STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

IN THE MATTER OF

FLOOD BROTHERS LLC.	)	MAINE POLLUTANT DISCHARGE
CLINTON, KENNEBEC COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
CONCENTRATED ANIMAL FEEDING OPERATION	)	AND
ME0036986	)	WASTE DISCHARGE LICENSE
W009024-5S-D-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411-424-C, *Water Classification* Program, 38 M.R.S. §§ 464-470 and *Federal Water Pollution Control* Act, Title 33 U.S.C. § 1251, *et* seq., and applicable rules of the Department of Environmental Protection ("Department"), the Department has considered the application of Flood Brothers LLC. ("FB LLC" or "permittee"), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On December 27, 2024, the Department accepted as complete and application to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0036986 and Maine Waste Discharge License (WDL) W009024-5S-C-R, which was issued by the Department on May 3, 2019, for a five-year term. The 5/3/2019 permit authorized FB LLC to manage process wastewater and storm water runoff that are generated by the operation of a concentrated animal feeding operation (CAFO) located in the Town of Clinton. The permittee is required to manage the facility such that there is no discharge of process wastewater to surface waters at precipitation events that are less than a 24-hour, 25-year storm event.

PERMIT SUMMARY

This permit carries forward the previously established requirements to implement and maintain Best Management Practices (BMPs) to prevent discharges to water of the State of Maine, and implement and keep current, an approved Nutrient Management Plan in accordance with Maine Department of Agriculture, Conservation and Forestry (DACF) *Nutrient Management Rules*, 01-001 C.M.R. Ch. 565 §6 (last amended July 3, 2018). On April 8, 2010, the DACF issued a Livestock Operation Permit (LOP) pursuant to *Nutrient Management Act,* 7 M.R.S. §4204 and §4205 for the permittee's facility. The LOP was updated April 15, 2025.

PERMIT SUMMARY (cont'd)

Changes to this permit include:

1. Updating Special Condition A, *Definitions,* in accordance with 40 C.F.R. §§ 122 and 412;
2. Updating Special Condition C, *Nutrient Management Plan,* to ensure the proper management of mortalities in accordance with DACF 01-001 C.M.R. Ch. 211;
3. Reorganized Special Conditions for clarity; and
4. Establishment of Special Condition D, *Additional Best Management Practice;* Special Condition E, *Transfer of Manure or Wastewater;* Special Condition F, *Inspections and Corrective Actions;* and Special Condition G, *Record Keeping.*

CONCLUSIONS

BASED on the findings in the attached PROPOSED DRAFT Fact Sheet dated March 27, 2026, and subject to the Conditions listed below, the DEP makes the following CONCLUSIONS:

1. Discharges, either by themselves or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. Discharges, either by themselves or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 M.R.S., Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.

   b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected.

   c. Where the standards of classification of the receiving water body are met or not met, the discharge will not cause or contribute to the failure of the water body to meet standards of classification.

   d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher quality will be maintained and protected; and

   e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following the opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. Discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of FLOOD BROTHERS, LLC., to discharge storm water to Jackins Brook, Class B and the Kennebec River, Class C, and manage process wastewater generated by the operation of a CAFO located in Clinton such that there are no discharge(s) to surface waters at precipitation events that are less than a 25-year, 24 hour storm event. The CAFO is SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations, including:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and Department Rule *Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. Ch. 2 § 20(A) (effective September 15, 2024)].

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
For MELANIE LOYZIM, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 23, 2024.

Date of application acceptance: December 27, 2024.

This order prepared by Rod Robert, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. DEFINITIONS

Definitions are in accordance with definitions found in 40 Code of Federal Regulations (C.F.R.) §§ 412.2 and 412.4 and 01-001 C.M.R. Ch. 565.

1. Process-generated wastewater or wastewater means water directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, or bedding.
2. Production area means that part of a CAFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cow yards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any area used in the storage, handling, treatment, or disposal of mortalities.
3. Retention facility or retention structures or wastewater facility means all collection ditches, conduits and swales for the collection of runoff and wastewater, and all basins, ponds and lagoons used to store waste, wastewater and manure.
4. Stormwater means stormwater runoff or snow melt runoff that does not come into contact or co-mingle with process wastewater.
5. 25-year, 24-hour rainfall event means a precipitation event with a probable recurrence interval of once in twenty-five years as defined by the National Weather Service in Technical Paper No. 40, "*Rainfall Frequency Atlas of the United States*," May, 1961 pg. 54, or equivalent regional or State rainfall probability information developed from this source.

