From: Allen Gibas
To: Gunderson, Larry (MDA)
Subject: Prevent Nitrate Contamination
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Clean drinking water is something all Minnesotans need every day. The proposed Nitrogen Fertilizer Management Rule does not go far enough to protect our drinking water and our health. MDA's proposal, based largely on the recommendations of the 2015 Nitrogen Fertilizer Management Plan (NFMP), fails to require direct action to address groundwater contamination.

1) Wrong Triggers to Action--Contaminating Drinking Water Shouldn't Be An Option. MDA's proposal fails to require nitrogen management practices until 10 % or more of private wells violate the safe drinking water standard, or until public wells approach the health risk limit or an exceedance is imminent AND MDA finds that Best Management Practice (BMP) adoption rate criteria are not met. MDA must require practices, standards, treatment, and restrictions to prevent nitrate pollution in all unconfined groundwater, not just in areas where many wells are already contaminated. We need to prevent and address nitrate contamination - elevated nitrate levels in shallow, unconfined groundwater, and private well or public drinking water supply sources must trigger mandatory action.

2) Slow-walking Mandatory Action is Unacceptable. Necessary actions will be further impeded by a phased approach for moving from voluntary BMPs to mandatory groundwater protection requirements. For example, after MDA has identified an area with nitrate contamination (using the above unacceptable triggers), the NFMP proposes a 14-step process that unnecessarily delays mandatory requirements and further promotes voluntary BMPs. 26 years is already far too long and that mandatory requirements must being now where nitrate is elevated in groundwater, wells, or drinking water source areas..

3) We Need Clean Groundwater, not Adoption of Ineffective BMPs. MDA only proposes mandatory use of the same nitrogen BMPs that have proven to be ineffective over the past 26 years. Once these BMPs are adopted, either voluntarily or via regulation, MDA will require nothing more, regardless of whether groundwater contamination exists or not. MDA must prepare mandatory requirements demonstrated to work: reducing nitrogen fertilizer application rates; requiring cover crops and perennial vegetation; and requiring the capture and treatment of drain tile discharges.

4) Township Boundaries Are Not Contamination Boundaries. MDA proposes to restrict nitrogen fertilizer application only in townships where 50% or more of the land is vulnerable. Drinking water sources are not defined by political boundaries and MDA must restrict application in all vulnerable areas regardless of township boundaries.

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