

SENATE, No. 2669

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2009

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Co-Sponsored by:

Senator Gordon

SYNOPSIS

Authorizes county regulation of fertilizer application.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing counties to regulate the use of fertilizer and
2 supplementing P.L.1977, c.443 (C.26:3A2-21 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
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7 1. a. A board of health of a county, a regional health
8 commission or the governing body of any county without a board of
9 health or that is not a member of a regional health commission, may
10 adopt an environmental health ordinance pursuant to section 9 of
11 P.L.1977, c.443 (C.26:3A2-27) to control the application of
12 fertilizer to any real property, including, but not limited to, the type,
13 amount, timing, technique, and placement of fertilizer application,
14 and to provide for the dissemination of information regarding the
15 environmental hazards associated with the misuse of fertilizer.

16 b. No environmental health ordinance adopted pursuant to this
17 section shall apply to property utilized in the operation of a
18 commercial farm as defined in section 3 of P.L.1983, c.31 (C.4:1C-
19 3).

20 c. Any environmental health ordinance adopted pursuant to this
21 section may provide for penalties for its violation consistent with
22 the penalties established in section 10 of P.L.1977, c.74 (C.58:10A-
23 10) or with any penalty schedule that may be adopted by the
24 department for such ordinances.

25 d. Nothing in this section shall be construed to preclude a
26 municipality from adopting an environmental health ordinance
27 pursuant to section 9 of P.L.1977, c.433 (C.26:3A2-27) concerning
28 the application of fertilizer that is more stringent than any
29 corresponding county ordinance.
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31 2. This act shall take effect immediately.
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34 STATEMENT
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36 This bill clarifies the existing authority of counties to regulate
37 the use of fertilizer under the “County Environmental Health Act”
38 (CEHA) in order to reduce nutrient pollution of the State’s water
39 resources.

40 Elevated levels of nutrients, such as nitrogen and phosphorus, in
41 surface waterbodies can result in excessive and accelerated growth
42 of algae and aquatic plants, a process known as eutrophication.
43 Eutrophication often results in variations and extremes in dissolved
44 oxygen and pH levels in water, which, in turn, are detrimental to
45 aquatic life. The presence of excessive plant matter also diminishes
46 the economic, aesthetic and recreational value of the State’s rivers,
47 lakes, ocean frontages and bays.

1 Healthy vegetated areas protect water quality by stabilizing soil
2 and filtering precipitation, and most soils in New Jersey contain
3 sufficient amounts of nutrients to provide plant life the nourishment
4 it needs to remain healthy. Occasionally, a fertilizer product
5 containing supplemental nutrients is needed to improve soil
6 conditions. However, the timing and placement of the proper type
7 and amount of fertilizer is critical to avoiding pollution of the
8 State's water resources. Rain washes it off of lawns, driveways,
9 streets and other impervious surfaces into storm drains and,
10 eventually, into the State's waterways.

11 The State's water resources can be better protected through the
12 management of the type, amount, timing, technique and placement
13 of fertilizer application on public and private property throughout
14 the State. This bill clarifies that a county may adopt an
15 environmental health ordinance pursuant to CEHA to regulate the
16 application of fertilizer to any real property excluding commercial
17 farms, and to provide for civil penalties for violations thereof
18 consistent with the penalties established under the "Water Pollution
19 Control Act" or with a penalty schedule that may be adopted by the
20 Department of Environmental Protection. The bill further clarifies
21 that municipalities may adopt environmental health ordinances
22 concerning the regulation of fertilizer application that are more
23 stringent than any corresponding county regulation.