



General Assembly

**Substitute Bill No. 254**

February Session, 2012

\* \_\_\_\_\_SB00254ENV\_\_032612\_\_\_\_\_\*

**AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS THAT CONTAIN PHOSPHATE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) For the purposes of  
2 this section:

3 (1) "Established lawn" means any area of ground that is covered  
4 with any species of grass for two or more growing seasons and that is  
5 customarily kept mowed;

6 (2) "Golf course" means an area solely designated for the play or  
7 practice of the game of golf, including, but not limited to, surrounding  
8 grounds, trees and ornamental beds; and

9 (3) "Organic lawn fertilizer" means fertilizer made from materials  
10 derived from either plant or animal products containing naturally  
11 occurring phosphorus.

12 (b) Notwithstanding chapter 427a of the general statutes, no person  
13 shall apply fertilizer, as defined in section 22-111b of the general  
14 statutes, that contains phosphate to an established lawn, except when:

15 (1) A soil test approved by the Commissioner of Agriculture and  
16 performed within the previous one hundred eighty days indicates the  
17 soil is lacking in phosphorus and fertilizer containing phosphate is

18 needed for the growth of such lawn, or (2) such fertilizer containing  
19 phosphate is used for establishing new grass or repairing such lawn  
20 with seed or sod.

21 (c) The provisions of this section shall not apply to: (1) Property  
22 classified as agricultural land, as defined in section 22-26bb of the  
23 general statutes, (2) a golf course, or (3) the application of organic lawn  
24 fertilizer.

25 (d) Notwithstanding subsection (b) of this section, no person shall  
26 apply any fertilizer, as defined in section 22-111b of the general  
27 statutes, that contains phosphate to any lawn during the period  
28 beginning November fifteenth and ending March fifteenth of the  
29 following year.

30 (e) Notwithstanding chapters 427a and 441 of the general statutes  
31 and subsections (b) and (d) of this section, no person shall apply any  
32 fertilizer, as defined in section 22-111b of the general statutes, that  
33 contains phosphate to any portion of a lawn that is located twenty feet  
34 or less from any brook, stream, river, lake, pond, sound or any other  
35 body of water.

36 (f) On and after October 1, 2012, any person who sells fertilizer, as  
37 defined in section 22-111b of the general statutes, in a retail  
38 establishment, shall separately display fertilizer products that contain  
39 phosphate from fertilizer products that do not contain phosphate. Such  
40 person shall post a sign at the point of sale for such fertilizer products  
41 that states the following: "PHOSPHATE RUNOFF CAN POSE A  
42 THREAT TO WATER QUALITY. CONNECTICUT LAW PROHIBITS:  
43 (1) THE APPLICATION OF FERTILIZER THAT CONTAINS  
44 PHOSPHATE TO AN ESTABLISHED LAWN, SUBJECT TO CERTAIN  
45 EXCEPTIONS, (2) THE APPLICATION OF FERTILIZER THAT  
46 CONTAINS PHOSPHATE TO ANY LAWN FROM NOVEMBER  
47 FIFTEENTH THROUGH MARCH FIFTEENTH, AND (3) THE  
48 APPLICATION OF FERTILIZER THAT CONTAINS PHOSPHATE TO  
49 ANY PORTION OF A LAWN THAT IS LOCATED WITHIN TWENTY

50 FEET OF ANY BODY OF WATER.". Such sign shall be readily visible  
51 to consumers of fertilizer at such retail establishment and shall be  
52 printed in black lettering not less than thirty-eight-point type size  
53 upon a white background.

54 (g) The Commissioner of Agriculture may adopt regulations, in  
55 accordance with chapter 54 of the general statutes, to implement the  
56 provisions of this section.

57 (h) Any person who violates subsection (b), (d), (e) or (f) of this  
58 section shall be assessed a civil penalty by the Commissioner of  
59 Agriculture of five hundred dollars.

60 Sec. 2. Subsection (c) of section 22a-478 of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective from*  
62 *passage*):

63 (c) The funding of an eligible water quality project shall be pursuant  
64 to a project funding agreement between the state, acting by and  
65 through the commissioner, and the municipality undertaking such  
66 project and shall be evidenced by a project fund obligation or grant  
67 account loan obligation, or both, or an interim funding obligation of  
68 such municipality issued in accordance with section 22a-479. A project  
69 funding agreement shall be in a form prescribed by the commissioner.  
70 Eligible water quality projects shall be funded as follows:

71 (1) A nonpoint source pollution abatement project shall receive a  
72 project grant of seventy-five per cent of the cost of the project  
73 determined to be eligible by the commissioner.

