

# **Dane County's Ordinance Banning Unnecessary Phosphorus in Lawn Fertilizer**

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**Dane County Office of Lakes and Watersheds**

**"From Our Backyards to the Bay"**

**Germantown, MD**

**November 16, 2005**

# Mission & authority

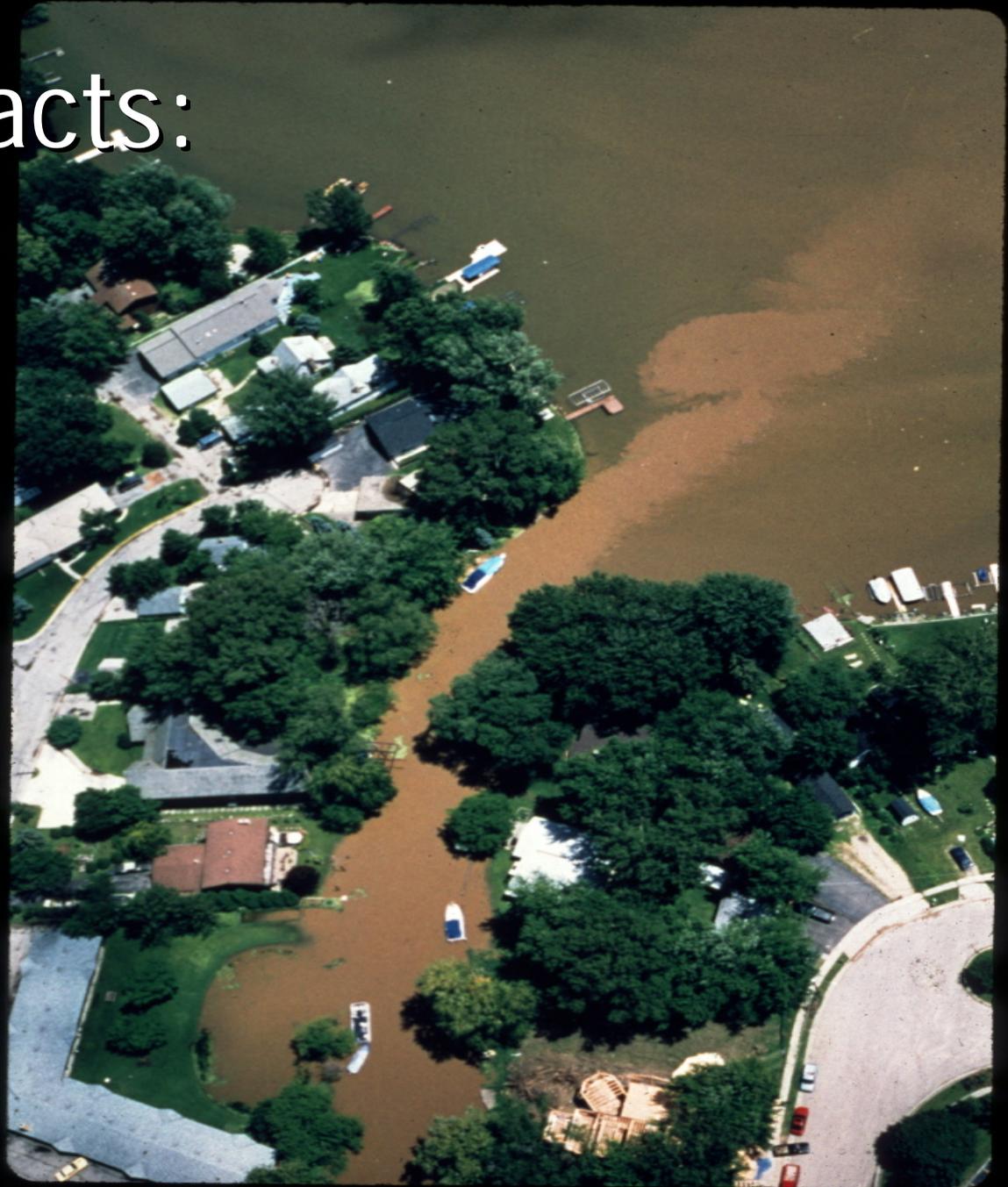


# Dane County water resources

- 37 named lakes
- >20,000 total acres
- 475 miles of streams and rivers
- 14 miles of Wisconsin River
- 52,000 acres wetlands

# Runoff impacts:

Sediment,  
nutrients,  
& other  
untreated  
pollutants  
flow to lakes,  
streams &  
wetlands



