

Phosphate-Free Fertilizer

There's been some confusion about Wayne's limitations on use of fertilizer in general and on use of phosphate fertilizer in particular. Below for everyone's reference is the Wayne ordinance on fertilizers. It is part of the chapter on Stormwater Management Regulations. You will notice that use of fertilizer within the buffer of a water body, defined as 25 feet, is prohibited and there are other restrictions (§ 177-9). All phosphate fertilizer is banned (§ 177-10) except for specific cases listed in § 177-11.

We have identified a few local stores that carry phosphate-free fertilizer. No doubt there are others. As of last fall, Home Depot and Rock Ledge did not.

Phosphorus-free fertilizer is available at:

Lowe's 1210 Route 23 North, Butler, NJ 07405 973-291-5000 (Scott's)

Max is Back 1425 Route 23 South, Butler, NJ 07405 973-838-1141 (Scott's)

Strawberry Blossom Home and Garden Center 1364 Route 23, Wayne, NJ 07470 973-694-7500 (Scott's; Also Jonathan Green Organic Weed Control plus Fertilizer)

Scott's brands include Lawn Fertilizer & Weed Control, Turf Builder Summerguard, most but not all Lawn Pro Lawn Fertilizer products. Scott's web site also lists products with "phosphorus-free" in their names, but they were not yet available locally last fall.

Some relevant web sites are:

www.jonathangreen.com

www.scotts.com

ARTICLE II Use of Lawn Fertilizers [Added 6-21-2006 by Ord. No. 46-2006]

§ 177-7. Purpose.

The governing body hereby finds and does declare that surface water quality throughout the Township is being affected by phosphorous lawn fertilizers and other chemicals entering the lakes from stormwater and run-off. The purpose of this article is to regulate the outdoor application of fertilizers to reduce the overall amount of excess nutrients entering waterways. The governing body hereby further finds and declares that elevated levels of nutrients, particularly phosphorus, in surface water bodies can result in excessive and accelerated growth of algae and aquatic plants. Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

§ 177-8. Definitions.

For the purposes of this article, the following terms, phrases, words and derivations shall have the meanings stated, unless their use in the text of this article clearly demonstrates a different meaning:

BUFFER — The land area, 25 feet in width, adjacent to any water body.

COMMERCIAL FARM — A farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.

FERTILIZER — A fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

PERSON — Any individual, corporation, company, partnership, firm, association.

PHOSPHORUS FERTILIZER — Any fertilizer that contains phosphorus, expressed as P₂O₅, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

SOILS TEST — A technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

WATER BODY — A surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

§ 177-9. Prohibited conduct.

No person may do any of the following:

- A. Apply fertilizer when a runoff-producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- B. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- C. Apply fertilizer within the buffer of any water body.
- D. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season for Zone 6b as identified by the USDA Plant Hardiness Zones, namely March 1 through November 15.

§ 177-10. Restrictions on application of phosphorus fertilizer.

No person may apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.

§ 177-11. Exceptions.

Notwithstanding the provisions contained in § 177-10, to the contrary, the application of phosphorus fertilizer shall be permitted in the following circumstances:

- A. Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- B. Re-establishing or repairing a turf area.
- C. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
- D. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

§ 177-12. Enforcement.

The Director of the Department of Public Works or his/her designee shall enforce the provisions of this article.

§ 177-13. Violations and penalties.

Any person, firm, corporation, partnership, limited-liability company or franchise who or which shall violate the provisions of this article shall, for the first offense, receive a written warning, and for any second or subsequent offense shall be punished by a fine not to exceed \$200 for each offense.