74 (2) A combined sewer project shall receive (A) a project grant of fifty  
75 per cent of the cost of the project, and (B) a loan for the remainder of  
76 the costs of the project, not exceeding one hundred per cent of the  
77 eligible water quality project costs.

78 (3) A construction contract eligible for financing awarded by a  
79 municipality on or after July 1, [1999] 2012, as a project undertaken for

80 [nitrogen] nutrient removal shall receive a project grant of thirty per  
81 cent of the cost of the project associated with [nitrogen] nutrient  
82 removal, a twenty per cent grant for the balance of the cost of the  
83 project not related to [nitrogen] nutrient removal, and a loan for the  
84 remainder of the costs of the project, not exceeding one hundred per  
85 cent of the eligible water quality project costs. [Nitrogen] Nutrient  
86 removal projects under design or construction on July 1, [1999] 2012,  
87 and projects that have been constructed but have not received  
88 permanent, Clean Water Fund financing, on July 1, [1999] 2012, shall  
89 be eligible to receive a project grant of thirty per cent of the cost of the  
90 project associated with [nitrogen] nutrient removal, a twenty per cent  
91 grant for the balance of the cost of the project not related to [nitrogen]  
92 nutrient removal, and a loan for the remainder of the costs of the  
93 project, not exceeding one hundred per cent of the eligible water  
94 quality project costs.

95 (4) If supplemental federal grant funds are available for Clean Water  
96 Fund projects specifically related to the clean-up of Long Island Sound  
97 that are funded on or after July 1, [2003] 2012, a distressed  
98 municipality, as defined in section 32-9p, may receive a combination of  
99 state and federal grants in an amount not to exceed fifty per cent of the  
100 cost of the project associated with [nitrogen] nutrient removal, a  
101 twenty per cent grant for the balance of the cost of the project not  
102 related to [nitrogen] nutrient removal, and a loan for the remainder of  
103 the costs of the project, not exceeding one hundred per cent of the  
104 allowable water quality project costs.

105 (5) A municipality with a water pollution control project, the  
106 construction of which began on or after July 1, 2003, which has (A) a  
107 population of five thousand or less, or (B) a population of greater than  
108 five thousand which has a discrete area containing a population of less  
109 than five thousand that is not contiguous with the existing sewerage  
110 system, shall be eligible to receive a grant in the amount of twenty-five  
111 per cent of the design and construction phase of eligible project costs,  
112 and a loan for the remainder of the costs of the project, not exceeding  
113 one hundred per cent of the eligible water quality project costs.

114 (6) Any other eligible water quality project shall receive (A) a project  
115 grant of twenty per cent of the eligible cost, and (B) a loan for the  
116 remainder of the costs of the project, not exceeding one hundred per  
117 cent of the eligible project cost.

118 (7) Project agreements to fund eligible project costs with grants from  
119 the Clean Water Fund that were executed during or after the fiscal year  
120 beginning July 1, 2003, shall not be reduced according to the provisions  
121 of the regulations adopted under section 22a-482.

122 (8) On or after July 1, 2002, an eligible water quality project that  
123 exclusively addresses sewer collection and conveyance system  
124 improvements may receive a loan for one hundred per cent of the  
125 eligible costs provided such project does not receive a project grant.  
126 Any such sewer collection and conveyance system improvement  
127 project shall be rated, ranked, and funded separately from other water  
128 pollution control projects and shall be considered only if it is highly  
129 consistent with the state's conservation and development plan, or is  
130 primarily needed as the most cost effective solution to an existing area-  
131 wide pollution problem and incorporates minimal capacity for growth.

132 (9) All loans made in accordance with the provisions of this section  
133 for an eligible water quality project shall bear an interest rate of two  
134 per cent per annum. The commissioner may allow any project fund  
135 obligation, grant account loan obligation or interim funding obligation  
136 for an eligible water quality project to be repaid by a borrowing  
137 municipality prior to maturity without penalty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>from passage</i>	22a-478(c)

**ENV**      *Joint Favorable Subst.*