

## **Town Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program**

Resolution No.: 21-2233

Date Adopted: February 9<sup>th</sup>, 2021

### **RESOLUTION AFFIRMING THE TOWN OF CAROLINA BEACH COUNCIL'S SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

**A RESOLUTION** to develop and implement a compliant stormwater management program that meets the requirements of the Town of Carolina Beach's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000394 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Carolina Beach and approved by the North Carolina Department of Environmental Quality.

**WHEREAS**, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

**WHEREAS**, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

**WHEREAS**, the North Carolina Department of Environmental Quality issued the Town of Carolina Beach its third NPDES MS4 Permit for discharge of stormwater on February 27, 2017; and

**WHEREAS**, the Town of Carolina Beach was issued Notice of Violation number NOV-2020-PC-0546 on January 4<sup>th</sup>, 2021 for noncompliance with the issued NPDES MS4 Permit; and

**WHEREAS**, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

**WHEREAS**, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than May 4<sup>th</sup>, 2021 for review and approval; and

**WHEREAS**, the Town of Carolina Beach acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000394 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than March 5<sup>th</sup>, 2021; and

**WHEREAS**, the Town of Carolina Beach acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

**WHEREAS**, the Town of Carolina Beach acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2020-PC-0546; and

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**WHEREAS**, the Town of Carolina Beach acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Carolina Beach hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

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LeAnn Pierce, Mayor

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Bruce Oakley, Town Manager

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Brian Stanberry, Stormwater Program  
Administrator

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Kim Ward, Town Clerk

ADOPTED BY the Town Council of the Town of Carolina Beach, North Carolina the 9<sup>th</sup> day of February, 2021 and signed in authentication thereof the 9<sup>th</sup> day of February, 2021.