

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 12.1
(ID # 18207)

MEETING DATE:
Tuesday, July 12, 2022

FROM : DEPARTMENT OF WASTE RESOURCES:

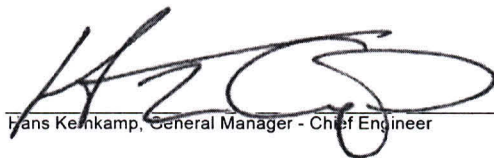
SUBJECT: DEPARTMENT OF WASTE RESOURCES: Approval of the First Amendment to the Amended and Restated Master Lease between the County of Riverside and Burrtec Waste Industries, Inc. District 4. [\$0 - Department of Waste Resources Enterprise Fund] (CEQA - Adopt the Addendum to the previously certified Environmental Impact Reports for Coachella Valley Compost)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt the Addendum to the previously certified Environmental Impact Report for Coachella Valley Compost (SCH No. 2013081021), based on the findings incorporated in the Addendum concluding that the proposed modifications to the facility do not cause new significant environmental impacts or increase the severity of previously identified impacts in the certified EIR;
2. Adopt the revised Mitigation Monitoring Program (MMP) for Coachella Valley Compost;
3. Approve the First Amendment to the Amended and Restated Master Lease (Agreement) for Coachella Valley Compost between the County of Riverside (County) and Burrtec Waste Industries, Inc. (Burrtec) and authorize the Chairman to execute the same on behalf of the County;

Continued on page 2

ACTION:Policy


Hans Keenkamp, General Manager - Chief Engineer

6/29/2022


Aaron Gettis, Deputy County Counsel

6/29/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington and Hewitt
Nays: None
Absent: Perez
Date: July 12, 2022
xc: Waste, Recorder

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

4. Approve the Memorandum of the Master Lease and authorize the Chairman to execute the same on behalf of the County;
5. Authorize the Department of Waste Resources (RCDWR) General Manager-Chief Engineer to execute other documents necessary to complete this transaction, subject to approval as to form by County Counsel;
6. Direct the Clerk of the Board to record the Memorandum of Master Lease with the County Recorder, and return the Memorandum of Master Lease to the RCDWR upon recordation; and
7. Direct the RCDWR to file the Notice of Determination with the County Clerk within five working days of approval by this Board.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Waste Resources Enterprise Funds			Budget Adjustment: No	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Coachella Valley Compost (CVC) is an active composting facility located on approximately 40 acres within the closed Coachella Landfill property, in an unincorporated area east of the City of Indio and immediately west of the northern limits of the City of Coachella. CVC is operated by Burrtec Waste Industries, through the First Amended and Restated Master Lease with the County.

CVC operates under Solid Waste Facility Permit (SWFP) No.33-AA-0292 and is currently permitted to process and compost a maximum of 785 tons per day (tpd) of organic material.

The current water system at the facility is undersized and requires frequent repairs. It provides water to both CVC and the Coachella Valley Transfer Station (CVTS), which is also located within the closed Coachella landfill property. To ensure an adequate and reliable supply of water for both CVC and CVTS, Burrtec has proposed the following improvements:

- Install a new water lines and pumps;
- Add a 264,000-gallon water tank.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

To accommodate the proposed water system improvements at CVC, a lease amendment is required that will increase the leased area by approximately 2 acres, from 39.8 acres to 41.8 acres. No changes to the permitted operation are proposed.

Prev. Agn. Ref.: M.O. 12.1 of 05/23/17

California Environmental Quality Act (CEQA) Findings

An Environmental Impact Report (EIR) (State Clearinghouse No. 2013081021) was prepared for the CVC Amended and Restated Master Lease and was certified by the Board of Supervisors on May 23, 2017.

For this Project, RCDWR and County Counsel determined that an Addendum to the EIR (AEIR) is the appropriate mechanism under CEQA. The AEIR was prepared in conformance with CEQA, California Code of Regulations (CCR) Section 15000 et. seq.

