR FOOD**  
104 **CROPS, TOILET FLUSHING, INDUSTRIAL HEMP CULTIVATION, AND**  
105 **MARIJUANA CULTIVATION.**

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**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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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 food crop irrigation, toilet and urinal flushing in multifamily residential and nonresidential structures, marijuana cultivation, and hemp cultivation as allowable uses 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-103, **amend**  
3 (17.5) as follows:

4 **25-8-103. Definitions.** As used in this article 8, unless the context  
5 otherwise requires:

6 (17.5) "Reclaimed domestic wastewater" means wastewater that  
7 has received treatment IN ACCORDANCE WITH SECTION 25-8-205.7 AND  
8 that enables the wastewater to meet the requirements, prohibitions,  
9 standards, and concentration limitations adopted by the commission for  
10 subsequent reuses other than drinking.

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

13 **25-8-205. Control regulations.** (1) The commission may  
14 promulgate control regulations for the following purposes:

15 (f) IN ACCORDANCE WITH SECTION 25-8-205.7, to describe  
16 requirements, prohibitions, standards, and concentration limitations on the  
17 reuse of reclaimed domestic wastewater for purposes other than drinking

1 that will protect public health and encourage the reuse of reclaimed  
2 domestic wastewater;

3 **SECTION 3.** In Colorado Revised Statutes, **add 25-8-205.7** as  
4 follows:

5 **25-8-205.7. Control regulations for reuse of reclaimed**  
6 **domestic wastewater - definitions - rules.** (1) AS USED IN THIS SECTION,  
7 UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "CATEGORY 1 STANDARD" MEANS A WATER QUALITY  
9 STANDARD FOR RECLAIMED DOMESTIC WASTEWATER:

10 (I) REQUIRING, AT A MINIMUM, THAT THE WATER HAS RECEIVED  
11 SECONDARY TREATMENT WITH DISINFECTION; AND

12 (II) FOR WHICH, AT THE POINT OF COMPLIANCE, THE WATER MEETS  
13 THE E. COLI AND TOTAL SUSPENDED SOLIDS STANDARDS PROMULGATED BY  
14 THE COMMISSION FOR CATEGORY 1 WATER.

15 (b) "CATEGORY 2 STANDARD" MEANS A WATER QUALITY  
16 STANDARD FOR RECLAIMED DOMESTIC WASTEWATER:

17 (I) REQUIRING, AT A MINIMUM, THAT THE WATER HAS RECEIVED  
18 SECONDARY TREATMENT WITH FILTRATION AND DISINFECTION; AND

19 (II) FOR WHICH, AT THE POINT OF COMPLIANCE, THE WATER MEETS  
20 THE E. COLI AND TURBIDITY STANDARDS PROMULGATED BY THE  
21 COMMISSION FOR CATEGORY 2 WATER.

22 (c) "CATEGORY 3 STANDARD" MEANS A WATER QUALITY  
23 STANDARD FOR RECLAIMED DOMESTIC WASTEWATER:

24 (I) REQUIRING, AT A MINIMUM, THAT THE WATER HAS RECEIVED  
25 SECONDARY TREATMENT WITH FILTRATION AND DISINFECTION; AND

26 (II) FOR WHICH, AT THE POINT OF COMPLIANCE, THE WATER MEETS  
27 THE E. COLI AND TURBIDITY STANDARDS PROMULGATED BY THE

1 COMMISSION FOR CATEGORY 3 WATER.

2 (d) "E. COLI" MEANS THE ESCHERICHIA COLI BACTERIA THAT ARE  
3 FOUND IN THE ENVIRONMENT, FOODS, AND THE INTESTINES OF PEOPLE AND  
4 ANIMALS.

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

8 (II) "FOOD CROP" DOES NOT INCLUDE:

9 (A) A CROP PRODUCED FOR ANIMAL CONSUMPTION ONLY; EXCEPT  
10 THAT A CROP PRODUCED WHERE LACTATING DAIRY ANIMALS FORAGE IS A  
11 FOOD CROP; AND

12 (B) INDUSTRIAL HEMP.

13 (f) "INDUSTRIAL HEMP" HAS THE SAME MEANING AS SET FORTH IN  
14 SECTION 35-61-101 (7).

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

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

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

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

26 (I) EVAPORATIVE INDUSTRIAL PROCESSES;

27 (II) NONEVAPORATIVE INDUSTRIAL PROCESSES;

- 1 (III) NONDISCHARGING CONSTRUCTION AND ROAD MAINTENANCE;  
2 (IV) LANDSCAPE IRRIGATION AT SITES WITH RESTRICTED ACCESS;  
3 (V) ZOO OPERATIONS;  
4 (VI) IRRIGATION OF INDUSTRIAL HEMP AND OTHER CROPS THAT  
5 ARE NOT FOOD CROPS; AND  
6 (VII) SILVICULTURE.

