

Process for Making Nitrogen Offset Payments to the North Carolina Wetland Restoration Fund Through the Neuse Stormwater Rule

Background

In March of 2001, the Neuse Stormwater Rule (15A NCAC 02B.0235) went into effect. This rule requires that certain local governments, based on their potential to contribute significant nitrogen loads to the Neuse River, implement nitrogen reduction programs that include the review and approval of stormwater management plans for new development. The local governments affected by this rule include: Cary, Durham, Garner, Goldsboro, Havelock, Kinston, New Bern, Raleigh, Smithfield, Wilson; and Durham, Johnston, Orange, Wake, and Wayne Counties.

To be in compliance with this rule, new developments must comply with a nitrogen export standard of 3.6 pounds/acre/year. The rule also states that developers have the option of partially offsetting their nitrogen loads by payment to the North Carolina Wetlands Restoration Program's Wetland Restoration Fund at a rate specified in Rule 15A NCAC 02B.0240.

Process for Making Payments

The following outlines the process that is in place for developers to make nitrogen offset payments to the North Carolina Wetland Restoration Fund through the Neuse Stormwater Rule. Please note the North Carolina Wetlands Restoration Program (NCEEP) cannot issue a receipt until both the payment from the developer as well as a letter from the local government are received. The letter from the local government serves as verification that the payment from the developer is the correct amount.

1. The developer will submit plans to the appropriate local government.
2. The local government will review the plans and determine if a payment to the North Carolina Wetland Restoration Fund is necessary to meet the nitrogen export requirement in the Neuse Stormwater Rule. The local government will determine the correct amount of that payment based on the provisions of the Neuse Stormwater Rule and the methods agreed to by the Neuse Stormwater Team.
3. If an offset payment is required, then the local government will issue an approval letter to the EEP stating that the project has been reviewed and approved. The letter should also reference the project name and the amount of the offset payment.
4. The EEP will await payment from the developer. When payment is received, EEP staff will verify that the amount is the same as specified in the approval letter from the local government. Within five working days of receipt of the payment, the EEP will send a receipt to both the developer and the local government.
5. After the developer and local government have received the receipt, the developer may begin work on the project (provided he/she has met all other regulatory requirements).

Please note that checks should be made out to the "North Carolina Wetland Restoration Fund" and be sent to the attention of David Robinson; NC Ecosystem Enhancement

Program; 1652 Mail Service Center; Raleigh, NC 27699-1652. If you have questions, contact David Robinson 919-715-0476.