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Title: AN ORDINANCE related to fertilizers containing phosphorus; and adding a new chapter to K.C.C. Title 9.

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3/16/2009	1	Metropolitan King County Council	Passed	Pass
3/10/2009	1	Physical Environment Committee	Deferred	Pass
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Clerk 02/26/2009

AN ORDINANCE related to fertilizers containing phosphorus; and adding a new chapter to K.C.C. Title 9.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Research on lake water quality cites the contribution of excessive phosphorus loading to the degradation of lake waters through the stimulation of algae and weed growth, leading to oxygen depletion resulting from the decomposition of plant bodies; and that such processes can play a role in potential eutrophication of water bodies.

B. Lawn fertilizers can contribute to phosphorus loading. Limits on turf fertilizer containing phosphorus have been shown to reduce the discharge of phosphorus into the state's ground and surface waters.

C. Turf fertilizers containing no or very low amounts of phosphorus are available.

D. There is a body of experience in other jurisdictions regarding restrictions on the use of lawn fertilizers containing phosphorus, which demonstrates that use limitations can be successfully managed without substantially impacting user needs.

E. While there has been significant progress in addressing contributions of phosphorus from laundry detergent and dishwashing detergent, further progress in reducing phosphorus can be achieved by limiting contributions from turf fertilizer.

SECTION 2. It is the intent of the council that this ordinance significantly limit the use of fertilizers on lawns containing the plant nutrient phosphorus.

SECTION 3. Sections 4 through 7 of this ordinance should constitute a new chapter in K.C.C. Title 9.

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

A. "Department" means the county department of natural resources and parks.

B. "Fertilizer" means any substance containing one or more recognized plant nutrients, and that is either used for its plant nutrient content or is designated for use or claimed to have value in promoting plant growth, or both. "Fertilizer" includes gypsum and manipulated animal and vegetable manures. "Fertilizer" does not include:

1. Unmanipulated animal and vegetable manures and other products exempted by the department by rule;
2. Calcium carbonate (lime) and anhydrous ammonia; and
3. Materials including, but not limited to, compost biosolids, municipal sewage sludge or slow release fertilizer used in compliance with best practices developed by the department of natural resources and parks, or products derived therefrom, that are regulated under chapter 70.95 or 70.95J RCW, or rules adopted thereunder.

B. "Impervious surface" means a highway, street, sidewalk, parking lot, driveway or other artificial surface that prevents infiltration of water into the soil.

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

NEW SECTION. SECTION 5.

A. Except as provided in subsection B. of this section, a person may not apply to turf a fertilizer containing the plant nutrient phosphorus.

B. Subsection A. of this section does not apply when:

1. Soil test results or other certification by a turf specialist performed within the three years previous to the application indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth, and the test results or certification, and the application rate, are consistent with best practice standards approved by the county department of natural resources and parks. In developing the best practice standards, the department shall seek input from the Washington State University turfgrass specialists;

3. The property owner or an agent of the property owner is first establishing turf via seed or sod procedures and only during the first calendar year;

4. The fertilizer containing the plant nutrient phosphorus is applied to a golf course consistent with golf course management practices intended to minimize potential for fertilizer runoff; or

5. Applying turf fertilizer for agricultural or horticultural uses.

C. The department of natural resources and parks shall adopt appropriate standards and procedures for the purposes of subsection B.2. of this section.

NEW SECTION. SECTION 6. A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container.

NEW SECTION. SECTION 7. The Department of Natural Resources and Parks shall seek to identify

opportunities for grant funding and partnerships to support a consumer education and outreach effort, making use of existing outreach materials produced by other entities to the extent possible. If the state Department of Agriculture produces consumer information on application restrictions of fertilizer containing the plant nutrient phosphorus or on the impacts of phosphorus on the waters of the region, and on recommended best practices for turf fertilizer and other residential landscaping uses, the department of natural resources and parks shall cooperate in the distribution of the information, including making recommendations for appropriate locations or parties to receive such information, as well as accommodating electronic links on its agency website for any electronic information produced.

SECTION 8. The county council's KCTV television channel shall produce and cablecast a program addressing the reason for the legislation, including the impacts of phosphorus on lakes and streams, the provisions of the legislation, the availability of nonphosphorus fertilizers and resources for further information. The program shall be cablecast at least weekly in 2010. The department of natural resources and parks shall undertake an outreach effort to cities within the county, informing them of this ordinance and encouraging them to consider similar measures. The outreach shall include briefings to organizations representing cities, and to city legislative bodies and administrative organizations.

SECTION 9. Sections 4 through 7 of this ordinance take effect January 1, 2011.

none