

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 812

Short Title: Nutrient Offset Amendments. (Public)

Sponsors: Representatives White, Bell, McGrady, and Jones (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Environment, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND AND CLARIFY THE STATUTES GOVERNING THE NUTRIENT  
3 OFFSET CREDIT PROGRAM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-214.26 reads as rewritten:

6 **"§ 143-214.26. Nutrient offset credits.**

7 (a) Nutrient offset credits may be purchased to ~~partially~~ offset nutrient loadings to surface  
8 waters as required by the Environmental Management Commission. Nutrient offset credits shall  
9 be effective for the duration of the nutrient offset project unless the Department of Environmental  
10 Quality finds the credits are effective for a limited time period. Nutrient offset projects authorized  
11 under this section shall be ~~all of the following:~~

- 12 (1) ~~Consistent~~ consistent with rules adopted by the Commission for  
13 implementation of nutrient management strategies.  
14 (2) ~~Located within the same hydrologic area, as defined in G.S. 143-214.11, in~~  
15 ~~which the associated nutrient loading takes place.~~

16 (b) A government entity, as defined in G.S. 143-214.11, may purchase nutrient offset  
17 credits through either:

- 18 (1) Participation in a nutrient offset bank that has been approved by the  
19 Department if the Department approves the use of the bank for the required  
20 nutrient offsets.  
21 (2) Payment of a nutrient offset fee established by the Department into the  
22 Riparian Buffer Restoration Fund established in G.S. 143-214.21.

23 (c) A party other than a government entity, as defined in G.S. 143-214.11, may purchase  
24 nutrient offset credits through either:

- 25 (1) Participation in a nutrient offset bank that has been approved by the  
26 Department if the Department approves the use of the bank for the required  
27 nutrient offsets.  
28 (2) Payment of a nutrient offset fee established by the Department into the  
29 Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option  
30 is only available to an applicant who demonstrates that the option under  
31 subdivision (1) of this subsection is not available.

32 (d) To offset NPDES-permitted wastewater nutrient sources, credits may only be  
33 acquired from nutrient offset projects located in either of the following areas:



- 1           (1)    The same hydrologic area. For purposes of this subdivision, "hydrologic area"  
2                    means an eight-digit cataloging unit designated by the United States  
3                    Geological Survey.  
4           (2)    A location that is downstream from the source and upstream from the water  
5                    body identified for restoration under the applicable TMDL or nutrient  
6                    management strategy.  
7           (e)    To offset stormwater or other nutrient sources, credits may only be acquired from an  
8                    offset project located within the same hydrologic area, as defined in G.S. 143-214.11.  
9           (f)    The permissible credit sources identified in subsections (d) and (e) of this section may  
10                   be further limited by rule as necessary to achieve nutrient strategy objectives."  
11                    **SECTION 2.** This act is effective when it becomes law and applies to nutrient offset  
12                    credits purchased on or after that date.