SPECIAL CONDITIONS

B. DISCHARGE LIMITATIONS

Each of the following minimum standards is designed to achieve the objective of preventing discharges of pollutants to waters of the State of Maine from CAFOs and from land application activities under the operational control of the CAFO. Minimum standards or portions of minimum standards are to be implemented on the effective date of the permit. In addition to these minimum standards, permittees are also required to comply with other applicable technology-based and water quality-based effluent limitations of this permit.

In accordance with 40 C.F.R. § 412, the permittee must achieve the following effluent limitations representing the application of the best practicable control technology currently available (BPT), best conventional pollutant control technology (BCT), and best available technology economically achievable (BAT):

1. Production areas.

   Discharges of process wastewater are prohibited unless the discharge is the result of a 25-year, 24-hour storm precipitation event. There must be no discharge of manure, litter, or process wastewater pollutants into waters of the State from the production area, except whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into the State waters provided the production area is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from precipitations events that are less than a 25-year, 24-hour rainfall event. At a minimum, the design storage volume of the manure lagoon must be adequate to contain the following:

   i. The volume of manure, litter and process wastewater, and other wastes accumulated during the storage period;
   ii. Normal precipitation less evaporation during the storage period;
   iii. Normal runoff during the storage period;
   iv. The direct precipitation from less than a 24-hour, 25-year storm event;
   v. The runoff from the production area;
   vi. Residual solids after liquid has been removed;
   vii. Necessary freeboard to maintain structural integrity; and
   viii. A minimum treatment volume, in the case of treatment lagoons.

2. Land application areas

   i. There must be no discharge of manure, litter, or process wastewater to waters of the State as a result of application of stated materials to land areas under the control of the permittee, except where it is agricultural stormwater runoff. An agricultural stormwater discharge occurs where manure, litter or process wastewater has been applied in accordance with the terms and conditions of the NMP and there is a precipitation related discharge of these materials from land areas under the control of the permittee.

SPECIAL CONDITIONS

B. DISCHARGE LIMITATIONS (cont'd)

ii. Discharges of stormwater must;

a. Not contain a visible oil sheen, foam or floating solids in the receiving waters at any time which would impair the usages designated for the classification of the receiving waters;

b. Not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters;

c. Not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated for the classification of the receiving waters; and

d. Notwithstanding specific conditions of this permit, discharges must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. NUTRIENT MANAGEMENT PLAN

In accordance with 40 C.F.R. §§ 122 and 412 and Maine Department of Agriculture, Conservation and Forestry (DACF) Rule 01-001 Ch. 565, the permittee must maintain and implement a nutrient management plan that, at a minimum, contains best management practices necessary to meet the requirements of this section and applicable effluent limitations and standards, including those specified in this permit.

1. NMP development and maintenance

i. The permittee must maintain a copy of the NMP on site and be made available to the Department upon request.

ii. The Nutrient Management Plan must be updated at least once each year and must be approved by a certified nutrient management plan specialist at least every five years.

2. Necessary Best Management Practices.

i. Production area BMPs

a. Ensure proper management of mortalities (i.e., dead animals) to ensure they are not disposed of in a liquid manure or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities, and must be handled in accordance with the DACF Ch. 211, Rules for the Disposal of Animal Carcasses, to prevent the discharge of pollutants to waters of the State;

SPECIAL CONDITIONS

C. NUTRIENT MANAGEMENT PLAN (cont'd)

b. Ensure that clean water is diverted, as appropriate, from the production area. Clean water includes, but is not limited to, rain falling on the roofs of facilities and runoff from adjacent land. Any clean water that is not diverted and comes into contact with raw materials, products or by-products including manure, litter, process wastewater, feed, milk or bedding materials is subject to effluent limitations in Special Condition B, Discharge Limitations, of this permit;

c. Prevent direct contact of confined animals with waters of the State;

d. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants. Examples of chemicals include, but are not limited to, pesticides, hazardous and toxic chemicals, and petroleum products and byproducts;

e. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

f. Establish protocols for land application of manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater;

g. Identify specific records that will be maintained to document the implementation and management of the minimum elements described in the above section;

h. Ensure the implementation of adequate procedures to ensure proper operation and maintenance of the storage facilities. Store dry manure in production buildings or in storage facilities or otherwise store or modify the site (e.g. berms, buffers) in such a way as to prevent polluted runoff (e.g., located on relatively flat land, away from water bodies, wetlands, and wells, and/or surrounded by a berm or buffer). Provide adequate storage capacity in the manure storage structures for the typical quantity of manure generated over a 180-day period of time beginning December 1st of each year and maintain adequate storage for 10 days in the production area on a year-round basis;

i. Ensure the presence and maintenance of buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to minimize discharge of pollutants to surface waters of the State of Maine (e.g., soil erosion and manure and wastewater). These practices may include, but are not limited to, residue management, conservation crop rotation, grassed waterways, strip cropping, vegetative buffers, forested riparian buffers, terracing, and diversion; and

