

CHAPTER 277

WATER AND IRRIGATION

HOUSE BILL 24-1362

BY REPRESENTATIVE(S) Lukens and Catlin, McCluskie, Frizell, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, Duran, Epps, Froelich, Hamrick, Hartsook, Herod, Joseph, Kipp, Lieder, Lindstedt, Lynch, Martinez, Marvin, Mauro, McCormick, McLachlan, Ricks, Rutinel, Sirota, Snyder, Taggart, Titone, Valdez, Velasco, Weissman, Willford, Young, English, Soper; also SENATOR(S) Roberts and Simpson, Bridges, Buckner, Cutter, Exum, Fields, Gardner, Hansen, Jaquez Lewis, Kirkmeyer, Lundeen, Marchman, Michaelson Jenet, Mullica, Pelton B., Pelton R., Priola, Will, Winter F., Zenzinger, Fenberg.

AN ACT**CONCERNING MEASURES TO PROMOTE THE USE OF GRAYWATER.**

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

SECTION 1. In Colorado Revised Statutes, **add** 25-8-205.4 as follows:

25-8-205.4. Statewide authorization of graywater use - local government notice required to opt out. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON MAY INSTALL GRAYWATER TREATMENT WORKS AND USE GRAYWATER IN ACCORDANCE WITH SECTION 25-8-205 (1)(g) AND RULES ADOPTED PURSUANT TO SECTION 25-8-205 (1)(g).

(2) (a) A BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY MAY ADOPT A RESOLUTION OR AN ORDINANCE PURSUANT TO SECTION 30-11-107 (1)(kk) OR 31-15-601 (1)(m):

(I) PROHIBITING THE INSTALLATION OF GRAYWATER TREATMENT WORKS AND THE USE OF ALL GRAYWATER IN THE COUNTY OR MUNICIPALITY; OR

(II) PROHIBITING ONE OR MORE CATEGORIES OF GRAYWATER USE THAT THE COMMISSION ESTABLISHES IN RULES ADOPTED PURSUANT TO SECTION 25-8-205 (1)(g).

(b) A BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY THAT ADOPTS A RESOLUTION OR AN ORDINANCE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION SHALL NOTIFY THE DIVISION THAT THE BOARD

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY PROHIBITS THE USE OF ALL GRAYWATER OR PROHIBITS CERTAIN CATEGORIES OF GRAYWATER USE IN THE COUNTY OR MUNICIPALITY.

(c) A BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY THAT HAS NOT PROHIBITED THE INSTALLATION OF GRAYWATER TREATMENT WORKS PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, PRIOR TO INSTALLATION OF ANY GRAYWATER TREATMENT WORKS, CONTINUES TO BE RESPONSIBLE FOR ADOPTING BUILDING CODES THAT PREVENT GRAYWATER FROM ENTERING A POTABLE WATER SYSTEM AND FOR REPORTING TO THE LOCAL WATER UTILITY THE PLANNED INSTALLATION OF GRAYWATER SYSTEMS THAT REQUIRE BACKFLOW PREVENTION CROSS-CONNECTION CONTROL DEVICES UNDER THE COMMISSION'S RULES FOR THE PURPOSE OF SURVEYING AND TRACKING SUCH DEVICES. FOR EACH LOCATION WITHIN A LOCAL GOVERNMENT'S JURISDICTION AT WHICH GRAYWATER TREATMENT WORKS HAVE BEEN INSTALLED, THE BUILDING DEPARTMENT OF THE LOCAL GOVERNMENT SHALL PROVIDE THE ADDRESS OF THE LOCATION TO EACH WATER UTILITY SERVING THAT LOCATION.

(3) A BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY THAT SENDS A NOTICE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION MAY SUBSEQUENTLY ADOPT A RESOLUTION PURSUANT TO SECTION 30-11-107 (1)(kk) OR AN ORDINANCE PURSUANT TO SECTION 31-15-601 (1)(m) TO AUTHORIZE THE INSTALLATION OF GRAYWATER TREATMENT WORKS AND THE USE OF GRAYWATER OR TO AUTHORIZE CATEGORIES OF GRAYWATER USE PREVIOUSLY PROHIBITED. A BOARD OR GOVERNING BODY THAT SUBSEQUENTLY AUTHORIZES THE USE OF GRAYWATER PURSUANT TO THIS SUBSECTION (3) SHALL PROMPTLY NOTIFY THE DIVISION OF THE SUBSEQUENT AUTHORIZATION.

(4) UNLESS A BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY OF A MUNICIPALITY ADOPTS A RESOLUTION OR AN ORDINANCE TO THE CONTRARY, A PERSON MAY INSTALL INDOOR GRAYWATER TREATMENT WORKS PURSUANT TO SUBSECTION (1) OF THIS SECTION ONLY IN NEW CONSTRUCTION PROJECTS.

(5) NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION RELATED TO WATER RIGHTS, WATER SUPPLY, OR WATER FACILITIES.

