

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 859*

Short Title: Extend Nutrient Offset Payment Sunset. (Public)

Sponsors: Representatives Gibson, Allen (Primary Sponsors); and Pate.

Referred to: Environment and Natural Resources.

March 15, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER
3 POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT
4 COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND
5 REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE
6 CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AS
7 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

8 Whereas, the General Assembly established the Riparian Buffer Protection
9 Program (G.S. 143-214.20) to provide alternatives for persons who would otherwise be
10 required to maintain riparian buffers; and

11 Whereas, the General Assembly directed the Environmental Management
12 Commission to establish a compensatory mitigation fee to be paid into the Riparian
13 Buffer Restoration Fund; and

14 Whereas, the Environmental Management Commission adopted a revised
15 schedule of compensatory mitigation fees for nutrient loading offsets on 12 January
16 2006 in accordance with the Administrative Procedure Act; and

17 Whereas, the General Assembly enacted S.L. 2006-215, as amended by S.L.
18 2006-218 and S.L. 2006-255, which established a temporary per pound factor and
19 method of calculation for nutrient offset fees in lieu of the fee schedule adopted by the
20 Environmental Management Commission and directed the Environmental Review
21 Commission to study issues related to the nutrient offset payment program; and

22 Whereas, the Environmental Review Commission has entered into a contract
23 with Research Triangle Institute, International (RTI), to provide consultant services for
24 a study of the costs associated with providing nutrient controls that are adequate to
25 offset point source and nonpoint source discharges of nitrogen and other nutrients; and

26 Whereas, the contract between the Environmental Review Commission and
27 RTI provides that RTI will make a final report to the Environmental Review
28 Commission on 15 May 2007; and

1 Whereas, once the Environmental Review Commission has received the final
2 consultant's report from RTI, additional time may be required for the Environmental
3 Review Commission to complete its study and make findings and recommendations;

4 Now, therefore,

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 5 of S.L. 2006-215, as amended by S.L. 2006-218 and
7 S.L. 2006-255, reads as rewritten:

8 **"SECTION 5.** This act becomes effective 1 August 2006, and applies to all nutrient
9 offset payments, including those set out in 15A NCAC 2B.0240, as adopted by the
10 Environmental Management Commission on 12 January 2006. This act expires 1
11 September ~~2007-2008.~~"

12 **SECTION 2.** This act is effective when it becomes law.