



# Air Pollution Control District Rule 310 Annual Accountability Report

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For Fiscal Year 2021-2022

August 1, 2022



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 applicants three options for compliance:

- 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 funds 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 encourages 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.

The current revision of Rule 310 allows for a single fund account for the mitigation of both PM<sub>10</sub> and Ozone Precursor emissions. **All accounts, pre and post revision to the rule, are currently undergoing an internal audit. Unfortunately, the audit has not finalized thus all balances within this report are preliminary pending the results of the audit.**

## **II BACKGROUND**

As with many other geographical areas, human and vehicle population continues to increase over time. According to the California Department of Finance's projections (Vintage 2020, 2021.3.05), the human population of Imperial County will increase by 21,857 new residents between 2022 and 2035. 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 work 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**

**Tables 1 and 2** represent the fee schedules applicable during fiscal year 2021-2022. **TABLE 1** shows the fees applicable from July 1, 2021 to December 31, 2021.

**TABLE 1 – Fee Schedule 1 FY 2021-2022**

July 1, 2021 - December 31, 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

**TABLE 2** represents fee schedule applicable from January 1, 2022 to June 30, 2022

**TABLE 2 – Fee Schedule 2 FY 2021-2022**

January 1, 2022 - June 30, 2022	Level 1		Level 2	
Residential Single Family Dwelling	\$ 264.50	Unit	\$ 607.00	Unit
Residential Multiple Family Dwelling	\$ 205.50	Unit	\$ 463.00	Unit
Commercial/Warehouse	\$ 0.72	Sq ft	\$ 1.60	Sq ft
Commercial/Warehouse	\$ 153.00	ADT	\$ 340.00	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, 2021 in the Imperial Valley Press and on the Imperial County website announced the equal opportunity for local jurisdictions, the public, and private developers to submit mitigation projects by November 1, 2021. Potential applicants were directed to the Rule 310 Accountability Report, published August 1, 2021, which identified the funds collected during the FY 2020-2021.

**Table 3** identifies the 10 mitigation projects and their status for FY 2020-2021 funding. Those projects that have met all criteria are scheduled for Board of Directors approval in August of 2022.

**TABLE 3 – Mitigation Projects received FY 2020-2021**

	Fiscal Year	Application Date	Applicant	Project Description	Pollutant	Amount	Criteria Met
1	2020-2021	Aug 25, 2021	Indepth Environmental	Asbestos Abatement	N/A	Unspecified	No
2	2020-2021	Oct 21, 2021	City of El Centro	Frazier Field Parking Lot & Multipurpose Pathway	PM	\$342,012.00	Pending
3	2020-2021	Oct 22, 2021	City of El Centro	Debbie Pettman Park Walkway	PM	\$270,000.00	No
4	2020-2021	Oct 25, 2021	New Bethel Baptist Church	Parking Lot Pavement	PM	\$ 86,374.95	Pending
5	2020-2021	Oct 27, 2021	West Wind Parking Storage Inc	West Wind parking expansion yard paving	PM	\$250,000.00	No
6	2020-2021	Oct 29, 2021	City of Brawley Residents	Legion Street Project *Hwy 86 to Western Ave)	PM	\$126,170.00	Pending
7	2020-2021	Nov 01, 2021	City of Imperial	CA Irving Park Paving Project	PM	\$149,625.00	Pending
8	2020-2021	Nov 30, 2021	Holtville Unified School District	#98-1 School Bus Replacement Project	Ozone	\$202,274.08	Yes
9	2020-2021	Dec 16, 2021	El Centro Elementary School District (ECSED)	(1996) School Bus Replacement	Ozone	\$238,141.31	Yes
10	2020-2021	Dec 30, 2021	Holtville Unified School District	Lawnmower LA 140 Replacement	Ozone	\$ 5,131.45	No

**VI CURRENT AVAILABLE FUNDING (FY 2021-22)**

With COVID-19 and supply chain issues many of the project selections have been experiencing 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 have currently met the cost effectiveness requirements are all school bus replacements. Below is a brief description of each project. Included is the estimated total cost and estimated emission reductions of each project.

