



General Assembly

**Amendment**

February Session, 2012

LCO No. 3944

**\*SB0025403944SR0\***

Offered by:

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

SEN. MEYER, 12<sup>th</sup> Dist.

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

To: Subst. Senate Bill No. 254

File No. 364

Cal. No. 269

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

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

3 "Section 1. (NEW) (*Effective January 1, 2013*) (a) For the purposes of  
4 this 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 test approved by the  
20 Commissioner of Agriculture and performed within the previous two  
21 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 November fifteenth and ending March fifteenth of  
34 the 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) On and after January 1, 2013, any person who sells fertilizer, as  
52 defined in section 22-111b of the general statutes, soil amendments, as  
53 defined in section 22-111aa of the general statutes, or compost in a  
54 retail establishment, shall separately display fertilizer, soil amendment  
55 and compost products that contain phosphate from fertilizer products  
56 that do not contain phosphate. Such person shall post a sign at the  
57 point of sale for such fertilizer products that states the following:  
58 "PHOSPHATE RUNOFF CAN POSE A THREAT TO WATER  
59 QUALITY. CONNECTICUT LAW PROHIBITS: (1) THE  
60 APPLICATION OF FERTILIZER, SOIL AMENDMENTS OR  
61 COMPOST THAT CONTAIN PHOSPHATE TO AN ESTABLISHED  
62 LAWN, SUBJECT TO CERTAIN EXCEPTIONS, (2) THE  
63 APPLICATION OF FERTILIZER, SOIL AMENDMENTS OR  
64 COMPOST THAT CONTAIN PHOSPHATE TO ANY LAWN FROM  
65 NOVEMBER FIFTEENTH THROUGH MARCH FIFTEENTH, (3) THE  
66 APPLICATION OF FERTILIZER, SOIL AMENDMENTS OR  
67 COMPOST THAT CONTAIN PHOSPHATE TO ANY PORTION OF A  
68 LAWN THAT IS LOCATED WITHIN TWENTY FEET OF ANY BODY  
69 OF WATER UNLESS SUCH APPLICATION IS APPLIED WITH A  
70 DROP SPREADER, ROTARY SPREADER WITH A DEFLECTOR OR A  
71 TARGETED SPRAY LIQUID, IN WHICH CASE SUCH  
72 APPLICATION SHALL NOT OCCUR LESS THAN FIFTEEN FEET  
73 FROM SUCH BODY OF WATER, AND (4) THE APPLICATION OF  
74 ANY FERTILIZER, SOIL AMENDMENTS OR COMPOST THAT  
75 CONTAIN PHOSPHATE TO ANY IMPERVIOUS SURFACE." Such  
76 sign shall be readily visible to consumers of fertilizer at such retail  
77 establishment and shall be printed in black lettering not less than  
78 thirty-eight-point type size upon a white background.

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

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

85 (j) Any retailer may sell fertilizer that contains phosphate and that  
86 such retailer possesses as of January 1, 2013.

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

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

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

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

105 (3) A construction contract eligible for financing awarded by a  
106 municipality on or after July 1, [1999] 2012, as a project undertaken for  
107 [nitrogen] nutrient removal shall receive a project grant of thirty per  
108 cent of the cost of the project associated with [nitrogen] nutrient

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

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

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

141 (6) Any other eligible water quality project shall receive (A) a project

142 grant of twenty per cent of the eligible cost, and (B) a loan for the  
 143 remainder of the costs of the project, not exceeding one hundred per  
 144 cent of the eligible project cost.

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

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

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

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