

# MCEA **OPPOSES** SF566:

## Legislation That Prevents MPCA From Taking Reasonable Actions To Prevent Nitrate Pollution



MCEA opposes SF566 because it would prevent the Minnesota Pollution Control Agency from requiring permittees who choose coverage under the general feedlot permit to reduce nitrogen impacts from manure when it is applied in the fall and winter.

Nitrogen pollution is increasing, and fall and winter manure application is part of the problem. The Minnesota Department of Agriculture's rules prohibit fall application of commercial nitrogen fertilizer in many areas. **The MPCA general feedlot permit does not prohibit fall application of manure, but instead gives producers four options:** (1) wait until the ground is cold; (2) add a nitrification inhibitor product; (3) plant a cover crop; (4) apply a portion of the allowed application in the spring. SF566 unreasonably restricts these best management practices, which many agricultural producers have already adopted. SF566 rewards the recalcitrant and punishes those who already practice good land stewardship.

- **The MPCA's general feedlot permit is NOT A RULE.** If a producer does not think the options in the permit fit their farm, they have the option to ask for an "individual permit."
- **The MPCA's general feedlot permit was BASED ON SCIENCE.** Research demonstrates that fall and winter application of manure cause the greatest loss of manure to the water. MPCA's permit reasonably requires those who apply in the fall and winter to use best management practices.
- **SF566 unfairly seeks to undo a permitting process that no party contested.** The MPCA proposed changes to its general feedlot permit in 2020, met with regulated parties, and accepted public comment on the proposed feedlot permit. In response to the public comments, MPCA made changes to the proposed permits, including changes demanded by agricultural producers. **For example, MPCA allows application of solid manure in March, so long as the field is snow-free.** No party asked for a contested case hearing, and no party appealed MPCA's final permit. SF566 makes a mockery of the permitting process the legislature has required.



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