



Air Pollution Control District Rule 310 Annual Accountability Report

For Fiscal Year 2024-2025

August 1, 2025



This Rule 310 Annual Accountability Report has been prepared as required by Section E.7 of Rule 310, Operational Development Fee (Rule 310).

I EXECUTIVE SUMMARY

On November 6, 2007, the Imperial County Air Pollution Control District Board of Directors (Air Board) 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 the ever-changing status in air quality in Imperial County.

Applicants have three options by which they are able to comply with Rule 310:

- 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, many of the project proponents elect to pay a one-time operational development fee.

Administrative requirements of Rule 310 provide that the Air District must, on August 1 of each year, publish 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.

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

In 2017, Rule 310 underwent a minor revision, updating the thresholds for NO_x and ROG reflecting then findings by the United States Environmental Protection Agency (US EPA) of attainment for both the 2008 Ozone 8-hour and 2012 24-hour PM_{2.5} National Ambient Air

Quality Standards (NAAQS). This revision did not affect the core intent of the rule: to mitigate operational emissions from new development projects.

In addition, fund accountability, prior to the December 2017 revision, included two accounts: an Ozone account and a PM₁₀ account. The separation 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 PM₁₀ and Ozone Precursor emissions.

II BACKGROUND

As with many other geographical areas, human and vehicle population continues to increase in Imperial County over time. According to the California Department of Finance's projections (Vintage 2023, 2024.3.8), the human population of Imperial County is projected to increase by 8,769 new residents between 2022 and 2035. Along with growth in population, there 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 presentations 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 in nature 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 2024-2025. The tables are broken down by year thus **Table 1** shows the fees applicable from July 1, 2024, to December 31, 2024, and **Table 2** shows the fees applicable from January 1, 2025, to June 30, 2025.

TABLE 1 – Fee Schedule 1 FY 2024-2025

July 1, 2024 - December 31, 2024				
July 1, 2024 - December 31, 2024	Level 1		Level 2	
Residential Single Family Dwelling	\$ 285.00	Unit	\$ 654.50	Unit
Residential Multiple Family Dwelling	\$ 221.50	Unit	\$ 499.00	Unit
Commercial/Warehouse	\$ 0.72	Sq ft	\$ 1.60	Sq ft
Commercial/Warehouse	\$ 165.00	ADT	\$ 366.50	ADT

TABLE 2 – Fee Schedule 2 FY 2024-2025

January 1, 2025 - June 30, 2025				
January 1, 2025 - June 30, 2025	Level 1		Level 2	
Residential Single Family Dwelling	\$ 292.00	Unit	\$ 671.00	Unit
Residential Multiple Family Dwelling	\$ 227.00	Unit	\$ 511.50	Unit
Commercial/Warehouse	\$ 0.72	Sq ft	\$ 1.60	Sq ft
Commercial/Warehouse	\$ 169.00	ADT	\$ 376.00	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 Air Board 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's published August 1, 2021, August 1, 2022, and on August 1, 2023, in the Imperial Valley Press and on the Imperial County website all announced the availability of fiscal year funding for mitigation projects available to the public, local agencies, cities, private developers and the public.

However, fiscal years 2020-2021, 2021-2022 & 2022-2023 were all affected by the onset (shelter in place) and continued restrictions associated with COVID-19 (supply chain issues) which caused unexpected delays related to project selection, approval and funding.

Between 2020 and 2023 the Air District reviewed and assessed a total of 21 submitted mitigation projects. Of the 21 proposed mitigation projects only nine (9) met cost-effectiveness. The remaining 12 proposed mitigation projects were either ineligible or re-directed to other funding sources, i.e. AB617.

Of the nine (9) proposed mitigation projects the Air District finalized and funded five (5) projects. These projects included three Ozone projects and two paving projects. The remaining four (4) projects are listed below in **Table 4**.

TABLE 4 – DESCRIPTION OF MITIGATION PROJECTS

Applicant	Project	Requested Grant Amount	Annual Surplus PM10 Emissions Reduction (tons)	Cost Effective
City of El Centro	Frazier Field Parking Lot	\$ 342,012.00	139.14	YES
City of Imperial	Irving Park Paving Project	\$ 149,625.00	23.59	YES
San Pasqual Valley Unified School District	Elementary School Parking Lot	\$ 175,511.00	20.88	YES
San Pasqual Valley Unified School District	School Bus Parking Lot	\$ 369,751.00	13.54	YES
TOTALS		\$ 1,036,899.00	197.15	

The total amount available for funding ending June 30, 2024, is listed in **Table 5**.

