



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
February 21, 2023

TOPIC: Newport Bay Watershed Cooperative Agreement

AGENDA TITLE

Approve Cooperative Agreement to Fund Total Maximum Daily Load Programs and Related Activities in the Newport Bay Watershed

RECOMMENDED ACTION

Authorize the City Manager to execute Cooperative Agreement No. MA-080-23010376 with the County of Orange and other Newport Bay Watershed dischargers to fund Total Maximum Daily Load programs and related activities in the Newport Bay Watershed for a five-year term beginning July 1, 2023 and expiring June 30, 2028, subject to non-substantive changes by the City Manager and City Attorney.

DISCUSSION

Authorized by the Federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program was established in 1972 to regulate pollutant discharges to waters of the United States and maintain water quality standards.

The City is a co-permittee under the North Orange County Municipal NPDES Permit (Order No. R8-2009-0030, as amended by Order No. R8-2010-0062). The Permit includes several Total Maximum Daily Loads (TMDLs) in the Newport Bay Watershed, with which the City and other Newport Bay Watershed dischargers are required to comply. Approximately 60 percent of the City's surface area drains to Newport Bay (Exhibit 1). TMDLs include requirements for studies, water quality monitoring, and the development of specialized programs, work plans, and projects. The dischargers work collaboratively to achieve compliance with the TMDLs, which results in cost-sharing efficiencies for all parties.

In 2003, the City Council approved the first cooperative agreement (No. 2003-126) with the County of Orange and other dischargers to address TMDL requirements in the Newport Bay Watershed. After its expiration, a replacement agreement (No. D11-066) was approved by the City Council in 2012 that expired on June 30, 2018. On September 4, 2018, a subsequent agreement (No. MA-080-18011416) was approved by the City Council that expires on June 30, 2023.

The new Agreement (No. MA-080-23010376) will continue to provide funding from the dischargers for studies, water quality monitoring, and the development of specialized programs, work plans, and projects to meet water quality standards and comply with Newport Bay watershed TMDLs. This Agreement includes new cost-share percentages for the thirteen funding partners (Exhibit 2). The City's cost-share percentage has increased from 9 percent during the previous agreement to 9.898 percent for the lifetime of this Agreement.

In support of protecting the environment and cooperation with the other participating agencies, staff is recommending that the City Council approve and execute this Agreement.

FISCAL IMPACT

The City's Fiscal Year 2023-24 budget share of 9.898 percent for this Agreement is \$129,550. The annual budget share for each subsequent fiscal year of the agreement is expected to be of a similar amount. Funding for fiscal years 2023-24 through 2027-28 will be included in the proposed budgets for City Council consideration. Expenditures will be recorded in Federal Clean Water Protection Enterprise (NPDES Program), Contract Services-Professional expenditures account (No. 05717640-62300)

EXHIBIT(S)

1. Newport Bay Watershed Map
2. Cooperative Agreement No. MA-080-23010376

Submitted By: Nabil Saba, P.E., Executive Director – Public Works Agency

Approved By: Kristine Ridge, City Manager