

S. 787

A. 582

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the application of lawn fertilizer to watersheds and drainage basins

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The environmental conservation law is amended by adding a  
2     new section 33-1006 to read as follows:  
3     S 33-1006. APPLICATION OF LAWN FERTILIZER TO WATERSHEDS OR DRAINAGE  
4     BASINS IN CERTAIN COUNTIES.  
5     1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
6     FOLLOWING MEANINGS:  
7     A. "AGRICULTURE USES" MEANS BEEKEEPING, DAIRYING, EGG PRODUCTION,  
8     FLORICULTURE, FISH OR FUR FARMING, FOREST AND GAME MANAGEMENT; GRAZING;  
9     LIVESTOCK RAISING; ORCHARDS; PLANT GREENHOUSES AND NURSERIES; POULTRY  
10    RAISING; RAISING OF GRAIN, GRASS, MINT AND SEED CROPS; RAISING OF  
11    FRUITS, NUTS, BERRIES, SOD FARMING AND VEGETABLE RAISING.  
12    B. "LAWN FERTILIZER" MEANS ANY FERTILIZER, WHETHER APPLIED BY PROPERTY  
13    OWNER, RENTER OR COMMERCIAL ENTITY, INTENDED FOR NONAGRICULTURAL USE,  
14    SUCH AS FOR LAWNS, GOLF COURSES, PARKS AND CEMETERIES. LAWN FERTILIZER  
15    DOES NOT INCLUDE FERTILIZER PRODUCTS INTENDED PRIMARILY FOR GARDEN OR  
16    INDOOR USE.  
17    2. A. EFFECTIVE MARCH FIRST, TWO THOUSAND SEVENTEEN, IN ANY COUNTY  
18    WHERE THE COUNTY LEGISLATURE HAS ADOPTED A LOCAL LAW, NO PERSON SHALL  
19    APPLY ANY LAWN FERTILIZER WITHIN ANY WATERSHED OR DRAINAGE BASIN THAT IS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 LABELED AS CONTAINING MORE THAN ZERO PERCENT PHOSPHORUS, EXCEPT AS  
2 PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

3 B. IN SUCH COUNTY, NO LAWN FERTILIZER SHALL BE APPLIED WHEN THE GROUND  
4 IS FROZEN.

5 C. IN SUCH COUNTY, NO PERSON SHALL APPLY LAWN FERTILIZER TO ANY IMPER-  
6 VIOUS SURFACE INCLUDING PARKING LOTS, ROADWAYS, AND SIDEWALKS. IF SUCH  
7 APPLICATION OCCURS, THE FERTILIZER SHALL BE IMMEDIATELY REMOVED FROM  
8 SUCH SURFACES AND EITHER LEGALLY APPLIED TO TURF OR PLACED IN AN APPRO-  
9 PRIATE CONTAINER.

10 3. THE RESTRICTIONS UPON THE USE OF LAWN FERTILIZER UNDER SUBDIVISION  
11 TWO OF THIS SECTION SHALL NOT APPLY TO:

12 A. NEWLY ESTABLISHED TURF OR LAWN AREAS DURING THEIR FIRST GROWING  
13 SEASON.

14 B. TURF OR LAWN AREAS THAT SOIL TESTS, PERFORMED WITHIN THE PAST THREE  
15 YEARS BY A STATE CERTIFIED SOIL TESTING LABORATORY OR OTHER QUALIFIED OR  
16 RECOGNIZED AUTHORITY IN THE AREA OF SOIL ANALYSIS, CONFIRM ARE BELOW  
17 PHOSPHORUS LEVELS ESTABLISHED BY THE CORNELL COOPERATIVE EXTENSION. THE  
18 LAWN FERTILIZER APPLICATION SHALL NOT CONTAIN AN AMOUNT OF PHOSPHORUS  
19 EXCEEDING THE AMOUNT AND RATE OF APPLICATION RECOMMENDED IN THE SOIL  
20 TEST EVALUATION.

21 C. AGRICULTURAL USES, VEGETABLE AND FLOWER GARDENS, OR APPLICATION TO  
22 TREES OR SHRUBS.

23 D. YARD WASTE COMPOST, BIO-SOLIDS OR OTHER SIMILAR MATERIALS THAT ARE  
24 PRIMARILY ORGANIC IN NATURE AND ARE APPLIED TO IMPROVE THE PHYSICAL  
25 CONDITION OF THE SOIL.

26 4. EFFECTIVE MARCH FIRST, TWO THOUSAND SEVENTEEN, ALL VENDORS OF LAWN  
27 FERTILIZER WITHIN ANY SUCH COUNTY SHALL DISPLAY A MAP OF THE AFFECTED  
28 WATERSHED OR DRAINAGE BASIN AND A SIGN CONTAINING THE PROVISIONS SET  
29 FORTH IN THIS SECTION AND THE EFFECTS OF PHOSPHORUS ON SUCH WATERSHED OR  
30 DRAINAGE BASIN. ALL VENDORS SHALL OFFER FERTILIZER THAT IS LABELED AS  
31 CONTAINING 0% PHOSPHORUS.

32 S 2. Subdivision 1 of section 71-2907 of the environmental conserva-  
33 tion law is amended by adding a new undesignated paragraph to read as  
34 follows:

35 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON  
36 WHO VIOLATES SUBDIVISION TWO OF SECTION 33-1006 OF THIS CHAPTER IN THE  
37 APPLICATION OF LAWN FERTILIZER AT HIS OR HER RESIDENCE SHALL BE SUBJECT  
38 TO A CIVIL INFRACTION PENALTY OF ONE HUNDRED DOLLARS PER VIOLATION. ANY  
39 COMMERCIAL FERTILIZER APPLICATOR, RESIDENTIAL OR COMMERCIAL DEVELOPER,  
40 INDUSTRIAL OR COMMERCIAL OWNER, AND ANY PERSON WHO VIOLATES SUBDIVISION  
41 TWO OF SECTION 33-1006 OF THIS CHAPTER SHALL BE SUBJECT TO A CIVIL  
42 INFRACTION PENALTY OF TWO HUNDRED DOLLARS FOR THE FIRST VIOLATION WITHIN  
43 A TWELVE MONTH PERIOD; THREE HUNDRED FIVE DOLLARS FOR THE SECOND  
44 VIOLATION WITHIN A TWELVE MONTH PERIOD; AND FIVE HUNDRED DOLLARS FOR THE  
45 THIRD AND EACH SUBSEQUENT VIOLATION WITHIN A TWELVE MONTH PERIOD.

46 S 3. This act shall take effect immediately.