Nick George
Midwest Food Processors Association
4600 American Parkway, #210
Madison, WI 53718
608-255-9946
608-219-0790 cell
nick.george@mwfpa.org

December 31, 2015

Larry Gunderson via email – larry.gunderson@state.mn.us
Minnesota Department of Agriculture
Pesticide and Fertilizer Division
625 Robert St. N.
St. Paul, MN 55155-2538

Re: Proposed Rule 1573; Revisor's ID Number R-04337 (Nitrogen Fertilizer Rule)

Dear Mr. Gunderson:

Thank you for the opportunity to comment on the departments' proposed Nitrogen Fertilizer Rule referenced above.

The Midwest Food processors Association (MWFPA) represents the vast majority of the vegetable processing industry in Illinois, Minnesota and Wisconsin. Our members produce and process more fruits and vegetables (F&V) than any other area in the country with Minnesota ranking third in the nation in the value of processed vegetables and first in the nation for sweet corn and green peas.

Our concern with the proposed Nitrogen Fertilizer Rule is its possible impact on the land application of vegetable processing industry by-products (IBP) and the spray irrigation of process wastewater. IBP's consist of vegetable screenings, wastewater treatment sludges, sweet corn silage, and/or process wastewater. Spray Irrigation is process wastewater that is generally applied immediately or with short hold times to cropped fields after it is generated. Both of these processes are regulated by the Minnesota Pollution Control Agency (MPCA) utilizing either General or Individual NPDES or SDS permits.

IBP's are regulated under an individual NPDES permit or under the MNG960000 SDS Industrial By-Products from Foods and Beverage Process Facilities general permit. These permits are protective of groundwater and surface water with restrictions for nutrient application on highly permeable and course textured soils and restrictions on applications during frozen conditions which appear similar to the BMP's proposed in the Nitrogen Fertilizer Rule. IBP's are also restricted from application to areas that have sensitivity to surface water runoff.

Spray irrigation of vegetable process wastewater is generally regulated by individual NPDES permits issued by the MPCA. In Minnesota almost all (if not all) vegetable irrigation process wastewater is applied onto perennial forage grass fields. These perennial grasses have an ability to take up in excess

of 300 lbs/acre of nitrogen not including denitrification. These fields have groundwater monitoring systems around them and application rate restrictions.

Both IBP and spray irrigation process wastewater contain nitrogen primarily in the organic nitrogen form and thus have little risk of leaching like some commercial fertilizers. The organic nitrogen requires time and microbiological activity to convert to a nitrite + nitrate or ammonia nitrogen source that have an ability to leach into groundwaters. Further, the application rate of process wastewater and IBP are restricted to avoid the application of excess nutrients.

With current permits and safeguards in place we believe that the proposed nitrogen fertilizer application restrictions are redundant and should not apply to these regulated activities. We respectfully request that the proposed rule be modified to exclude regulation of process wastewater and IBP that are regulated by MPCA.

Again, thank you for allowing us to comment on this rule. Please give me a call if you have any questions or need any further information.

Sincerely,

Nickolas C. George Jr.
President, MWFPA