



Agenda Item

Orange City Council

Item #: 3.6.

4/28/2026

File #: 26-0190

TO: Honorable Mayor and Member of the City Council

THRU: Jarad Hildenbrand, City Manager

FROM: Christopher Cash, Public Works Director

1. SUBJECT

Amendment and restatement of National Pollutant Discharge Elimination System Stormwater Permit Implementation Agreement between the County of Orange, Orange County Flood Control District, and participating Orange County cities

2. SUMMARY

The amendment and restatement of the National Pollutant Discharge Elimination System Stormwater Permit Implementation Agreement restates and updates the original agreement to reflect current regulatory requirements, administrative practices, and programmatic needs and provides added flexibility in designing and developing watershed-specific strategies, programs, and projects.

3. RECOMMENDED ACTION

Approve 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; and authorize the Mayor and City Clerk to execute on behalf of the City.

4. FISCAL IMPACT

None. The City's financial contribution will be calculated annually based on its proportional share of land area and population, as outlined in the Agreement. Costs will be included in the City's annual operating budget.

5. STRATEGIC PLAN GOALS

Goal 5: Improve Infrastructure, Mobility, and Technology

6. DISCUSSION AND BACKGROUND

The original National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Implementation Agreement (D90-094), which was executed in 1990 and amended in 1993 and 2002 (D02-048), established a cooperative framework for implementing the Orange County Stormwater Program to meet Municipal Separate Storm Sewer System (MS4) permit requirements and improve surface water quality. The agreement 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 participating Orange County cities. The City is a participating city under the MS4 permits issued by the California Regional Water Quality

Control Boards (Santa Ana and San Diego Regions).

The current NPDES Stormwater Permit Implementation 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.

The proposed Agreement restates and updates the original Agreement to reflect current regulatory requirements, administrative practices, and programmatic needs. It continues the collaborative approach among the participating Orange County cities (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 annual shared cost budget for this Agreement maintains the existing cost sharing formula approach based on land area and population for the unincorporated County and 34 Orange County cities, with the Orange County Flood Control District (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 that 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.
- Provides 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.
- Continues the existing cost sharing formula between Permittees based on land area and population, with the 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.

7. ATTACHMENTS

- Amended and Restated NPDES Stormwater Permit Implementation Agreement