SPECIAL CONDITIONS

C. NUTRIENT MANAGEMENT PLAN (cont'd)

j. All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of an event less than a 25-year, 24-hour rainfall event.

ii. Land application BMPs

a. Determination of application rates. Application rates for manure, litter, and other process wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the technical standards for nutrient management established by DACF in 01-001 C.M.R. Ch. 565. The NMP must address rates of application using one of the following two approaches:

1. Linear approach. An approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications:

I. The terms include maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine such rates. At a minimum, the factors that are terms must include: The outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses of a field such as pasture or fallow fields; the realistic yield goal for each crop or use identified for each field; the nitrogen and phosphorus recommendations for each crop or use identified for each field; credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; and accounting for all other additions of plant available nitrogen and phosphorus to the field. In addition, the terms include the form and source of manure, litter, and process wastewater to be land-applied; the timing and method of land application; and the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

II. Large CAFOs, defined in this permit as more than 700 confined mature dairy cattle, that use this approach must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application; or

SPECIAL CONDITIONS

C. NUTRIENT MANAGEMENT PLAN (cont'd)

2. Narrative rate approach. An approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of manure, litter, and process wastewater to be land applied, according to the following specifications:

   I. The terms include maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms in pounds per acre, for each field, and certain factors necessary to determine such amounts. At a minimum, the factors that are terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses such as pasture or fallow fields, the realistic yield goal for each crop or use identified for each field; and the nitrogen and phosphorus recommendations for each crop or use identified for each field. In addition, the terms include the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied: results of soil tests conducted in accordance with protocols identified in the nutrient management plan; credits for all nitrogen in the field that will be plant available; the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant available nitrogen and phosphorus to the field; the form and source of manure, litter, and process wastewater; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen.

   II. The terms of the nutrient management plan include alternative crops identified in the CAFO's nutrient management plan that are not in the planned crop rotation. Where a CAFO includes alternative crops in its nutrient management plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the nutrient management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process wastewater to be applied must be determined in accordance with the methodology described in paragraph C(1)(b)(1) of this section.

SPECIAL CONDITIONS

C. NUTRIENT MANAGEMENT PLAN (cont'd)

III. For CAFOs using this approach, the following projections must be included in the nutrient management plan submitted to the Department and DACF, but are not terms of the nutrient management plan: The CAFO's planned crop rotations for each field for the period of permit coverage; the projected amount of manure, litter, or process wastewater to be applied; projected credits for all nitrogen in the field that will be plant available; consideration of multi-year phosphorus application; accounting for all other additions of plant available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the nutrient management plan.

IV. CAFOs that use this approach must calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology required in paragraph C(1)(b)(1) of this section before land applying manure, litter, and process wastewater and must rely on the following data:

A. A field-specific determination of soil levels of nitrogen and phosphorus, including, for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required by paragraph C(1)(b)(1) of this section, and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements; and

B. The results of most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application, in order to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

b. Manure and soil sampling according to 40 C.F.R. Part 412.4.

1. Manure must be analyzed a minimum of once annually for nitrogen and phosphorus content.

2. Soil must be analyzed a minimum of once every five years for phosphorus content.

3. The results of these analyses are to be used in determining application rates for manure, litter, and other process wastewater.

4. Upon request by the Department and or the DACF, the permittee may be required to conduct, collect, and analyze samples including but not limited to soils, surface water, ground water, and/or stored waste in a manner and frequency specified by the Department and or DACF.

SPECIAL CONDITIONS

C. NUTRIENT MANAGEMENT PLAN (cont'd)

c. Setback requirements. In accordance with 40 C.F.R. § 412.4(c)(5), the CAFO must provide and maintain buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to minimize discharge of pollutants to surface waters of the State of Maine (e.g., soil erosion and manure and wastewater). These practices may include, but are not limited to, residue management, conservation crop rotation, grassed waterways, strip cropping, vegetative buffers, forested riparian buffers, terracing, and diversion.

3. Changes to the NMP. Any changes to the NMP made after the date of signature of this permit must be submitted to the Department and DACF contacts in Special Condition H, *Annual Reporting* of this permit for review to determine whether the changes are substantial and whether the changes necessitate revisions to terms and conditions of this permit. If revisions to the permit are necessary, this permit will be re-opened pursuant to Special Condition K*, Reopening of Permit For Modifications*, to incorporate applicable terms and conditions.

