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THE STATE OF SOUTH CAROLINA

In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2025-000790

Case No. 2024-CP-37-00202

South Carolina Public Interest Foundation, Jim
Mann, David Dial, Rachel Moore, Terri
Meyerring, Carl Merring, Doug Muzik, Bruce
Burrell, India Lancaster, John Wagner, Gwen
McPhail, Lillian Lusk, and Linda Love, on
behalf of all others similarly situated,

Appellants-Respondents,

v.

Oconee County,

Respondent-Appellant,

**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE SOUTH CAROLINA
WATER QUALITY ASSOCIATION IN SUPPORT OF RESPONDENT-APPELLANT**

F. Paul Calamita (SC Bar No. 72335)

AQUALAW PLC
6 South 5th Street
Richmond, VA 23219
Telephone: 804/716-9021
804/716-9022 (fax)
paul@aqualaw.com

Counsel for South Carolina Water Quality Association

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE SOUTH
CAROLINA WATER QUALITY ASSOCIATION**

The South Carolina Water Quality Association (SCWQA) is an association of 46 local governments, public service districts, and sanitary boards that operate public water and sewer utilities statewide.¹ The SCWQA members strive to ensure water and sewer services are affordable while protective of public health and the environment. Our members construct, operate, and maintain complex water and sewer systems which provide essential services for the citizens of South Carolina.

Water and sewer services in the state do not follow jurisdictional boundaries. Instead, water and sewer service is highly interconnected between counties, cities, towns, and other political subdivisions and governmental entities. Thus, a decision by this Court on either or both the statutory time-bar to challenge county and municipal debt financing and the constitutional question about which projects county debt funding can finance will affect either directly or indirectly most if not all public water and sewer utilities in South Carolina. A decision limiting the availability of county debt funding will defer public infrastructure improvements and/or make them more expensive statewide.

The SCWQA comes now seeking leave to file an amicus brief in support of Respondent-Appellant. The proper application of SC Code § 11-15-30 is essential to ensure a functional bond market to finance critical public water and sewer infrastructure projects for public utilities across the state. The South Carolina General Assembly attempted to provide certainty and finality for local governments in the bond market through section 11-15-30. Our members are concerned that

¹ SCWQA's membership also includes local governments operating stormwater utilities and engineering firms that support SCWQA's member utilities.

a decision which undermines the time bar on challenges to local bonds will destabilize the bond market, make it more difficult to attract bondholders, and, consequently, increase the costs of public improvements. Such an outcome will delay necessary public infrastructure projects, hamper growth in the state, and spurn an increase in the cost of services that will ultimately be borne by ratepayers.

While the untimely appeal at issue in this case should be dispositive, should the Court decide to also address the substantive constitutional question, we believe the lower court's determination that there was substantial evidence of benefits beyond a specific geographical area in the county must be upheld.

The ability of counties in South Carolina to finance public water and sewer infrastructure projects that provide general benefits through general bonds is integral to economic development and environmental outcomes in the state. Water and sewer utilities in the state are interconnected, so limitations on utilities owned and operated by counties to finance complex and expensive infrastructure can have far reaching impacts and consequences on other water and sewer utilities whose capacity and own improvements may also thereby be limited or constrained. Due to the expense of infrastructure projects, any uncertainty or limitation in their development can upset decades of planning. Delay or lack of financing will also undermine the significant public health, environmental, and economic benefits water and wastewater systems provide, which will ultimately stymie growth in the state.

For these reasons, elaborated more in our accompanying brief, we write in support of the Respondent-Appellant and request leave to file an amicus brief.

Respectfully submitted,

s/ F. Paul Calamita

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804/716-9022 (fax)
paul@aqualaw.com

Counsel for South Carolina Water Quality Association

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