

**1573.0070 WATER RESOURCE PROTECTION REQUIREMENTS ORDER CONTENTS.****Subpart 1. Mitigation level 3.**

A. The commissioner shall consider including the following requirements for responsible parties in a water resource protection requirements order for mitigation level 3 drinking water supply management areas:

(1) nitrogen fertilizer best management practices approved by the commissioner pursuant to Minnesota Statutes, section 103H.151, subdivision 2;

(2) application guidelines for nitrogen fertilizer from the University of Minnesota;

(3) educational activities approved by the commissioner;

(4) field testing to determine nitrogen requirements for specific crops;

(5) testing of manure using a lab approved or certified by the commissioner;

(6) testing as needed to monitor nitrate-nitrogen concentrations in the groundwater;

(7) nitrogen crediting from previous crops, manure application, irrigation application, and all other sources of nitrogen;

(8) irrigation, fertilizer chemigation, water, manure, and nutrient management plans developed or approved by a qualified professional;

(9) soil amendments registered with the commissioner that reduce the need for or improve the use of nitrogen;

(10) plant amendments registered with the commissioner that improve the efficient use of nitrogen inputs;

(11) products delaying nitrification, approved by the commissioner; or

(12) products delaying plant available nitrogen, approved by the commissioner.

B. The commissioner may require alternative management tools to be used in drinking water supply management areas provided that a source of funding for increased costs related to the implementation of the alternative management tool is available to responsible parties. The commissioner shall select alternative management tools for purposes of this subpart in consultation with the local advisory team. The commissioner shall not restrict the selection of the primary crop.

**Subp. 2. Mitigation level 4.** The commissioner shall consider including the requirements in items A to C for responsible parties in a water resource protection requirements order for mitigation level 4 drinking water supply management areas:

A. any requirement listed in subpart 1;

B. specific nitrogen fertilizer rate requirements for crops. The commissioner shall not set rate requirements for nitrogen fertilizer below the lowest University of Minnesota recommended rate; and

C. water resource protection requirements as defined in Minnesota Statutes, section 103H.005, subdivision 15, and that meet factors under Minnesota Statutes, section 103H.275, subdivision 2a. The commissioner shall not restrict the selection of the primary crop.

Subp. 3. **Exceptions.** The commissioner may provide exceptions to a water resource protection requirements order if the commissioner determines the order could not be implemented because of:

A. adverse weather conditions including late spring thaw, heavy rainfall, drought, or other extreme weather event;

B. crop failure for any reason including plant diseases or pest infestations; or

C. the required practice being agronomically or technically unsuitable for a specific field based on the soil types, topography, or the crops grown.

**Statutory Authority:** *MS s 103H.275*

**History:** *43 SR 1489*

**Published Electronically:** *July 11, 2019*