

FRESHWATER

2024 Legislative Focus – Nitrate in drinking water

Background

High levels of [nitrate in drinking water](#) continue to be a serious issue across Minnesota, especially in the southeastern part of the state where karst topography makes groundwater particularly vulnerable to land use.

Potentially dangerous to people and aquatic ecosystems, nitrate pollution from agricultural fertilizer and manure prompted several conservation groups to petition the EPA for federal intervention in southeastern Minnesota under the Safe Drinking Water Act. State agencies have developed a [work plan](#) to address the issue; however, legislative action will likely be necessary to **provide safe drinking water to Minnesotans now** and to **protect aquifers for the long term**.

Freshwater supports legislative action to increase testing, protect private wells, and prevent nitrate pollution, including:

- Implementing a stronger multi-agency statewide program for community education, private well testing, and well water treatment/mitigation.
- Expanding conservation easement programs to reduce nitrogen application. ([HF3474](#))
 - Governor's bonding proposal includes \$10 million for the Conservation Reserve Enhancement Program (CREP).
- Expanding best management strategies for landowners, including regenerative agriculture and perennial crops, to reduce nitrogen loading and prevent excess nitrogen from moving into groundwater.
 - Accelerating practices outlined in the [Minnesota Agricultural Water Quality Certification Program](#) (less than 6 percent of Minnesota cropland is certified).
 - Providing edge-of-field monitoring and local assistance to farmers such as the [Root River Field to Stream Partnership](#) and [Olmsted County Soil Health Program](#).
- Improving regulation of manure management, storage and application. ([HF3493/SF3537](#); [HF4320/SF4492](#))



As snow melts in spring, nitrate seeps into groundwater from large expanses of bare corn and soybean fields. Widespread adoption of cover crops, regenerative practices, perennial crops and reduced fertilizer application is critically needed to protect water quality across much of rural Minnesota.

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Freshwater is a nonprofit organization working to inspire and empower people to value and preserve water.

Funding for nitrate response

- **Clean Water Fund** – With a projected \$25 million surplus, the [Clean Water Council](#) has recommended several Clean Water Fund items for nitrate response, including:
 - \$3 million for the AgBMP Loan Program, which helps farmers purchase equipment needed for clean water and soil health practices.
 - \$2.79 million for the Department of Health (MDH) to conduct a well inventory in southeastern Minnesota and provide free private well testing.
 - \$1 million to accelerate Minnesota Department of Agriculture (MDA) progress on the state’s Nitrogen Fertilizer Management Plan.

Freshwater encourages the Legislature to support the Clean Water Council’s [supplemental funding recommendations](#), which are critical in addressing this issue.

- **General Fund** – The Governor’s budget includes \$4.091 million to MDH to address nitrate contamination of private wells in southeastern Minnesota, along with \$3 million to MDA for in-home water treatment systems to remove nitrate from drinking water.
- **SWCD funding** – Soil and water conservation districts (SWCD’s) are key partners for MDH in their local response to private well owners, and they also implement a variety of agricultural programs aimed at preventing nitrate contamination. Freshwater is concerned that SWCD base funding has been reduced by \$7 Million annually, and we encourage the Legislature to consider long-term sufficient funding for this critical work. ([HF4179/SF4422](#))
- **Federal funding** – The USDA’s [Natural Resources Conservation Service](#) oversees a number of programs that can improve soil health and reduce nitrogen loss. Farmers apply to receive funding through a competitive application process.

State agency response to southeastern Minnesota nitrate: Three phases

In its response to the EPA, the State of Minnesota laid out a three-phase approach to support private well owners and address nitrate contamination in eight southeastern counties (Olmsted, Goodhue, Dodge, Wabasha, Fillmore, Mower, Winona and Houston).

1. Immediate response (MDH to lead, January 2024 – June 2024)
 - Conduct education and outreach encouraging well testing
 - Provide limited alternate water for vulnerable populations
2. Public health intervention (MDH to lead, July 2024 – Ongoing)
 - Identify impacted residences
 - Conduct education and outreach
 - Test private well drinking water
 - Provide mitigation
 - Provide public record of work
3. Long-term nitrate strategies (MDA and MPCA to lead)
 - Taskforce to address nitrate
 - Nitrogen Fertilizer Management Plan and Groundwater Protection Rule
 - Feedlot permits and rules
 - Revising Minnesota Nutrient Reduction Strategy
 - Fish kill prevention
 - Wastewater nitrogen reduction and karst protection strategies