D. ADDITIONAL BEST MANAGEMENT PRACTICES

Employee Training: Where employees are responsible for work activities that relate to permit compliance, those employees must be regularly trained or informed of any information regarding the proper operation and maintenance of the facility and waste disposal. Training must include topics as appropriate such as land application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record keeping requirements, and spill response and clean up. The permittee is responsible for determining and providing the appropriate training frequency for different levels of personnel and maintaining records of the training provided.

E. TRANSFER OF MANURE OR WASTEWATER

In accordance with 40 C.F.R. § 412, prior to transferring manure, litter or process wastewater to other persons, the permittee must provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis conducted. The permittee must retain for five years records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person.

SPECIAL CONDITIONS

F. INSPECTIONS AND CORRECTIVE ACTIONS

1. Visual inspections. In accordance with 40 C.F.R. § 412.37, there must be routine visual inspections of the CAFO production area. At a minimum, the following must be visually inspected:
   i. Daily inspections and inspections subsequent to any rain event of equipment and facility areas;
   ii. Daily inspection of water lines, including drinking water or cooling water lines;
   iii. Weekly inspections of the manure, litter, and process wastewater impoundments; the inspection will note the level in liquid impoundments as indicated by the depth marker in Special Condition C(2)(i)(j);
   iv. Once every two weeks visual inspections of all dry manure storage and manure handling and distribution equipment and systems, food storage operations, and all manure runoff management devices; and
   v. Periodic inspections of leaks on equipment used for land application of manure, litter, or process wastewater.
2. Corrective actions. Any deficiencies found as a result of these inspections must be corrected as soon as possible and within 180 days of discovery.

G. RECORD KEEPING

In accordance with 40 C.F.R. §§ 122.21(h), 122.42(e), and 412, the permittee must maintain on-site for a period of five years from the date they are created a complete copy of records specified in this section. The permittee must make these records available to the Department for review upon request.

1. Record keeping requirements for the production area
   i. Records documenting inspections outlined in Special Condition F, *Inspections and Corrective Actions*;
   ii. Records documenting the current design of any manure, process wastewater, or litter storage structures, including volume for solids accumulation, type of containment and storage, design treatment volume, total design volume, and approximate number of days of storage capacity in tons or gallons;
   iii. Records of the date, time, and estimated volume of any spill or overflow;
   iv. The permittee must maintain a precipitation gauge at the facility and record the rainfall for each 24-hour period between April 1 and May 30 and October 1 through October 30 of each year.

SPECIAL CONDITIONS

G. RECORD KEEPING (cont'd)

2. Record keeping requirements for the land application area

    i. Complete on-site records including the site specific NMP requirements must be maintained to document implementation of all required land application practices. Such documentation must include the records specified for Soil and Manure/Wastewater Nutrient Analyses and Land Application.

H. ANNUAL REPORTING

In accordance with 40 C.F.R. §122.42(e)(4), the permittee must submit **on or before December 31st of each year *(ICIS code PR003)*** an annual report to the Department and DACF at the addresses below that at a minimum, includes the following information:

1. The number and type of animals, whether in open confinement or housed under roof;
2. Estimated amount of total manure, litter and process wastewater generated by the CAFO in the previous 12 months in tons or gallons;
3. Estimated amount of total manure, litter and process wastewater transferred to other persons by the CAFO in the previous 12 months in tons or gallons;
4. Total number of acres of land application covered by the NMP;
5. Total number of acres under the control of the permittee that were used for land application of manure, litter and process wastewater in the previous 12 months;
6. Summary of all manure, litter and process wastewater discharges from the production area that have occurred in the previous 12 months including date, time, and approximate volume;
7. A statement indicating whether the current version of the CAFO NMP was developed by a certified nutrient management planning specialist;
8. Actual crops planted and actual yields of each field for the preceding 12 months;
9. Results of all samples of manure, litter and process wastewater for nitrogen and phosphorus content for manure, litter and process wastewater that was land applied;
10. Results of calculations conducted in accordance with Linear Approach or Narrative Rate Approach; and
11. Amount of manure, litter and process wastewater applied to each field during the preceding 12 months.