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

8 (I) ALL OF THE USES FOR WHICH RECLAIMED DOMESTIC  
9 WASTEWATER MAY BE USED IN COMPLIANCE WITH THE CATEGORY 1  
10 STANDARD;

11 (II) WASHWATER APPLICATIONS;

12 (III) LANDSCAPE IRRIGATION AT SITES WITHOUT RESTRICTED  
13 ACCESS;

14 (IV) COMMERCIAL LAUNDRIES;

15 (V) AUTOMATED VEHICLE WASHING;

16 (VI) MANUAL, NONPUBLIC VEHICLE WASHING;

17 (VII) NONRESIDENTIAL FIRE PROTECTION;

18 (VIII) MARIJUANA CULTIVATION; AND

19 (IX) IF USED IN ACCORDANCE WITH SUBSECTION (3) OF THIS  
20 SECTION, IRRIGATION OF FOOD CROPS.

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

22 (I) ALL OF THE USES FOR WHICH RECLAIMED DOMESTIC  
23 WASTEWATER MAY BE USED IN COMPLIANCE WITH THE CATEGORY 1  
24 STANDARD AND THE CATEGORY 2 STANDARD;

25 (II) LANDSCAPE IRRIGATION AT SITES THAT ARE CONTROLLED BY  
26 RESIDENTS;

27 (III) RESIDENTIAL FIRE PROTECTION; AND

1 (IV) TOILET AND URINAL FLUSHING IN:

2 (A) MULTIFAMILY RESIDENTIAL STRUCTURES; AND

3 (B) NONRESIDENTIAL STRUCTURES.

4 (3) IN ADDITION TO COMPLYING WITH THE CATEGORY 2 STANDARD  
5 PURSUANT TO SUBSECTION (2)(b)(IX) OF THIS SECTION AND REGARDLESS  
6 OF WHETHER THE USE IS FOR FOOD CROPS PRODUCED FOR COMMERCIAL  
7 USE OR NONCOMMERCIAL USE, RECLAIMED DOMESTIC WASTEWATER MAY  
8 BE USED FOR IRRIGATION OF FOOD CROPS ONLY IF THE USE MEETS THE  
9 WATER QUALITY STANDARDS FOR COMMERCIAL CROPS SET FORTH IN THE  
10 FEDERAL "FDA FOOD SAFETY MODERNIZATION ACT", PUB.L. 111-353, AS  
11 AMENDED. IN PROMULGATING RULES FOR THE CATEGORY 2 STANDARD AT  
12 THE POINT OF COMPLIANCE FOR USE OF RECLAIMED DOMESTIC  
13 WASTEWATER FOR IRRIGATION OF FOOD CROPS, THE COMMISSION SHALL  
14 NOT PROMULGATE ANY RULE THAT IS MORE STRINGENT THAN THE  
15 RELEVANT STANDARDS SET FORTH IN THE FEDERAL "FDA FOOD SAFETY  
16 MODERNIZATION ACT", PUB.L. 111-353, AS AMENDED.

17 (4) (a) ON OR BEFORE DECEMBER 31, 2019, THE COMMISSION  
18 SHALL PROMULGATE RULES IN ACCORDANCE WITH THIS SECTION.

19 (b) IN PROMULGATING RULES IN ACCORDANCE WITH THIS SECTION,  
20 THE COMMISSION:

21 (I) MAY CREATE NEW CATEGORIES OF WATER QUALITY  
22 STANDARDS BEYOND THE THREE CATEGORIES SET FORTH IN THIS SECTION;

23 AND

24 (II) MAY RECATEGORIZE ANY OF THE USES SET FORTH IN  
25 SUBSECTION (2) OF THIS SECTION TO A LESS STRINGENT CATEGORY OF  
26 WATER QUALITY STANDARD.

27 (c) THE COMMISSION, BY RULE, MAY AUTHORIZE ADDITIONAL USES

1 OF RECLAIMED DOMESTIC WASTEWATER FOR ANY OF THE CATEGORIES OF  
2 WATER QUALITY STANDARDS SET FORTH IN SUBSECTION (2) OF THIS  
3 SECTION OR MAY CREATE A NEW CATEGORY OF WATER QUALITY  
4 STANDARD FOR ONE OR MORE ADDITIONAL USES OF RECLAIMED DOMESTIC  
5 WASTEWATER.

6 (5) THE DIVISION MAY GRANT A USER OF RECLAIMED DOMESTIC  
7 WASTEWATER A VARIANCE FROM THE WATER QUALITY STANDARDS SET  
8 FORTH IN SUBSECTION (2) OF THIS SECTION OR ESTABLISHED BY RULE BY  
9 THE COMMISSION PURSUANT TO SUBSECTION (4) OF THIS SECTION IF THE  
10 USER DEMONSTRATES TO THE DIVISION'S SATISFACTION THAT THE  
11 PROPOSED USAGE OF RECLAIMED DOMESTIC WASTEWATER WILL  
12 SUFFICIENTLY PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

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

15 **25-8-308. Additional authority and duties of division -**  
16 **penalties.** (1) In addition to the authority specified elsewhere in this  
17 ~~article~~ ARTICLE 8, the division has the power to:

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

21 **SECTION 5. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2018 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.