TABLE 5 – AVAILABLE FUNDS ENDING JUNE 30, 2024

*BALANCE FY 2017-2018	\$ 1,054,421.19
PROJECTS PAID OUT Jul 1, 2018-Jun 30, 2024	\$ (2,014,239.79)
FEES COLLECTED Jul 1, 2017- Jun 30,2024	\$ 1,926,215.56
**SUBTOTAL RULE 310 ENDING JUNE 30, 2024	\$ 966,396.96
*See Table 3 FY 2018-2019 Annual Rpt	
**Does not include any quarterly interest	

As COVID-19 restrictions relaxed, the Air District was able to finalize two of the four recommended projects and brought the recommended projects before the Imperial County Air Pollution Control District Board of Directors on October 8, 2024, for approval. The two projects combined, the City of El Centro's Frazier Field Parking Lot project and the City of

Imperial's Irving Park Paving Project will have a total reduction of emissions of 162.73 tons per year for 10 years once completed

The remaining two proposed mitigation projects, the two San Pasqual paving projects were combined with the fiscal year 2023-2024 projects.

The RFP published August 1, 2024, in the Imperial Valley Press and on the Imperial County website announced the availability of FY 2023-2024 funding. The Air District received nine (9) proposed mitigation projects. Of the nine (9) proposed mitigation projects the Air District has been able to finalize the review and the cost effectiveness analysis of 5 proposed mitigation projects. **Table 6** provides a description of all the selected projects going before the Air Board in 2025. The table provides the amount of award, cost effectiveness factor and emission reductions.

TABLE 6 – DESCRIPTION OF MITIGATION PROJECTS

Applicant	Project	Requested Grant Amount	Annual Surplus PM10 Emissions Reduction (tons)	Cost Effectiveness Factor/ton of PM ₁₀
*San Pasqual Valley Unified School District	Elementary School Parking Lot	\$ 175,511.00	20.88	1,861.80
*San Pasqual Valley Unified School District	School Bus Parking Lot	\$ 369,751.00	13.54	5,738.79
Magnolia Union Elementary School District	Car line & Paring Lot Paving	\$ 107,555.00	8.52	2,523.84
Magnolia Union Elementary School District	Overflow Parking Area Paving	\$ 65,000.00	1.9	6,982.97
Mulberry Elementary School District	Parking Area Paving	\$ 309,767.50	14	4,426.62
Seeley Union School District	Parking Lot Paving	\$ 127,545.00	8.61	2,962.33
Westmorland Union Elementary School District	Bus Replacement	\$ 64,042.95	0.0614 weighted tons	N/A

*Fiscal year 2022-2023 projects combined with fiscal year 2023-2024 selected projects

TOTALS \$ 1,219,172.45 67.51

VI CURRENT AVAILABLE FUNDING (FY 2024-2025)

Projects previously approved by the Imperial County Air Pollution Control Board of Directions on October 8, 2024, continue to advance to completion. The mitigation projects that have currently met the cost effectiveness requirements include six (6) paving projects and one bus replacement.

An accountability review of the older Ozone and PM₁₀ accounts, pre-2018, have fund balances that are insufficient to cover any one project. Thus, the Air District has requested the transfer of \$49,540.00 from the Rule 310 Ozone account and a transfer of \$5,011.00 from

the Rule 310 PM₁₀ account into the post 2017 Rule 310 account. For fiscal year 2024-2025 **Table 7** below provides a breakdown of the available funds.

Should the Air Board approve all seven projects, a total of \$1,219,172.45 will be allocated to the current funding available. Because paving projects take more than six months to complete the Air District is confident that it will be able to provide for any shortfall. In addition, because most of these projects are within disadvantaged communities the Air District may be able to move an approved project to another funding source, should the need arise.

TABLE 7 – CURRENT FUNDING FOR FY 2024-2025

*BALANCE FY 2023-2024	\$ 996,396.96
AWARDED PROJECTS ON OCTOBER 8, 2024	\$ (491,637.00)
FEES COLLECTED Jul 1, 2014- Jun 30, 2025	\$ 184,071.70
TRANSFER FUNDS FROM OLDER RULE 310 ACCOUNTS	\$ 54,551.00
***SUBTOTAL RULE 310	\$ 743,382.66
**Does not include any quarterly interest	