



General Assembly

February Session, 2012

**Amendment**

LCO No. 4888

**\*SB0044004888SD0\***

Offered by:

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

SEN. CASSANO, 4<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
REP. AMAN, 14<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> 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, shall, in  
5 consultation with the chief elected officials of the cities of Danbury,  
6 Meriden and Waterbury and the towns of Cheshire, Southington and  
7 Wallingford, or such chief elected officials' designees, develop a state-  
8 wide strategy to reduce phosphorous loading in inland nontidal  
9 waters in order to comply with standards established by the United  
10 States Environmental Protection Agency. Such state-wide strategy  
11 shall (1) establish a state-wide response to address phosphorous  
12 nonpoint source pollution, (2) create a workable, cost-effective

13 approach for municipalities to use in order to comply with standards  
14 established by the United States Environmental Protection Agency for  
15 phosphorous reduction, and (3) determine the proper scientific  
16 methods by which to measure current phosphorous levels in inland  
17 nontidal waters and to make future projections of phosphorous levels  
18 in such waters.

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

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

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

27 (3) "Organic lawn fertilizer" means fertilizer made from materials  
28 derived from either plant or animal products containing naturally  
29 occurring phosphorus.

30 (b) Notwithstanding chapter 427a of the general statutes, no person  
31 shall apply fertilizer, as defined in section 22-111b of the general  
32 statutes, that contains phosphate to an established lawn, except when:  
33 (1) A soil test approved by the Commissioner of Agriculture and  
34 performed within the previous one hundred eighty days indicates the  
35 soil is lacking in phosphorus and fertilizer containing phosphate is  
36 needed for the growth of such lawn, or (2) such fertilizer containing  
37 phosphate is used for establishing new grass or repairing such lawn  
38 with seed or sod.

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

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

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

54 (f) On and after October 1, 2012, any person who sells fertilizer, as  
55 defined in section 22-111b of the general statutes, in a retail  
56 establishment, shall separately display fertilizer products that contain  
57 phosphate from fertilizer products that do not contain phosphate. Such  
58 person shall post a sign at the point of sale for such fertilizer products  
59 that states the following: "PHOSPHATE RUNOFF CAN POSE A  
60 THREAT TO WATER QUALITY. CONNECTICUT LAW PROHIBITS:  
61 (1) THE APPLICATION OF FERTILIZER THAT CONTAINS  
62 PHOSPHATE TO AN ESTABLISHED LAWN, SUBJECT TO CERTAIN  
63 EXCEPTIONS, (2) THE APPLICATION OF FERTILIZER THAT  
64 CONTAINS PHOSPHATE TO ANY LAWN FROM NOVEMBER  
65 FIFTEENTH THROUGH MARCH FIFTEENTH, AND (3) THE  
66 APPLICATION OF FERTILIZER THAT CONTAINS PHOSPHATE TO  
67 ANY PORTION OF A LAWN THAT IS LOCATED WITHIN TWENTY  
68 FEET OF ANY BODY OF WATER.". Such sign shall be readily visible  
69 to consumers of fertilizer at such retail establishment and shall be  
70 printed in black lettering not less than thirty-eight-point type size  
71 upon a white background.

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

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

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

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

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

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

96 (3) A construction contract eligible for financing awarded by a  
97 municipality on or after July 1, [1999] 2012, as a project undertaken for  
98 [nitrogen] nutrient removal shall receive a project grant of thirty per  
99 cent of the cost of the project associated with [nitrogen] nutrient  
100 removal, a twenty per cent grant for the balance of the cost of the  
101 project not related to [nitrogen] nutrient removal, and a loan for the  
102 remainder of the costs of the project, not exceeding one hundred per  
103 cent of the eligible water quality project costs. [Nitrogen] Nutrient  
104 removal projects under design or construction on July 1, [1999] 2012,  
105 and projects that have been constructed but have not received  
106 permanent, Clean Water Fund financing, on July 1, [1999] 2012, shall

107 be eligible to receive a project grant of thirty per cent of the cost of the  
108 project associated with [nitrogen] nutrient removal, a twenty per cent  
109 grant for the balance of the cost of the project not related to [nitrogen]  
110 nutrient removal, and a loan for the remainder of the costs of the  
111 project, not exceeding one hundred per cent of the eligible water  
112 quality project costs.

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

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

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

136 (7) Project agreements to fund eligible project costs with grants from  
137 the Clean Water Fund that were executed during or after the fiscal year  
138 beginning July 1, 2003, shall not be reduced according to the provisions

139 of the regulations adopted under section 22a-482.

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

150 (9) All loans made in accordance with the provisions of this section  
 151 for an eligible water quality project shall bear an interest rate of two  
 152 per cent per annum. The commissioner may allow any project fund  
 153 obligation, grant account loan obligation or interim funding obligation  
 154 for an eligible water quality project to be repaid by a borrowing  
 155 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>October 1, 2012</i>	New section
Sec. 3	<i>from passage</i>	22a-478(c)