



# Air Pollution Control District Rule 310 Annual Accountability Report

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For Fiscal Year 2020-2021

August 1, 2021



As required by Section E.7 of Rule 310, Operational Development Fee the Air Pollution Control District (Air District) has prepared this Annual Accountability Report for public review.

## **I EXECUTIVE SUMMARY**

On November 6, 2007, the Imperial County Air Pollution Control District Board of Directors adopted Rule 310 to assist in the reduction of excess emissions resulting from new residential and commercial development in the Imperial County. The adoption of Rule 310 provided the Air District with a sound method for mitigating the emissions resulting from the operation of new development projects throughout the County of Imperial and within incorporated cities. Much like other Air District rules, Rule 310 undergoes review for applicability to an ever-changing status in air quality. In 2017, a minor revision to the threshold of NO<sub>x</sub> and ROG to Rule 310 reflected a change those pollutant concentrations in Imperial County. This revision did not affect the core intent of the rule: to mitigate operational emissions from new development projects.

When development occurs, Rule 310 provides three options:

- 1 Provide for off-site mitigation,
- 2 Pay a one-time operational development fee, or
- 3 Choose to mitigate through a combination of both.

Providing off-site mitigation projects has historically proven a difficult and expensive task. As a result, the majority of the project proponents elect to pay a one-time operational development fee.

On August 1 of each year, the Air District publishes a Request for Proposal (RFP) in order to disperse collected fund supporting mitigation projects throughout the County of Imperial. The Air District encourages any person seeking funding for a mitigation project to develop and submit a written Mitigation Project Report (MPR) to the Air District during the RFP process. While section E.5 of Rule 310 lists the requirements for a MPR, the Air District recognizes that some proponents may need assistance with the development of their proposals, and as such instructs proponents to contact Air District Staff for guidance.

In order to provide transparency, each year on August 1, the Air District makes available an Annual Accountability Report (AAR), which includes the following:

- ♦ the total amount of off-site fees received,
- ♦ total monies spent,
- ♦ total monies remaining,
- ♦ a list of all projects funded,
- ♦ total emission reductions realized,
- ♦ and the overall cost-effectiveness factor for the projects funded

### **RULE 310 CHANGES, EFFECTIVE DECEMBER 12, 2017**

Fund accountability, prior to the December 2017 revision, included two accounts, an Ozone and PM<sub>10</sub> account. The separating of the revenue assisted in maintaining fiscal accountability,

prevented intermingling of funds and allowed the carry-over of any remaining fiscal balances to the following fiscal year. Finally, Rule 310 allowed for no greater than a 10% recovery of Rule 310 program administrative cost.

Currently, Rule 310, as revised, allows for a single fund account for the mitigation of PM<sub>10</sub> and Ozone Precursor emissions. The fiscal year 2020-2021 Rule 310-accountability report accounts for all revenue pre and post the December 2017 revision to Rule 310.

## **II BACKGROUND**

As with many other geographical areas, human and vehicle population continues to increase over time. The California Department of Finance's projections (Vintage 2019, 2020.1.10), the human population of Imperial County will increase by 15,552 new residents between 2020 and 2030. Along with growth in population, is the expected growth in vehicle population and total vehicle miles traveled. Such growth increases area source emissions from activities such as increased consumer product use, fuel combustion, and landscape maintenance. Rule 310 is an effective avenue for the mitigation of these excess emissions.

The formation of a local Joint Advisory Committee (JAC) provided public, professional and governmental input into the development of Rule 310. JAC representatives included the Imperial County Planning Department, local city representatives, Caltrans, COLAB, Imperial Irrigation District, land development representatives, health experts and the Air District. To assure public input the Air District held public workshops, provided presentation to all city councils and released formal drafts of the rule to the public for comment for a 30-day period. The final rule as presented to the Imperial County Air Pollution Control District Board of Directors on November 6, 2007 included input from the JAC, public, and city councils.

## **III IMPLEMENTATION**

Working alongside local municipalities, the Air District developed submittal procedures that would worked for each local municipality. Cooperation between the agencies included information to applicants about the requirements of Rule 310, a process similar to the payment of school fees where the lack of proof of payment or the lack of proof of an exemption resulted in a delay in the issuing of a building permit.

Internally, the Air District developed administrative procedures that would be as efficient and as expedient as possible for applicants. Other administrative procedures include the review by Air District staff of monthly building reports, as available. Since its adoption, over 20 years ago, most construction and development companies are now very familiar with the requirements of Rule 310.

