

May 24, 2006

S 1862. LIMIT NUTRIENT OFFSET PAYMENTS. Filed 5/24/06. *TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS.* Enacts new GS 143-215.3D(e)(8) to require that the Environmental Management Commission establish a nutrient offset payment using a per pound factor of \$35 per pound of nitrogen and per tenth of a pound of phosphorous. Effective July 1, 2006, and applies to nutrient offset payments as adopted by the Commission on January 12, 2006.

Intro. by Malone.

GS 143

June 15, 2006

S 1862. LIMIT NUTRIENT OFFSET PAYMENTS. Filed 5/24/06. Senate committee substitute makes the following changes to 1st edition. (1) Changes title to *AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS.* (2) Continues the preemption of existing Environmental Management Commission rules governing nutrient offset payment amounts, proposed by original bill, but removes the proposed codification in GS 143-215.3D(e) and changes the charges for nitrogen and phosphorus as follows: (a) \$11 per pound of nitrogen (original bill, \$35 per pound) and (b) \$45 per tenth of a pound of phosphorus (original bill, \$35 per tenth of a pound of phosphorus). (3) Directs the Environmental Review Commission to study issues related to nutrient offset payments with the assistance of the Division of Water Quality of the Department of Environment and Natural Resources (DENR). Directs that the study determine the costs associated with providing nutrient controls adequate to offset nitrogen discharges, whether payments should be authorized for additional nutrients, including phosphorus, and whether program should be expanded to other areas of state. Directs the commission to report findings and recommended legislation to the 2007 General Assembly, upon its convening. (4) Directs the Division of Water Quality of the DENR to refund any fees paid in excess of the amounts established in the act. (5) Changes the effective date from July 1, 2006, to August 1, 2006, and provides that the act expires September 1, 2007.

July 6, 2006

S 1862. LIMIT NUTRIENT OFFSET PAYMENTS. Filed 5/24/06. House committee substitute makes the following changes to 2nd edition. Deletes the provisions setting the per pound factor for phosphorus and provides that there will be no nutrient offset program pursuant to a rule adopted by the Environmental Management Commission. Conforms title.

July 20, 2006

S 1862. LIMIT NUTRIENT OFFSET PAYMENTS. Filed 5/24/06. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Reinstates phosphorus offset payments, but reduces amount to \$11 per tenth of a pound of phosphorus. Retains nitrogen offset payments at \$11 per pound. Conforms title.

August 14, 2006

SL 2006-215 (S 1862). LIMIT NUTRIENT OFFSET PAYMENTS. AN ACT TO SET THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS, TO REQUIRE THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE NUTRIENT OFFSET PAYMENTS. Summarized in *Daily Bulletin* 5/24/06, 6/15/06, 7/6/06, and 7/20/06. Enacted August 8, 2006. Effective August 1, 2006.