The AEIR evaluated the proposed changes to the CVC water system, including water line improvements, adding a water tank, and increasing the lease area by approximately 2 acres. In evaluating the Project, the AEIR included an updated biological resources assessment, line of sight analysis for aesthetics, and cultural report. While no new significant impacts or substantially more severe impacts were identified, the MMP was updated to reflect changes as identified in the AEIR.

Impact on Citizens and Businesses

The Project will assist in the efficient operation of CVC which allows the County and local jurisdictions to address the State's stringent rules and regulations regarding the disposal/recycling of organic waste. In addition, efficient operation of CVC will allow the facility to continue to provide citizens and businesses a safe, convenient, and environmentally friendly alternative for disposal of green/food waste and C&D material.

- ATTACHMENT A. First Amendment to the Amended and Restated Master Lease**
- ATTACHMENT B. Addendum to the Final EIR**
- ATTACHMENT C. Mitigation Monitoring Plan**
- ATTACHMENT D. Notice of Determination**
- ATTACHMENT E. Memorandum of Master Lease**



Jason Farin, Principal Management Analyst 7/6/2022

Recording Requested By and
When Recorded Return To:

Department of Waste Resources
14310 Frederick St
Moreno Valley, CA 92553

With a conformed copy to:

Burrtec Waste Industries
9890 Cherry Ave
Fontana, CA 92335

2022-0322303

07/20/2022 09:30 AM Fee: \$ 0.00

Page 1 of 4

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



3036

FREE RECORDING This instrument is for the benefit of
The County of Riverside, and is entitled to be recoded without fee.
(Govt. Code 6103)

(Space above this line reserved for Recorder's use)

MEMORANDUM OF MASTER LEASE

THIS MEMORANDUM OF MASTER LEASE ("Memorandum") dated as of July 12, 2022, is entered into by and between the County of Riverside, a political subdivision of the State of California, on behalf of its Department of Waste Resources, as Lessor ("COUNTY") and Burrtec Waste Industries, Inc., a California corporation, as Lessee ("LESSEE").

Recitals

A. WHEREAS, the COUNTY is the owner of certain real property located in an unincorporated area of Riverside County, with Assessor's Parcel Number 697-280-015, whereby a portion of which contains the closed Coachella landfill; a portion contains a transfer station, and a portion contains a compost operation ("the Compost Facility"); and

B. WHEREAS, the COUNTY and Agri Service, Inc, predecessor-in-interest to Burrtec Waste Industries, Inc, as LESSEE, entered into a lease agreement dated December 1, 2009 ("Original Master Lease") whereby the LESSEE leased approximately 35.27 acres of COUNTY owned real property ("Premises") for the purposes of developing and operating the Compost Facility; and

C. WHEREAS, on November 9, 2010, COUNTY consented to the Assignment dated October 27, 2010 by Agri Service, Inc., as Assignor, to Burrtec Waste Industries, Inc., as Assignee, of the Original Master Lease; and

D. WHEREAS, COUNTY and LESSEE entered into that certain Amended and Restated Master Lease Agreement dated May 23, 2017 ("MASTER LEASE") whereby the leased area in the Premises was increased to approximately 39.8 acres of COUNTY owned real property for the purposes of continued operation and development of the Compost Facility; and

E. COUNTY and LESSEE have amended the MASTER LEASE to provide for additional water system improvements that serve the Compost Facility and the Coachella Valley Transfer Station including an above ground water tank, piping and pumps, and to increase the acreage of real property leased within the Premises by approximately 2 acres, for a total leased area of 41.8 acres, as described in Exhibit A attached hereto; and

F. COUNTY and LESSEE desire to execute this Memorandum to provide constructive notice of LESSEE's rights under the MASTER LEASE to all third parties.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

Section 1. Term. COUNTY leases the Premises to LESSEE for a term of 15 years commencing on May 23, 2017 and ending on May 23, 2032. Upon completion of the 15 year term, the MASTER LEASE may be extended for a period of ten (10) years, upon mutual agreement of COUNTY and LESSEE.

