

RESOLUTION

A RESOLUTION AUTHORIZING THE RENEWAL OF A MEMORANDUM OF AGREEMENT BETWEEN BEAUFORT COUNTY AND THE TOWN OF BLUFFTON REGARDING THE SHARING OF RESPONSIBILITY OF MINIMUM CONTROL MEASURES REQUIRED IN THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENT FOR SOUTH CAROLINA PERMIT #SCR030000

WHEREAS, South Carolina Department of Environmental Services, (the “**SCDES**”) designated the Town of Bluffton (the “**Town**”), and portions of southern Beaufort County (the “**County**”), South Carolina, as regulated Small Municipal Separate Storm Sewer Systems (“**SMS4**”) under the National Pollution Discharge Elimination System (“**NPDES**”) General Permit #SCR030000 (the “**General Permit**”); and,

WHEREAS, the General Permit outlines the six (6) Minimum Control Measures (“**MCM**”) that each regulated SMS4 must include as part of their stormwater program; and,

WHEREAS, the General Permit Article 4.1.4 outlines the requirement to develop adequate legal authority to implement and enforce the SMS4’s stormwater management program, which can include an interagency agreement; and,

WHEREAS, the County and the Town previously entered into an Intergovernmental Agreement dated July 1, 2016, to define and implement environmental initiatives related to the protection of Southern Beaufort County Watersheds and other outstanding natural resources; and

WHEREAS, Article 7.02 of the Intergovernmental Agreement identifies that some aspects of NPDES SMS4 requirements will lend themselves to coordination and cooperation between the Town and the County and in such instances, coordination between the Town and the County shall be on the basis of a specific MCM and shall be established by a separate written agreement; and

WHEREAS, the Town and the County are both authorized to enter into this Agreement by virtue of the provisions of Sections 4-9-40 and 4-9-41 of the South Carolina Code of Laws, 1976, as amended, and Article VIII, Section 13 of the South Carolina Constitution; and,

WHEREAS, the Town and County entered into the current Memorandum of Agreement (“**MOA**”) following Council authorization on June 12, 2020, which expires June 12, 2025; and,

WHEREAS, the Parties have determined that it is reasonable, necessary, and in the public interest and welfare for the Parties to renew the existing MOA to continue to cooperate and coordinate the joint administration of the applicable stormwater management ordinances and programs within the territorial jurisdiction of the other Party, as set forth more thoroughly herein; and,

WHEREAS, Town Council desires to authorize the Town Manager to renew the existing MOA for an additional five (5) years.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, AS FOLLOWS:

1. The Town Council hereby authorizes the Town Manager to renew the MOA with the County to the share responsibility of MCM required in the General Permit for South Carolina Permit.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.

SIGNED, SEALED AND DELIVERED AS OF THIS ____ DAY OF JUNE 2025.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

ATTEST:

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina