From: David Stack
To: Gunderson, Larry (MDA)
Subject: Nitrogen Fertilizer Rule Comments
Date: Thursday, August 17, 2017 9:55:11 AM

Thank you for the opportunity to comment on the Minnesota Department of Agriculture draft Nitrogen Fertilizer Rule. The Nitrogen Fertilizer Rule proposed by the agency is inadequate and fails to protect our ground from agricultural pollution.

While Part 1 of MDA's proposed rule is satisfactory, Part 2 includes three major flaws that undermine the state's ability to protect and restore our groundwater and drinking water resources.

1. Failure to honor the goals of the 1989 Groundwater Protection Act: The MDA's proposed rule fails to achieve the clearly stated non-degradation goal of the Groundwater Protect Act, and unreasonably limits application of the Groundwater Protection Act to drinking water resources instead of applying the law to protect all groundwater as directed by the Act. The Act applies to ALL groundwater, but the MDA's proposed rule only applies to some groundwater.
2. Limiting state regulatory authority: Under the proposed rule, the MDA can't apply Level III or IV regulatory authority if local landowners adopt certain farming practices, even if contamination remains severe. The Act calls for clean groundwater and safe drinking water - not just the adoption of already-common BMPs.
3. Reliance on ineffective requirements: The rule relies on agricultural BMPs designed to maximize farm profit rather than protect groundwater. Following such BMPs may result in high concentrations of nitrate in groundwater and drinking water resources.

I strongly urge you to work with agricultural and water quality stakeholders to correct these flaws and require more timely and robust state and local intervention where groundwater and drinking water resources are contaminated by agricultural practices.

Thank you for the opportunity to provide comments on the MDA's proposed Nitrogen Fertilizer Rule.

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