

MEMORANDUM OF UNDERSTANDING
069212
BETWEEN THE
PORT OF TACOMA
AND THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY

REGARDING:

DEVELOPMENT OF A DIESEL IDLE REDUCTION PROGRAM
AT PORT OF TACOMA

I. PURPOSE

This Memorandum of Understanding (MOU) constitutes a cooperative agreement between the Port of Tacoma (Port) and the Washington State Department of Ecology (Ecology). The MOU addresses the respective duties and responsibilities of these agencies for developing a diesel idle reduction program at the Port.

II. BACKGROUND

As part of the Northwest Ports Clean Air Strategy, Washington State's Port of Tacoma and Port of Seattle and British Columbia's Port Metro Vancouver are working collaboratively with the Department of Ecology and local clean air agencies to reduce maritime and port-related emissions that affect air quality and climate change in the Pacific Northwest. The purpose of the Strategy is to reduce diesel and greenhouse gas emissions in the region by achieving early reductions in advance of, and complimentary to, applicable regulations.

Effective December 14, 2009, the U.S. Environmental Protection Agency (EPA) designated the Wapato Hills – Puyallup River Area as nonattainment of National Ambient Air Quality Standards (NAAQS) for particulate matter less than 2.5 microns (PM_{2.5}). Using a public stakeholder process, Ecology and the Puget Sound Clean Air Agency must develop a State Implementation Plan demonstrating how the Wapato Hills – Puyallup River Area will attain and maintain the NAAQS for PM_{2.5}.

To reduce diesel emissions, Ecology and the Puget Sound Clean Air Agency have respectively developed the Washington State Clean Diesel Program and the Diesel Solutions Program. The combined effort of these agencies has installed 13,000 retrofit exhaust controls on 10,000 engines and idle reduction technologies on 100 engines.

The 2010 State Legislature provided the Department of Ecology a \$1,000,000 appropriation to reduce diesel particulate matter in Tacoma. This appropriation is contingent on Ecology working with the Port to establish a diesel idle reduction program at the Port of Tacoma. Ecology shall report to the Legislature by December 1, 2010, on the progress of the Port's diesel idle reduction program and other efforts to reduce diesel emissions in Tacoma.

III. AGENCY AUTHORITIES

The Port of Tacoma is an independent municipal corporation, classified as a special purpose district, which operates under Title 53 of the Revised Code of Washington (RCW). RCW 53.04.010 grants the Port of Tacoma functional control of terminal facilities within the district's harbor.

The Washington Clean Air Act (Chapter 70.94 RCW) designates the preservation, protection, and enhancement of air quality to the Department of Ecology. As mandated by the Federal Clean Air Act, Ecology's responsibilities include overseeing the state adoption and submittal of attainment and maintenance plans to the EPA. RCW 70.94.6542 grants Ecology the authority to adopt rules to implement its responsibilities.

IV. JURISDICTION

Nothing in this agreement alters, or seeks to alter, the existing statutory authority of any of the parties under state or federal law.

V. GENERAL RESPONSIBILITIES

All responsibilities for developing a diesel idle reduction program at the Port shall be consistent with the State's designated authorities and responsibilities for the Port and Ecology.

The Port and Ecology jointly recognize the environmental, health, and economic benefits for reducing toxic diesel emissions and greenhouse gas emissions. The Port and Ecology will collaborate to develop and implement a voluntary idle reduction program that reduces diesel engine idle time for vehicles and equipment that operate on Port property.

This MOU commits the Port and Ecology to the following:

- Develop a diesel idle reduction work-plan that includes goals, milestones, and annual progress reports.
- Seek federal, state, and local funding support to provide idle reduction technologies for publicly and privately owned diesel vehicles and equipment.
- Develop an idle reduction education program for vehicle and equipment owners, operators, and technician/mechanics.

Responsibilities for each individual agency are described in the following paragraphs.

Port of Tacoma

- The Port will develop and implement an idle reduction education program for equipment owners, operators, and technician/mechanics.
- As part of the Port's annual progress report for the Northwest Ports Clean Air Strategy, the Port will include a progress report on the Port's idle reduction program.

Department of Ecology

- Ecology will seek federal and state funding to establish and support an on-going idle reduction program at the Port.
- Ecology will manage a grant program that provides up to 100% of funding for idle reduction and electrification technologies on publicly owned diesel vehicles and equipment and up to 50% of funding for privately owned diesel vehicles and equipment.
- To help equipment owners identify the appropriate idle reduction and electrification technologies for their fleet operations, Ecology's grant program will provide up to 100% of funding for selected pilot projects on privately owned vehicles and equipment.

VI. INTERAGENCY TECHNICAL AND POLICY COMMITTEES

Each agency will provide staff to perform the specific duties defined in Section V. Formation of additional committees is not anticipated.

VII. COMMUNICATIONS AND RECORD KEEPING

The Port and Ecology each agree to jointly share all information related to this program. The Port will keep records for idle reduction activities at the Port.

VIII. DISPUTE RESOLUTION

Any and all disagreements unable to be resolved by the project lead staff of the Port and Ecology during the implementation of this MOU shall be referred to the respective agency directors (or their specific designees) for resolution by consensus.

IX. EFFECTIVE DATE, AMENDMENT AND TERMINATION OF AGREEMENT

This agreement becomes effective once signed and executed by both parties. The agreement may be amended at any time by written agreement executed by both parties. This agreement shall continue in effect through the life of the idle reduction program or December 31, 2017, whichever occurs first. It may be extended by written agreement.

This agreement may be unilaterally terminated by either of the parties with a written explanation of the reason(s) for such termination. Any such notification of termination shall be sent no less than 45 days in advance of such intended termination to the other party to this agreement. Once the Port and Ecology sign this MOU, both parties agree to honor the commitments outlined in this MOU.

X. WRITTEN COMMUNICATIONS

Written communications pursuant to the provisions of this agreement shall be delivered or mailed as follows to:

Port of Tacoma

Ms. Sue Mauermann
Acting Senior Director, Facilities Development
One Sitcum Plaza
Tacoma, WA 98421

Washington State

Department of Ecology

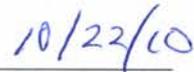
Mr. Stuart Clark
Air Quality Program Manager
P.O. Box 47600
Olympia, WA 98504

IN WITNESS WHEREOF, the parties have executed this agreement, which shall be effective immediately.

Port of Tacoma



Sue Mauermann
Acting Senior Director, Facilities Development

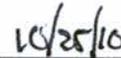


Date

Washington State Department of Ecology



Stuart Clark
Air Quality Program Manager



Date