



Chair Hansen and Members of the Committee:

The Minnesota Center for Environmental Advocacy is a public interest law firm and advocacy organization celebrating our 50th year of defending Minnesota's environment and the health of its people. MCEA supports HF 4320 (Hansen), a bill that requires any person who applies manure in a Level 2 or higher drinking water supply management area (DWSMA) to follow a manure management plan approved by the Commissioner of the Pollution Control Agency.

This bill creates a more coordinated approach to respond to drinking water contamination from the land application of manure and commercial fertilizer. Currently, the approach to groundwater nitrate contamination from cropland sources is siloed: the Minnesota Pollution Control Agency regulates the land application of manure under the state feedlot rules (Minn. R. Ch. 7020) and the Minnesota Department of Agriculture regulates commercial fertilizer in vulnerable groundwater areas and DWSMAs under the Groundwater Protection Rule (Minn. R. Ch. 1573). However, there is not a coordinated approach between the two agencies when drinking water supplies are contaminated by both the land application of manure and commercial fertilizer.

The evidence that we need a more coordinated regulatory approach is clear: in November 2023, the Environmental Protection Agency (EPA) said that over 9,200 residents in the karst region of Southeastern Minnesota are at risk of drinking nitrate contaminated water above the maximum contaminant level of 10mg/L. Given the fact that nitrate groundwater contamination is well-documented in other areas of the state like the Central Sands, the statewide number of residents at risk is inevitably much higher. The EPA said that state agencies should use all available tools to hold sources of nitrate accountable and reduce the amount of nitrate they release to groundwater, and specifically mentioned the land application of manure and commercial fertilizer.

This bill provides for a more coordinated approach to cropland sources of nitrate contamination through the framework of the Groundwater Protection Rule. Under this rule, the Commissioner of Agriculture can designate a drinking water supply management area as mitigation Level 2 based on nitrate-nitrogen concentrations in a public well. Level 2 DWSMAs have nitrate-nitrogen concentrations at or above 8mg/L and present an imminent health risk to the residents who rely on it for their water supply. Currently, the Groundwater Protection Rule focuses on best management practices for commercial fertilizer in Level 2 DWSMAs; this bill expands those tools and requires any person who applies manure in a Level 2 or higher DWSMA to follow a manure management plan approved by the Commissioner of the Pollution Control Agency.

Recent public attention on groundwater nitrate contamination in vulnerable groundwater areas like the karst region has presented the Legislature with an opportunity to build a more coordinated approach to hold cropland sources of nitrate accountable. A barrier to this kind of approach has been the siloed jurisdiction between the Department of Agriculture and the Pollution Control Agency. HF 4320 is a step forward toward a future where communities in vulnerable groundwater areas can trust that the water they drink is safe and clean.

Thank you to Rep. Hansen for authoring this bill and to this committee for your consideration.

Carly Griffith, Water Program Director, cgriffith@mncenter.org, 703-772-1642

Minnesota Association of County Feedlot Officers



March 11, 2024

Re: MACFO Input on SF4320

Dear Chair Hansen, and Members of the House Environment and Natural Resources Committee,

The Minnesota Association of County Feedlot Officers (MACFO) represents counties that have delegated authority to administer Minnesota's feedlot rule. There are currently 50 counties with delegation agreements, including most of the major livestock counties. We are an affiliate organization of the Association of Minnesota Counties (AMC), which represents all 87 Minnesota counties.

MACFO appreciates the opportunity to offer comments on SF4492 regarding manure management plan requirements (MMP) in Level 2 or higher drinking water supply management areas (DWSMA).

MACFO suggests setting a threshold for when a MMP is required for manure application in a Level 2 DWSMA. Currently, a MMP is only required for feedlots of 300 animal units or more, or a feedlot of 100 animal units or more that is applying for an Interim permit. MACFO believes 100 animal units would be an appropriate requirement for when a MMP is required within a Level 2 DWSMA as that aligns with the land application record requirement. For sites under 100 animal units applying manure in a Level 2 DWSMA, MACFO would suggest requiring them to follow the Minnesota Department of Agriculture's recommended best management practices that are published on the Department's website for that DWSMA.

The proposed language in SF4492 does not mention transferred ownership of manure. MACFO would suggest adding language to this bill that would require all recipients of manure from a feedlot of 100 animal units or more to develop their own MMP when applying manure in a Level 2 DWSMA. This added language would close any loopholes when manure is transferred into a Level 2 DWSMA as to not avoid the MMP requirements.

Minnesota Rule, Chapter 7020, exempts feedlots of 300 animal units or more from MMP requirements if the manure is land applied by a licensed Commercial Animal Waste Technician (CAWT) or certified private manure applicator. MACFO suggests adding language to this bill that would require feedlot owners of 100 animal units or more, or those receiving manure from a feedlot of 100 animal units or more to develop a MMP regardless of who is applying the manure.

MACFO appreciates the opportunity to provide written testimony and share our perspective with the committee on these items. We hope you will take our comments into consideration. If you have any questions regarding our position please contact Brian Martinson, AMC Policy Analyst, at 651-246-4156 or bmartinson@mncounties.org.

Sincerely,

Amanda Lang, Brown County
President, Minnesota Association of County Feedlot Officers