



General Assembly

February Session, 2012

Amendment

LCO No. 5069

SB0044005069SD0

Offered by:

SEN. MEYER, 12th Dist.
REP. DONOVAN, 84th Dist.
REP. ROY, 119th Dist.
SEN. RORABACK, 30th Dist.
REP. CHAPIN, 67th Dist.

SEN. CASSANO, 4th Dist.
SEN. FASANO, 34th Dist.
REP. AMAN, 14th Dist.
REP. GENTILE, 104th Dist.
REP. FRITZ, 90th Dist.

To: Subst. Senate Bill No. 440

File No. 377

Cal. No. 282

"AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) The Commissioner of Energy and
4 Environmental Protection, or the commissioner's designee and the
5 chief elected officials of the cities of Danbury, Meriden and Waterbury
6 and the towns of Cheshire, Southington and Wallingford, and the chief
7 elected official of any other municipality impacted by the state-wide
8 strategy to reduce phosphorus, or such chief elected officials'
9 designees, shall collaboratively evaluate and make recommendations
10 regarding a state-wide strategy to reduce phosphorus loading in
11 inland nontidal waters in order to comply with standards established
12 by the United States Environmental Protection Agency. Such

13 evaluation and recommendations shall include (1) a state-wide
14 response to address phosphorus nonpoint source pollution, (2)
15 approaches for municipalities to use in order to comply with standards
16 established by the United States Environmental Protection Agency for
17 phosphorus, including guidance for treatment and potential plant
18 upgrades, and (3) the proper scientific methods by which to measure
19 current phosphorous levels in inland nontidal waters and to make
20 future projections of phosphorous levels in such waters.

21 Sec. 2. (NEW) (*Effective January 1, 2013*) (a) For the purposes of this
22 section:

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

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

29 (3) "Impervious surface" means any structure, surface or
30 improvement that reduces or prevents absorption of stormwater into
31 land, including, but not limited to, porous paving, paver blocks,
32 gravel, crushed stone, decks, patios and elevated structures.

33 (b) Notwithstanding chapter 427a of the general statutes, no person
34 shall apply fertilizer, as defined in section 22-111b of the general
35 statutes, any soil amendment, as defined in section 22-111aa of the
36 general statutes, or any compost that contains phosphate to an
37 established lawn, except when: (1) A soil testing method approved by
38 the Commissioner of Agriculture and performed within the previous
39 two years indicates the soil is lacking in phosphorus and fertilizer, soil
40 amendments or compost containing phosphate is needed for the
41 growth of such lawn, or (2) such fertilizer, soil amendment or compost
42 containing phosphate is used for establishing new grass or repairing
43 such lawn with seed or sod.

44 (c) The provisions of this section shall not apply to: (1) Property
45 classified as agricultural land, as defined in section 22-26bb of the
46 general statutes, or (2) a golf course.

47 (d) Notwithstanding subsection (b) of this section, no person shall
48 apply any fertilizer, as defined in section 22-111b of the general
49 statutes, soil amendment, as defined in section 22-111aa of the general
50 statutes, or compost that contains phosphate to any lawn during the
51 period beginning December first and ending March fifteenth of the
52 following year.

53 (e) Notwithstanding chapters 427a and 441 of the general statutes
54 and subsections (b) and (d) of this section, no person shall apply any
55 fertilizer, as defined in section 22-111b of the general statutes, soil
56 amendment, as defined in section 22-111aa of the general statutes, or
57 compost that contains phosphate to any portion of a lawn that is
58 located twenty feet or less from any brook, stream, river, lake, pond,
59 sound or any other body of water, except if such fertilizer, soil
60 amendment or compost is applied with the use of a drop spreader,
61 rotary spreader with a deflector or targeted spray liquid, such
62 application may occur on any portion of lawn that is located not less
63 than fifteen feet from any such brook, stream, river, lake, pond, sound
64 or any other body of water.

65 (f) No person shall apply any fertilizer, as defined in section 22-111b
66 of the general statutes, soil amendment, as defined in section 22-111aa
67 of the general statutes, or compost that contains phosphate to any
68 impervious surface.

69 (g) For use by the general public or posting and distribution at retail
70 points of sale, the Commissioner of Agriculture may approve
71 consumer information on use restrictions and best practices for
72 fertilizer, soil amendments and compost that contain phosphate.

73 (h) The Commissioner of Agriculture may adopt regulations, in
74 accordance with chapter 54 of the general statutes, to implement the
75 provisions of this section.

76 (i) Any person who violates subsection (b), (d), (e), (f) or (g) of this
77 section shall be assessed a civil penalty by the Commissioner of
78 Agriculture of five hundred dollars.

79 (j) Nothing in this section shall be construed to prohibit the use of
80 any fertilizer, soil amendment or compost that contains 0.67 per cent or
81 less phosphate.

82 Sec. 3. Subsection (c) of section 22a-478 of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective from*
84 *passage*):

85 (c) The funding of an eligible water quality project shall be pursuant
86 to a project funding agreement between the state, acting by and
87 through the commissioner, and the municipality undertaking such
88 project and shall be evidenced by a project fund obligation or grant
89 account loan obligation, or both, or an interim funding obligation of
90 such municipality issued in accordance with section 22a-479. A project
91 funding agreement shall be in a form prescribed by the commissioner.
92 Eligible water quality projects shall be funded as follows:

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

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

100 (3) A construction contract eligible for financing awarded by a
101 municipality on or after July 1, [1999] 2012, as a project undertaken for
102 [nitrogen] nutrient removal shall receive a project grant of thirty per
103 cent of the cost of the project associated with [nitrogen] nutrient
104 removal, a twenty per cent grant for the balance of the cost of the
105 project not related to [nitrogen] nutrient removal, and a loan for the
106 remainder of the costs of the project, not exceeding one hundred per

107 cent of the eligible water quality project costs. [Nitrogen] Nutrient
108 removal projects under design or construction on July 1, [1999] 2012,
109 and projects that have been constructed but have not received
110 permanent, Clean Water Fund financing, on July 1, [1999] 2012, shall
111 be eligible to receive a project grant of thirty per cent of the cost of the
112 project associated with [nitrogen] nutrient removal, a twenty per cent
113 grant for the balance of the cost of the project not related to [nitrogen]
114 nutrient removal, and a loan for the remainder of the costs of the
115 project, not exceeding one hundred per cent of the eligible water
116 quality project costs.

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

127 (5) A municipality with a water pollution control project, the
128 construction of which began on or after July 1, 2003, which has (A) a
129 population of five thousand or less, or (B) a population of greater than
130 five thousand which has a discrete area containing a population of less
131 than five thousand that is not contiguous with the existing sewerage
132 system, shall be eligible to receive a grant in the amount of twenty-five
133 per cent of the design and construction phase of eligible project costs,
134 and a loan for the remainder of the costs of the project, not exceeding
135 one hundred per cent of the eligible water quality project costs.

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2013</i>	New section
Sec. 3	<i>from passage</i>	22a-478(c)