

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1862*
Finance Committee Substitute Adopted 6/15/06

Short Title: Limit Nutrient Offset Payments.

(Public)

Sponsors:

Referred to:

May 25, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL
3 MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET
4 PAYMENTS AND TO DIRECT THE ENVIRONMENTAL REVIEW
5 COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET
6 PAYMENTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Notwithstanding the per pound factors for nutrient offset
9 payments established in 15A NCAC 2B. 0240, as adopted by the Environmental
10 Management Commission on 12 January 2006, the per pound factors for nutrient offset
11 payments are established as follows:

12 (1) Eleven dollars (\$11.00) per pound of nitrogen, calculated in
13 accordance with the method used as of January 1, 2006, for
14 determining pounds of nitrogen per acre.

15 (2) Forty-five dollars (\$45.00) per tenth of a pound of phosphorous.

16 **SECTION 2.** Study. – The Environmental Review Commission, with the
17 assistance of the Division of Water Quality of the Department of Environment and
18 Natural Resources, shall study issues related to nutrient offset payments. The
19 Commission shall specifically study the costs associated with providing nutrient
20 controls that are adequate to offset point source and nonpoint source discharges of
21 nitrogen; whether nutrient offset payments should be authorized for additional nutrients,
22 including phosphorus; and whether the nutrient offset program should be expanded to
23 other areas of the State.

24 **SECTION 3.** Report. – The Environmental Review Commission shall report
25 its findings, together with any recommended legislation, to the 2007 General Assembly
26 upon its convening.

27 **SECTION 4.** The Division of Water Quality of the Department of
28 Environment and Natural Resources must refund any fee paid in excess of the amount
29 established under this act.

1 **SECTION 5.** This act becomes effective 1 August 2006, and applies to all
2 nutrient offset payments, including those set out in 15A NCAC 2B. 0240, as adopted by
3 the Environmental Management Commission on 12 January 2006. This act expires 1
4 September 2007.