

1 H.26

2 Introduced by Representatives Webb of Shelburne, Deen of Westminster,  
3 Krebs of South Hero, McCullough of Williston and Spengler of  
4 Colchester

5 Referred to Committee on

6 Date:

7 Subject: Conservation and development; water quality; fertilizer

8 Statement of purpose: This bill proposes to prohibit the application of  
9 fertilizer containing phosphorus or nitrogen to nonagricultural turf unless  
10 certain conditions are satisfied. The bill also would prohibit the application of  
11 any fertilizer to an impervious surface or within 25 feet of a water of the state.  
12 In addition, enforcement of the requirements for the application of fertilizer to  
13 nonagricultural turf would be enforceable as a judicial bureau offense.

14 An act relating to limiting the application of fertilizer containing  
15 phosphorus or nitrogen to nonagricultural turf

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 10 V.S.A. § 1266b is added to read:

18 § 1266b. USE OF FERTILIZER CONTAINING PHOSPHORUS OR

19 NITROGEN

20 (a) Definitions. As used in this section:

1           (1) “Fertilizer” shall have the same meaning as in 6 V.S.A. § 363(5).

2           (2) “Impervious surface” means a highway, street, sidewalk, parking lot,  
3 driveway, or other material that prevents infiltration of water into soil.

4           (3) “Manipulated animal or vegetable manure” means manure that is  
5 ground, pelletized, mechanically dried, or otherwise treated to assist with the  
6 use of manure as fertilizer.

7           (4) “Slow release nitrogen” means nitrogen in a form that is released  
8 over time and that is not water-soluble.

9           (5) “Turf” means land planted in closely mowed, managed grasses,  
10 including residential and commercial property, private and public golf courses,  
11 and publicly owned land, parks, and recreation areas. “Turf” shall not include  
12 pasture, cropland, land used to grow sod, or any other land used for  
13 agricultural production.

14           (6) “Water” or “water of the state” means all rivers, streams, creeks,  
15 brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters,  
16 artificial or natural, which are contained within, flow through, or border upon  
17 the state or any portion of it.

18           (7) “Water-soluble nitrogen” means nitrogen in a water-soluble form that  
19 does not have slow or controlled release properties.

20           (b) Use of fertilizer containing phosphorus. No person shall apply to turf  
21 fertilizer labeled as containing phosphorus or phosphate unless:

1           (1) the turf is deficient in phosphorus as shown by a soil test approved  
2           by the agency of agriculture, food and markets and performed no more than 36  
3           months before the proposed application of the fertilizer;

4           (2) a property owner or an agent of a property owner is first establishing  
5           grass in turf via seed or sod procedures and the application of fertilizer is  
6           limited to the first growing season;

7           (3) a property-owner is reestablishing or repairing a turf area; or

8           (4) the fertilizer consists of manipulated animal or vegetable manure  
9           that includes no more than 0.25 pounds of phosphorus per 1,000 square feet  
10          when applied pursuant to the instructions on the container.

11          (c) Use of fertilizer containing nitrogen. No person shall apply to turf  
12          fertilizer:

13           (1) containing nitrogen in an amount that is more than an annual total of  
14           3.2 pounds of total nitrogen per 1,000 square feet;

15           (2) that is less than 20 percent slow-release nitrogen;

16           (3) containing more than 0.7 pounds of water-soluble nitrogen per 1,000  
17           square feet per application; or

18           (4) at a rate of more than 0.9 pounds of total nitrogen per 1,000 square  
19           feet per application.

20          (d) Application of fertilizer to impervious surface; in proximity to water;  
21          and seasonal restriction. No person shall apply any fertilizer:

1           (1) to an impervious surface. Fertilizer applied or released to an  
2           impervious surface shall be immediately contained, returned to a container,  
3           legally applied, or legally disposed of;

4           (2) to turf before April 1 or after December 15 in any calendar year or at  
5           any time when the ground is frozen; or

6           (3) within 25 feet of a water of the state.

7           (e) A person who violates this section shall be subject to a civil penalty of  
8           not more than \$3,000.00 per violation. A violation of this section shall be  
9           enforceable in the judicial bureau pursuant to the provisions of chapter 29 of  
10           Title 4 in an action that may be brought by the agency of agriculture, food and  
11           markets, the agency of natural resources, or other enforcement officers as that  
12           term is defined in 23 V.S.A. § 4(11).

13           Sec. 2. 4 V.S.A. § 1102 is amended to read:

14           § 1102. JUDICIAL BUREAU; JURISDICTION

15           (a) A judicial bureau is created within the judicial branch under the  
16           supervision of the supreme court.

17           (b) The judicial bureau shall have jurisdiction of the following matters:

18           (1) Traffic violations alleged to have been committed on or after July 1,  
19           1990.

20           (2) Civil ordinance violations alleged to have been committed on or  
21           after July 1, 1994.



1       Sec. 3. EFFECTIVE DATE

2       This act shall take effect on January 1, 2012.