

Environmental Conservation

ARTICLE 17 WATER POLLUTION CONTROL

TITLE 21 NUTRIENT RUNOFF

Section 17-2101. Definitions.

17-2103. Sale or use of phosphorus fertilizer restricted.

17-2105. Local fertilizer regulation.

§ 17-2101. Definitions.

As used in this title:

1. "Compost" means the biologically stable humus-like material derived from composting or the aerobic, thermophilic decomposition of organic matter.

2. "Fertilizer" means the same as "specialty fertilizer" as defined in section one hundred forty-three of the agriculture and markets law.

3. "Lawn" or "non-agricultural turf" means any non-crop land area that is covered by any grass species. Lawn or non-agricultural turf does not mean flower or vegetable gardens, pasture, hayland, trees, shrubs, turf grown on turf farms, or any form of agricultural production.

4. "Phosphorus fertilizer" means fertilizer in which the available phosphate (P2O5) content is greater than 0.67 percent by weight, excluding compost.

§ 17-2103. Sale or use of phosphorus fertilizer restricted.

1. No person shall apply or authorize any person by way of service contract or other arrangement to apply in this state any phosphorus fertilizer on lawn or non-agricultural turf, except when:

(a) A soil test indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or

(b) The phosphorus fertilizer is used for newly established lawn or non-agricultural turf during the first growing season.

2. Any retailer selling or offering for sale phosphorus fertilizer for use on lawn or non-agricultural turf shall comply with the retail sale requirements in section one hundred forty-six-g of the agriculture and markets law related to display of phosphorus fertilizer and the posting of educational signs.

3. No person shall apply fertilizer to:

(a) lawn or non-agricultural turf between December first and April first, annually;

(b) any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to lawn or non-agricultural turf or placed in an appropriate container; or

(c) any lawn or non-agricultural turf on any real property within twenty feet of any surface water, except that this restriction shall not apply where a continuous natural vegetative buffer, at least ten feet wide, separates an area of lawn or non-agricultural turf and surface water, and except that, where a spreader guard, deflector shield or drop spreader is used to apply fertilizer, such application may not occur

within three feet of any surface water. This paragraph shall not apply to an application of fertilizer for newly established lawn or non-agricultural turf during the first growing season.

4. Nothing in this title shall impair or supersede the authority of the commissioner of agriculture and markets pursuant to articles ten and twenty-five-AA of the agriculture and markets law.

§ 17-2105. Local fertilizer regulation.

A local government may enact more stringent standards for the application of fertilizer for lawn and non-agricultural turf than established in this title, provided, however, that any local government that enacts such standards after January 1, 2011 must demonstrate to the department prior to enactment that additional or more stringent standards are necessary to address local water quality conditions.