

April-June 2024 Update

ADDRESSING NITRATE IN SOUTHEAST MINNESOTA

This document provides updates from Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and Minnesota Department of Agriculture (MDA) on their efforts to address nitrate in groundwater in southeast Minnesota from April through June 2024. The updates are categorized by how work is listed in the Work Plan: Addressing Nitrate in Southeast Minnesota (PDF).

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Phase I Work

Education and outreach

- Translating educational materials: We are in the process of formatting and posting Somali
 and Hmong translations of the following brochures <u>Owner's Guide to Wells (PDF)</u> and <u>Well</u>
 <u>Water and Your Baby (PDF)</u>. The brochures are already available to order for free in English
 and Spanish (<u>Order Well Management Program Educational Materials</u>).
- Minnesota Private Well Education and Steward Network: The University of Minnesota
 Water Resources Center is defining the initial focus and approach for developing a peer-topeer learning network for private well owners, starting in southeast Minnesota. They
 posted the position that will coordinate this network; the posting closed on July 14. They
 will interview candidates in September.
- Provide necessary equipment, standard operating procedures, and support to local
 partners who can provide free water screening. The MDA currently maintains 21
 spectrophotometers statewide. Ten are located at MDA offices for analysis at research
 projects or to be available, if requested. Eleven are on loan to soil and water conservation
 districts (SWCDs); four of these machines are located in the southeast region. This includes
 a new partnership with the Wabasha SWCD, who requested a machine in February 2024.

Alternate water

Limited bottled water

The MDH secured \$25,000 for a limited quantity of bottled water for the most vulnerable private well households—households that have nitrate at or above 10 milligrams per liter (mg/L) and a pregnant person or baby under 1 year old in the home. The MDH set up a contract with a bottled water vendor and their corresponding distributor that covers southeast Minnesota. The bottled water is a temporary option until a longer-term solution is available. This effort officially launched on May 10, 2024. As of July 17, *five eligible households have signed up to receive bottled water*.

We intentionally did a soft launch of this option because we were not sure how much interest there would be and did not know if there would be additional funding for alternate water in the new fiscal year. Initial outreach about this opportunity included:

- Webpage: The form to request bottled water is available on the MDH <u>Response to EPA</u> <u>Nitrate Letter for Southeast Minnesota</u> webpage.
- MDH mailed postcards to 249 households that had tested their well water through Southeast Minnesota Water Analysis Laboratory since 2019 and had a nitrate result at or above 10 mg/L to let them know they may be eligible for bottled water.
- Sharing through partners: Local public health (including WIC clinics), delegated well programs, soil and water conservation districts, and other local partners shared the

information with interested households. MDH provided partners with flyers and written information about the opportunity.

MDH shared the availability at the community meetings in the region.

Future outreach plans launch the week of July 22 and include: media release, paid social media, and radio announcements.

This bottled water is running parallel to the MDA's efforts to provide reverse osmosis to eligible households. We are coordinating closely with each other and local partners on this effort.

Reverse osmosis for eligible households

The MDA executed a Joint Powers Agreement (JPA) that provides limited funding for the implementation of a drinking water mitigation program in eight counties of southeastern Minnesota, including Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona. The JPA is administered by the Olmsted SWCD and will be accomplished through a unique partnership between local SWCDs, County Water Resource Managers, and the MDA.

Specific objectives

- 1) Use existing water quality data to target past participants of MDA private well testing programs that had elevated nitrate-N concentrations (10 mg/L or above) and/or elevated pesticide concentrations and make them aware of this opportunity for reduced cost or free water treatment systems. This task has been completed and well owners have been receiving information about the opportunity for a nitrate home treatment system. The MDA is currently receiving correspondence back from interested well owners (~300) and answering questions about their eligibility.
- 2) Develop a process to provide mitigation through professional installation of reverse osmosis treatment systems, adhering to the specifications established in this Scope of Work and including one year of system maintenance. This task is in progress and the MDA is working through the administrative/contracting process.

The SWCD will coordinate with local partners to distribute partial or full funding to participants for nitrate treatment and prioritize households with young children or pregnant women. The SWCD will use the TAP-IN pilot program as the model for the reimbursement strategy. The MDA will also provide mitigation for private wells that have tested over the drinking water standard for pesticides. Many of the wells with elevated pesticides also have elevated nitrate.

