

Proposed Rule on Nitrogen Fertilizer Use

The Minnesota Department of Agriculture (MDA) is developing new regulations for nitrogen fertilizer use in areas vulnerable to groundwater contamination. The regulations will be developed through a rule writing process, which is a formal process that includes opportunities for public comment. The rule will go into effect AFTER it is approved, which typically takes two to three years. The MDA's new proposed rule will include two parts.

Part 1

Proposed rule will restrict the fall and winter application of nitrogen fertilizer in areas that are vulnerable to groundwater contamination. Restrictions will vary for different regions and soil types and will be based on the University of Minnesota nitrogen best management practices (BMPs).

This proposed rule will ONLY apply in areas of the state with vulnerable groundwater. Vulnerable areas will be officially defined through the rulemaking process. The map below provides an example of areas of the state where the proposed rule may apply. Areas in pink are considered the most vulnerable to groundwater contamination.

Vulnerable Aquifers and Nitrogen BMP Regions

Statewide

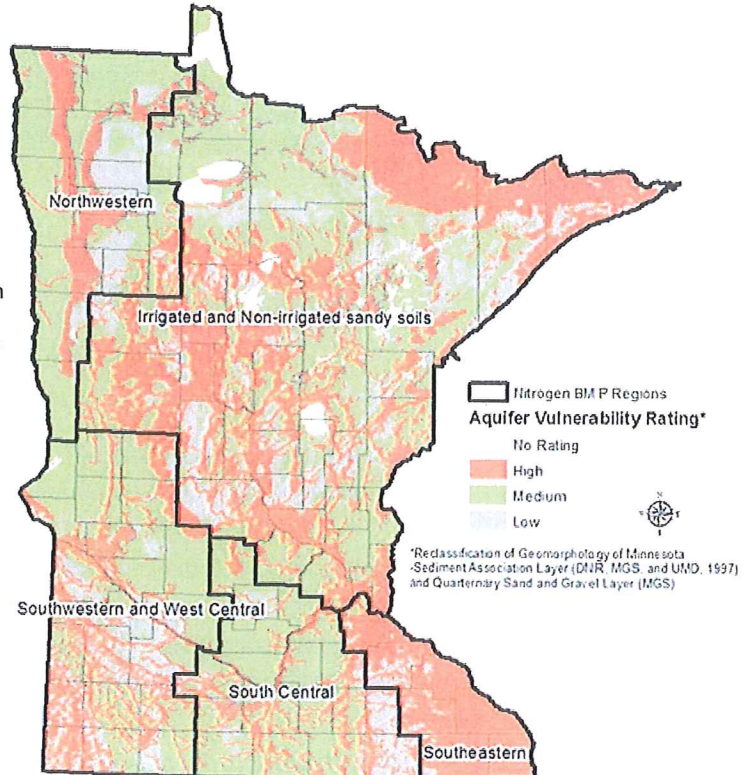
- In vulnerable areas, restrict fall and winter application of any fertilizer containing nitrate-nitrogen, such as 28% or 32% UAN solutions.
- In vulnerable areas with sandy soils, restrict fall and winter applications of any type of nitrogen fertilizer.

South Central

- In vulnerable areas, restrict fall and winter application of urea and ammonia without a nitrogen inhibitor.

Southeastern

- In vulnerable areas, restrict fall and winter application of any type of nitrogen fertilizer.

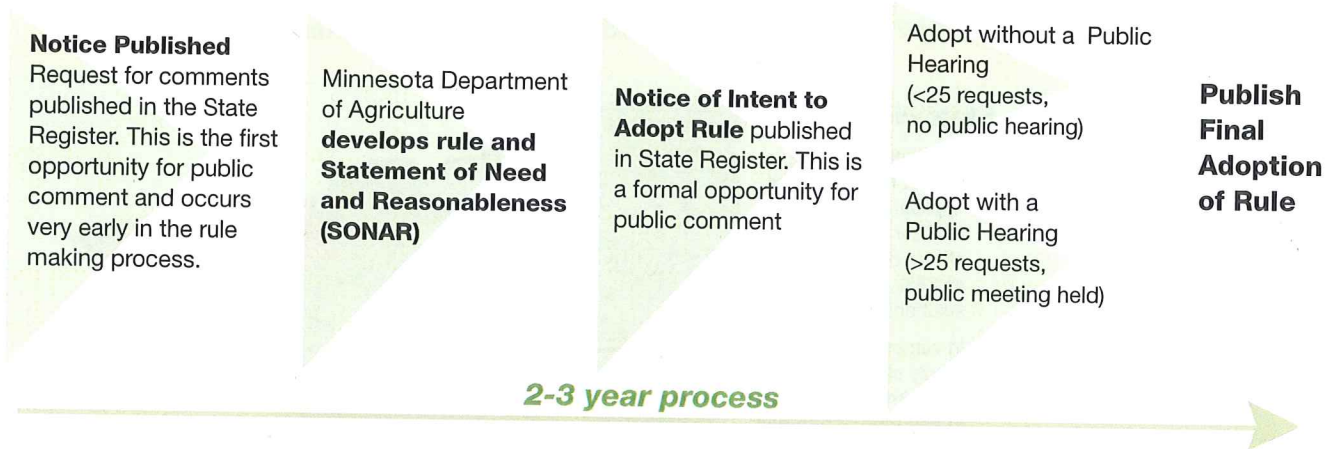


Part 2

Proposed rule will put into law the approach outlined in the Nitrogen Fertilizer Management Plan (NFMP).

- The approach outlined in the Nitrogen Fertilizer Management Plan (NFMP) includes four levels, two are voluntary and two are regulatory. Movement between levels is determined by current nitrate concentrations in groundwater and nitrogen fertilizer BMP adoption levels on local farms. All areas identified with nitrate contaminated groundwater will begin in a voluntary level.
- After farmers have been notified about the specific BMPs recommended for their area, they will have three years to adopt the BMPs before additional rules may be applied to an area.
- If the BMPs are adopted it is unlikely additional regulations will be required.
- If nitrate concentrations are unacceptable and farmers do not adopt the BMPs, the MDA can move into the regulatory levels.
- The proposed rule will include a list of site specific management practices that may be required in areas that are in regulatory levels of the NFMP.

Opportunities for Public Involvement in the Rule Making Process*



- **Notice Published:** When the Request for Comments is published in the State Register, it contains a general idea for the rule. This is an opportunity for formal public comments and input on the rulemaking ideas that may narrow or broaden the scope of the project. Data or other relevant information can be submitted at this time.
- **Developing Rule:** The MDA will develop preliminary draft rule language and a Statement of Need and Reasonableness (SONAR).
- **Notice of Intent to Adopt Rule:** When a Notice of Intent to Adopt Rules is published, it signals a final opportunity for stakeholder input, unless a hearing is held. At this time, a complete SONAR and draft rule are made available for formal public comment.

* Note that the above timeline simply highlights the opportunity for public participation. The full rulemaking process includes review by the governor and other administrative state agencies.