

TOWN COUNCIL

STAFF REPORT

Projects and Watershed Resilience Department



MEETING DATE:	June 10, 2025
PROJECT:	Consideration of 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 Pollutant Discharge Elimination System Permit Requirement for South Carolina Permit #SCR030000
PROJECT MANAGER:	Kimberly Washok-Jones, Director of Projects & Watershed Resilience

REQUEST: Staff requests Town Council approve a Resolution to authorize the renewal of a Memorandum of Agreement (MOA) between Beaufort County and the Town of Bluffton regarding the sharing of responsibility of Minimum Control Measures (MCM) required in the National Pollutant Discharge Detection Elimination System (NPDES) Permit requirement for South Carolina Permit #SCR030000.

BACKGROUND: On December 1, 2015, the South Carolina Department of Environmental Services (SCDES), formerly known as the South Carolina Department of Health and Environmental Control (SCDHEC), designated Hilton Head Island, portions of southern Beaufort County, and the Town of Bluffton as part of the Hilton Head Island Urbanized Area. Following this designation, SCDES now regulates all three (3) entities' stormwater discharges to receiving waterbodies as individual, Small Municipal Separate Storm Sewer Systems (SMS4) under the NPDES General Permit #SCR030000.

General Permit #SCR030000 outlines the six (6) MCMs that each regulated SMS4 must include as part of their stormwater program. The MCMs are as follows:

1. Public outreach/education,
2. Public involvement/participation,
3. Illicit discharge detection and elimination (IDDE),
4. Construction site stormwater runoff control,
5. Post-construction stormwater management, and
6. Pollution prevention/good housekeeping for municipal operations.

Additionally, 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. Specifically, Article 4.1.4.2.k. Interagency Agreements states, "Control of the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4

through interagency agreements or other similar agreements with other MS4 owners, wherever and whenever such agreements are effective.”

Anticipating the SMS4 designation, the County and the Town included Article 7 – NPDES MS4 Phase II Permit Compliance in a “Stormwater Management and Utility Intergovernmental Agreement.” This Intergovernmental Agreement, dated July 1, 2016, defines and implements environmental initiatives related to the protection of southern Beaufort County watersheds and other outstanding natural resources. A copy of the Intergovernmental Agreement is attached as Exhibit “A” to the MOA (**Attachment 2**).

Article 7.02 of the Intergovernmental Agreement identifies that some aspects of the NPDES SMS4 requirements lend themselves to coordination and cooperation between the Town and the County. In such instances, coordination between the Town and the County shall be based on a specific Minimum Control Measure (MCM) and shall be established by a separate written agreement. The MOA meets this requirement by specifically addressing MCM3 (IDDE), MCM4 (Construction site runoff control program) and MCM5 (Post-construction stormwater management), as well as defining joint monitoring efforts, notification of inspections or testing results, right of entry, and appropriate documentation to jointly administer each jurisdiction’s stormwater program. This MOA has assisted with expedited action to citizen concerns and permit compliance.

On June 13, 2017, Town Council passed a resolution authorizing the Town Manager to enter into a Memorandum of Agreement (MOA) between Beaufort County and the Town of Bluffton to share responsibility of Minimum Control Measures required in the National Pollution Discharge Elimination System Permit requirement for South Carolina Permit #SCR030000. This MOA was renewed on June 12, 2020, for a term of five (5) years. The current MOA is set to expire June 12, 2025. This MOA can be extended for additional five (5) year periods upon the mutual agreement of the Parties, not to exceed two (2) additional renewals (or an extension past 2035).

NEXT STEPS: Upon Town Council review and approval of this request, the Town Manager will renew the MOA with Beaufort County for an additional five (5) years.

ATTACHMENTS:

1. Resolution
2. Memorandum of Agreement with Exhibit A – July 1, 2016 Intergovernmental Agreement
3. Proposed Motion