SPECIAL CONDITIONS

H. ANNUAL REPORTING (cont'd)

Contact information:

Maine Department of Agriculture, Conservation, and Forestry
Attn: Nutrient Management Program Manager
Division of Animal and Plant Health
28 State House Station
Augusta, Maine 04330-0028
Telephone: (207)-287-7608

Maine Department of Environmental Protection
Attn: Compliance Inspector
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
Telephone: (207) 287-7688

I. DISCHARGES

If, for any reason, there is a discharge of process wastewater from the facility to surface water, non-compliance with this permit, any other discharge from storage tanks, storage bunkers, other wastewater storage structures, or feed storage operations, or a discharge that may endanger human health or the environment, the permittee is required to 1) sample and analyze the discharge and 2) notify the Department and DACF.

1. Sampling and analysis

   i. Sampling and analysis of all discharges must be completed. Samples must, at minimum, be analyzed for the following parameters:

      a. Fecal coliform bacteria
      b. Total suspended solids (TSS)
      c. Ortho-phosphorus
      d. Total Kjeldahl nitrogen (TKN) as nitrogen
      e. pH
      f. Five-day biochemical oxygen demand (BOD_5)
      g. Total phosphorus as phosphorus
      h. Ammonia-nitrogen as nitrogen
      i. Nitrate and Nitrite as nitrogen

   ii. Samples must consist of grab samples collected from the overflow or discharges from the retention structure. A minimum of one sample must be collected from the initial discharge (within 30 minutes or upon discovery). The sample must be collected and analyzed in accordance with USEPA approved methods for water analysis listed in 40 C.F.R. § 136. Samples collected for the purpose of monitoring must be representative of the monitored discharge. If more than one sample is collected during the discharge, the samples may be composited (with the exception of pH and fecal coliform bacteria) when analyzed for the parameters above. Monitoring results must be submitted to the DACF and Department at the addresses listed in Special Condition H, *Annual Reporting,* within 30 days of the discharge event.

SPECIAL CONDITIONS

I. DISCHARGES (cont'd)

2. Notification.

   The permittee is required to perform verbal notification (within 24 hours) and written notification (within 5 days) to the addresses listed for the Department and DACF in Special Condition H, *Annual Reporting*. In addition, the permittee must keep a copy of the notification submitted to the Department and DACF together with the Nutrient Management Plan required by Special Condition C of this permit.

   i. The discharge notification must contain the following information:

      a. Description of the discharge: A description and cause of the discharge, including a description of the flow path to the receiving water body and an estimation of the flow and volume discharged;

      b. Time of the discharge: The period of discharge, including exact dates and times, and the anticipated time the discharge is expected to continue;

      c. Cause of the discharge: If caused by precipitation event(s), information from the onsite rain gauge required by Special Condition G(1)(iv) of this permit concerning the size of the precipitation event must be provided; and

      d. Remediation: Steps being taken to reduce, eliminate and prevent the recurrence of the non-complying circumstances or discharges.

J. FACILITY CLOSURE

According to Department Rule 06-096 Ch. 550 (effective May 4, 1996), the following conditions must apply to the closure of lagoons and other earthen or synthetic lined basins and manure, litter and process wastewater storage and handling structures:

1. Definitions

   i. Permanent Discontinuance means the cessation of depositing wastewater into lagoons for more than ninety (90) days.

   ii. Temporary Discontinuance means the cessation of depositing wastewater into lagoons for ninety (90) or less days.

2. Operation of Lagoons and Other Surface Impoundments

   i. Lagoons or other earthen or synthetic lined basins must be maintained at all times until closed in compliance with this section.

   ii. All lagoons or other earthen or synthetic lined basins must be properly closed if the permittee ceases operation.

SPECIAL CONDITIONS

J. FACILITY CLOSURE (cont'd))

3. Discontinuances of Lagoons and Other Surface Impoundments

   i. All closure of lagoons and other earthen or synthetic basins must be consistent with *Discontinuance of Wastewater Treatment Lagoons,* 06-096 C.M.R. Ch. 550. Consistent with that standard, the permittee must remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's NMP, unless otherwise authorized by the Department and DACF.

   ii. Temporary Discontinuance

      a. No later than fifteen (15) days after wastewater has ceased to enter the lagoon, any person who discontinues the use of a lagoon shall give notice to the Commissioner, in writing.

      b. Notices of discontinuance shall be accompanied by a reclamation plan and/or maintenance plan satisfactory to the Commissioner. The method of waste disposal and the selection of a waste disposal area shall be in accordance with applicable State laws and regulations.

   iii. Permanent Discontinuance

      a. Any lagoon or other earthen or synthetic lined basin that is not in use for a period of 90 consecutive days must be properly closed unless:

