

S. 787--A

A. 582--A

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 -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 DOES NOT INCLUDE FERTILIZER PRODUCTS INTENDED PRIMARILY FOR GARDEN OR  
2 INDOOR USE.

3 2. A. EFFECTIVE MARCH FIRST, TWO THOUSAND EIGHTEEN, IN ANY COUNTY  
4 WHERE THE COUNTY LEGISLATURE HAS ADOPTED A LOCAL LAW, NO PERSON SHALL  
5 APPLY ANY LAWN FERTILIZER WITHIN ANY WATERSHED OR DRAINAGE BASIN THAT IS  
6 LABELED AS CONTAINING MORE THAN ZERO PERCENT PHOSPHORUS, EXCEPT AS  
7 PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

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

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

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

17 A. NEWLY ESTABLISHED TURF OR LAWN AREAS DURING THEIR FIRST GROWING  
18 SEASON.

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

26 C. AGRICULTURAL USES, VEGETABLE AND FLOWER GARDENS, OR APPLICATION TO  
27 TREES OR SHRUBS.

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

31 4. EFFECTIVE MARCH FIRST, TWO THOUSAND EIGHTEEN, ALL VENDORS OF LAWN  
32 FERTILIZER WITHIN ANY SUCH COUNTY SHALL DISPLAY A MAP OF THE AFFECTED  
33 WATERSHED OR DRAINAGE BASIN AND A SIGN CONTAINING THE PROVISIONS SET  
34 FORTH IN THIS SECTION AND THE EFFECTS OF PHOSPHORUS ON SUCH WATERSHED OR  
35 DRAINAGE BASIN. ALL VENDORS SHALL OFFER FERTILIZER THAT IS LABELED AS  
36 CONTAINING 0% PHOSPHORUS.

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

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

51 S 3. This act shall take effect immediately.