

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 29, 2018

Date

Committee on Agriculture, Livestock, & Natural Resources.

After consideration on the merits, the Committee recommends the following:

HB18-1093 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, strike line 10 and substitute:

2 "(f)(I) "POINT OF COMPLIANCE" MEANS, EXCEPT AS PROVIDED IN  
3 SUBSECTION (1)(f)(II) OF THIS SECTION, A POINT, AS IDENTIFIED BY THE".

4 Page 4, after line 15 insert:

5 "(II) IF RECLAIMED DOMESTIC WASTEWATER IS USED FOR INDOOR  
6 NONPOTABLE USES WITHIN A BUILDING WHERE PLUMBING FIXTURES ARE  
7 ACCESSIBLE BY THE GENERAL PUBLIC, "POINT OF COMPLIANCE" IS AT THE  
8 LOCATION WHERE WATER IS DELIVERED TO THE OCCUPIED PREMISES."

9 Page 5, line 10, strike "(3)" and substitute "(4)".

10 Page 5, line 11, strike "CROPS;" and substitute "CROPS FOR COMMERCIAL  
11 USE;".

12 Page 5, line 17, strike "AND".

13 Page 5, strike line 18 and substitute:

14 "(III) RESIDENTIAL FIRE PROTECTION; AND  
15 (IV) IF USED IN ACCORDANCE WITH SUBSECTION (3) OF THIS  
16 SECTION, IRRIGATION OF FOOD CROPS FOR NONCOMMERCIAL USE.

1 (3) ALL RECLAIMED DOMESTIC WASTEWATER SYSTEMS MUST BE  
2 COMPLIANT WITH AND INSTALLED IN ACCORDANCE WITH ARTICLE 58 OF  
3 TITLE 12 AND ANY RULES PROMULGATED PURSUANT TO THAT ARTICLE."

4 Renumber succeeding subsections accordingly.

5 Page 5, line 20, after "SECTION" insert "OR THE CATEGORY 3 STANDARD  
6 PURSUANT TO SUBSECTION (2)(c)(IV) OF THIS SECTION".

7 Page 5, line 26, strike "STANDARD" and substitute "AND CATEGORY 3  
8 STANDARDS".

9 Page 6, line 6, strike "SHALL" and substitute "MAY".

10 Page 6, strike line 21 and substitute:

11 "(d) THE COMMISSION MAY PROMULGATE RULES MORE STRINGENT  
12 THAN THE STANDARDS AND CATEGORIES SET FORTH IN SUBSECTION (2) OF  
13 THIS SECTION ONLY IF THE COMMISSION:

14 (I) DETERMINES THAT THE STANDARDS AND CATEGORIES SET  
15 FORTH IN SUBSECTION (2) OF THIS SECTION ARE NOT PROTECTIVE OF  
16 PUBLIC HEALTH; AND

17 (II) IDENTIFIES:

18 (A) A DOCUMENTED INCIDENT OF MICROBIAL DISEASE THAT THE  
19 COMMISSION DETERMINES HAS A REASONABLE POTENTIAL TO AFFECT  
20 PUBLIC HEALTH AND FOR WHICH THE COMMISSION HAS IDENTIFIED AS  
21 LIKELY ORIGINATING FROM RECLAIMED DOMESTIC WASTEWATER; OR

22 (B) A PEER-REVIEWED PUBLISHED ARTICLE THAT IDENTIFIES A  
23 POTENTIAL PUBLIC HEALTH RISK POSED BY THE USE OF RECLAIMED  
24 DOMESTIC WASTEWATER UNDER THE STANDARDS ESTABLISHED IN  
25 SUBSECTION (2) OF THIS SECTION.

26 (6) FOLLOWING A PUBLIC STAKEHOLDERS PROCESS, THE WATER  
27 QUALITY CONTROL DIVISION MAY DEVELOP POLICY, GUIDANCE, OR BEST  
28 MANAGEMENT PRACTICES THAT ARE CONSISTENT WITH THIS SECTION, AS  
29 THE DIVISION DEEMS NECESSARY TO IMPLEMENT THIS SECTION.

30 (7) IN ADDITION TO THE RELIEF AVAILABLE UNDER SECTION  
31 25-8-205 (7), THE DIVISION MAY GRANT A USER OF RECLAIMED  
32 DOMESTIC".

33 Page 6, line 24, strike "(4)" and substitute "(5)".

1 Page 6, after line 27 insert:

2 "(8) USE OF RECLAIMED DOMESTIC WASTEWATER IS ALLOWED  
3 ONLY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE  
4 DECREES, CONTRACTS, AND WELL PERMITS APPLICABLE TO THE USE OF THE  
5 SOURCE WATER RIGHTS OR SOURCE WATER AND ANY RETURN FLOWS  
6 THEREFROM."

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