

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-218
SENATE BILL 927**

AN ACT TO ALLOW THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DECLINE TO ACCEPT A NUTRIENT OFFSET PAYMENT FOR PHOSPHOROUS FOR THE TAR-PAMLICO RIVER BASIN IF THE DEPARTMENT FINDS THAT THE PAYMENT IS NOT SUFFICIENT TO COVER THE FULL COSTS OF NUTRIENT REDUCTION MEASURES NEEDED TO COMPLY WITH THE NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY.

The General Assembly of North Carolina enacts:

SECTION 1. If Senate Bill 1862, 2005 Regular Session, becomes law, Senate Bill 1862 shall be amended by adding a new section to read:

"**SECTION 1.1** Notwithstanding 15A NCAC 2B.0240 and Section 1 of this act, the Department of Environment and Natural Resources shall not be required to accept a nutrient offset payment for phosphorous as a means of fulfilling any requirement of the nutrient sensitive waters management strategy for the Tar-Pamlico River Basin if the Department finds that the payment is not sufficient to cover the full costs of nutrient reduction measures needed to comply with the nutrient sensitive waters management strategy. If the Department declines to accept a nutrient offset payment for phosphorous, the Department shall provide an estimate of the full cost of the nutrient reduction measures required for compliance with the nutrient sensitive waters management strategy. The Department may negotiate and enter into contracts to provide nutrient reduction measures needed to fulfill any requirement of the nutrient sensitive waters management strategy for phosphorous for the Tar-Pamlico River Basin based on the full cost of providing the nutrient reduction measures."

SECTION 2. This act becomes effective when Senate Bill 1862 becomes law.

In the General Assembly read three times and ratified this the 27th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 10:04 a.m. this 8th day of August, 2006