The following criteria have been established to guide cost share for the purchase and installation of point-of-use reverse osmosis water treatment systems.

- 1) 100% cost share for households with a private well that has drinking water at or above the nitrate health risk limit of 10 mg/L and have pregnant persons, or children under 1 year of age living in the household.
- 2) 100% cost share for households with a private well that is equal to or exceeded the cyanazine or other pesticide health risk limit.

- 3) 100% cost share for households with a private well that has drinking water at or above the nitrate health risk limit of 10 mg/L and have a demonstrated financial need.
- 4) Lower priority but still able to offer mitigation to other households with a private well that have drinking water over the nitrate health risk limit of 10 mg/L and do not meet the criteria above, prioritizing by concentration, highest concentration is the highest priority.

All efforts will be made by Olmsted SWCD to minimize costs for reverse osmosis system purchase, installation, and maintenance in order to provide as many systems as possible.

Limited well testing

The MDH secured \$25,000 for about 150 well test kits for private well households that have a pregnant person or baby under 1 year old in the home and have not tested their private well for nitrate since 2019. The intent is to provide this free testing opportunity for all five MDH-recommended contaminants (nitrate, coliform bacteria, arsenic, manganese, and lead) so that no household is excluded from limited bottled water due to not having a well test result from 2019 or after. This effort officially launched on May 10, 2024. As of July 17, *twenty-seven eligible households have requested a well test kit*.

Outreach about this opportunity included:

- **Webpage:** The form to request a well test kit is available on the MDH <u>Response to EPA Nitrate Letter for Southeast Minnesota</u> webpage.
- Sharing through partners: Local public health (including WIC clinics), delegated well programs, soil and water conservation districts, and other local partners shared the information with interested households. MDH provided partners with flyers and written information about the opportunity.
- MDH shared the availability at the **community meetings** in the region.

Future outreach plans launch the week of July 22 and include: media release, paid social media, and radio announcements.

Engage stakeholders and develop partnerships

Below is a list of meetings and communications we have had with partners and stakeholders.

- **TAP-IN**: the MDH met with TAP-IN leadership as needed. We also met with the larger group on an ad-hoc basis. The most recent meeting with larger group was on April 22.
- **Petitioners/NGOs**: the MDH regularly met with the Minnesota Well Owners Organization (lead petitioner for public health work) and the Minnesota Ground Water Association to discuss private wells, including efforts in southeast Minnesota. As there are new developments in the work plan or the legislature, the MDH has connected with Carly Griffith at Minnesota Center for Environmental Advocacy, Michelle Stockness of Freshwater, and

- Steve Morse of the Minnesota Environmental Partnership to discuss the updates and legislative process.
- Local government partners: In December 2023, we had a series of meetings with the full TAP-IN group and any additional local government partners who wanted to join. Through those meetings we made it clear that the MDH is happy to participate in/present at any meetings they would like us at and that we are happy to provide any communications support they would find helpful.

• Previous meetings and communications include:

April-June 2024

- a. MDH: Southeast Minnesota Association of Conservation District Employees annual meeting (April 2)
- b. MDH: Presentation and discussion with MN Corn Growers Association on the public health intervention (April 10)
- c. MDH: Presentation on the SEMN Public Health Intervention as a lunch learn webinar for anyone that works for the State of Minnesota to join. 87 people attended. (April 10)
- d. MDA: Informational meeting on the Minnesota Ag Water Quality Certification Program (MAWQCP) for agricultural producers in the Utica DWSMA, which is currently listed as a Level 2 DWSMA under the Groundwater Protection Rule (April 11)
- e. MDA/MDH/MPCA: Presentation and discussion with the Environmental Quality Board (EQB) on the state agency workplan and overlap with the State Water Plan. (April 17)
- f. MDH: Slides and talking points to Winona County Water Planner for the County Board update (April 23).
- g. MDH: Participation in the Winona LaCresent One Watershed One Plan Technical Advisory Group meeting to identify strategic alignments between their workplan and the agencies' response plan (May 1).
- h. MDH/MDA: Presentation and discussion with the Subcommittee on Water Policy and on SE MN drinking water and related state agency workplan (May 13)
- i. MDH: Presentation to Fillmore-Houston Community Health Board about public health nitrate response efforts (May 28)
- j. MDH: Presentation on the public health intervention in southeast Minnesota to the Advisory Council on Wells and Borings (June 5)