Section 2. MASTER LEASE Terms. This lease of the Premises to LESSEE is pursuant to the MASTER LEASE, which is incorporated in this Memorandum by reference.

Section 3. Leasehold Deed of Trust. COUNTY agrees to allow LESSEE to obtain a loan for financing the remodeling and rehabilitation of the Premises secured by a leasehold deed of trust. COUNTY has agreed to give the beneficiary under this leasehold deed of trust notice of any default by LESSEE under the MASTER LEASE and the right to cure this default within 90 days of written notice to the beneficiary. COUNTY also agrees to recognize the purchaser of the leasehold interest at the foreclosure sale as the LESSEE under the MASTER LEASE, whether this purchaser is the beneficiary under the leasehold deed of trust or a third party.

Section 4. Assignment. LESSEE's rights and obligations under the MASTER LEASE shall not be assigned without COUNTY's prior written consent, and any assignment without this consent shall be void.

Section 5. Successors and Assigns. This Memorandum and the MASTER LEASE shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the MASTER LEASE on assignment.

Section 6. Governing Law. This Memorandum and the MASTER LEASE are governed by California law.

Section 7. Early termination or Expiration. LESSEE agrees to quitclaim its interest under the MASTER LEASE as amended to the COUNTY upon early termination or Expiration of the MASTER LEASE.

[SIGNATURES ON FOLLOWING PAGE]

Executed as of the date first written above.

COUNTY: County of Riverside, a political subdivision of the State of California

LESSEE: Burrtec Waste Industries, Inc.

By: 
Jeff Hewitt, Chairman

By: 
Name: Tracy Sweeney
Its: Vice President/Chief Operating Officer

ATTEST:
KECIA R. HARPER, Clerk

By: 
DEPUTY

FORM APPROVED COUNTY COUNSEL

BY:  6/29/2022
WESLEY W. STANFIELD DATE

**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 7/14/2022

Signature: Breanna Smith

Print Name: Breanna Smith, Board Assistant

**COUNTY OF RIVERSIDE
DEPARTMENT WASTE RESOURCES
NOTICE OF DETERMINATION**

TO:

X Office of Planning and Research (OPR)
1400 Tenth Street
Sacramento, CA 95814

X County Clerk
County of Riverside

FROM:

Riverside County
Department of Waste Resources
14310 Frederick Street
Moreno Valley, CA 92553

For County Clerk's Use Only:

COPY
Dept. to file

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: Coachella Valley Compost (CVC) First Amendment to the Amended and Restated Master Lease

State Clearinghouse (SCH) No.: 2013081021 **Contact:** Ryan Ross **Phone:** 951-486-3200

Project Applicant & Address: Burrtec Waste, 9890 Cherry Ave. Fontana, CA 92335

Property Owner & Address: Riverside County Department of Waste Resources
14310 Frederick Street, Moreno Valley, CA 92553


Project Location: CVC is located on the Coachella Landfill property in eastern Coachella Valley, east of City of Indio, immediately west of northern limits of City of Coachella, accessed off Interstate 10 at Dillon Road, north to Landfill Road, in an unincorporated area of Riverside County.

Summary of Project Description: The Project includes improvements to the existing Coachella Valley Compost (CVC) water system. Specifically, improvements to the CVC water system include: 1) disconnect/removal of a portion of the existing water lateral to allow for construction of a new water lateral and abandoning the remaining portion in place with a restrained end cap; 2) installing a 2-inch riser, elbow and 2-inch ball valve to match existing on-site hose connections; 3) installation of a duplex skid mounted booster pump; 4) construction of a 264,000 gallon water tank (approximately 18 feet high and 50 feet in diameter); 5) installation of an 8-foot high chain-link fence and 8-foot high by 12-foot wide gate; and 6) installation of 5,268 linear feet of new 12-inch pipeline adjacent and along the eastern perimeter to the existing Coachella Landfill. The booster pump would connect to existing water via an 8-inch pipe that extends east from Polk Avenue. The booster pump would connect to the water tank via new lines. The water tank would serve the existing Coachella Valley Transfer Station via approximately 5,268 linear feet of new 12-inch pipe to be installed adjacent and along the eastern perimeter to the existing Coachella Landfill. The Project also includes an amendment to the CVC Master Lease addressing the additional 2 acres required to accommodate the water line improvements, for a total leased area of 41.8 acres.

