August 30, 2024

Minnesota Pollution Control Agency
c/o George Schwint
12 Civic Center Plz, Ste 2165
Mankato, MN 56001

Dear Mr. Schwint-

Every Minnesotan wants and expects clean drinking water and healthy lakes, rivers, and streams. Nitrate contamination is a serious environmental challenge facing Minnesota and the entire country. This challenge requires serious conversations and innovative solutions, not one-size-fits-all requirements.

No one understands this more than Minnesota's farmers. Our farmers tirelessly work daily to feed the world while protecting water quality. If nitrate contamination enters drinking water aquifers, Minnesota's farm families are the first to be impacted.

The MPCA's National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) permits are meant to protect Minnesotans from nitrates and other pollution. Some farmers voluntarily seek these permits to provide additional safeguards to the environment and their farms.

Unfortunately, some new proposed permit conditions will result in unintended consequences that could force some livestock farms to reduce or, worse, end their operations. In other cases, the permit conditions contradict science and best management practices.

Foremost, we are concerned that some of these proposed requirements will result in numerous farmers choosing to drop their NDPES and SDS feedlot permits. We understand that more than 100 permitholders do not need a feedlot permit because they do not discharge to the waters of the United States and have less than 1,000 animal units. Many of these permitholders have already stated they would terminate their permits if these new requirements were implemented. The loss of 10% (or more) of permitholders seems counterproductive to the work the MPCA is trying to accomplish.

To help remedy this situation, MN AgriGrowth has identified several items in the draft permits that could be clarified, delayed, or reconsidered.

A longer transition to cover crops
In addition to soil health and addressing climate change, cover crops can take up nitrate in the early spring before planting and growing grain crops. To most effectively prevent nitrate leaching, University of Wisconsin – Madison research concluded that cover crops planted in

late August to early September have the highest potential to prevent or reduce nitrate leaching from occurring in winter and spring. Unfortunately, that timeline is unrealistic for most farmers, especially those who harvest field corn and soybeans.

Minnesota's weather and climate challenges often delay the fall harvest. That means farmers couldn't plant cover crops because the ground would be frozen. Even if the ground is not frozen, precipitation is a significant challenge. Research has shown that the lack of rainfall for more than a week after cover crop seeding often results in poor establishment. No farmer wants to buy and plant cover crop seeds knowing that they won't be successful just to be able to apply manure in October.

There also continue to be market challenges for cover crops. While seed supply chain issues have improved, supply and demand have significantly increased farmers' seed costs. Additionally, another significant challenge is the amount of equipment and qualified labor available to plant and harvest cover crops.

REQUEST: AgriGrowth requests that the MPCA delay the 2028 implementation timeline for cover crops until 2032 in the SDS permit and consider this requirement in the subsequent NPDES permit. This change gives the marketplace more time to build up a healthy seed supply and lower the cost of equipment and seeds. We also encourage the MPCA and other state agencies to include NPDES and SDS permits in its criteria for awarding farmers federal Climate Pollution Reduction Grants.

Consistent message on nitrification inhibitors

The University of Minnesota has extensively researched the effectiveness of nitrification inhibitors and manure. In its research, the University concluded that when inhibitors are combined with liquid dairy or swine manure and applied in October, a significant amount of nitrogen is conserved in the soil, reducing the risk of nitrate leaching.

The MPCA's climate program recently shared that using nitrification inhibitors in manure can significantly reduce greenhouse gas emissions by 16-27 metric tons of CO_2 equivalent per 100 acres across Minnesota annually. That is a significant reduction in greenhouse gas emissions and a tested method to reduce nitrate leaching on Minnesota farm fields.

The MPCA's draft permit sends a mixed message to farmers about using inhibitors. While inhibitors continue to be a viable option for farmers who can apply manure in October, they are not an option for farmers in vulnerable groundwater areas. Throughout the permitting process, the agency has yet to provide a clear answer to farmers on why this change is occurring, which contradicts academic research and best management practices.