January-March 2024

- a. MDH: Delegated Well Programs (December 6, 2023)
- b. Provided a template slide deck for partners to use in discussing the issue and work plan with their leadership (December 12, 2023)
- c. State agencies (MDA, MPCA, MDH) meeting with SWCD managers in the 8 counties (January 19)

- d. MDH meeting with Southeast Public Health and Emergency Preparedness Coordinators (January 19)
- e. MDA: State agency and local SWCD partner meeting to discuss nitrate in groundwater and local staff capacity (January 19)
- f. MDH: Southeast Annual Groundwater Forum (February 21)
- g. MDA: Follow-up state agency and local SWCD partner meeting to identify largest capacity needs, how to address needs, and how to accelerate /enhance programs that are working. (March 11)
- h. MDH: Southeast water operators training (March 14)
- i. MDH: Southeast regional interagency groundwater workshop (March 14)
- j. MDH: Southeast Local Public Health Association meeting (March 22)
- k. MDA and MDH: Participated and presented at the 2024 Spring Farmer Meeting hosted by the Fillmore SWCD at the Fountain Community Center in Fountain, MN (March 26)
- I. MDH provided talking points about the status of supplemental funding proposals to cover the work so people could talk with their leadership and legislators (March 26).

Townhalls

The MDH hosted three in-person community meetings (Stewartville [June 12], Rushford [June 26], and Mazeppa [June 27]) and one virtual community meeting (June 20). The purpose of the community meetings was to share current and planned public health response efforts to address nitrate in southeast Minnesota. The community meetings included a formal presentation and question/answer time sandwiched between a general open house format before and after. For the open house, local partner organizations (primarily soil and water conservation districts and local public health) and MDH were available to answer questions one-on-one. The presentation segment focused on general background on private wells and drinking water in Minnesota, a primer on nitrate and health, and walked through of the directives from EPA and corresponding actions to protect public health in the immediate term. About 150 people attended the community meetings (not including state staff), including two state representatives and two state senators (from both sides of the aisle). Colleagues from MDA and MPCA also joined to help field questions.

Overall, the meetings were well received. Eighteen attendees completed evaluation forms. Of those respondents, 94 percent agreed on each of the following statements:

- The information presented was useful to them.
- The materials and/or visuals were easy to understand.
- The presenters answered their questions.

Phase II Work

Agencies are preparing to roll out phase II work (identify impacted residences, education and outreach, well testing, alternate water, and launch a public dashboard).

Of note, in July, the TAP-IN Collaborative launched their well testing campaign that is funded by a Clean Water Fund grant. While this funding is not directly tied to response efforts, the campaign supports efforts to offer well testing in southeast Minnesota. See Find Testing Services. TAP-IN did a great job announcing the launch; several media outlets picked up the launch. For example, see Minnesota Public Radio's article: Program provides free water test kits for private well users in southeastern Minnesota.

Timeline on target

We are on target to meet the timeline proposed in the initial work plan (also pasted below).

Activity	Responsible	Jul-Sep '24	Oct-Dec '24	Jan-Mar '25	Apr-Jun '25
Set up contract with local partner(s)	MDH/Local Partner	Х			
Identify impacted residences: Conduct well inventory	Funded local partners		Х	Х	Х
Education and outreach:	MDH in collaboration with local partners	Х	X	Х	Х
Well testing: Mail notification that free well tests available	Local partners		X	Х	Х
Alternate water: home water treatment, repairs, or new well	Local partners		Х	Х	Х
Launch public dashboard			Х		

Provide public record of work

The MDH is working with the Environmental Public Health Tracking team to develop maps of nitrate in private wells for southeast Minnesota and a dashboard on the MN Public Health Data Access Portal. This work is underway with hopes of having some initial maps and metrics posted this summer.

