



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

REVISED
AMENDED

FACT SHEET FOR H.B. 2097

gray water; definition; residential standards

Purpose

Requires the Arizona Department of Environmental Quality (ADEQ) to adopt rules that allow for the use or discharge of gray water and for the use of composting toilets.

Background

Gray water is wastewater that has been collected separately from a sewage flow and that originates from a clothes washer, bathroom tub, shower or sink, not including wastewater from a kitchen sink ([A.R.S. § 49-201](#)).

A city, town or county may not limit the use of gray water by rule or ordinance unless, in an initial active management area that has a groundwater management goal of safe yield and that does not contain a part of the Central Arizona Project aqueduct, effluent has been included in an assured water supply determination and the use of gray water would reduce the volume of effluent available to satisfy assured water supply requirements applicable to that determination. For residential gray water treatment systems that are used indoors for toilet flushing, the Director of ADEQ may establish by rule minimum requirements that are necessary specifically to address public health or safety concerns ([A.R.S. § 49-204](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Residential Gray Water and Composting Toilets

1. Requires ADEQ to adopt rules that allow for the use or discharge of gray water and for the use of composting toilets.
2. Requires the adopted rules to:
 - a) before June 1, 2026, allow for the use or discharge of gray water at a single-family residence pursuant to a general permit;
 - b) before June 1, 2026, allow for the use of composting toilets and the use or discharge of gray water on residential rural land pursuant to a general permit;
 - c) establish conditions that exempt a property owner of residential rural land that has installed only composting toilets, rather than conventional toilets, and that uses only gray water from the requirement to connect to an on-site wastewater treatment facility or outside sewage system;

- d) have the primary objective to facilitate and maximize the volume of allowable gray water reuse, including from kitchen sinks and dishwashers;
 - e) minimize the costs and burdens of gray water reuse and impose conditions and restrictions only to the extent necessary to protect public health, safety and groundwater from contamination; and
 - f) not require an individual permit for a single-family residence or for residential rural land.
3. Requires ADEQ, for the purposes of gray water reuse, to retain the same authority to enforce the adopted rules as it does to enforce other uses of gray water.

Zoning Ordinances

4. Prohibits the zoning ordinance adopted by the county board of supervisors from imposing any other requirements or penalties related to gray water, gray water reuse or composting toilets beyond the residential gray water reuse standards and related rules adopted by ADEQ.
5. Prohibits any outlined county zoning ordinance from preventing, restricting or otherwise regulating the use or occupation of land or improvements on land related to gray water or composting toilets that conform to the residential gray water reuse standards and related rules adopted by ADEQ.
6. States that a building permit is not required for constructing a gray water system that complies with the residential gray water reuse standards.

Definitions

7. Defines *residential rural land* as property that is:
 - a) not located in a county island;
 - b) located in an unincorporated area of a county with a zoning classification that allows for the construction of a private residence;
 - c) on a lot of two acres or larger; and
 - d) not directly adjacent to a city or town.
8. Defines *composting toilet* as a manufactured or constructed treatment technology that receives human waste from a waterless toilet directly into an aerobic composting chamber in which dehydration and biological activity reduce the waste volume, nutrient content and harmful microorganisms to an appropriate level for later disposal and that is used in conformity with rules established by ADEQ.
9. Adds, to the definition of *gray water*, wastewater that has been collected separately from a dishwasher or kitchen sink that does not include a garbage disposal.
10. Specifies that *gray water* does not include wastewater from a kitchen sink that includes a garbage disposal or from a flush toilet or wastewater contaminated by soiled diapers.
11. Exempts, from the definition of *on-site wastewater treatment facility*, a system that is installed at a site to treat and dispose of gray water.

Miscellaneous

- 12. Contains a statement of legislative intent.
- 13. Makes technical and conforming changes.
- 14. Becomes effective on the general effective date.

Amendment Adopted by the Committee of the Whole

- 1. Requires ADEQ to adopt rules that allow for the use or discharge of gray water and for the use of composting toilets.
- 2. Outlines adopted rules.
- 3. Transfers the outlined ability, from an individual person to ADEQ rule, to use or discharge gray water at a private residence.
- 4. Adds definition of *residential rural land*.
- 5. Adds a statement of legislative intent.
- 6. Makes technical and conforming changes.

Revisions

- Corrects the amendment trailer to reflect the transfer of the outlined ability to use or discharge gray water at a private residence from an individual person to ADEQ rule.

House Action

Senate Action

NREW	1/23/24	DP	5-4-0-0	NREW	3/7/24	DPA	5-1-1
3 rd Read	1/8/24		31-26-1-0-2				

Prepared by Senate Research
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RA/slp