Runoff impacts: nuisance  
blue-green algae blooms



# Toxin release from algae possible

The Capital Times  
MADISON DANE COUNTY  
**METRO**  
E-mail: citydesk@madison.com  
Ron McCrea, city editor  
252-6419  
Chris Murphy  
assistant city editor  
252-6420  
Mary Yeater Rathbun  
assistant city editor  
252-6484

## Today's Talker *Howdy, Pride visitors!*

Madison Pride Weekend 2005 kicks off tonight with a dressy banquet (6 p.m. at Monona Terrace) and a skimpy Underwear Party (9 p.m. at the Orpheum Theatre). A picnic starts at noon Saturday at Brittingham Park. A Capitol rally and march starts Sunday at noon, followed by more fun.



■ Obituaries 3C ■ Classified 5C

\* Friday, July 15, 2005

## Lake users warned on algae, bacteria

### Beaches close; 2 advisories

and from drinking the water.

know from experiences we had last year that the types of algae can produce dangerous toxins present in all of our lakes and bodies of water like ponds, and the public needs to understand the potential threat," Johnson said.

one dog died and another was vio-

lently ill in blue-green toxic algae incidents on Lake Kegonsa in 2004, and another dog died after drinking toxic water from Lake Monona in June this year.

Blue-green algae doesn't always mean poisons are present, but the algae can turn toxic at any time and the public needs to be very careful around blooms.

"Because these toxins can show up and be gone very quickly, there is always going to be a risk to swimming in water where algae is present and people need to do everything they can to avoid it and have their pets avoid it," Johnson said.

Beaches close when water samples show conditions warrant it. Residents can get beach information from the city's Web site at [www.cityofmadison.com/beaches/](http://www.cityofmadison.com/beaches/).

E-mail: [bnovak@madison.com](mailto:bnovak@madison.com)

## Gunsmoke

YOUR LOCAL PROGRESSIVE NEWSPAPER

Tonight

64°

High Friday: 88°

# The Capital Times

HOME FINAL July 14, 2005

MADISON, WIS.

## THURS



**'DESPERATE HOUSEWIVES,' 'WILL & GRACE' TOP EMMY NOMINATIONS**  
STORY ON 16A

**WILD ABOUT HARRY**  
A PRIMER ON ALL THINGS POTTER



SAVVY 1F

## Toxic algae warning issued

### Scum on area lakes, ponds threatens people, pets

By Bill Novak  
The Capital Times

Pet owners, keep your dogs out of the shiny scum now covering area lakes and ponds, because they could die if they dive into it or drink it.

Hot muggy weather has triggered an explosion of the pea-soup scum more properly known as blue-green algae bloom, forcing advisories to be posted at several area beaches, as well as possibly contributing to the death of a dog at B.B. Clarke Beach on Lake Monona in June. The algae has also generated a powerful stench that has hung over the area in recent days.

Warning signs advising people not to swim at the beach in Lake Kegonsa State Park because of blue-

green algae bloom were posted Wednesday.

Elisabeth Harray, an environmental toxicologist at the Department of Natural Resources Bureau of Watershed Management, said the blue-green algae bloom seems worse this year because last year was fairly mild.

"We are taking a lot of extra water samples from area lakes and ponds because of all the calls we've been getting," Harray said. "Lake Kegonsa has some good blooms."

The DNR didn't issue a report on the dog who died

in June after drinking water from Lake Monona, Harray said, because the convulsions the dog suffered were thought to be the result of an aneurysm, according to a second veterinarian's opinion after an initial diagnosis of toxic poisoning from blue-green algae.

There was, however, blue-green algae in the water where the dog was drinking, Harray added.

Be careful if you're swimming or skiing, or if you have pets or livestock near scummy water.

See ALGAE, Page 7A



**DOLL-A-PALOOZA**

American Girl benefit sale attracts thousands

BUSINESS 1E

# Many efforts to control P runoff are in place

- Agricultural
  - watershed projects
  - Lake Mendota
  - nutrient management plans
  - manure storage ordinance
  - liquid manure spreading ordinance
  - information & education
- Urban
  - stormwater & erosion control ordinance
  - DNR stormwater permit
  - information & education

# Lake Mendota Watershed Project

- P to Lake Mendota – 24% from transitional areas & existing urban
- Estimated urban sediment/phosphorus reductions 1998-2005:  
44K lbs/year reduced to 11K lbs/year



# Agricultural practices



# Urban practices

- Erosion control & stormwater ordinance
- Madison Area Municipal Storm Water Partnership
- Municipal street sweeping
- Local watershed and “friends” groups
- Citizen actions