## **IV FEE SCHEDULE**

**TABLE 1** represents the fees schedule for fiscal year 2019-2020. This fee schedule captures the applicable fees from July 1, 2020 to December 31, 2020. **TABLE 2** represents the fee schedule for fiscal year 2020-2021. This fee schedule captures the applicable fees from January 1, 2021 to June 30, 2021

**TABLE 1**

FY 2019-2020	Level 1		Level 2	
Residential Single Family Dwelling	\$251.00	Unit	\$576.00	Unit
Residential Multiple Family Dwelling	\$195.12	Unit	\$439.00	Unit
Commercial/Warehouse	\$ 0.72	Sq ft	\$ 1.60	Sq ft
Commercial/Warehouse	\$145.16	ADT	\$322.58	ADT

**TABLE 2**

FY 2020-2021	Level 1		Level 2	
Residential Single Family Dwelling	\$254.50	Unit	\$583.50	Unit
Residential Multiple Family Dwelling	\$197.50	Unit	\$445.00	Unit
Commercial/Warehouse	\$ 0.72	Sq ft	\$ 1.60	Sq ft
Commercial/Warehouse	\$147.00	ADT	\$327.00	ADT

## V PROJECT SELECTION

Section E.6 of Rule 310, requires the Air District to evaluate and recommend proposed mitigation projects based on the cost effectiveness of each project. The consideration and approval by the Imperial County Air Pollution Control District Board of Directors of recommended cost effective mitigation projects provides for the selection of projects within a public forum and authorizes the expenditure of funds for mitigation of emissions throughout Imperial County.

The RFP published August 1, 2020 in the Imperial Valley Press and on the Imperial County website announced the availability of FY 2019-2020 funding for mitigation projects available to the public, local agencies, cities, private developers and the public.

**TABLE 3 AVAILABLE FUNDING FY 2019-2020**

Ozone Accountability (FY 19/20)		PM Accountability (FY 19/20)	
<b>Balance Forward Fy 2018/2019</b>	\$953,859.00	<b>Balance Forward Fy 2018/2019</b>	<b>\$440,787.00</b>
Fy 2018/2019 Paid out Funds	(\$318,887.00)	Fy 2018/2019 Paid out Funds	(\$441,939.00)
Awarded Allocated Funding	(\$402,136.00)	Awarded Allocated Funding	\$ -
Collected Fees Fy 2019/2020	\$ -	Collected Fees Fy 2019/2020	\$4,531.00
<b>Fy 2019/2020 Available Amount</b>	<b>\$232,836.00</b>	<b>Fy 2019/2020 Available Amount</b>	<b>\$4,531.00</b>

## TABLE 4 NEW RULE 310 ACCOUNT

FY 2020-2021 Rule 310 Annual Accountability Report

<b>Rule 310 (FY 19/20)</b>	
Balance FY 2018/2019	\$514,246.00
FY 2018/2019 Paid out Funds	(\$251,493.00)
Awarded Allocated Funding	\$ -
Collected Fees FY 2019/2020	\$167,276.00
<b>FY 2019/2020 Available Amount</b>	<b>\$430,029.00</b>

**VI CURRENT AVAILABLE FUNDING (FY 2020-21)**

With the onset of COVID-19 many of the project selections submitted during the FY 2019-2020 RFP experienced delays. As restrictions due to COVID-19 relax, recommended projects that met the cost effectiveness requirement are going before the Imperial County Air Pollution Control District Board of Directors for approval. The mitigation projects that met the cost effectiveness requirement are all PM<sub>10</sub> related. Below is a brief description of each project. Included is the estimated total cost and estimated emission reductions.

**TABLE 5 – DESCRIPTION OF MITIGATION PROJECT FOR FY 2019-2020**

Applicant	Project	Budget Account	Org. Key	Est. Cost	Emissions Reduction/Cost-Effectiveness
El Centro Elementary School District (ECSED)	McKinley Elementary Parking Lot Paving Project (CB-1-FY20/21)	1913001	530005	\$150,000.00	0.53 tons; \$29K/ton
Holtville Unified School District	Pine School – Front of School Paving Project (MG-2-FY20-21 Revision submitted in early 2020)	1913001	530005	\$175,000.00	0.72 tons; \$28K/ton
San Pasqual Valley Unified School District (SPVUSD)	San Pasqual Middle School Parking Lot Paving Project (IS-3-	1769001	530005	\$ 4,575.00	0.44 tons; \$26.4K/ton
		1913001	530005	\$100,425.00	
<b>Total</b>				<b>\$430,000.00</b>	

**TABLE 6 – CURRENT FUNDING FOR FY 2020-2021**

<b>Ozone Accountability (FY 20/21)</b>		<b>PM Accountability (FY 19/20)</b>	
<b>Balance Forward Fy 2018/2019</b>	\$ 953,859.00	<b>Balance Forward Fy 2018/2019</b>	<b>\$ 440,787.00</b>
Fy 2018/2019 Paid out Funds	\$ (318,887.00)	Fy 2018/2019 Paid out Funds	\$ (441,939.00)
Awarded Allocated Funding	\$ (402,136.00)	Awarded Allocated Funding	\$ 4,531.00
Collected Fees Fy 2019/2020	\$ -	Collected Fees Fy 2019/2020	\$ -
<b>Fy 2020/2021 Available Amount</b>	<b>\$ 232,836.00</b>	<b>Fy 2020/2021 Available Amount</b>	<b>\$ -</b>

  

<b>Rule 310 (FY 20/21)</b>	
Balance FY 2019/2020	\$ 442,622.78
Awarded Allocated Funding (Pending)	\$ (430,000.00)
Collected Fees FY 2020/2021	\$ 175,595.91
<b>FY 2019/2020 Available Amount</b>	<b>\$ 105,418.69</b>