



Hudson Valley Foie Gras Pollution Middle Mongaup River

What: The Hudson Valley Foie Gras (HVFG) facility is located at 80 Brooks Road, Ferndale, NY, in Sullivan County. HVFG has a State Pollutant Discharge Elimination System (“SPDES”) permit from the State of New York for effluent discharge from the facility to the Middle Mongaup River, which flows to the Mongaup River and then to the Delaware River.

HVFG raises, slaughters, and processes ducks in order to harvest the birds’ livers to produce the French “delicacy” foie gras. Foie gras is the fatty liver of a duck or goose, produced through a process by which birds are force-fed to expand the size and fat content of the liver. The process produces a significant amount of waste from both the raising and slaughter portions of HVFG’s operations.

The Problem: Pursuant to HVFG’s SPDES permit, HVFG collects the waste from its slaughter and processing operation and discharges the pollutants from the waste through a pipeline into the Middle Mongaup River.

HVFG has, for the past five years, continuously discharged a variety of pollutants from a point source into the waters of the United States in violation of its SPDES permit. Section 301 of the CWA prohibits the discharge of any pollutant from a point source into waters of the United States unless such discharge is in compliance with a federal National Pollutant Discharge Elimination System (“NPDES”) permit or a state equivalent.

HVFG has caused approximately 850 violations of the CWA, the New York Environmental Conservation Law, and associated state and federal regulations and, thus, is operating in violation of the CWA and state law.

Background and Context: The Middle Mongaup River is a navigable water of the United States, as defined by section 502(7) of the CWA, and has been designated by the state for fishing and other recreational uses. The Middle Mongaup River is a major tributary of the Mongaup River, which is well used for canoeing, kayaking and hosts whitewater events. The Mongaup enters the Delaware River about 6 miles north of Pt. Jervis.

The Mongaup River is popular for American Bald Eagle watching and the area supports one of the largest concentrations of wintering bald eagles in New York State (150+ individuals) and 3+ pairs of nesting eagles (NYDEC Mongaup Valley Bird Conservation Area Management Guidance Summary, 2000). A public eagle observation blind is frequented by bird watchers on Mongaup Reservoir. Red-Shouldered Hawk and Cerulean Warbler (both special concern species) are also in the Valley. New York has designated the Mongaup River Valley as a bird conservation area, limiting motorized boats and other intrusive activities. The large contiguous forest of the Mongaup’s watershed provides important habitat, including rarities such as a perched bog, a floodplain forest, and a pitch pine-oak-heath woodland. Timber rattlesnake and spotted salamander are also documented there.

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HVFG's discharge to the Middle Mongaup River includes chlorine, fecal coliform, phosphorus, nitrogen (ammonia), and other pollutants.

According to DRN research, past and continuing SPDES violations by HVFG include, but are not limited to, (1) effluent discharges exceeding maximum temperature, chlorine, phosphorus, fecal coliform, settleable solids, and nitrogen (ammonia) effluent levels, (2) effluent discharges causing or contributing to a violation of state water quality standards for fecal coliform, and (3) numerous failures to report discharges in accordance with the terms of HVFG's SPDES permit, including entirely failing to submit a required monthly Discharge Monitoring Report for two months.

In total, more than 850 reporting violations and effluent limitation exceedances are known including: approximately 646 involving chlorine and almost 200 involving temperature, approximately 12 involving phosphorus, 6 involving fecal coliform, 4 involving nitrogen (ammonia), and 1 involving settleable solids.

HVFG has violated the CWA in these regards almost every day since at least July 2001. Additional violations may yet be discovered.

DRN Action: On September 6, 2006, DRN notified the facility that pursuant to § 505(b) of the CWA, upon the expiration of a sixty (60) day statutory waiting period, DRN would file a civil action in federal district court under section 505 of the CWA. The suit would be filed against HVFG for the statutory maximum for each violation since August 2001, in addition to any further violations discovered. For more information visit

www.delawareriverkeeper.org

Joining Forces: The Humane Society of the United States filed a lawsuit on September 6 in a coordinated effort with DRN's Notice to stop HVFG's pollution of the river. For more information visit [the Humane Society's website](#).