         1. The facility is financially viable, intends to resume use of the structure at a later date, and either

            I. Maintains the structure as though it were actively in use, to prevent compromise of structural integrity; or

            II. Removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner.

      b. In either case, the permittee must notify the Department and DACF of the action taken and must conduct routine inspections, maintenance and record keeping as though the structure were in use.

      c. Before restoration or use of the structure, the permittee must notify the Department and DACF and provide the opportunity for inspection.

      d. Unless otherwise authorized by the Department or USEPA, completion of the closure of the lagoon(s) and other earthen or synthetic lined basins must occur as promptly as practicable after the permittee ceases to operate or, if the permittee has not ceased operations, 12 months from the date on which the use of the structure ceased, unless the lagoons or basins are being maintained for possible future use in accordance with the requirements above.

SPECIAL CONDITIONS

J. FACILITY CLOSURE (CONT'D)

4. Closure Procedures for Other Manure, Litter or Process Wastewater Storage and Handling Structures.

   i. No other manure, litter or process wastewater storage and handling structure must be abandoned without following proper closure procedures.

   ii. Closure of all such structures must occur as promptly as practicable after the permittee has ceased to operate, or, if, the permittee has not ceased to operate, within 12 months after the date on which the use of the structure ceased.

   iii. To close a manure, litter or process wastewater storage and handling structure, the permittee must remove all manure, litter, or process wastewater and dispose of it in accordance with the permittee's NMP, or document its transfer from the permittee's facility in accordance with off-site transfer requirements of manure or process wastewater as specified in this permit, unless otherwise authorized by the Department and DACF.

K. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results required by the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limitations necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded: (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

L. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit must remain in full force and effect and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 27, 2026**

PERMIT NUMBER: **ME0036986**
LICENSE NUMBER: **W009024-5S-D-R**

NAME AND ADDRESS OF APPLICANT:

FLOOD BROTHERS LLC
839 River Road
Clinton, Maine 04927

COUNTY: **Kennebec County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

839 River Road
Clinton, Maine

RECEIVING WATER/CLASSIFICATION: **Kennebec River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Ms Jenni Tilton-Flood**
(207) 313-3531
TEAM@FLOODBROTHERS.com

1. APPLICATION SUMMARY

a. Application: On December 27, 2024, the Department accepted as complete and application to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0036986 and Maine Waste Discharge License (WDL) W009024-5S-C-R, which was issued by the Department on May 3, 2019, for a five-year term. The permit authorized FB LLC to manage process wastewater and storm water runoff that are generated by the operation of a concentrated animal feeding operation (CAFO) located in the Town of Clinton. The permittee is required to manage the facility such that there is no discharge of process wastewater to surface waters at precipitation events that are less than a 24-hour, 25-year storm event.

1. APPLICATION SUMMARY (cont'd)

b. Source description: FB LLC has been identified as a large CAFO as the facility has greater than 700 mature dairy cattle (approximately 1,400) and pollutants are discharged into waters of the State that originate outside of and pass over, across, through or otherwise come into direct contact with the animals confined in the operation. The animals are confined on a year-round basis in numerous large barns with open-air side walls and fully covered with roofs. All storm water runoff and waste waters generated in the vicinity of the barns and milking parlor are directed to three Natural Resource Conservation Service (NRCS) designed manure storage pits. Pit #1 has a working capacity of approximately 560,000 cubic feet (cf) for 210 days of storage, pit #2 has a working capacity of approximately 270,000 cf for 210 days of storage and pit #3 has a working capacity of approximately 1,230,000 cf for 210 days of storage.

Inspections by Maine Department of Agriculture, Conservation and Forestry, (DACF) DEP and the USEPA indicated that the nearest surface water (Jackins Brook) is approximately 500 feet northwest of pit #3. See **Attachment A** of this Fact Sheet for aerial photographs by the Department for the configuration of the barns and storage pits.. The DACF has made a determination that the three storage lagoons are designed and capable of capturing a 25 year, 24-hour rainfall event. Manure is spread on various fields owned and or leased by FB LLC as permitted by the Nutrient Management Law.

2. PERMIT SUMMARY

a. Terms & conditions: This permitting action is different from the March 3, 2014, permit in that it amends the language in Special Condition C. *Nutrient Management Plan* to be consistent with other CAFO permits.

