



Minnesota  
Environmental  
Partnership

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Larry Gunderson  
Supervisor, Fertilizer Management Unit  
Minnesota Department of Agriculture

March 12, 2026

Dear Mr. Gunderson,

On behalf of the Minnesota Environmental Partnership and our more than 70 member organizations, thank you for the opportunity to submit comments on the state's proposed Groundwater Protection Rule. We appreciate the state's work and engagement on this critical issue that impacts the health of so many Minnesotans and the water on which we all depend.

We have serious concerns that the current rule is inadequate to meet our water quality goals and protect the health of many people, especially in rural Minnesota. Many of these concerns mirror those that we raised nine years ago when the Minnesota Department of Agriculture (MDA) proposed its Nitrogen Fertilizer Rule, and we have not seen the needed improvements in our water since that time. The problem has only grown more critical.

The 1989 Groundwater Protection Act established the state goal that "groundwater be maintained in its natural condition, free from any degradation caused by human activities." The state has focused on promoting nitrogen fertilizer Best Management Practices, or BMPs, throughout Minnesota since the Act's passage.

But voluntary BMPs, which are designed to maximize profits and minimize wasted nitrogen, have proven insufficient to address surface water and groundwater contamination from agricultural sources across the state. In fact, they were never designed to do so. In the Karst region of Southeastern Minnesotans, MDA's recent monitoring data show that nitrate levels continue to increase, with 28% of wells exceeding the 10 mg/L level. This is a powerful testament to the failure of MDA to use its available authority to achieve its obligations under the law.

We now know that BMPs alone are inadequate to address the scope of the problem. The Groundwater Protection Rule should not rely on strategies that we know are insufficient. After 37 years, the state should not wait decades more for confirmation of this fact while nitrate levels build in our aquifers and more Minnesotans are exposed to its health impacts.

First, we request that to better ramp up implementation and reduce response time, the definition of Part 2 in the rule should be expanded to provide greater protection of private drinking water wells by including townships with high nitrate levels in private wells.

To better protect these impacted areas, the Groundwater Protection Rule should use current science and technology to model the impacts of nutrient reduction strategies on drinking water supplies. Using this model, the agency should then develop a set of mitigation strategies that are shown capable of meeting water quality goals for each Drinking Water Supply Management Area (DWSMA) and Township included in Part 2. These strategies should be the focus of implementation actions under Part 2 of the rule.

This scientific modeling should guide the selection and scale of both BMPs and Alternative Management Practices (AMPs). These strategies can be implemented in parallel. Priority should be given to planting cover crops and incorporating perennials in Vulnerable Groundwater Areas (VGAs) and DWSMAs.

Further, we urge the MDA to move more swiftly and reduce timelines and administrative delays in the implementation of this rule. Minnesotans with polluted groundwater have waited decades for relief, and this very gradual implementation strategy falls short of adequately protecting the public health and resources. We appreciate State measures like the updated Nutrient Reduction Strategy, and we hope to see a strong Groundwater Protection Rule put in place as part of the effort to protect and restore our waters.

We appreciate the opportunity to provide comments on this rule.

Sincerely,



Steve Morse  
Executive Director

*Submitted on behalf of the organizations listed below.*

Austin Chapter 10 Izaak Walton League of America\*

Bicycle Alliance of Minnesota

Clean River Partners

Clean Water Action Minnesota

Climate Land Leaders

CURE

Environmental Working Group

Pollinator Friendly Alliance

WaterLegacy

*\*Denotes non-MEP member*