

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2022-24

Resolution Authorizing the District's Participation as the Bay Area Administrator of the At-Berth Regulation Remediation Fund Program

WHEREAS, the California Air Resources Board (CARB) approved revisions to its Control Measure for Ocean-Going Vessels at Berth, California Code of Regulations Title 17, Section 93130 et seq. (the "At-Berth Regulation") in August 2020 to further reduce emissions from larger container, refrigerated cargo, and passenger cruise ships at the six largest California ports, including the ports of Oakland and San Francisco;

WHEREAS, section 93130.15 of the At-Berth Regulation allows regulated operators and/or ports that have already made efforts to comply with the 2020 Regulation but are unable to achieve the required emissions reductions to pay into an At-Berth Regulation Remediation Fund, with the funds collected to go towards projects that reduce equivalent emissions in the same port communities that are impacted by the uncontrolled emissions.

WHEREAS, projects funded with these monies must achieve emission reductions consistent with CARB's most recent applicable incentive program guidelines for: Carl Moyer Program, Proposition 1B Program, or Community Air Protection Incentives Program; or similar programs for mobile and/or stationary sources of air pollution;

WHEREAS, the Bay Area Air Quality Management District (District) is an eligible entity to serve as an administrator of the At-Berth Regulation Remediation Fund and has extensive experience administering CARB approved incentive programs;

WHEREAS, on September 29th, 2022, the District submitted an application requesting to be the At-Berth Regulation Remediation Fund Administrator for the Bay Area region;

WHEREAS, if chosen by CARB as the Administrator of the At-Berth Regulation Remediation Fund for the Bay Area region, the District will use remediation funds provided by CARB for incentive activities that directly benefit communities impacted by emissions from ports or independent marine terminals and achieve emissions reductions consistent with CARB's most recent applicable incentive program guidelines;

WHEREAS, the District may use up to 10 percent of the funds it receives from CARB for its direct and reasonable expenses incurred to implement the incentive program;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby authorizes the District's participation in the At-Berth Regulation Remediation Fund Program in the role of Administrator of the Program for the Bay Area region;

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District grant agreements

with CARB necessary to accept funds from CARB for the At-Berth Regulation Remediation Fund Program;

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District individual grant agreements and amendments for At-Berth Regulation Remediation Fund Program projects with individual grant award amounts up to \$500,000.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District all other necessary documents to implement and carry out the purposes of this Resolution.

The foregoing Resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of DIRECTOR CUTTER, seconded by DIRECTOR HAUBERT, on the 19th day of OCTOBER, 2022, by the following vote of the Board:

AYES: MARGARET ABE-KOGA, TERESA BARRETT, JOHN BAUTERS, DAVID CANEPA, PAULINE RUSSO CUTTER, JOHN GIOIA, CAROLE GROOM, ERIN HANNIGAN, DAVID HAUBERT, LYNDIA HOPKINS, DAVINA HURT, OTTO LEE, SERGIO LOPEZ, MYRNA MELGAR, NATE MILEY, KAREN MITCHOFF, KATIE RICE, MARK ROSS, SHAMANN WALTON.

NOES: NONE.

ABSENT: DAVID HUDSON, TYRONE JUE, ROB RENNIE, BRAD WAGENKNECHT, STEVE YOUNG.

ABSTAIN: NONE.

DocuSigned by:

John Bauters

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John J. Bauters
Chairperson of the Board of Directors

ATTEST:

DocuSigned by:

Teresa Barrett

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Teresa Barrett
Secretary of the Board of Directors