# Yahara Lakes Week 2005



Saturday, June 11 – Sunday, June 19  
[www.danewaters.com](http://www.danewaters.com)

Lakes and Watershed Commission Sponsored Events

## Take a Stake in the Lakes



## Better Lawns & Gutters Tour

Thanks to our Tak  
2005  
TAKE A STAKE IN THE LAKES  
Top, M  
Expo,

[lakes@co.dane.wi.us](mailto:lakes@co.dane.wi.us)

[www.danewaters.com](http://www.danewaters.com)

“In Dane, only the rain goes  
down the drain”



[myfairlakes.com](http://myfairlakes.com)

# Ordinance banning unnecessary phosphorus in lawn fertilizer

- Years of education not changing citizen behavior
- High soil P levels



The background of the slide is a photograph of a golf course. It features a paved path in the foreground, a green lawn, and several large, leafy trees. The scene is brightly lit, suggesting a sunny day.

# Expert input

- Retailers & golf managers
- Limnologists
- Turf experts
- Other industry representatives
- Hydrologists & engineers
- Runoff experts
- Soil scientists

## Supporters

- Local watershed groups
- Healthy lawn teams
- Local fishing groups
- UW limnologists & soil scientists
- Statewide environmental groups

## Opponents

- UW soil science and horticulture reps
- RISE
- Scotts Company
- Statewide landscape, fertilizer, and agribusiness organizations

# Success factors

- County Executive support
- Expert support
- Extensive public input
- Citizen support
- Value of resources to community
- Stressed benefits
- Role of Commission

# Ordinance content

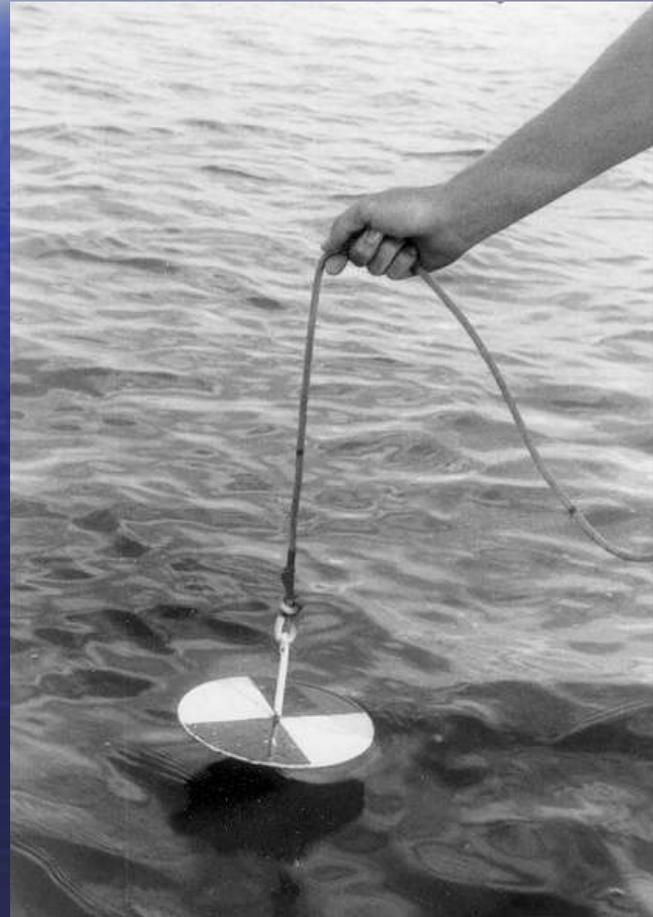
- Prohibits application of lawn and turf fertilizer containing phosphorus within Dane County
- Applies in towns, cities and villages
- Applies to golf courses, use by commercial applicators on lawns, and use by individual residents on their lawns
- Prohibits retail display of lawn fertilizers containing phosphorus

# Ordinance content

- Exemptions for:
  - Newly-established lawns during the first growing season
  - Existing lawns where soil tests show that phosphorus is needed
  - Agricultural uses and vegetable and flower gardens; trees & shrubs
  - Yard waste compost & biosolids applied to improve soil physical condition

# Ordinance benefits

- Behavior change
- 1-5 additional low-algae days/month for Lake Mendota
- Education value of ordinance