Summary of appropriations for year 1 of Phase II work

Phase II started with the start of the new fiscal year on July 1, 2024. Phase II work is dependent on funding the Legislature appropriated during their 2024 legislative session. The Legislature split funding between the MDA and MDH. As such, both agencies are working closely with local partners to determine the best way to move forward so that there is not additional burden on local agencies due to funding coming from separate state agencies.

Category	Amount proposed (rounded totals in thousands)	Final Appropriation Amount and Language	Description of work				
Well Inventory	\$737	\$2.79M to the Department of Health (100% of proposal) from the Clean Water Fund Chapter 106, Article 2, Sec. 7 (b) \$2,790,000 the second year is for managing a voluntary program in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona Counties to conduct an inventory of private wells, provide testing for nitrates, develop education and outreach for private well owners and users, and develop a dashboard to communicate testing results and report on progress. (c) Unless otherwise specified, the appropriations in this section are available until June 30, 2027.	 Estimated 12,000 private wells to inventory FTEs for local partners (likely student workers) for identifying parcels & follow-up Printing and postage costs 				
Testing	\$180		voluntary program in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, and Winona * Planning for 10% to participate in the first about 3,600 private wells.				
Education, outreach, community engagement	\$162		 Printing, postage, paid social media and streaming advertisements, billboards Space rental and travel for local meetings 				
Additional local staff	\$949		FTEs for local partners to carry out project management and grant administration and additional laboratory support.				
MDH staff	\$762		FTEs to provide technical assistance to local partners and private well owners; work with data and the dashboard; project management, and assistance with communications.				

Category	Amount proposed (rounded totals in thousands)	Final Appropriation Amount and Language	Description of work
Alternate water	\$4,091	\$2.8M to the Department of Agriculture (68% of request) from the General Fund. HF 5247, Article 37, Section 1 (o) \$2,800,000 the second year is for nitrate home water treatment, including reverse osmosis, for private drinkingwater wells with nitrate in excess of the maximum contaminant level of ten milligrams per liter and located in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, or Winona County. The commissioner must prioritize households at or below 300 percent of the federal poverty guideline and households with infants or pregnant individuals. The commissioner may also use this appropriation for education, outreach, and technical assistance to homeowners. The commissioner of agriculture may transfer money to the commissioner of health to establish and administer a mitigation program for contaminated wells located in Dodge, Fillmore, Goodhue, Houston, Mower, Olmsted, Wabasha, or Winona County. Notwithstanding Minnesota Statutes, section 168.98, subdivision 14, the commissioner may use up to 6.5 percent of this appropriation for administrative costs. This is a onetime appropriation and is available until June 30, 2027.	Of the 3,600 private wells that participate in testing, about 12% (~430) will have nitrate above the MCL. Of those: • 75% (~330 wells) best remedied through reverse osmosis treatment (\$2,600) • 25% (~100 wells) best remedied by well repairs or new well (average \$28,000) While proposals to the legislature proposed a series of mitigation strategies (including well repair, well construction, and home water treatment), appropriation language specifically identifies home water treatment. This work has begun, and MDA is in the process of updating a Joint Powers Agreement with Olmsted SWCD to administer this work. Initially funding will provide nitrate home water treatment to private well users which had a previous test >10ppm nitrate in the township testing program. MDA has currently heard from ~300 well owners about interest in a RO system. Olmsted SWCD has solicited bids from vendors to provide the water treatment services.
Total	\$6,881	\$5,590 (81% of proposed)	

Phase III Work

The text below represents work completed April through June 2024.

Southeast Minnesota Nitrate Strategies Collaborative Work Group

The Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) have developed a community stakeholder work group to:

- a) Build a shared understanding of the challenges and opportunities of addressing nitrate pollution in southeastern Minnesota.
- b) Deliberate and build consensus on ways to strengthen the long-term nitrate reduction strategies.
- c) Develop recommendations for improving, prioritizing, and implementing strategies, including strengthening communication and engagement activities, policy or funding proposals, or collaborative strategies to accelerate prevention and mitigation activities.