This permitting action is carrying forward the previously established requirements to implement and maintain Best Management Practices (BMPs) to prevent discharges to waters of the State of Maine, and implement and keep current, an approved Nutrient Management Plan in accordance with Maine Department of Agriculture, Conservation and Forestry (DACF) *Nutrient Management Rules*, 01-001 C.M.R. Ch. 565 §6 (last amended July 3, 2018). On April 28, 2014, the DACF renewed the Livestock Operation Permit (LOP) pursuant to *Nutrient Management Act,* 7 M.R.S. §4204 and §4205 respectively, for the permittee's facility. Changes to this permit include:

1. Updating Special Condition A, *Definitions,* in accordance with 40 C.F.R. §§ 122 and 412;
2. Updating Special Condition C, *Nutrient Management Plan,* to ensure the proper management of mortalities in accordance with DACF 01-001 C.M.R. Ch. 211.
3. Reorganized Special Conditions for clarity; and
4. Establishment of Special Condition D, *Additional Best Management Practice;* Special Condition E, *Transfer of Manure or Wastewater;* Special Condition F, *Inspections and Corrective Actions;* and Special Condition G, *Record Keeping.*

2. PERMIT SUMMARY (cont'd)

b. History: The most recent relevant permitting/license and regulatory events include:

April 1997 – Nutrient Management Act, 7 M.R.S., ch. 747 was enacted.

December 1998 – The Maine DACF adopted regulation Chapter 565*, Nutrient Management Rules*. It is noted the regulation was last amended on July 3, 2018.

June 8, 2000 – The Maine DEP and DACF entered into a Memorandum of Agreement entitled, *Coordination of the Maine Livestock Operating Permit Program and the Maine Pollutant Discharge Elimination System Permit Program in Regards to Concentrated Animal Feeding Operations*. The purpose of the agreement is intended to 1) establish a collaborative process between the DEP and DACF so as to better coordinate review of CAFOs, and 2) clarify the roles and responsibilities of the two agencies in regard to the permitting of CAFOs under DACF Livestock Operations Permit (LOP) program and DEP's MEPDES permit program.

January 12, 2001 - The State of Maine received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine. From that date forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permitting program.

November 29, 2005 – Personnel from Maine DACF, Maine DEP and the EPA conducted an on-site inspection at the Flood Brothers Farm. The primary objective of the site inspection was to determine whether the farm is considered a CAFO pursuant to Department rule Chapter 521, *Applications For Waste Discharge Licenses*, §6. The inspection determined that the farm was a large CAFO that required a MEPDES permit.

July 24, 2008 – The EPA, their consultant and DACF personnel conducted a CAFO inspection at the Flood Brothers Farm.

July 28, 2008 – The Flood Brothers LLC submitted an application to the DEP and DACF for a new MEPDES permit and LOP. The application materials contained a Nutrient Management Plan (NMP) prepared by a certified specialist. The NMP was reviewed and approved by the DAFRR and is due to expire on December 31, 2016.

October 3, 2008 – The DEP issued combination MEPDES permit ME0036986/WDL W009024-5S-A-N for a five-year term.

July 19, 2013 – FB LLC submitted a timely application to the Department to renew the October 3, 2008, permit/license.

March 3, 2014 – The Department issued MEPDES permit ME0036986 and Maine WDL W009024-5S-B-R for a five-year term.

2. PERMIT SUMMARY (cont'd)

December 4, 2018 – The permittee submits a timely and complete application to renew ME0036986/W009024-5S-B-R.

May 3, 2019 – The Department issued MEPDES permit ME0036986 and Maine WDL W009024-5S-C-R for a five-year term.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited,* 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program,* 06-096 C.M.R. Ch. 530 (effective March 21, 2012), require the regulation of toxic substances so as not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants,* 06-096 C.M.R. Ch. 584 (amended February 16, 2020), and ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(4)(I) classifies Jackins Brook (a minor tributary to the Kennebec River) as Class B waters.

Standards for classification of fresh surface waters, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows:

3. Class B waters. Class B shall be the 3rd highest classification.

A. Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval.

4. RECEIVING WATER QUALITY STANDARDS cont'd

C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.
(1-A) For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore resident biological communities affected by an invasive species, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used do not cause a significant loss of any nontarget species and allow restoration of nontarget species. The department may find that an unavoidable, temporary loss of nontarget species does not constitute a significant loss of nontarget species.

Classification of major river basins, 38 M.R.S. § 467(4)(A)(10) classifies the Kennebec River, from the Fairfield-Skowhegan boundary to the Shawmut Dam as Class C waters.

Standards for classification of fresh surface waters 38 M.R.S. § 465(4) describes the standards for Class C waters as follows:

4. Class C waters. Class C shall be the 4th highest classification.

A. Class C waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as a habitat for fish and other aquatic life

B. Class C waters must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community. The dissolved oxygen content of Class C water may not be less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.
(1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:

4. RECEIVING WATER QUALITY STANDARDS cont'd

(a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or

(b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

(2) In Class C waters not governed by subparagraph (1), dissolved oxygen may not be less than 6.5 parts per million as a 30-day average based upon a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is less. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349.

