

STATE OF NEW YORK

9099

IN SENATE

June 16, 2018

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the sale or use of nitrogen fertilizer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new section 17-2104 to read as follows:

§ 17-2104. Sale or use of nitrogen fertilizer restricted.

1. For the purposes of this section, "low nitrogen fertilizer" shall mean fertilizer which conforms to standards recommended by the Long Island nitrogen action plan and adopted by the commissioner in regulation; provided that such standards shall, at a minimum, provide that low nitrogen fertilizer contain:

(a) not more than twenty percent nitrogen by weight, of which at least thirty percent must be water insoluble nitrogen, commonly referred to as slow release nitrogen, by December 31, 2020; and

(b) not more than sixteen percent nitrogen by weight, of which at least forty percent must be water insoluble nitrogen, commonly referred to as slow release nitrogen, by December 31, 2022; and

(c) not more than twelve percent nitrogen by weight, of which at least fifty percent must be water insoluble nitrogen, commonly referred to as slow release nitrogen by December 31, 2024.

2. No person shall apply or authorize any person by way of service contract or other arrangement to apply in Nassau or Suffolk county any fertilizer on lawn or non-agricultural turf, other than low nitrogen fertilizer and in no instance shall such person apply or authorize to be applied any fertilizer in an amount which exceeds the application rate of 0.7 pounds per thousand square feet of total nitrogen in any single application. Further, no person shall apply any fertilizer to:

(a) lawn or non-agricultural turf between November 15 and April 1st annually;

(b) any frozen or saturated turf; or

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

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1 (c) any lawn or non-agricultural turf on any real property within ten
2 feet of any surface water except that, where a spreader guard, deflector
3 shield or drop spreader is used to apply fertilizer, such application
4 may not occur within three feet of any surface water.

5 3. Beginning December 31, 2020, retailers in Nassau and Suffolk county
6 shall sell or offer for sale only low nitrogen fertilizer pursuant to
7 the standards set forth in subdivision 1 of this section.

8 4. Golf courses shall be exempt from the fertilizer requirements
9 contained in this section. The commissioner shall issue, within one year
10 of the effective date of this section, best management practices that
11 consider water quality concerns specific to Long Island's geological and
12 ecological features. Golf courses shall follow such best management
13 practices to the extent practicable within six months of the issuance of
14 such best management practices.

15 5. Nothing in this section shall impair or supersede the authority of
16 the commissioner of agriculture and markets pursuant to articles 10 and
17 25-AA of the agriculture and markets law.

18 § 2. No later than June 1, 2020, the department of environmental
19 conservation shall prepare a report to the governor and legislature
20 regarding implementation of best management practices for lawn and non-
21 agricultural turf to homeowners and professionals that address nutrient
22 management and environmental protection, established under section
23 17-2104 of the environmental conservation law as added by this act and
24 regarding expansion of the prohibition on the sale and use of high
25 nitrogen fertilizer in other areas of the state.

26 § 3. This act shall take effect immediately, provided, however, that
27 persons may continue to use non-conforming nitrogen fertilizer on lawn
28 and non-agricultural turf after April 1, 2021 if such fertilizer was
29 purchased prior to such effective date.