

DOCKET NO. D-2006-37-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Hudson Valley Foie Gras, LLC
Wastewater Treatment Plant
Ferndale, Sullivan County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Hudson Valley Foie Gras (HVFG), LLC on April 4, 2008 (Application), for review of sand filter modifications to the existing 20,000 GPD wastewater treatment plant (WWTP). The New York State Department of Environmental Conservation (NYSDEC) issued a State Pollutant Discharge Elimination System (SPDES), Permit No. NY0235393, on September 30, 2005 for the previous expansion of this project. The applicant is requesting to perform the modifications under the same SPDES permit.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on July 16, 2008.

A. DESCRIPTION

- 1. Purpose.** The purpose of this project is to approve the HVFG WWTP sand filter modification of the existing 20,000 gpd plant. The sand filters have not been utilized since the summer of 2000 and now the applicant wishes to change their procedure to include them.
- 2. Location.** The project WWTP is located south of Ferndale, New York. The WWTP is located in a tributary to Water Quality Zone 1B at River Mile 261.1 – 12.0 – 6.2 – 5.1 – 3.7 (Delaware River, Mongaup River, Swinging Bridge Reservoir, Mongaup River, Middle Mongaup River). The WWTP's discharge is located on the Middle Mongaup River, above the Mongaup Reservoir System. The Mongaup River is a tributary to the Upper Delaware Special Protection Water Area.

The project outfall is located in the Mongaup River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 45' 13"	74° 44' 57"

The docket holder is approved by NYSDEC to discharge to a septic system from Outfall 001.

3. Area Served. The docket holder's WWTP only treats wastes generated onsite. HVFG operates a duck propagation, rearing, and slaughterhouse facility, and also produces foie gras (duck livers) at the Ferndale facility. The WWTP (Outfall 002) treats wastewater generated from the slaughterhouse. Sanitary sewage from the facility is disposed to the ground (Outfall 001) to a septic system. Other onsite operations produce manure, which is covered by a concentrated animal feedlot operations (CAFO) permit.

For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISIONS section of this docket.

4. Physical features.

a. Design criteria. The current HVFG treatment facility consists of a "package treatment plant" with equalization tank to fulfill the required BOD removal, Ammonia oxidation, Phosphorous removal, TSS removal, chlorination and dechlorination. HVFG has submitted material that indicates that the use of the existing sand filters will act as further treatment of the dechlorinated effluent prior to its reaching the outfall.

b. Facilities. Slaughterhouse effluent travels through an existing 7,000 gallon septic tank for "primary treatment" before entering the new 15,000 gallon aerated equalization tank. The equalization tank has a 3 HP blower, air header, and diffusers. Wastewater is then directed towards the activated sludge system. The total volume of the activated sludge tank is 28,000 gallons, which provides 1.4 days of detention time at the design flow rate. The WWTP has an 8 ft wide by 16 ft long clarifier with twin sludge collection hoppers. The docket holder divided the dual hopper clarifier into two separate clarifiers, one for bio-solids settling and the second for phosphorous removal. Solids are pumped to a 5,000 gallon aerobic digester for digestion prior to offsite disposal. The docket holder uses alum solution to remove total phosphorous via precipitation to less than 1.0 mg/l. The alum is fed to the effluent trough of the first (biosolids) clarifier. After phosphorous treatment, wastewater enters a baffled effluent chlorine contact time for disinfection. Dechlorination is achieved by the addition of 15% sodium bisulfite solution. The docket holder's outfall system has a 15 ft-high cascade aerator in use, which has continued to be utilized for aeration of the discharge to meet a 7.0 mg/l dissolved oxygen effluent limit. The docket holder is now seeking approval to add sand filters to treat the effluent between the dechlorination and cascade aeration period.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. HVFG has requested an exemption in the past from having to provide emergency power. HVFG's water is supplied by an onsite

well, which does not have emergency power. If power is lost, the onsite well cannot provide water and hence the WWTP will not receive influent and effluent discharge would cease within minutes of power failure. The docket holder has previously indicated that in the event of an extended power outage, untreated wastewater would be removed from the onsite system by the licensed waste hauler Enviroventures (Narrowsburg, NY) and hauled to a municipal WWTP with excess capacity.

The docket holder’s wastewater treatment facility is not staffed 24 hours per day. A remote alarm system has been installed and sensors have been placed at the WWTP’s equalization tank, air feed lines, and three chemical feed pumps.

