



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

September 5, 2008

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In the Matter of

**Water Quality Certification**

for the

**SCILACCI DAIRY PROPERTY – UNDERGROUND IRRIGATION MAINLINE  
PROJECT  
WDID NO. 1B08030WNHU**

APPLICANT: Humboldt County Resource Conservation Service  
RECEIVING WATER: Van Duzen River  
HYDROLOGIC UNIT: Hydesville Hydrologic Subarea 111.21  
COUNTY: Humboldt  
FILE NAME: Scilacci Dairy Property - Underground Irrigation Mainline  
Project - WDID No. 1B08030WNHU

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BY THE EXECUTIVE OFFICER:

1. On February 25, 2008 the Humboldt County Resource Conservation District, on behalf of Mr. Steve Scilacci (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with installation of approximately 525 feet of 5-inch diameter Class 125 PVC underground irrigation mainline through an isolated seasonal wetland on agricultural land located at an existing dairy located at 3054 Van Duzen Street near Fortuna. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 13, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The proposed project includes the installation of approximately 3,300 feet of 5-inch diameter Class 125 PVC underground irrigation mainline for the purpose of irrigation water conveyance and liquefied manure application. Approximately 525 feet of the mainline will be through a seasonal wetland on agricultural land that is seeded regularly for pasture crops. The proposed underground mainline will provide the ability to convey irrigation water from an existing irrigation well in addition to applying liquefied manure from an existing dairy waste storage facility to the adjacent

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pastures. The liquefied manure will be utilized for fertilizing approximately 100 acres of certified organic pasture.

3. The proposed project will integrate into the manure collection, storage, and distribution system at the dairy facility. The construction of a buried mainline for liquid manure conveyance and application is a commonly used dairy waste management practice by Humboldt County Dairies. This practice is important in nutrient management and protecting adjacent water resources and is a recommended practice by the United States Department of Agriculture (USDA) – Natural Resource Conservation Service (NRCS). The irrigation pipeline has been designed in accordance with USDA – NRCS Standards and Specifications.
4. The proposed pipeline will be installed in a trench with an average depth of 36 inches and width of 9 inches. The trench will be backfilled with native soil and all disturbed areas will be seeded with a pasture seed mix. To prevent direct discharge of liquefied manure through the proposed pipeline and into the existing irrigation well, a Humboldt County approved backflow prevention measure will be included in the pipeline installation and will consist of a double check valve assembly placed at the existing irrigation well pump.
5. The 525 feet of pipeline has already been temporarily buried at a depth of 6 inches in an effort to protect the pipeline from damage by ranching activities pending completion of the permitting process. Additionally, shallow burial of the pipeline would prevent serious injury to dairy cattle traversing the site. Initial excavation and temporary shallow burial activities occurred during the 2007 dry season with deeper excavation and permanent burial to occur during the 2008 dry season.
6. Compensatory mitigation is not required. Post construction monitoring on July 30, 2007, indicated that best management practices (BMPs) incorporated during project construction to prevent impacts to seasonal wetland on agricultural land were successful. Noncompensatory BMP mitigation for this project includes reburying the pipeline to a depth of 36 inches during the 2008 dry season, the project topography is relatively flat, all trench spoils will be placed back in the trench and the surface restored, and all disturbed areas will be seeded with a pasture seed mix to control soil erosion.
7. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project. On April 17, 2008, California Department of Fish & Game notified the applicant that a Lake or Streambed Alteration Agreement was not required for this project.
8. The Applicant applied to the California Coastal Commission for a Coastal Development Permit Waiver and received a Waiver De Minimis Number 1-07-032W for the project dated January 9, 2008.
9. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 12, for Utility Line Activities, pursuant to Clean Water Act, section 404.
10. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption,

section 15303 – New Construction or Conversion of Small Structures, and Class 4, section 15304 – Minor Alterations to Land) and anticipate filing a Notice of Exemption for this project.

11. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

Receiving Water: Isolated seasonal wetland on agricultural land between the North Coast Rail Authority tracks and U.S. Highway 101, Hydesville Hydrologic Subarea 111.21

Filled or Excavated Area: 0.009 acres of agricultural isolated coastal seasonal wetlands

Area Temporarily Impacted: 0.009 acres of agricultural isolated coastal seasonal wetlands

Total Linear Impacts: Length Temporarily Impacted: 525 feet  
Length Permanently Impacted: none

Dredge Volume: None

Latitude/Longitude: Eastern End: 40° 32' 37.61"N/124° 08' 35.59"W  
Western End : 40° 32' 38.25"N/124° 08' 42.04"W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Underground Irrigation Mainline Project at the Scilacci Property, Project WDID No. 1B08030WNHU, as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
4. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
5. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
8. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
10. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
11. The Van Duzen River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Van Duzen River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific implementation plans for this TMDL. If a TMDL implementation plan is adopted

prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

12. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
13. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
14. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
15. In the event of any change in control of ownership of land presently owned or controlled by Mr. Steve Scilacci, Mr. Steve Scilacci shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

16. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b)

compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

17. The authorization of this certification for any dredge and fill activities expires on August 25, 2013. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Scott Gergus at (707) 576-2685.

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Catherine E. Kuhlman  
Executive Officer

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Original to: Ms. Donna Chambers, Humboldt County Resource Conservation District,  
5630 South Broadway, Eureka, CA 95503  
Mr. Steve Scilacci, 200 Metropolitan Road, Fortuna, CA 95540

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