There is a web page which will be updated with progress on the work group: <u>Addressing nitrate</u> in southeastern Minnesota | Minnesota Pollution Control Agency (state.mn.us)

The work group members were selected in June 2024 and is comprised of 19 members representing a variety of interest groups. This includes agriculture sectors, non-profits, local governmental units, citizens, and state agencies.

The work group members met for the first time on July 11, 2024. The next meeting is set for August 14, 2024 and will meet approximately monthly thereafter for about a year.

Updating Minnesota's Nutrient Reduction Strategy (NRS)

A kick-off NRS outreach event was held June 10, 2024, and was attended by 341 people, including members of state agencies, retired lawmakers, the media, agriculture commodities groups, environmental advocacy organizations, and concerned citizens. MPCA, MDA, Board of Water and Soil Resources (BWSR), and Department of Natural Resources all provided overviews of their organizations' involvement in the NRS revisions, and a question-and-answer time was held. Audience members indicated that they had many questions about the NRS and wanted additional follow-up about content. Webinars are being planned for the remainder of 2024 and early 2025 and will be held on a quarterly schedule.

An NRS outreach webinar will be held on August 12, 2024 and will cover nutrient loads in the Red and Mississippi Rivers. Representatives from the Metropolitan Council, the U.S. Geological Survey, and MPCA will discuss their agencies' monitoring programs and explain how those data support the statewide NRS revisions.

Working Groups:

 Agriculture Best Management Practice (BMP) Science—the University of Minnesota research team has completed a literature review and analysis for rates of nitrogen reduction from BMPs. The review is undergoing internal assessment and will be submitted to MPCA at the end of the summer. Plans are being developed for a BMP

- expert group to apply the nitrogen rates to water quality models this fall. Phosphorus BMP reduction rates will be developed this fall through early spring of 2025.
- Scaling-up Agriculture BMP Adoption—A list of existing and potential new BMP
 adoption scale-up programs in Minnesota (and the upper Midwest) has been created
 with input from multiple working group members as well as the interagency Steering
 Team. Means to scale-up these programs across the state or identify commonalities that
 could be scaled-up up are being researched and will lead to an initiative for
 implementation.
- River Loads (updating nutrient loads, goals, sources, and priority areas) River
 nutrient load changes over time have been assessed and are showing significant
 reductions for phosphorus and some indications of progress with reducing nitrogen.
 Priority watersheds for in-state nutrient reduction needs have been mapped and are in
 draft. Additionally, watershed outlet nutrient reduction planning goals to meet state line
 goals have been identified through modeling for each HUC8 watershed in the state.
- **Urban Nutrients**—the working group is implementing edits to the first draft of its chapters and intends to send out a second draft for review during the remainder of this summer. One of the findings included in these drafts is that stormwater nutrient reduction efforts in Minnesota have been very successful and future efforts should build on this progress. A contracted assessment of denitrification successes in wastewater treatment plants in cold climates has begun and will be inform the revised NRS as support for this chapter.
- Watershed-scale Integration, Tools, and Resources—this working group has integrated review comments into the second draft of Chapter 6. MPCA and BWSR have interviewed local watershed planners to hear their ideas for how to increase large-scale nutrient reduction, to evaluate watershed planning tools, and identify needed training and support for those tools. A few final interviews will be conducted by the end of July, and summary of those reviews and the findings of an on-line survey sent out earlier in the spring will be completed by late summer or early fall.
- Progress Tracking—This group has created a preliminary dashboard design that would allow more frequent and flexible updating on progress and was presented to the interagency Steering Team in June. MPCA has also drafted a new interactive application to evaluate the effects of past conservation practice implementation and adoption of new practices. This application will help visualize the status of major watersheds on meeting N and P reduction targets needed to meet NRS nutrient goals. The NRS dashboard concept has generated a lot of interest both among agency leadership and the public and will likely be a topic for the outreach webinar series.

