

Comments on the May 11, 2010 Version of the Draft Rule for Reclaimed Water

The definition of a "Wetland Restoration" is not very clear. Does this definition mean that an area must be delineated as a wetland to be considered wetland restoration? In our case the area we are looking at was drained 120 years ago, and no longer is delineated as a wetland. It has been in crop land for the past century. Therefore, I assume that our project would be an artificially constructed wetland? But, a very long time ago it was a historic wetland. If we have to meet the WQ criteria (N) for reclaimed water into a natural wetland, our project is probably not viable.

There is a definition for an "Artificial Wetlands" Should that really be Artificially Constructed Wetlands, consistent with Section 640?

In addition, the definition of a mitigation wetland is confusing? How does this apply where a wetland is constructed to be for wetland mitigation? I am thinking about this in the context of wetland banking.

It seems to me that the only major distinction between an artificially constructed wetland and a mitigation wetland is the commitment to sending water there in the long term?

It seems to me that there is very little difference between the criteria in the rule for an artificially constructed wetland and a mitigation wetland.

Regarding Section 600--I question the requirement that the reclaimed water meet 3 mg/L N for discharge into any natural wetland, which is the current limit of technology. I realize that you said that is a carry over from before. But, the presumption is made that any higher level of N will degrade the existing natural wetland. It would be more reasonable to say that the amount of N is to be determined on a case by case basis to avoid degradation of the wetland, with a maximum of 10 mg/L. This Section does not distinguish the water quality requirements between Category I, II, III, or IV wetlands.

Am I correct to understand that a wetland restoration project would not fall under Section 600, so long as it is not delineated as a wetland area at the outset?

Section 600 (4) says that reclaimed water is generally not allowed in Category II wetlands, while Section 600 (5) suggests that it is allowed in Category II wetlands. This is confusing.

In Section 600, (5) I question where the limits of 2 cm/day hydraulic loading comes from? Is there a body of science supporting this limit? Wouldn't it make more sense to have a case by case analysis rather than a unilateral limit?

In Section 600, (5) I question where the limit of 10 cm increase in water level came from? Wouldn't it make more sense to have a case by case analysis rather than a unilateral limit. In addition, it is very unclear where this applies. What is the definition of a depressional wetland? Aren't most existing wetlands in some sort of depression?

If I understand the draft, there are no water quality limitations for reclaimed water into Mitigation Wetlands (section 620) or into Artificially Constructed Wetlands (section 640)?

It seems to me that the only difference between section 620 and section 640 is that the commitment to send water is pretty much forever if it is a mitigation wetland. Otherwise the same criteria apply.

For our project, I am very unclear what will happen if we restore the wetlands function on our site now, and then apply to send reclaimed water there 10 or 20 years later. Will it then be considered to be a natural wetlands, and we would have to comply with section 600? Or would it be an artificially constructed wetlands, which would put us under section 640?

Am I correct to understand that there are no hydraulic loading, or maximum depth limitations if our project is a mitigation wetland, or an artificially constructed wetland?

Thanks,

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