

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0121.01 Jennifer Berman x3286

HOUSE BILL 17-1008

HOUSE SPONSORSHIP

Arndt, Becker J.

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM THE WATER QUALITY CONTROL**
102 **COMMISSION'S GRAYWATER CONTROL REGULATIONS FOR**
103 **GRAYWATER USED FOR THE PURPOSE OF SCIENTIFIC RESEARCH**
104 **INVOLVING HUMAN SUBJECTS.**

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 water quality control commission in the department of public health and environment (commission) is responsible for developing requirements, prohibitions,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and standards that protect public health and water quality for the use of graywater for nondrinking purposes. Scientific research on graywater that might involve graywater uses and systems that do not strictly comply with the requirements, prohibitions, and standards developed by the commission would not be permitted under the control regulations.

To facilitate scientific research related to graywater uses and systems, the bill creates an exemption from the commission's graywater control regulations for scientific research involving human subjects whereby a person may collect and use graywater for purposes of scientific research involving human subjects if the person:

- ! Seeks to conduct the scientific research on behalf of an institution of higher education;
- ! Utilizes a graywater treatment works system that incorporates a secondary water supply to provide an alternative source of water if any portion of the system does not function properly; and
- ! Collects and uses 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.

The person is required to report to the water resources review committee on an annual basis the results of periodic monitoring conducted to assess the continued functioning of the graywater treatment works system used in the project and the project's compliance with federal rules concerning the protection of human research subjects.

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

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

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

6 (8.3) (a) "Graywater" means that portion of wastewater that,
7 before being treated or combined with other wastewater, is collected from
8 fixtures within residential, commercial, or industrial buildings or
9 institutional facilities for the purpose of being put to beneficial uses
10 authorized by the commission in accordance with section 25-8-205 (1)(g);
11 EXCEPT THAT GRAYWATER USE FOR PURPOSES OF SCIENTIFIC RESEARCH

1 INVOLVING HUMAN SUBJECTS, AS DEFINED IN SECTION 25-8-205.3 (3),
2 MUST COMPLY WITH THE REQUIREMENTS OF SECTION 25-8-205.3, BUT
3 NEED NOT COMPLY WITH THE COMMISSION'S CONTROL REGULATIONS
4 ESTABLISHED UNDER SECTION 25-8-205 (1).

5 (b) Sources of graywater may include discharges from bathroom
6 and laundry room sinks, bathtubs, showers, laundry machines, and other
7 sources authorized by rule. Graywater does not include the wastewater
8 from toilets, urinals, kitchen sinks, dishwashers, or nonlaundry utility
9 sinks. Graywater must be collected in a manner that minimizes household
10 wastes, human excreta, animal or vegetable matter, and chemicals that are
11 hazardous or toxic, as determined by the commission; EXCEPT THAT A
12 PERSON MAY COLLECT AND USE GRAYWATER IN A MANNER THAT DEPARTS
13 FROM THE COMMISSION'S REQUIREMENTS IF THE PERSON COLLECTS AND
14 USES THE GRAYWATER FOR PURPOSES OF SCIENTIFIC RESEARCH INVOLVING
15 HUMAN SUBJECTS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
16 25-8-205.3.

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

19 **25-8-205. Control regulations.** (1) The commission may
20 promulgate control regulations for the following purposes:

21 (g) (II) EXCEPT AS AUTHORIZED IN SECTION 25-8-205.3, graywater
22 may be used only in areas where the local city, city and county, or county
23 has adopted an ordinance or resolution approving the use of graywater
24 pursuant to section 30-11-107 (1)(kk) or 31-15-601 (1)(m). ~~C.R.S.~~ The
25 city, city and county, or county that has adopted an ordinance or
26 resolution approving the use of graywater pursuant to section 30-11-107
27 (1)(kk) or 31-15-601 (1)(m) ~~C.R.S.~~, has exclusive enforcement authority

1 regarding compliance with the ordinance or resolution.

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

4 **25-8-205.3. Exemption from control regulations for graywater**
5 **research - definition.** (1) SUBJECT TO THE CONDITIONS SET FORTH IN
6 SUBSECTION (2) OF THIS SECTION, A PERSON MAY COLLECT AND USE
7 GRAYWATER IN A MANNER THAT DEPARTS FROM THE REQUIREMENTS OF
8 THE COMMISSION'S CONTROL REGULATIONS, AS PROMULGATED PURSUANT
9 TO SECTION 25-8-205 (1)(g), IF, ON BEHALF OF AN INSTITUTION OF HIGHER
10 EDUCATION IN COLORADO, OR A PUBLIC OR PRIVATE ENTITY THAT AN
11 INSTITUTION OF HIGHER EDUCATION IN COLORADO CONTRACTS WITH TO
12 CONDUCT GRAYWATER RESEARCH ON THE INSTITUTION'S BEHALF, THE
13 PERSON COLLECTS AND USES THE GRAYWATER FOR PURPOSES OF
14 SCIENTIFIC RESEARCH INVOLVING HUMAN SUBJECTS.

15 (2) A PERSON COLLECTING AND USING GRAYWATER PURSUANT TO
16 THIS SECTION:

17 (a) SHALL COLLECT AND USE THE GRAYWATER IN ACCORDANCE
18 WITH THE TERMS AND CONDITIONS OF THE DECREES, CONTRACTS, AND
19 WELL PERMITS APPLICABLE TO THE USE OF THE SOURCE WATER RIGHTS OR
20 SOURCE WATER AND ANY RETURN FLOWS;

21 (b) SHALL UTILIZE A GRAYWATER TREATMENT WORKS SYSTEM
22 THAT INCORPORATES A SECONDARY WATER SUPPLY, SUCH AS A MUNICIPAL
23 WATER SUPPLY, TO PROVIDE AN ALTERNATIVE SOURCE OF WATER IF ANY
24 PORTION OF THE SYSTEM DOES NOT FUNCTION PROPERLY;

25 (c) MAY COLLECT AND USE THE GRAYWATER IN AN AREA THAT IS
26 NOT WITHIN THE JURISDICTION OF ANY CITY, CITY AND COUNTY, OR
27 COUNTY THAT HAS ADOPTED AN ORDINANCE OR RESOLUTION

1 AUTHORIZING GRAYWATER USE PURSUANT TO SECTION 25-8-205

2 (1)(g)(II);

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

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

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

11 (II) THE PROJECT'S CONTINUED COMPLIANCE WITH THE
12 REQUIREMENTS OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES' REGULATIONS CONCERNING THE PROTECTION OF HUMAN
14 RESEARCH SUBJECTS, CODIFIED IN 45 CFR 46.

15 (3) AS USED IN THIS SECTION, "SCIENTIFIC RESEARCH INVOLVING
16 HUMAN SUBJECTS" MEANS A RESEARCH STUDY IN WHICH:

17 (a) EMPIRICAL DATA IS COLLECTED AND ANALYZED ABOUT
18 WASTEWATER COLLECTION, TREATMENT, OR USE; AND

19 (b) HUMANS PARTICIPATE AS SUBJECTS IN THE STUDY.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.