



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: GOV DP 9-0-0-0 | 3rd Read 60-0-0-0

Senate: GOV W/D | NREW DPA/SE 7-0-0-0 | 3rd Read 30-0-0-0

Final Pass: 58-0-1-0-1

HB 2143: ~~rulemaking review; time frame~~

NOW: gray water; residential standards; rules

Sponsor: Representative Dunn, LD 25

Transmitted to the Governor

The House Engrossed version of HB 2143 modified the time a state agency has to review, and correct, a rule if granted a onetime rulemaking exemption.

The Senate adopted a strike-everything amendment that does the following:

Overview

Authorizes the Arizona Department of Environmental Quality to establish requirements for residential gray water treatment systems that are used indoors for toilet flushing and allows residential gray water to be used indoors for toilet flushing with a gray water treatment system that meets specified requirements.

History

Gray Water Use

Gray water is wastewater collected separately from the sewage flow that originates from a clothes washer or bathroom, tub, shower or sink. It does not include wastewater from a kitchen sink, dishwasher or toilet ([A.R.S. § 49-201\(20\)](#)).

The Arizona Department of Environmental Quality (ADEQ) issues two general permits that allow for gray water use. The first permit allows gray water from a private residence to be used for household gardening, composting or landscape gardening within the property boundary. The second permit allows gray water to be used for landscape irrigation and composting. These permits are subject to certain limitations, including that human contact with the gray water and soil irrigated or watered by the gray water is avoided and that the gray water does not contain hazardous chemicals ([A.A.C. R18-9-D701](#) and [A.A.C. R18-9-D702](#)).

Cities, towns and counties are currently prohibited from further limiting the use of gray water by rule or ordinance if gray water is allowed by an ADEQ permit for direct reuse of reclaimed water. ("Reclaimed water" is water that has been treated by a wastewater treatment plant or an on-site wastewater treatment facility.) However, this prohibition does not apply to the Prescott and Santa Cruz active management areas, specifically when effluent has been included in an assured water supply determination and using gray water would reduce the volume of effluent available to satisfy assured water supply requirements applicable to that determination (A.R.S. §§ [49-201](#) and [49-204](#)).

Standards for Gray Water Recycling

The National Sanitary Foundation and American National Standards Institute Standard 350 contains minimum requirements for onsite residential and commercial gray water treatment systems that serve single or multiple buildings on the same property.

Provisions

1. Authorizes ADEQ to establish by rule minimum requirements necessary to address public health or safety concerns for residential gray water treatment systems that are used indoors for toilet flushing. (Sec. 1)
2. Specifies that until the above rules are adopted, residential gray water may be used indoors for toilet flushing with a gray water treatment system that complies with all the following requirements:
 - a) Uses less than 400 gallons of gray water per day;
 - b) Is certified to meet Standard 350 for residential gray water recycling issued by the National Sanitary Foundation and an American National Standards Institute;
 - c) Reasonably precludes human contact with gray water;
 - d) Provides a dedicated piping system that supplies only treated gray water to the toilet flushing facilities; and
 - e) Provides gray water for toilet flushing only if the system is properly functioning. (Sec. 1)
3. Requires any residential gray water treatment system installed after the effective date of ADEQ's rules and that includes using gray water for indoor toilet flushing to meet the minimum requirements established in these rules. (Sec. 1)
4. Expands the prohibition on a city, town or county to limit the use of gray water to all gray water use, rather than gray water use that is allowed by an ADEQ-issued permit, unless certain conditions apply. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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