



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 26-243

Meeting Date: 5/5/2026

TITLE:

APPROVAL OF THE AMENDED AND RESTATED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT IMPLEMENTATION AGREEMENT BETWEEN THE COUNTY OF ORANGE, ORANGE COUNTY FLOOD CONTROL DISTRICT, AND PARTICIPATING ORANGE COUNTY CITIES

DEPARTMENT: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

PRESENTED BY: RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR

CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER, (714) 754-5335

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Amended and Restated National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Implementation Agreement ("Agreement") between the County of Orange, Orange County Flood Control District, and participating Orange County cities.
2. Authorize the City Manager to execute the agreement and any related documents necessary to implement the terms of the agreement.

BACKGROUND:

The City of Costa Mesa (City) is a permittee under the Municipal Separate Storm Sewer System (MS4) permits program, as issued by the Santa Ana Regional Water Quality Control Board, along with the County of Orange, the Orange County Flood Control District (District), and other cities in North Orange County. The cities in South Orange County are included in a separate permit, issued by the San Diego Regional Water Quality Control Board. Collectively, the administration of these permits is handled through a cooperative agreement between the County of Orange and all the cities in Orange County, formalized through an implementation agreement, which establishes a cooperative framework for implementing the Orange County Stormwater Program to meet MS4 permit requirements and improve surface water quality throughout the County.

The original NPDES Stormwater Permit Implementation Agreement was executed in 1990 and subsequently amended in 1993 and again in 2002, between the County of Orange and each of the cities, whereby the County served as the administrator of the regional Orange County Stormwater Program. The agreement has allowed for collaboration, consistency, and cost sharing of regional compliance strategies, municipal staff training, watershed monitoring and reporting efforts, and other MS4 program elements required of each of the permittees.

While the current agreement has achieved many significant water quality improvements to local beaches and inland waters, state regulatory requirements issued through the MS4 permits have changed significantly since the agreement was last updated. Watershed-specific water quality priorities have become increasingly complex requiring targeted solutions including structural treatment projects to meet ongoing and forthcoming compliance requirements.

ANALYSIS:

The proposed agreement (Attachment 1) restates and updates the original agreement to reflect current regulatory requirements, administrative practices, and programmatic needs. It continues the collaborative approach among the permittees to implement regional stormwater management strategies, but it also provides added flexibility in designing and developing watershed-specific strategies, programs, and projects using corresponding shared cost sub-budget scales. As part of the shared cost budget approval process, the amended and restated agreement also formalizes the consultation process with the Orange County City Managers Association (OCCMA) each year, which updates and improves the existing annual budget collaboration process already implemented with OCCMA.

The shared cost budget that is developed annually for this agreement maintains the existing cost sharing formula approach based on land area and population for the unincorporated County and thirty-four (34) Orange County cities, with the District contributing 10% of the overall cost. For sub-budgets allowed under this agreement that do not apply to all the permittees, this same cost sharing formula approach would be applied for the participating permittees. Examples of the types of geographic areas to which a sub-budget could apply include across an MS4 permit area, watershed level, or sub-watershed scales.

Key provisions of the amended and restated agreement include:

- Continued designation of the County as the administrator of the regional Orange County Stormwater Program.
- Clarification of responsibilities for each permittee, including compliance reporting, monitoring, and implementation of Best Management Practices (BMPs).
- Engagement with the OCCMA for strategic input on compliance and funding.
- Provision of an updated collaborative review process for annual operating budgets, including allowing for new sub-budgets to be established with smaller groups of permittees to support development of targeted water quality projects and programs.
- Continuation of the existing cost sharing formula between the permittees based on land area and population, with the Orange County Flood Control District contributing 10% and the County and cities sharing the remaining 90% for the annual operating budget countywide. For new sub-budgets, the same approach will be used to share costs amongst those participating agencies.

ALTERNATIVES:

The City Council may reject approval of the agreement and request staff to negotiate any terms of the agreement with the County of Orange. Staff does not recommend this alternative since this will result in the City administering the MS4 permit entirely using its own staff and resources, which is both cost prohibitive and infeasible.

FISCAL REVIEW:

The City's financial contribution will be calculated annually based on its proportional share of land area and population, as outlined in the agreement. During Fiscal Year 2025-26, the City of Costa Mesa's proportional share of the proposed \$9.6 million countywide budget was \$223,165, which included reimbursement for Countywide costs as well as costs for programs specific to the Santa Ana Regional Water Quality Control Board. This amount is incorporated as part of the annual budget in the General Fund (Fund 101).

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and the proposed implementation agreement and approves both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

The proposed NPDES Stormwater Permit Implementation Agreement works toward achieving the following City Council goals:

- Maintain and Enhance the City's Facilities, Equipment and Technology
- Strengthen the Public's Safety and Improve the Quality of Life
- Advance Environmental Sustainability and Climate Resiliency

CONCLUSION:

Staff recommends the City Council:

1. Approve the Amended and Restated National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Implementation Agreement ("Agreement").
2. Authorize the City Manager to execute the agreement and any related documents necessary to implement the terms of the agreement.