

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2048 | F: (518) 357-2087  
[www.dec.ny.gov](http://www.dec.ny.gov)

**CONFIRMATION BY EMAIL ORDER RECEIVED**

September 6, 2017

Dean S. Sommer  
Young / Sommer LLC  
ATTORNEYS AT LAW  
Executive Woods  
Five Palisades Drive, Albany, NY 12205  
[DSommer@youngsommer.com](mailto:DSommer@youngsommer.com)

Re: Order on Consent  
R4-2017-0720-224  
Hudson Valley Fish Farm, Inc.

Dear Mr. Sommer:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$3,500 the civil penalty pursuant to Paragraph I.

Sincerely,  


Richard Ostrov  
Regional Attorney  
Region 4

Enclosure

ec: D. Thorsland  
T. Gabriel



Department of  
Environmental  
Conservation

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

-----X  
In the Matter of Violations of Article 17 of the Environmental  
Conservation Law and Part 750 of Title 6 of NYCRR

**Order on Consent**  
R4-2017-0720-224

- By -

Hudson Valley Fish Farm, Inc.  
4269 U.S. 9,  
Hudson, NY 12534

Respondent  
-----X

**WHEREAS**, Hudson Valley Fish Farm, Inc. located in Greenport, New York raises Pacific Salmon in a fish farm facility (facility). The facility has a SPDES permit (NY 0282367) (DEC #4-1040-00002/00006) issued on May 1, 2015 pursuant to 6 NYCRR 750-1.4(a).

**WHEREAS**, the violations consist of Respondent's exceedance of nine daily maximum parameter effluent limits, and an unpermitted discharge on April 6, 2017, in violation of its SPDES permit and 6 NYCRR 750-2.1(e).

**WHEREAS** Respondent, having waived the right to a hearing on said violations, and after due consideration having been had thereon, it appearing that this Order will be advantageous to the State, and Respondent admits the violation set forth herein;

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to the applicable provisions of the ECL and/or Rules and Regulations, that:

- I. No change in this Order shall be made or become effective except as set forth by a written order of the Commissioner or the Commissioner's designee.
- II. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and its successors (including successors in title) and assigns.

III. Respondent shall pay a civil penalty of THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500). The payment of civil penalty by company or bank check shall be returned with the signed and notarized Order and made payable to "NYS DEC". An EIGHT THOUSAND FIVE HUNDRED DOLLAR (\$8,500) suspended penalty is also assessed. Payment of the suspended penalty is only due if Respondent violates the Order's Schedule of Compliance and does not cure any such alleged violation within 30 days of notice from the Department. The Department will detail the violations in a notice of violation (NOV). The NOV may order Respondent to pay all or part of the suspended penalty within 15 days of after the cure period.

IV. This Order settles all claims for civil and administrative penalties concerning those violations described in this Order against Respondent.

V. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting any of the civil, administrative, or criminal rights of the Department or of the Commissioner or his/her designee (including, but not limited to, nor exemplified by, the rights to recover natural resources damages and to exercise any summary abatement powers or authorities with respect to any party, including Respondent.

VI. Respondent shall allow duly authorized representatives of DEC access to the facilities without prior notice, at such times as may be desirable or necessary for DEC to inspect and determine the status of Respondent's compliance with this Order and the ECL.

VII. The effective date of this Order is the date that the Commissioner or his designee signs it.

DATED: September 5, 2017

BASIL SEGGOS, COMMISSIONER  
New York State Department of Environmental  
Conservation

By:   
Keith Goertz  
Regional Director Region 4

**CONSENT BY RESPONDENT**

Respondent hereby consents to the issuing and entering of this Order without further notice, waives its right to a hearing herein, and agrees to be bound by the terms, conditions and provisions contained in this Order.

Hudson Valley Fish Farm, Inc., Respondent

By (Signature): 

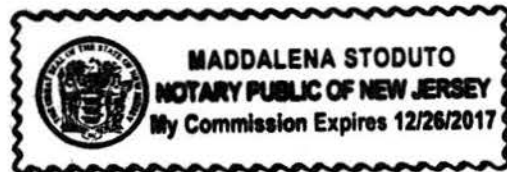
Title: President

Date: August 25, 2017

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF                )

On the 25 day of August in the year 2017, before me, the undersigned, personally appeared (Full name) John Ng, personally known to me who, being duly sworn, did depose and say that he/she/they reside at (Full mailing address) 4269 U.S. 9 Hudson, N.Y. 12534 and that he/she/they is (are) is the President of Hudson Valley Fish Farm, Inc., the Respondent described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of Hudson Valley Fish Farm, Inc.

  
Notary Public, State of New Jersey



Hudson Valley Fish Farm, Inc.

Schedule of Compliance

1. Within 30 days of the signing of the Order on Consent, Respondent shall submit a narrative or power-point presentation to the DEC describing the development, operation, necessary permits, and long term facility maintenance of Respondent's fully integrated fish farm.
2. No later than September 15, 2017, Respondent shall commence a program to clean the on-property effluent ponds. Respondent shall develop and implement a Cleaning Plan and on-going related maintenance program to remove scum or fish waste sludge in the Polishing Ponds and if any, and "choking" flora such as duckweed. Respondent will document the condition of the ponds (with photographs) to verify the program is effective in keeping the surface water clear and will maintain a file of such monthly observations for review by the DEC during any future inspection of the facility. During this interim program to address the ponds, Respondent shall monitor its effluent stream (with photo-documentation) during all cleaning events to ensure that floating solids are not discharged and that a contrast in turbidity does not occur with the receiving stream.
3. No later than September 30, 2017, Respondent shall advise the DEC as to how it intends to proceed with its current water withdrawal permit or accept the terms of the currently issued version and provide a schedule for compliance with the monitoring/leak detection requirements.
4. No later than November 15, 2017, Respondent shall conduct a comprehensive performance evaluation (CPE) of the Drum Filter backwash. The assessment will include alternatives, including, but not necessarily limited to, of discharging the material to the Town of Greenport Waste Water Treatment Plant [WWTP], composting the solids on the site property, or marketing the material for agricultural/gardening purposes. In the event the on-site composting is selected as the preferred alternative, Respondent shall submit a composting plan to the DEC (Region 4 Division of Materials Management) by November 30, 2017 for review; and, if required by the applicable regulations, the Respondent will also seek DEC approval of the composting plan. .
5. No later than December 1, 2017, Respondent shall submit the plans and specifications for the potable water pretreatment system (to reduce total dissolved solids/hardness in the Town water) as designed/fabricated by consultant and the equipment shall be fully functional on or before March 31, 2018.

6. Respondent shall monitor the effluent stream treatment system performance for three (3) months and a professional engineer licensed to practice in New York State shall submit a letter report (to include data and recommendations) on the performance of the system and the corresponding quality of the SPDES permitted effluent along with recommendations for additional treatment, if necessary.
  
7. Based upon DEC's review and comments on the above referenced letter report, Respondent shall submit a proposal to the DEC no later than July 1, 2018 on plans for additional treatment alternatives. If additional treatment is deemed necessary, Respondent shall implement the additional treatment no later than 90 days after DEC comment and approval of the selected treatment system.