

1573.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part. Other terms used in this chapter are defined in the part in which the terms are used. Terms used in this chapter that are not specifically defined in applicable federal or state law shall be construed in conformance with the context and in relation to the applicable section of the statutes pertaining to the matter and current professional usage.

Subp. 2. **Alternative management tools.** "Alternative management tools" means specific practices and solutions as described in part 1573.0090, subpart 1, other than nitrogen fertilizer best management practices, that are approved by the commissioner to address groundwater nitrate problems. Alternative management tools include precision agricultural methods that can be used for the precise, variable, and site-specific application of nitrogen fertilizer.

Subp. 2a. **Capture zone.** "Capture zone" means the subsurface area surrounding a well or well field through which water is likely to move toward and reach the well supplying a public water system with water.

Subp. 3. **Coarse textured soils.** "Coarse textured soils" means soils that are sand, loamy sand, fine sand, loamy fine sand, coarse sand, loamy coarse sand, very fine sand, loamy very fine sand, single grained, or any of these textures with the following textural modifiers: gravelly, cobbly, channery, and flaggy, based on the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subp. 5. **Cropland.** "Cropland" means land used primarily for the production or harvest of annual or perennial field, forage, food, fiber, or energy crops. Cropland includes pasture but does not include forestland.

Subp. 6. **Drinking water supply management area.** "Drinking water supply management area" has the meaning given in part 4720.5100, subpart 13.

Subp. 7. **Fall application.** "Fall application" means the application of nitrogen fertilizer to cropland after August 31 in each calendar year.

Subp. 8. **Frozen soil.** "Frozen soil" means soil frozen to a depth that does not allow for the proper placement and incorporation of nitrogen fertilizer. For purposes of this subpart, proper placement means that a responsible party is able to incorporate granular products within three days of application at a minimum depth of three inches below the surface of the soil.

Subp. 9. **Groundwater.** "Groundwater" has the meaning given in Minnesota Statutes, section 115.01, subdivision 6.

Subp. 10. **Groundwater monitoring network.** "Groundwater monitoring network" means a network of wells used by the commissioner to monitor and test nitrate-nitrogen concentrations in groundwater.

Subp. 11. **Growing season.** "Growing season" means the period of time from planting to physiological maturity of crops identified by the nitrogen fertilizer best management practices.

Subp. 12. **Lag time.** "Lag time" means the period of time it takes for nitrate to travel through an unsaturated zone to impact groundwater quality in an aquifer being monitored.

Subp. 13. **Leaching index.** "Leaching index" means the annual precipitation minus evapotranspiration for the years 1981-2010 as calculated at daily intervals using the gridMet dataset.

Subp. 14. **Local advisory team.** "Local advisory team" means a team of individuals approved by the commissioner who advise the commissioner regarding appropriate response activities for a specific local area.

Subp. 15. **Municipal public water supply well.** "Municipal public water supply well" has the meaning given in part 4720.5100, subpart 22. For the purposes of this subpart, municipal public water supply well also includes a rural water system.

Subp. 16. **Nitrogen fertilizer best management practices.** "Nitrogen fertilizer best management practices" means practices associated with nitrogen use that are adopted by the commissioner pursuant to Minnesota Statutes, section 103H.151, subdivision 2.

Subp. 17. **Nitrogen fertilizer.** "Nitrogen fertilizer" means a substance containing nitrogen that is used for its plant nutrient content, is designed for use or claimed to have value in promoting plant growth, and requires a guaranteed analysis under Minnesota Statutes, section 18C.215. Nitrogen fertilizer does not include animal and vegetable manures that are not manipulated, or marl, lime, limestone, biosolids, industrial by-product, industrial wastewater, irrigation water, or other products exempted by the commissioner. Chemicals or substances added to manure during storage to reduce odor or gas emissions or to prevent foaming, or added to manure to extend the time the nitrogen component of manure remains in the soil, are not considered a manipulation of manure.

Subp. 18. **Public well.** "Public well" means a community water system as defined in part 4725.0100, subpart 23a.

Subp. 19. **Residual soil nitrate tests.** "Residual soil nitrate tests" means soil tests conducted by or under the direction of the commissioner that are representative of changes in soil nitrate levels in soil below the root zone for cropland within a drinking water supply management area.

Subp. 20. **Responsible party.** "Responsible party" means the owner, operator, or agent in charge of cropland.

Subp. 21. **Section.** "Section" means a subdivision of a township typically one square mile in size as established under a public land survey system.

Subp. 22. **Spring frost-free date.** "Spring frost-free date" means the date where there is a ten percent probability of observing a temperature of 32 degrees Fahrenheit or colder based on the years 1981-2010 as published by the Minnesota State Climatology Office.

Subp. 23. **Vulnerable groundwater area.** "Vulnerable groundwater area" means land with:

A. coarse textured soils;

B. soils that are shallow to bedrock as identified in the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey; or

C. karst, as identified in the Department of Natural Resources Pollution Sensitivity of Near-Surface Materials Report.

Vulnerable groundwater area does not include areas identified as ultra-low sensitivity in the Department of Natural Resources Pollution Sensitivity of Near-Surface Materials Report.

Statutory Authority: *MS s 103H.275*

History: *43 SR 1489*

Published Electronically: *July 11, 2019*