

Township of Livingston Fertilizer Ordinance

The Township of Livingston, along with over 80 other municipalities located in the non-tidal Passaic river basin, has been required by the New Jersey Department of Environmental Protection (NJDEP), to adopt an ordinance regulating the outdoor usage of fertilizer. The NJDEP implementing document is the *“Amendment to the Northeast, Upper Raritan, Sussex County and Upper Delaware Water Quality Management Plans - Total Maximum Daily Load Report For the Non-Tidal Passaic River Basin - Addressing Phosphorus Impairments for Watershed Management Areas 3, 4 and 6”*, which was adopted on April 24, 2008. The purpose of the fertilizer ordinance is to reduce the overall amount of excess plant nutrients, especially phosphorous, that enter waterways.

Phosphorus has been identified as a significant pollutant in many waterways in the state of New Jersey and phosphorus from fertilizer has been identified as one of the pollution sources. Excessive plant nutrients, especially phosphorous, can cause algae blooms, which reduce water quality and clarity. After the algae bloom dies, bacteria start to decompose the algae, leading to foul odors and fish kills due to lack of oxygen. These conditions eventually prevent the recreational use of the waterway for fishing, swimming and other activities. Many New Jersey waterways are considered impaired because the levels of phosphorus in the water exceed the surface water quality standards for those waterways.

The NJDEP, through the results of statewide soil testing, has found that most soils have more than sufficient amounts of phosphorus available for plant growth. They have also determined that when phosphorus fertilizer is applied unnecessarily, stormwater runoff washes away excess phosphorus from lawns and gardens into waterways. NJDEP feels that since most soils in New Jersey have plenty of phosphorus for lawns and other vegetative growth, requiring the use of phosphorus-free fertilizer is one way to control phosphorus pollution that makes environmental and economic sense. This action will help to protect and improve surface water quality in New Jersey waterways.

Fertilizers can be identified by their fertilizer bag numbers. The numbers on a bag of fertilizer refer to the percentages of plant nutrients: nitrogen (N), phosphorus (P) and potassium (K) in the fertilizer. In a 100-pound bag of 5-10-10 mixture, for instance, there would be 5% (5 pounds) of nitrogen, 10% (10 pounds) of phosphorus and 10% (10 pounds) of potassium. A phosphorus-free fertilizer would have a middle number of zero, such as 10-0-5.

The Township of Livingston adopted its fertilizer ordinance on October 20, 2008. The ordinance prohibits the following:

- ◆ Application of any 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.
- ◆ Application of any 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.
- ◆ Application of any fertilizer within the 25 feet buffer of any waterbody.
- ◆ Application of any fertilizer more than 15 days prior to the start of or at any time after

the end of the recognized growing season (March 1 to November 15).

- ◆ Application of 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

The ordinance allows the following exceptions:

- ◆ Application of phosphorous fertilizer needed for 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.S.J.A. 4:24-39 et seq. and implementing rules, or,
- ◆ Re-establishing or repairing a turf area.
- ◆ Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
- ◆ Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.