**TABLE 4 – DESCRIPTION OF MITIGATION PROJECTS FOR FY 2021-2022**

Projects to be Presented for Board Approval					
Applicant	Project	Requested Grant Amount	Annual Surplus Emissions Reduction by Pollutant (tons)	Emissions Reduction	Cost Effectiveness Limit = \$300,000
El Centro Elementary School District (ECSED)	School Bus Replacement	\$ 187,366.65	NOx	0.8640	\$ 187,366.65
			ROG	0.0082	*Meets incremental cost effectiveness limit set by Carl Moyer
			PM	0.0000	
			Annual Weighted	0.0946	
*Annual Weighted represents the avg. emission reduction of all three pollutants					
Holtville Unified School District (HUSD)	School Bus Replacement	\$ 202,274.08	NOx	0.1004	\$ 202,274.08
			ROG	0.0103	*Meets incremental cost effectiveness limit set by Carl Moyer
			PM	0.0000	
			Annual Weighted	0.1107	
*Annual Weighted represents the avg. emission reduction of all three pollutants					

**TABLE 5 – CURRENT FUNDING FOR FY 2021-2022 (refer to page 3 Executive Summary)**

Ozone Accountability (FY 21/22)		PM Accountability (FY 21/22)	
Balance Forward FY 2020/2021	\$ 232,836.00	Balance Forward FY 2020/2021	\$ -
FY 2020/2021 Paid out Funds	\$ -	FY 2018/2019 Paid out Funds	\$ -
Awarded Allocated Funding	\$ -	Awarded Allocated Funding	\$ -
Collected Fees FY 2019/2020	\$ -	Collected Fees FY 2019/2020	\$ -
FY 2021/2022 Available Amount	\$ 232,836.00	FY 2021/2022 Available Amount	\$ -

  

Rule 310 (FY 21/22)	
Balance FY 2020/2021	\$ 363,218.69
Previous Allocation (Pending)	\$ (175,000.00)
Awarded Allocated Funding	\$ (389,640.73)
Collected Fees FY 2021/2022	\$ 235,165.86
FY 2019/2020 Available Ammount	\$ 33,743.82

**VII PRIOR FISCAL YEAR PAY OUTS**

For prior year projects, a total of two PM10 mitigation paving projects were completed and paid out in full during Fiscal Year 2021-2022. The first project was a 20,000 sqft. parking lot paving project at San Pasqual Valley Unified School District in Winterhaven and had a disbursement amount of \$105,000. The second project completed was a 38,000 sqft. parking lot paving project at McKinley Elementary School in El Centro with a disbursement amount of \$150,000. The total amount disbursed for completed projects is \$255,000. One of the FY 2019-2020 approved projects is still pending completion and disbursement for Holtville. Table 6 provides the prior project cost, cost-effectiveness and emission reductions.

**TABLE 6 - PRIOR YEAR PROJECT STATUS**

	Applicant	Project	Est. Cost	Emissions Reduction/Cost-Effectiveness
1	El Centro Elementary School District (ECSED)	McKinley Elementary Parking Lot Paving Project (CB-1-FY20/21)	\$ 150,000.00	0.53 tons; \$29K/ton
2	San Pasqual Valley Unified School District (SPVUSD)	San Pasqual Middle School Parking Lot Paving Project (IS-3-FY20/21)	\$ 4,575.00	0.44 tons; \$26.4K/ton
			\$ 100,425.00	
	Total paid out Fy 2021-2022		\$ 255,000.00	
3	Holtville Unified School District	Pine School – Front of School Paving Project (MG-2-FY20-21 Revision submitted in early 2020)	\$ 175,000.00	0.72 tons; \$28K/ton
	Total pending completion		\$ 175,000.00	