Between April 15th and October 31st, the number of Escherichia coli bacteria in Class C waters may not exceed a geometric mean of 100 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

C. Discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species

This permit prohibits any discharge of process waters unless the discharge is associated with a preciptation event that exceeds a 25-year, 24-hour storm event.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection's 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Kennebec River at Shawmut Dam, which includes Jackins Brook, the receiving water at the point of discharge, (Assessment Unit ID: ME0103000306_339R_01), in Category 4-B : Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment for legacy dioxin (including 2,3,7,8-TCDD) and Category 5-D : Rivers and Streams Impaired by Legacy Pollutants for legacy polychlorinated biphenyls (PCBs). This segment is also listed in Category 3: Rivers and Streams with Insufficient Data or Information to Determine if Designated Uses are Attained (One or More Uses may be Impaired) for a potential aquatic life use impairment.

The Report also lists all of Maine's fresh waters as Category 4-A: Rivers and Streams Impaired by Atmospheric Deposition of Mercury. Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources." The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class C or Class B water quality standards.

6. CAFO REQUIREMENTS

a. Pursuant to Section 502(14) of the federal Water Pollution Control Act (Clean Water Act), CAFO's are defined as point source dischargers.

b. *Waste discharge licenses* 38 M.R.S. §413 states that "*No person may directly or indirectly discharge or have cause to be discharged any pollutant without first obtaining a license therefor from the department*."

6. CAFO REQUIREMENTS (cont'd)

c. *Applications For Waste Discharge Licenses*, 06-096 C.M.R. ch. 521 §6(a) states "Permit requirement. Concentrated animal feeding operations are point sources subject to the NPDES permit program. The Department will consult with the Department of Agriculture and all applications for concentrated animal feeding operations in order to consolidate permitting requirements where feasible." It is noted the rule references federal regulations found at 40 CFR Part 122.23 requiring CAFO's to obtain a federal NPDES permit. However, given that the USEPA has authorized the State of Maine to administer the NPDES permit program in Maine, MEPDES permits will be issued to CAFO's.

06-096 C.M.R. ch. 521§6(b)(3)-Appendix B establishes the criteria for determining a CAFO. The Flood Brothers LLC is categorically considered a large CAFO as the facility that has at least 700 mature dairy cattle.

d. *Dairy Cows and Cattle Other than Veal Calves* 40 CFR Part 412, establishes effluent limitations and guidelines representing best practicable control technology currently available (BPT) and best available technology economically achievable (BAT). BPT and BAT for CAFO's prohibit any manure, litter, and/or process wastewater pollutants to navigable waters. Process wastewater is defined as water directly or indirectly used in the operation of the CAFO for any and all of the following: spillage or overflow from animal watering systems; washing, cleaning, or flushing barns, pens, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control; water which comes into contact with any raw materials, products, or byproducts, including manure, litter, feed, milks, or bedding.

e. 7 M.R.S. §4204(2) and 01-001 C.M.R. Ch. 565 establish the criteria for who must develop and implement a Nutrient Management Plan (NMP). CAFOs meet applicable criteria under this section. NMPs must be prepared and approved by a certified nutrient management plan specialist at least every five years and updated at least once every year.

f. 7 M.R.S., §4205(A) requires CAFO's to obtain a Livestock Operating Permit (LOP). 01-001 Ch. 565, §9(1)(a) requires the owner or operator of a CAFO to obtain a LOP or provisional LOP from the DACF.

The inspections, monitoring and recordkeeping required by this permitting action were developed based on guidance provided by the USEPA to promote consistency with nationwide permitting of CAFOs. In addition, the Department consulted with the Maine DACF to develop inspections, monitoring and recordkeeping that would serve both agencies' program requirements.

7. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit.

8. ANTI-DEGRADATION

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of either waterbody to meet standards for Class B or Class C.

9. PUBLIC COMMENTS

Public notice of this application was made in the Morning Sentinel newspaper on or about December 23, 2024. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 C.M.R. 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Attn: Nutrient Management Program Manager
Maine Department of Agriculture, Conservation and Forestry
Division of Animal and Plant Health
28 State House Station
Augusta, Maine 04333-0028
Telephone: (207)-287-7608

Rod Robert
Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 680-0576
rodney.robert@maine.gov

11. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty-day comment period

ATTACHMENT A

Flood Brothers LLC – Clinton, Maine