The docket holder’s existing wastewater treatment facility does not discharge to Outstanding Basin Waters (OBW), and is not required to have a nonvisible discharge plume.

The docket holder’s existing wastewater treatment facility is not required to provide “Best Demonstrable Technology” (BDT) as a minimum level of treatment.

The project facilities are above the 100-year flood zone.

Wasted sludge is hauled off-site by a licensed hauler for deposit at a (State-approved) facility.

c. Water withdrawals. The potable water supply in the project service area is provided by an onsite well.

d. NPDES Permit / DRBC Docket. The SPDES Permit No. NY0235393, approved by NYSDEC on September 30, 2005, includes final effluent limitations for the project discharge of 20,000 gpd to waters classified as B(T) – swimming and primary contact recreation with trout. The following average monthly effluent limits are among those listed in the SPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES permit for Outfall 002

OUTFALL 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by SPDES permit
Total Suspended Solids	20 mg/l (85% minimum removal*)	As required by SPDES permit
CBOD (5-Day at 20° C)	20 mg/l (85% minimum removal*)	As required by SPDES permit
Fecal Coliform (5-15 to 10-15)	200 colonies /100 ml as a geo. avg.	As required by SPDES permit
Temperature	70 ° F (Max)	As required by SPDES permit
Ammonia Nitrogen (5-1 to 10-31)	13.2 mg/l	As required by SPDES permit
(11-1 to 4-30)	12.9 mg/l	

OUTFALL 002 (WWTP)		
PARAMETER	LIMIT	MONITORING
Phosphorus	1.0 mg/l	As required by SPDES permit

* DRBC Requirement

Effluent Table A-2 contains effluent limits and monitoring requirements for DRBC parameters not included in SPDES Permit

EFFLUENT TABLE A-2: DRBC Parameters for Outfall 002

OUTFALL 002		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l *	One Per Month **
Dissolved Oxygen	6.0 mg/l (minimum at all times) *	One per day

* DRBC Requirement

** See Condition II.s.

- e. **Cost.** The overall cost of this project was estimated to be \$17,500 (year 2008).

B. FINDINGS

In 2000, HVFG expanded their 4,000 gpd WWTP to a 20,000 gpd WWTP at their Ferndale facility. They received approval of these facilities on May 10, 2007. On April 4, 2008 the Commission received an application to modify the WWTP to include the existing sand filters that have not been utilized since the summer of 2000. This docket is issued in response to the application submitted on that date. Furthermore, this project does not have any substantial alterations since the sand filters already exist. Accordingly, the docket holder does not need to satisfy the “No Measurable Change” analysis since the treatment process is the same and no increase in flow or load is part of this approval.

The limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project maintains a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton, on the Delaware River, approximately 103 miles downstream.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2006-37-2 below, Docket No. D-2006-37-1 is terminated and replaced by Docket No. D-2006-37-2.

II. The project and appurtenant facilities as described in the Section A of this docket entitled “Physical features” above are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC in its SPDES permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of this docket is contingent on the NYSDEC’s approval of the SPDES permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Table in the Section A.4.d. of this docket. The docket holder shall submit DRBC required monitoring results directly to DRBC (Project Review Branch). The monitoring results shall be submitted annually absent any observed limit violations. If a DRBC effluent limit is violated, the docket holder shall submit the results and provide a written explanation within 30 days of the violation the action(s) the docket holder has taken to correct the violation and protect against a future violation.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F. (Trout Waters only)

i. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

j. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

k. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

l. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

m. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

n. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

o. In 1992, this portion of the Delaware River and its tributaries was classified as Special Protection Waters. The docket holder will provide assurance to the Executive Director that it is in compliance with Article 3.10.3.2.A.d.1), 2) and 4) of the DRBC *Water Quality Regulations* within 180 days of this docket approval.

p. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below

(unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

q. The Executive Director may modify or suspend this approval, or require mitigating measures, pending additional review.

r. The docket holder and any other person aggrieved by a reviewable action or decision taken by the Executive Director or Commission pursuant to this docket may seek an administrative hearing pursuant to Articles 5 and 6 of the Commission's *Rules of Practice and Procedure*, and after exhausting all administrative remedies may seek judicial review pursuant to Article 6, section 2.6.10 of the *Rules of Practice and Procedure* and section 15.1(p) of the Commission's *Compact*.

s. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

BY THE COMMISSION

DATE APPROVED: July 16, 2008

EXPIRATION DATE: July 16, 2013