



General Assembly

February Session, 2012

Amendment

LCO No. 5339

SB0044005339SD0

Offered by:

SEN. MEYER, 12th 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 Sec. 3. Subsection (c) of section 22a-478 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective from*
81 *passage*):

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

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

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

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

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

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

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

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

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

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

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

151 (9) All loans made in accordance with the provisions of this section
 152 for an eligible water quality project shall bear an interest rate of two
 153 per cent per annum. The commissioner may allow any project fund
 154 obligation, grant account loan obligation or interim funding obligation
 155 for an eligible water quality project to be repaid by a borrowing
 156 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)