August 11, 2017

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Subject: Comments for Public Hearing on Proposed Nitrogen Fertilizer Rule; MN Rule 1573.

Protection and improvement of groundwater is the highest priority in Dodge County’s Water Management Plan. Therefore, we support rule making and offer the following comments on the proposed rule:

**1573.0010, subp. 11 (line 2.4):** The definition of “Local Advisory Team” should include some description of the make-up of the team members to assure a cross-representation of landowners, agriculture producers, agriculture service providers, policy makers, and scientists. A diverse team will better serve the goal.

**1573.0010, subp. 12 (line 2.7):** This definition should clarify the difference between the “Nitrogen Fertilizer Best Management Practices” in this section and the BMP documents incorporated by reference in Section 1573.0020.

**1573.0020, (line 3.3):** The documents incorporated by reference may change over time. Therefore, it may be prudent to indicate in rule that the documents referenced include future revised and updated documents.

**1573.0030, Subp. 1.C (line 6.1):** It would be helpful to clarify that the maps the commissioner develops will reflect the definition of “Vulnerable Groundwater Area”; not maps developed using a different methodology.

**1573.0040, Subp. 3 (line 7.12):** The rule should define continued monitoring and BMP requirements for Level 1 townships in order to meet the directive in MN Statute 103H.251 and 103H.275. Groundwater pollution in Level 1 townships “indicate a likelihood of the detection of nitrate nitrogen”. The rule does not define monitoring or BMPs for Level 1 townships even though these areas have drinking water with nitrate-nitrogen concentrations exceeding health risk limits.
Comments continued for Public Hearing on Proposed Nitrogen Fertilizer Rule; MN Rule 1573.

1573.0040, Subp. 5.A (line 8.6): This Section sets a minimum time limit for reevaluating areas impacted by nitrate-nitrogen but does not set a maximum time limit. The rule should also specify a timeframe in which a reevaluation must take place so Minnesota constituents know that corrective action will occur and responsible parties will have incentive to implement BMPs in a timely manner.

1573.0040, Subp. 6 (line 8.23): Three years may be needed for implementation of BMPs in Level 2 townships following adoption of this rule. However, a three-year wait period is not necessary before reevaluating conditions in Level 2, 3, and 4 townships. It appears that it will take a minimum of 10 years before site-specific water resource protection could be required. That seems like a long to wait when we know that a drinking water supply has nitrate-nitrogen concentrations greater than the health risk limits.

1573.0110, (line 26.1): Responsible parties certified by Minnesota's Agriculture Water Quality Certification Program, should not be exempt from site-specific water resource protection requirements because implementation of standard BMPs may not be enough to reduce nitrate-nitrogen below the health risk limits.

Thank you for the opportunity to comment.

Mark Gamm
Dodge County Environmental Services Director