

AMENDED AGREEMENT BETWEEN THE PORT OF TACOMA AND THE PUGET SOUND CLEAN AIR AGENCY TO REIMBURSE THE PORT OF TACOMA FOR PURCHASING AND INSTALLING DIESEL PARTICULATE FILTERS AT MARINE TERMINALS IN TACOMA, WASHINGTON

This amended agreement is entered into by and between the **Puget Sound Clean Air Agency**, (hereinafter referred to as the "Agency"), a municipal corporation of the laws of the state of Washington, and **Port of Tacoma** (hereinafter referred to as the "Port"), One Sitcum Plaza, Tacoma, WA 98401-1837.

I. RECITALS

WHEREAS, the Board of Directors of the Puget Sound Clean Air Agency deems it desirable to amend the original Agreement dated March 6, 2008, for the reimbursement for purchasing and installing diesel particulate filters (DPF) at marine terminals in Tacoma, Washington; and

WHEREAS, the Port and the Agency agree that anti-idling equipment should be installed in addition to installing diesel particulate filters on cargo-handling equipment (CHE), anti-idling equipment should also be installed where necessary;

NOW, THEREFORE, the Agency and the Port mutually agree as follows;

II. AGREEMENT

The following sections of the original Agreement have been amended to read as follows:

- A. PURPOSE.** The purpose of this Agreement is to establish procedures for the Agency to reimburse the Port for up to one-half the cost of purchasing and installing DPFs and anti-idling equipment on CHE operated at the Husky, Maersk, Evergreen and MTC marine terminals located within the Port's jurisdiction.
- B. TERM.** This Agreement shall commence on February 15, 2008, and shall terminate on December 30, 2008.
- C. CONDITIONS OF REIMBURSEMENT.** The Port may submit a reimbursement proposal via email to the Agency Project Manager for up to one-half the cost of purchasing and installing DPFs and anti-idling equipment on CHE operated at Husky, Maersk, Evergreen and MTC marine terminals, in accordance with Section II D. of this Agreement. The reimbursement proposal shall include the amount of reimbursement sought by the Port and the amount the Port or Port tenant will pay.
- D. REIMBURSEMENT.** The Port may apply for reimbursement from the Agency for the costs of purchasing and installing DPFs and anti-idling equipment in accordance with the Agency approved reimbursement proposal, as described in this section.

1. The maximum amount paid by the Agency under this Agreement shall not exceed \$40,000. Funding is provided through the State of Washington Department of Ecology Grant Number G0600058 for the Statewide School Bus Retrofit Program and pursuant to the Agency's Diesel Solutions Marine work plan for Fiscal Year 2008.
2. In addition, the Port may submit a request for reimbursement to the Agency for no more than 50 percent of the cost of purchasing and installing the DPFs and anti-idling equipment. The Port shall provide documentation supporting the reimbursement request, including invoices for purchasing and installing the DPFs and anti-idling equipment. The documentation shall include the date of installation.
3. The request for reimbursement shall be sent to the Agency's Manager of Finance and Purchasing. The request for reimbursement shall be submitted no later than ten (10) working days after the termination date of this Agreement.

All other terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS HEREOF, the Agency and the Port have executed this amended Agreement as to the date first above written.

**PUGET SOUND CLEAN
AIR AGENCY**

PORT OF TACOMA

By: Paul Roberts
Paul Roberts
Board of Directors, Chair

By: Dorcas Nepple
Dorcas Nepple
Contract Director

Date: July 28, 2008

Date: July 1, 2008

Attest:

By: Dennis J. McLerran
Dennis J. McLerran
Executive Director

Date: 7-18-08

Approved as to Form:

By: Laurie Halvorson
Laurie Halvorson
Agency Counsel

Date: 7/9/08