REQUEST: AgriGrowth requests that the MPCA include nitrification inhibitors as an option for all farmers who apply manure in October. Several products commercially available today could be used as nitrification inhibitors if added to farmers' suite of options for responsibly applying manure.

Science-based best management practices for manure
Minnesota's climate continues to change, providing additional unpredictability for farmers. Climatologists from the University of Minnesota, DNR, and MPCA, as well as experts from around the globe, have concluded that Minnesota is getting warmer and wetter. That is especially true in the spring. Wetter springs make it increasingly difficult for farmers to get into the fields to work the soil, plant row crops and cover crops, and apply manure or fertilizer. Getting in the fields too early risks soil compaction, which limits crop yields and increases soil denitrification.

The University of Minnesota promotes fall as the best time for manure application. Research has shown that waiting to apply manure and commercial fertilizer until soil temperatures reach below 50 degrees Fahrenheit significantly reduces nitrogen conversion.

REQUEST: AgriGrowth strongly requests that the MPCA give farmers more flexibility for applying manure in the fall by making soil temperature, not an arbitrary October date, the threshold for applying manure. Applying manure in early October before the soil temperatures are below 50 degrees is bad for water quality. Relying on soil temperature, not a required date, also recognizes that specific field conditions at a farm in Blooming Prairie can be vastly different from those at a farm in Staples.

Incentivize manure
AgriGrowth appreciates the MPCA's recognition that manure provides essential nutrients, improves soil health and structure, and reduces greenhouse gas emissions. For many farmers, manure is more cost-effective than commercial fertilizers. When best managed, manure is a win-win for Minnesota farmers.

The MPCA's proposed manure transfer requirements could turn a win-win situation into a losing proposition for many farmers. For crop farmers receiving manure to fertilize their fields, new heavy-handed government regulations issued by a state agency, not the legislature, will be a bridge too far. For too many farmers, additional government regulations on their farmland vastly outweigh the cost-savings and nutrient benefits from manure. As a result, many crop farmers will cease purchasing manure, creating a manure capacity crisis for livestock farmers.

Many livestock farmers apply manure both in the spring and fall. For many, inadequate manure storage would prevent them from storing 12 months of manure production. Further, weather conditions frequently disrupt application plans. The current proposal to limit fall application would require farmers to increase storage capacity to 14-18 months of production to provide a buffer against weather delays. If livestock farmers cannot store additional manure or apply it to their cropland, they will be forced to reduce their number of animals or, worse yet, stop raising livestock. That will devastate Minnesota's food production economy.

We also recognize the agency's intent. Out of the nearly 17,000 registered feedlots in Minnesota, the MPCA only issues permits for approximately 1,000 facilities. According to the MPCA, those 1,000 permitted facilities account for one-third of the manure generated in

Minnesota. That leaves a large majority of farms with less prescriptive manure regulations intended to protect water quality.

REQUEST: AgriGrowth requests that the MPCA remove the manure transfer requirements. Manure transfer recipients are already required to maintain records of manure application activities, which include soil and manure test information, crop type and yield, field location, application timing, rate, and method, nitrogen and phosphorus accounting, and information on who applied the manure. These records are already maintained by those liable for the manure, regardless of ownership status, and should be sufficient if inspection or enforcement activities need to be executed.

Instead, AgriGrowth encourages the MPCA to engage with farm advocates, industry leaders, researchers, and appropriate government agencies in a transparent process to review current manure management requirements and develop common sense recommendations that prevent manure from impacting our water quality while ensuring all Minnesota farmers have the necessary flexibility to manage their farmland.

Representing Minnesota's agriculture and food industry, including farmers, farmer organizations, and food manufacturers, MN AgriGrowth's comments and requests are meant to improve the permits, protect our waters, and ensure farmers can feed the world. We appreciate your review of these comments and hope additional common-sense measures can be incorporated into these permits.

Sincerely,

Darin Broton
Executive Director