From: MDA.Info@state.mn.us
To: Gunderson, Larry (MDA)
Cc: Wolf, Katie (MDA)
Subject: Draft Nitrogen Fertilizer Rule Comment
Date: Wednesday, August 23, 2017 12:36:33 PM

The following information has been submitted through the Draft Nitrogen Fertilizer Rule Comment Form.

Name: Greg Roesler
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Comment: https://docs.google.com/document/d/1yfTu-1mXd5FSGwSUDcZYGuvnc9X2gD7fEMUK_MydcjM/edit?usp=sharing To whom it may concern regarding the Draft Nitrogen Fertilizer Rule: My first issue regarding the workings of the rule if you proceed down this path is the designation of “vulnerable groundwater areas”. Using A horizon soil type is a very dishonest way of predicting water movement to groundwater. Subsoil and Substratum content and depth would be the only honest way to predict water movement to groundwater. On my own ground you have some A horizon soil types listed that have over 180 foot of clay before you will find a drinking water source in the St Peter Sandstone layer. There is very little chance of a direct source pollution unless there is an uncapped well or poor workmanship drilling a well (and most of those have collapsed over time). You need to take time and do this correctly now instead of a prolonged legal battle that the public will have to pay for. On a personal note regarding the above issue, I have 2.1ac of Fieldon Canisteo. I will personally dig as deep as you want and I will guarantee you the only water moving through that clay layer is through a tile line. I also have 21.5 ac of Coland silty clay loam in which that area of the field has very sticky clay layer just below it. There are many other examples in my fields and others all over south central Minnesota. Why use such a sloppy way of determining groundwater vulnerability?! If the state wants the farmers to take this issue seriously, they MUST do a better job of setting up the program. My second point of contention is in regards to the step process that is in the draft. There seems to be a lot of open ended statements, and there is a hefty reliance on the interpretation from the commissioner as the only decision maker. You need to have concrete statements that give a definitive guidance so there can be no “back room deals” made for area restrictions or alternative management products. A third concern is how the process is started. There are land areas of the state that have exceeded the minimum 10ppm (10 milligrams per liter) long before production agriculture was on the landscape. The older generation talks about how small pigs would not survive in some of Southwest Minnesota because of the drinking water back in the late 1800s, when they didn’t know their water was naturally high in nitrates. So how do you justify penalizing people in those areas if the levels are naturally high? The threshold level in the rule is another issue that I believe requires scrutinization. In 1974 when the Safe Drinking Water Act was passed the EPA made up thresholds based on non-

enforceable health goals. Like the USDA recommended 5 basic food groups, this EPA recommended threshold was made as a GOAL, not a LAW. Over time bureaucrats like to have pieces of law behind their name so they can have a legacy. A level of 10ppm nitrates should be a goal, but not enforceable over private property, where this limitation is going to have significant economic impact on the producer, yet marginal (if any) impact on the environment. No known cases of Blue Baby Syndrome have occurred in Minnesota since 1980, as reported by the Star Tribune on September 19, 2015. No community systems exceeded the standard for nitrate in 2014 (MINNESOTA DRINKING WATER ANNUAL REPORT F OR 2014). My final point is in regards to liability risk for landowners. The state seems to be doing the leg work for the lawyers of an environmental group. My concern is that the state will eventually want our farm records and private information. If we participate in your programs, the well and farm records should not be public information. If it does become public, the state of Minnesota should exempt any lawsuit from using this information. If these conditions are met in full we may be able to have a win win situation. Thank you for your time
Sincerely, Greg Roesler
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