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§8–803.5.

(a) In this section, "fertilizer" means commercial fertilizer and specialty fertilizer.

(b) (1) This section applies to a person who applies fertilizer to:

(i) Property that is not used for agricultural purposes; or

(ii) State property that is not used for agricultural purposes.

(2) This section does not apply to the application of fertilizer on commercial farms.

(c) A person may not:

(1) Apply fertilizer intended for use on turf to an impervious surface; and

(2) Apply fertilizer containing phosphorus or nitrogen to turf:

(i) Before March 1 or after November 15 of any calendar year; or

(ii) At any time when the ground is frozen.

(d) (1) Except as provided in paragraph (2) of this subsection, a person may not apply fertilizer containing phosphorus or nitrogen to turf that is within 15 feet of:

(i) Surface water subject to the jurisdiction of the State;

(ii) The Chesapeake Bay and its tributaries;

(iii) A pond within the State;

(iv) A lake within the State;

(v) A river within the State;

(vi) A stream within the State;

(vii) A public ditch within the State;

(viii) A tax ditch within the State; or

(ix) A public drainage system within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage.

(2) When a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used for fertilizer application, the setback required under paragraph (1) of this subsection may be reduced to 10 feet.

(3) The establishment of setbacks for fertilizer application under this subsection does not preclude the establishment or applicability of, or compliance with, any other environmental standards established under any other State or federal law, rule, or regulation.

(e) Except as provided in subsections (c) and (d) of this section, a person may apply fertilizer to turf containing phosphorus if the person:

(1) Determines that the fertilizer is necessary for the specific soils and target vegetation in accordance with a soil test performed no more than 3 years before the fertilizer application, provided the application complies with the recommendations established by the University of Maryland;

(2) Is establishing vegetation for the first time, such as after land disturbance, provided the application complies with the recommendations established by the University of Maryland; or

(3) Is reestablishing or repairing a turf area.

(f) (1) Except as provided in paragraph (2) of this subsection and in addition to the requirements set forth in this section, a person, other than a professional fertilizer applicator, may not:

(i) Apply fertilizer to turf in an amount that is inconsistent with the annual recommended rate established by the University of Maryland;

(ii) Apply nitrogen to turf:

1. At an application rate of more than 0.7 pounds per 1,000 square feet of water–soluble nitrogen; or

2. At an application rate that is more than 0.9 pounds per 1,000 square feet of total nitrogen, at least 20% of which shall consist of slow–release nitrogen; and

(iii) Apply fertilizer to a golf course.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a person may apply an enhanced efficiency fertilizer:

1. At an annual application rate of no more than 2.5 pounds per 1,000 square feet of nitrogen; and

2. That has a release rate of no more than 0.7 pounds per 1,000 square feet of nitrogen per month.

(ii) The annual total application rate of an enhanced efficiency fertilizer may not exceed 80% of the annual recommendation rate established by the University of Maryland.

(iii) Enhanced efficiency fertilizers may not be applied after November 15 or before March 1 of each calendar year.

(g) A county or municipality may enforce this section.

(h) The Department may adopt regulations to implement this section.

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