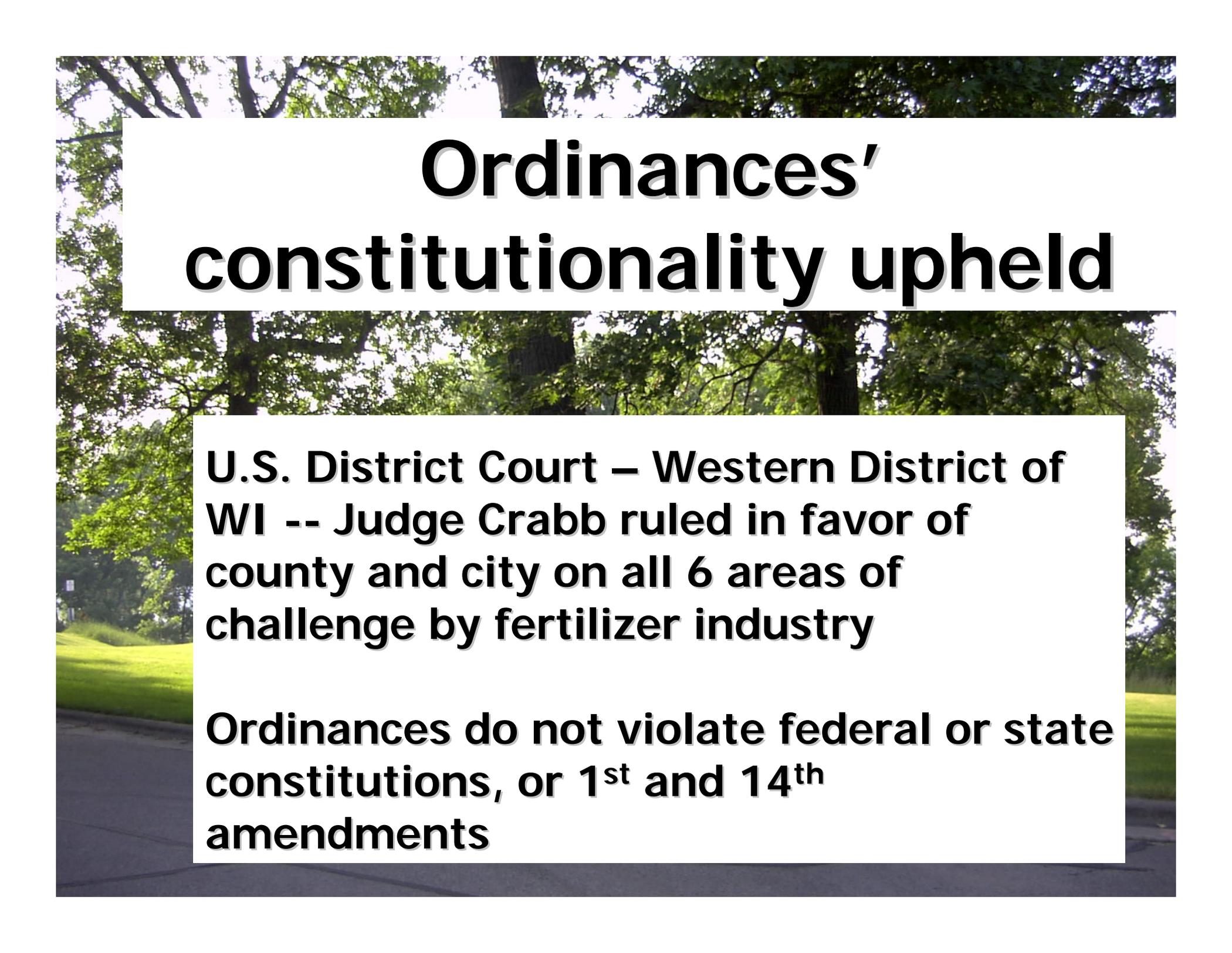
# Public education

- Mailings to retailers
- Press releases
- Garden Expo
- Yahara Lakes Week



# Compliance

- P-free fertilizer available
- Enforcement – by complaint
- Scott fertilizer now advertising its environmentally friendly P-free product



# **Ordinances' constitutionality upheld**

**U.S. District Court – Western District of WI -- Judge Crabb ruled in favor of county and city on all 6 areas of challenge by fertilizer industry**

**Ordinances do not violate federal or state constitutions, or 1<sup>st</sup> and 14<sup>th</sup> amendments**

# State preemption proposal

- Counties have unique situations that they should be allowed to address
- Best to have state minimum standards that counties can exceed

# Online resources

- Ordinance
- Expert input
- Retailer information & display card

[www.danewaters.com/management/  
phosphorus.aspx](http://www.danewaters.com/management/phosphorus.aspx)



[www.danewaters.com](http://www.danewaters.com)