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**SUBSTITUTE HOUSE BILL 2744**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Ormsby, Wallace, Rolfes, Nelson, Simpson, Morrell, Hasegawa, Morris, and Chase)

READ FIRST TIME 02/03/10.

1       AN ACT Relating to protecting lake water quality by reducing  
2 phosphorus from lawn fertilizers; and adding a new chapter to Title 90  
3 RCW.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6       (a) Phosphorus loading of surface waters can stimulate the growth  
7 of weeds and algae and that this growth can have adverse environmental,  
8 health, and aesthetic effects;

9       (b) Lawn fertilizers contribute to phosphorus loading. Limits on  
10 turf fertilizer containing phosphorus can significantly reduce the  
11 discharge of phosphorus into the state's ground and surface waters;

12       (c) Turf fertilizers containing no or very low amounts of  
13 phosphorus are readily available and maintaining established turf in a  
14 healthy and green condition is not dependent upon the addition of  
15 phosphorus fertilizers; and

16       (d) While significant reductions of phosphorus from laundry  
17 detergent and dishwashing detergent have been achieved, similar  
18 progress in reducing phosphorus contributions from turf fertilizer has  
19 not been accomplished.

1 (2) It is the intent of the legislature that this chapter  
2 significantly limit the use of fertilizers containing the plant  
3 nutrient phosphorus.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of ecology.

7 (2) "Director" means the director of the department of ecology.

8 (3)(a) "Fertilizer" includes any substance containing one or more  
9 recognized plant nutrients, and that is either used for its plant  
10 nutrient content or is designated for use or claimed to have value in  
11 promoting plant growth, or both. "Fertilizer" includes gypsum and  
12 manipulated animal and vegetable manures.

13 (b) "Fertilizer" does not include:

14 (i) Unmanipulated animal and vegetable manures, organic waste-  
15 derived materials, and other products exempted by the department by  
16 rule;

17 (ii) Calcium carbonate (lime) and anhydrous ammonia;

18 (iii) Materials including, but not limited to, compost biosolids,  
19 municipal sewage sludge, or slow release fertilizer used in compliance  
20 with best practices developed by the Washington State University  
21 extension service, or products derived therefrom, that are regulated  
22 under chapter 70.95 or 70.95J RCW or rules adopted under those  
23 chapters; and

24 (iv) Materials using waste manure from confined animal feeding  
25 operations as the primary feedstock and manufactured as a biotic  
26 fertilizer in a manner that balances the pH of the material and reduces  
27 the leaching of phosphorus.

28 (4) "Impervious surface" means a highway, street, sidewalk, parking  
29 lot, driveway, or other artificial surface that prevents infiltration  
30 of water into the soil.

31 (5) "Turf" means noncrop land planted in closely mowed, managed  
32 grasses on residential property. Turf does not include managed  
33 pasture, hayland, hay, turf grown on turf farms, home or commercial  
34 vegetable production, horticultural beds, flower beds, general  
35 landscaping, or any other form of agricultural production.

1        NEW SECTION.    **Sec. 3.**    (1) Except as provided in subsection (2) of  
2 this section, after January 1, 2012, a person may not apply to turf a  
3 fertilizer containing the plant nutrient phosphorus.

4        (2) Subsection (1) of this section does not apply when:

5        (a) Applying a solid fertilizer containing less than 0.67 percent  
6 phosphate by weight or a liquid fertilizer applied at a rate not  
7 greater than 0.3 pounds of phosphate per one thousand square feet of  
8 turf;

9        (b) Laboratory test results or other certifications by a turf  
10 specialist performed within the three years previous to the application  
11 indicates that the level of available phosphorus in the soils is  
12 insufficient to support healthy turf growth. The application rate will  
13 be set at the agronomic rate, as determined by the Washington  
14 department of agriculture, that is needed to achieve appropriate  
15 phosphorus levels within the soil to support healthy turf growth; or

16        (c) The property owner or an agent of the property owner is first  
17 establishing turf via seed or sod procedures and only during the first  
18 growing season.

19        (3)(a) This section does not apply to the application of turf  
20 fertilizer for agricultural uses.

21        (b) This section does not apply to the application of turf  
22 fertilizer for golf courses.

23        NEW SECTION.    **Sec. 4.**    A person may not apply a fertilizer to an  
24 impervious surface. Fertilizer released on an impervious surface must  
25 be immediately contained and either legally applied to turf or another  
26 legal site or returned to the original container or another appropriate  
27 container.

28        NEW SECTION.    **Sec. 5.**    (1) The department may issue a notice of  
29 corrective action to a person in violation of section 3 or 4 of this  
30 act.

31        (2) A city or county may adopt an ordinance providing for  
32 enforcement of the requirements of sections 3 and 4 of this act. A  
33 city or county adopting an ordinance has jurisdiction concurrent with  
34 the department to enforce this section.

1        NEW SECTION.    **Sec. 6.**    The department may produce consumer  
2 information on the application restrictions under section 3 of this act  
3 and on recommended best practices for turf fertilizer and other  
4 residential landscaping uses.    The consumer information must be  
5 produced in consultation with the Washington State University extension  
6 service, fertilizer industry representatives, lakes health  
7 organizations, and other interested parties.    The consumer information  
8 must be in a format and of a content suitable for posting and  
9 distribution at retail points of sale of fertilizer that contains  
10 phosphorus for use on turf.

11        NEW SECTION.    **Sec. 7.**    Sections 1 through 6 of this act constitute  
12 a new chapter in Title 90 RCW.

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