Feedlot Permits (MPCA)

The General NPDES and SDS permits for confined animal feedlots expire in 2025 (SDS) and 2026 (NPDES). The MPCA hosted several stakeholder meetings in the development of the proposed

draft permits. The focus for the proposed draft permits is to continue reducing nitrate in our ground and surface waters to protect human health and the environment. The proposed draft permits include new nitrogen application requirements to limit nitrate leaching potential:

- Beginning in 2028, manure applied in October November in vulnerable areas must implement one of the following nitrogen BMPs:
 - Apply to actively growing crop.
 - Apply to actively growing cover crop or plant a cover crop within 14 days of harvest.
 - Rotation includes a perennial crop for at least 2 of next 5 years.
- Prohibition on application of manure to frozen or snow-covered soil in March.

The proposed draft permits were sent to EPA for review in April, and EPA responded with a comment letter in late May. Adjustments were made to the proposed draft permits per EPA direction. The draft permits were placed on public notice on June 24. The comment period ends to August 9, 2024. There will be three community meetings during this comment period. Details on stakeholder outreach during the permit development process are listed below.

Stakeholder outreach planned/conducted:

- July 24: Face-to-face meeting in Chatfield, MN
- July 22: Face-to-face meeting in Fairmont, MN
- July 15: Face-to-face meeting in Paynesville, MN
- April 4: Face-to-face meeting with agricultural groups in Mankato at MN Pork Producers Office (~ 25 30 attendees)

Feedlot Rules (MPCA)

The MPCA hosted three meetings in late June and early July with stakeholder groups to discuss engagement during the feedlot rule revision process. We plan to report back to the groups to share a process for the rulemaking in September 2024. We received feedback that it will be hard for farmers to focus on both the feedlot permit reissuance process and on the feedlot rules process at the same time. Similarly, our ability to move this rulemaking process forward will be dependent on how the feedlot permit reissuances are proceeding. The same staff are involved in both areas of work. If the feedlot permit process extends beyond the end of August, this may delay the start of the rulemaking process.

- June 17: Face-to-face meeting in St. Paul with environmental groups to discuss the rulemaking process (6 attendees).
- June 18: Virtual meeting with County Feedlot Officers to discuss the rulemaking process (significant number of county attendees).
- July 9: Face-to face meeting in Eagan with ag groups to discuss rulemaking process

Wastewater Nitrogen Reduction & Karst Strategies

The final Wastewater Nitrate Reduction Strategy was shared with the stakeholders in January 2024 and launched publicly in April 2024. Implementation of Phase 1 in wastewater NPDES permits has begun.

Nitrogen Fertilizer Management Plan implementation (MDA)

- During the 2024 legislative session, MDA received supplemental Clean Water funding to accelerate implementation of the nitrogen fertilizer management plan (NFMP) in southeast Minnesota. This includes working voluntarily with farmers to increase adoption of practices on a township scale. Funding became available July 1, 2024. A workplan is currently being developed and initial outreach with partners has begun. Key tasks for the multi-year workplan include: selecting the township(s); compiling township information; critical source area and GIS review; on-farm walkovers; communication and outreach; forming a local advisory team; survey of cropland management in a township; computer modeling; demonstration projects based on result from BMP survey; promoting and increased adoption of cover crops, forage crops, small grains and perennials (including a focus on the Forever Green Initiative); obtaining funding for implementing selected BMPS and other groundwater protective practices; program coordination; tracking outcomes; and new partnership strategies with ag retailers, MAWQCP, and SWCDs.
- MDA provided funding to hire a new shared position at Fillmore, Wabasha, and Winona SWCDs. This Nutrient Management Technician position was developed to provide nutrient management technical assistance, with a focus on nitrogen, to livestock producers working in Level 2 DWSMAs and high nitrate townships in southeast Minnesota.
- The Minnesota Ag Water Quality Certification (MAWQCP) program hired an additional certifier to support the southeast region (June 2024). This hiring fills a vacancy and will help address a backlog of interested producers in southeast Minnesota.
- MDA continues to meet with the Forever Green Initiative and partners to explore opportunities for new acres of winter annual oilseeds and perennial grains in southeast Minnesota.

2024 Legislative Changes

During the 2024 legislative session, legislation was passed which requires a person who applies manure in a Minnesota Department of Agriculture (MDA) Groundwater Protection Rule level 2 or higher drinking water supply management area (DWSMA) to follow a manure management plan approved by the MPCA. The plan must include the MDA's recommended BMPs that are published on the MDA website for that DWSMA.