

## CHAPTER 228

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**WATER AND IRRIGATION**

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**HOUSE BILL 13-1044**

BY REPRESENTATIVE(S) Fischer, Coram, Duran, Fields, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Mitsch Bush, Moreno, Murray, Rosenthal, Salazar, Schafer, Sonnenberg, Young, Peniston, Rankin, Williams;  
also SENATOR(S) Schwartz, Aguilar, Giron, Guzman, Heath, Jahn, Jones, Kefalas, Kerr, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Morse.

**AN ACT****CONCERNING THE AUTHORIZATION OF THE USE OF GRAYWATER.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby:

(a) Recognizes that increasing the economic well-being of the state by ensuring adequate future water supplies is one of the general assembly's highest priorities and greatest responsibilities;

(b) Determines that reducing per capita residential, commercial, and industrial demands for potable water is one of the important public policy strategies required for meeting Colorado's future water demands;

(c) Finds that innovative uses of existing technologies, such as graywater treatment systems, will:

(I) Play an important role in reducing per capita consumption of water;

(II) Enable significantly greater efficiencies in the use of water within facilities;  
and

(III) Have the potential to reduce water and wastewater treatment costs and energy consumption; and

(d) Declares 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.*

(I) The greater public interest is served by policies that promote greater efficiency in the first use of water within residential, commercial, and industrial facilities; and

(II) Policies allowing the use of graywater systems, while preserving the health, safety, and welfare of Coloradans, represent one strategy available for achieving greater efficiency in the use of the state's vital water resources.

**SECTION 2.** In Colorado Revised Statutes, 25-8-103, **add** (8.3) and (8.4) as follows:

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

(8.3) "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). 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.

(8.4) "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.** In Colorado Revised Statutes, 25-8-205, **add** (1) (g) as follows:

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

(g)(I) 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.

(II) 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.

(III) 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.

(IV) 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.** In Colorado Revised Statutes, 30-11-107, **add** (1) (kk) as follows:

**30-11-107. Powers of the board.** (1) The board of county commissioners of each county has power at any meeting:

(kk) (I) 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 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH ANY REGULATION ADOPTED PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S., AND TO ENFORCE COMPLIANCE WITH THE BOARD'S RESOLUTION.

(II) BEFORE ADOPTING A RESOLUTION TO AUTHORIZE THE USE OF GRAYWATER PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (kk), 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 25-8-103 (8.4), C.R.S.

**SECTION 5.** In Colorado Revised Statutes, 31-15-601, **add** (1) (m) as follows:

**31-15-601. 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:

(m) (I) 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 25-8-103 (8.3), C.R.S., IN COMPLIANCE WITH ANY REGULATION ADOPTED PURSUANT TO SECTION 25-8-205 (1) (g), C.R.S., AND TO ENFORCE COMPLIANCE WITH THE GOVERNING BODY'S ORDINANCE.

(II) BEFORE ADOPTING AN ORDINANCE TO AUTHORIZE THE USE OF GRAYWATER PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (m), 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 25-8-103 (8.4), C.R.S.

**SECTION 6.** In Colorado Revised Statutes, 37-90-105, **amend** (7); and **add** (8) as follows:

**37-90-105. Small capacity wells.** (7) (a) The board of ~~any ground water~~ A GROUNDWATER management district ~~has the authority to~~ 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 ~~any ground water~~ A GROUNDWATER management district ~~has the authority to~~ MAY adopt rules that expand the acre-foot limitations for small capacity wells set forth in this section. However, ~~in no event~~ THE BOARD OF A GROUNDWATER MANAGEMENT DISTRICT shall NOT ALLOW an annual volume of more than eighty acre-feet ~~be allowed~~ for any small capacity well.

(b) THE BOARD MAY INSTITUTE ITS rules ~~adopted by the board may be instituted~~ only after a public hearing. ~~Notice~~ THE BOARD SHALL PUBLISH NOTICE of ~~such~~ THE hearing, ~~shall be published. Such notice shall state~~ STATING the time and place of the hearing and ~~describe~~ DESCRIBING, in general terms, the rules proposed. Within sixty days after ~~such~~ THE hearing, the board shall announce the rules adopted and shall ~~cause~~ PUBLISH notice of ~~such~~ THE action. ~~to be published.~~ 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 ~~such~~ a rule may, not later than thirty days after the last date of publication, initiate judicial review in accordance with ~~the provisions of section 24-4-106, C.R.S.;~~ except that venue for ~~such~~ judicial review ~~shall~~ OF THE RULE MUST be in the district court for the county in which the office of the ~~ground water~~ GROUNDWATER management district is located.

(8) 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 25-8-103 (8.3) AND (8.4), C.R.S., IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 25-8-205 (1) (g), C.R.S. ANY LIMITATIONS ON USE SET FORTH IN THE WELL PERMIT APPLY TO THE USE OF GRAYWATER.

**SECTION 7.** In Colorado Revised Statutes, 37-90-107, **add** (5.5) as follows:

**37-90-107. Application for use of groundwater - publication of notice - conditional permit - hearing on objections - well permits.** (5.5) A PERSON WITHDRAWING WATER FROM A WELL PURSUANT TO SUBSECTION (3) OF THIS SECTION MAY USE GRAYWATER THROUGH USE OF A GRAYWATER TREATMENT WORKS, AS THOSE TERMS ARE DEFINED IN SECTION 25-8-103 (8.3) AND (8.4), C.R.S., IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 25-8-205 (1) (g), C.R.S. 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.** In Colorado Revised Statutes, 37-90-137, **add** (15) as follows:

**37-90-137. Permits to construct wells outside designated basins - fees - permit no groundwater right - evidence - time limitation - well permits - rules - repeal.** (15) A PERSON WITHDRAWING WATER FROM A WELL PURSUANT TO SUBSECTION (1) OR (4) OF THIS SECTION MAY USE GRAYWATER THROUGH THE USE OF A GRAYWATER TREATMENT WORKS, AS THOSE TERMS ARE DEFINED IN SECTION 25-8-103 (8.3) AND (8.4), C.R.S., IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 25-8-205 (1) (g), C.R.S. 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.** In Colorado Revised Statutes, 37-92-102, **add** (7) as follows:

**37-92-102. Legislative declaration - basic tenets of Colorado water law.** (7) 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 25-8-103 (8.3) AND (8.4), C.R.S., 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 25-8-205 (1) (g), C.R.S.

**SECTION 10.** In Colorado Revised Statutes, 37-92-602, **add** (1.5) as follows:

**37-92-602. Exemptions - presumptions - legislative declaration.** (1.5) 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 25-8-103 (8.3) AND (8.4), C.R.S., IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 25-8-205 (1) (g), C.R.S. ANY LIMITATIONS ON USE SET FORTH IN THE WELL PERMIT APPLY TO THE USE OF GRAYWATER.

**SECTION 11.** In Colorado Revised Statutes, 12-58-101, **add** (3) as follows:

**12-58-101. Legislative declaration.** (3) 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. 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.

Approved: May 15, 2013