

**THIRD 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**

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This third 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

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**WITNESSETH**

**WHEREAS**, the Board of Directors of the Puget Sound Clean Air Agency deems it desirable to amend the original Agreement dated March 6, 2008, and the first amendment to this Agreement dated July 9, 2008, and the second amendment to this Agreement dated December 18, 2008 for the reimbursement for purchasing and installing diesel particulate filters (DPFs) at marine terminals in Tacoma, Washington; and

**WHEREAS**, some of the diesel particulate filters installed on cargo-handling equipment failed; and

**WHEREAS**, two of the diesel particulate filters installed by Cummins Northwest Inc. at the PCT/Evergreen terminal located at the Port were not on the EPA Verified Nonroad Engine Technologies List and Cummins Northwest has agreed to install replacement filters that are manufactured by a company on the EPA Verified Nonroad Engine Technologies List at no additional cost to the Agency or the Port; and

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

**II. AGREEMENT**

The following sections of the Second Amended Agreement between the Port and the Agency are amended to read as follows:

**B. TERM.** This Agreement shall terminate on June 30, 2010. Funding for work to be conducted after June 30, 2009, is contingent upon approval of funding by the Agency Board of Directors for Fiscal Year 2010.

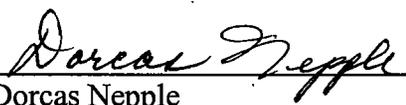
All other terms and conditions of the original Agreement remain in full force and effect.

**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**

**CONSULTANT  
PORT OF TACOMA**

By:   
Paul Roberts  
Board of Directors, Chair

By:   
Dorcas Nepple  
Contract Director

Date: 5/20/09

Date: 5/13/09

Attest:

By:   
Dennis J. McLerran  
Executive Director

Date: 5/20/09

Approved as to Form:

By:   
Laurie Halvorson  
General Counsel

Date: 5/19/09