



RE: Please Oppose language that blocks adoption of Groundwater Protection Rules Not Approved by the Legislature in the Senate Agriculture, Rural Development and Housing Finance Bill (SF 2893)

April 23, 2018

Dear Senator:

We, the undersigned organizations and the citizens we represent, respectfully **ask you to oppose language that would impede the Department of Agriculture's Groundwater Protection Rule – currently included in SF 2893.**

Clean, safe drinking water should be accessible and affordable for everyone – regardless of geography, income or water source.

About 70% of Minnesotans get their drinking water from public or private wells. That is why the legislature approved the bipartisan 1989 Groundwater Protection Act, which gives the state authority to prevent contamination of our groundwater.

Nitrate contamination in drinking water is a growing public health issue

An extensive body of research shows that nitrate from nitrogen fertilizer can leach below the root zone and migrate into our groundwater. Despite farmers' widespread adoption of efficient nitrogen fertilizer application practices, the problem is getting worse:

- 537 public water supply wells across the state have elevated nitrate levels.
- More than 50 communities in MN are facing significantly elevated nitrate levels.
- Nearly 10% of MDA tested private wells in vulnerable areas exceed the Health Risk Limit (HRL), including some townships with 30-40% or more of private wells unsafe to drink.

Because treating the well water or finding new drinking water sources can be prohibitively expensive for communities and individuals, preventing this contamination is vital to protecting public health.

The draft Groundwater Protection Rule was developed with public input

To address this growing nitrate problem, the Minnesota Department of Agriculture (MDA) updated its Nitrogen Fertilizer Management Plan (NFMP) beginning in 2010, with assistance from stakeholders, advisors and more than 420 written comments from citizens over a five-year process. Based on the revised NFMP, the MDA released an informal draft Groundwater Protection Rule in 2017. The agency hosted 17 statewide listening session engaging over 1,500 individuals and reviewed over 820 public written comments.

Following extensive revisions, the MDA released a revised draft rule in March 2018, to be followed by additional stakeholder input and public participation prior to adoption.

The rule helps protect public health while maintaining farm productivity

Part 1 of the rule restricts nitrogen fertilizer application in the fall and on frozen soils on only the most vulnerable soils and wellhead protection areas in Minnesota.

- Part 1 applies to only 12.6% of Minnesota's farmland; areas where relatively few farm operators practice fall/frozen soil application today.
- Fall/winter application of nitrogen on vulnerable soils is not recommended under University of Minnesota Best Management Practices.
- Fall/frozen soil application in the wellhead areas of communities with already-elevated nitrate levels poses a significant risk to public health.

Part 2 of the rule applies only in community wellhead protection areas (Drinking Water Supply Management Areas (DWSMAS)) – about 0.45% of Minnesota's cropland. The rule promotes voluntary best management practice adoption, followed by common-sense regulatory requirements developed in consultation with a local advisory team – including area farmers to reduce nitrate levels in these water supplies.

Protect our drinking water

Language now in the Ag Finance Omnibus Bill Amendment (**SCS 2893 A2**) impedes the MDA's ability to protect our groundwater by putting unnecessary delays and legislative hurdles into an already lengthy and comprehensive public process. This provision undercuts the authority and ability of our state agencies to protect our public health and well being.

Minnesotans have waited nearly 30 years for the state to act in the face of mounting evidence of nitrate pollution in our groundwater, one of our state's most valuable long-term assets. We ask you to oppose these efforts to undercut the Groundwater Protection Act's ability to protect public health and Minnesota's drinking water and groundwater.

Please oppose language that blocks groundwater protection rules not approved by the legislature.



Steve Morse
Minnesota Environmental Partnership

Alliance for Sustainability
Audubon Minnesota
Clean Water Action – Minnesota
CURE (Clean Up our River Environment)
Environment Minnesota
Freshwater Society
Friends of Minnesota Scientific & Natural Areas
Friends of the Mississippi River
Izaak Walton League – Minnesota Division
Land Stewardship Project
Lower Phalen Creek Project
MN Center for Environmental Advocacy
Minnesota Native Plant Society
Minnesota Trout Unlimited
Parks and Trails Council of Minnesota
Pollinator Friendly Alliance

Save Our Sky Blue Waters
Sierra Club – North Star Chapter
St. Croix River Association
Wilderness in the City
Women's Congress for Future Generations