



General Assembly

**Amendment**

February Session, 2012

LCO No. 5395

**\*SB0044005395SR0\***

Offered by:

SEN. RORABACK, 30<sup>th</sup> Dist.

REP. CHAPIN, 67<sup>th</sup> Dist.

To: Subst. Senate Bill No. 440

File No. 377

Cal. No. 282

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS."**

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1 Strike section 2 in its entirety and substitute the following in lieu  
2 thereof:

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

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

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

11 (3) "Impervious surface" means any structure, surface or

12 improvement that reduces or prevents absorption of stormwater into  
13 land, including, but not limited to, porous paving, paver blocks,  
14 gravel, crushed stone, decks, patios and elevated structures.

15 (b) Notwithstanding chapter 427a of the general statutes, no person  
16 shall apply fertilizer, as defined in section 22-111b of the general  
17 statutes, any soil amendment, as defined in section 22-111aa of the  
18 general statutes, or any compost that contains phosphate to an  
19 established lawn, except when: (1) A soil testing method approved by  
20 the Commissioner of Agriculture and performed within the previous  
21 two years indicates the soil is lacking in phosphorus and fertilizer, soil  
22 amendments or compost containing phosphate is needed for the  
23 growth of such lawn, or (2) such fertilizer, soil amendment or compost  
24 containing phosphate is used for establishing new grass or repairing  
25 such lawn with seed or sod.

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

29 (d) Notwithstanding subsection (b) of this section, no person shall  
30 apply any fertilizer, as defined in section 22-111b of the general  
31 statutes, soil amendment, as defined in section 22-111aa of the general  
32 statutes, or compost that contains phosphate to any lawn during the  
33 period beginning December first and ending March fifteenth of the  
34 following year.

35 (e) Notwithstanding chapters 427a and 441 of the general statutes  
36 and subsections (b) and (d) of this section, no person shall apply any  
37 fertilizer, as defined in section 22-111b of the general statutes, soil  
38 amendment, as defined in section 22-111aa of the general statutes, or  
39 compost that contains phosphate to any portion of a lawn that is  
40 located twenty feet or less from any brook, stream, river, lake, pond,  
41 sound or any other body of water, except if such fertilizer, soil  
42 amendment or compost is applied with the use of a drop spreader,  
43 rotary spreader with a deflector or targeted spray liquid, such

44 application may occur on any portion of lawn that is located not less  
45 than fifteen feet from any such brook, stream, river, lake, pond, sound  
46 or any other body of water.

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

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

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

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