SECTION 2. In Colorado Revised Statutes, 30-11-107, **amend** (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, REGARDING 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. A BOARD OF COUNTY COMMISSIONERS:

(A) MAY ADOPT A RESOLUTION PROHIBITING THE INSTALLATION OF GRAYWATER

TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103 (8.4), AND THE USE OF ALL GRAYWATER OR PROHIBITING ONE OR MORE CATEGORIES OF GRAYWATER USE THAT THE WATER QUALITY CONTROL COMMISSION ESTABLISHES IN RULES ADOPTED PURSUANT TO SECTION 25-8-205 (1)(g); AND

(B) PURSUANT TO SECTION 25-8-205.4 (2)(b), SHALL NOTIFY THE DIVISION OF ADMINISTRATION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF ANY RESOLUTION ADOPTED PURSUANT TO SUBSECTION (1)(kk)(I)(A) OF THIS SECTION. A BOARD OF COUNTY COMMISSIONERS THAT SENDS NOTICE PURSUANT TO THIS SUBSECTION (1)(kk)(I)(B) MAY SUBSEQUENTLY AUTHORIZE THE INSTALLATION OF GRAYWATER TREATMENT WORKS AND THE USE OF GRAYWATER OR AUTHORIZE CATEGORIES OF GRAYWATER USE PREVIOUSLY PROHIBITED AT ANY TIME BY ADOPTING A RESOLUTION. A BOARD OF COUNTY COMMISSIONERS THAT SUBSEQUENTLY AUTHORIZES THE USE OF GRAYWATER SHALL PROMPTLY NOTIFY THE DIVISION OF ADMINISTRATION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF THE SUBSEQUENT AUTHORIZATION.

(II) ~~Before adopting a resolution to authorize the use of graywater pursuant to subparagraph (I) of this paragraph (kk),~~ A board of county commissioners THAT HAS NOT PROHIBITED ALL GRAYWATER USE PURSUANT TO SUBSECTION (1)(kk)(I) OF THIS SECTION 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 3. In Colorado Revised Statutes, 31-15-601, **amend** (1)(m) as follows:

31-15-601. Building and fire regulations - emission performance standards required - reporting. (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, REGARDING 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. THE GOVERNING BODY OF A MUNICIPALITY:

(A) MAY ADOPT AN ORDINANCE PROHIBITING THE INSTALLATION OF GRAYWATER TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103 (8.4), AND THE USE OF ALL GRAYWATER OR PROHIBITING ONE OR MORE CATEGORIES OF GRAYWATER USE THAT THE WATER QUALITY CONTROL COMMISSION ESTABLISHES IN RULES ADOPTED PURSUANT TO SECTION 25-8-205 (1)(g); AND

(B) PURSUANT TO SECTION 25-8-205.4 (2)(b), SHALL NOTIFY THE DIVISION OF ADMINISTRATION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF ANY ORDINANCE ADOPTED PURSUANT TO SUBSECTION (1)(m)(I)(A) OF THIS SECTION. A GOVERNING BODY OF A MUNICIPALITY THAT SENDS NOTICE PURSUANT TO THIS SUBSECTION (1)(m)(I)(B) MAY SUBSEQUENTLY AUTHORIZE THE

INSTALLATION OF GRAY WATER TREATMENT WORKS AND THE USE OF GRAY WATER OR AUTHORIZE CATEGORIES OF GRAY WATER USE PREVIOUSLY PROHIBITED AT ANY TIME BY ADOPTING AN ORDINANCE. A GOVERNING BODY OF A MUNICIPALITY THAT SUBSEQUENTLY AUTHORIZES THE USE OF GRAY WATER SHALL PROMPTLY NOTIFY THE DIVISION OF ADMINISTRATION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OF THE SUBSEQUENT AUTHORIZATION.

~~(II) Before adopting an ordinance to authorize the use of gray water pursuant to subparagraph (I) of this paragraph (m), the~~ A municipal governing body THAT HAS NOT PROHIBITED ALL GRAY WATER USE PURSUANT TO SUBSECTION (1)(m)(I) OF THIS SECTION 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 GRAY WATER USAGE AND THE PROPER INSTALLATION AND OPERATION OF GRAY WATER TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103 (8.4). ~~C.R.S.~~

SECTION 4. In Colorado Revised Statutes, 25-8-205, **amend** (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) 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). The~~ A city, city and county, or county that has adopted an ordinance or resolution **approving** REGARDING the use of graywater pursuant to section 30-11-107 (1)(kk) or 31-15-601 (1)(m) has exclusive enforcement authority regarding compliance with the ordinance or resolution.

~~(III) Use of graywater shall be~~ is 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~~ FROM THE SOURCE WATER, and ~~no use of graywater use shall NOT be allowed in a MANNER that would~~ IS 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 5. In Colorado Revised Statutes, 25-8-205.3, **repeal** (2)(c) as follows:

25-8-205.3. Exemption from control regulations for graywater research - definition. (2) A person collecting, treating, or using graywater pursuant to this section:

~~(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)(H);~~

SECTION 6. Act subject to petition - effective date. This act takes effect January 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, 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 2024 and, in such case, will take effect January 1, 2026, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: May 29, 2024