This is to advise that the Riverside County Board of Supervisors has approved the above-referenced project on July 12, 2022 and has made the following determinations regarding that project:

1. The Project will not have a significant effect on the environment.
2. An Addendum to the Coachella Valley Compost EIR (SCH No. 2013081021) was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the adopted environmental documents and record of project approval is available to the general public at: Riverside County Department of Waste Resources
14310 Frederick Street, Moreno Valley, CA 92553

Signature:  **Title:** Urban/Regional Planner IV **Date:** 7/12/2022
Kinika Hesterly

TO BE COMPLETED BY OPR

Date Received for Filing and
Posting at OPR:

JUL 1 2022 12:1

Mitigation Monitoring Program

Background

This Mitigation Monitoring Program (MMP) has been prepared to comply with Section 21081.6 of the California Environmental Quality Act (CEQA). Section 21081.6 requires that public agencies adopt a monitoring program for measures that are required to mitigate or avoid significant effects to the environment from the project.

The MMP serves three functions:

1. Assures completion of mitigation measures during project implementation.
2. Provides feedback to designated agencies and decision makers regarding the effectiveness of the mitigation measures.
3. Identifies the need for enforcement action before irreversible environmental damage occurs.

In the event it is determined that a mitigation measure is not effective or feasible, the MMP can be amended on an as-needed basis to incorporate additional or revised measures that the decision makers or agencies adopt.

Format of the Program

The MMP includes the following information:

Mitigation Measure: Identifies project-specific mitigation measures described in the Environmental Impact Report (EIR) SCH # 2013081021

Mitigation measures are grouped under the environmental impact areas, which are represented by the following "Impact Codes":

AQ	=	Air Quality
BIO	=	Biological Resources
CR	=	Cultural Resources
GEO	=	Geology and Soils
HAZ	=	Hazards and Hazardous Waste

HWQ	=	Hydrology and Water
LU	=	Land Use and Planning
N	=	Noise
TRANS	=	Transportation and Circulation
USS	=	Utility and Service Systems

Implementation Responsibility: Identifies the agency or party responsible for implementing the identified mitigation measures. In the case of this project, implementation of most of the mitigation measures included in the MMP are the responsibility of Burrtec Waste Industries, Inc. (Burrtec), the operator of Coachella Valley Compost (CVC).

Monitoring Timeframe: Indicates the timeframe in which the mitigation measure should be performed or completed.

Enforcement Authorities: Designates the agency/agencies responsible for overseeing and/or monitoring the implementation of the mitigation measure(s) included in the MMP. In the case of this project, monitoring responsibilities are shared among various local, state, and federal agencies. These agencies have oversight capability to ensure compliance by Burrtec.

The following abbreviations and acronyms are used in this MMP:

FM:	Riverside County Department of Facilities Management (FM)
CAL/OSHA:	California Occupational Safety and Health Administration
CDFW:	California Department of Fish & Wildlife
CEQA:	California Environmental Quality Act
CRWQCB:	Colorado River Water Quality Control Board
CVCC:	Coachella Valley Conservation Committee
CVC:	Coachella Valley Compost
HAZMAT:	Hazardous Materials Division of the Environmental Health Department
HHW:	Household Hazardous Waste
LEA:	Local Enforcement Agency of the Environmental Health Department

MBTA:	Migratory Birds Treaty Act
OWTS:	Onsite Wastewater Treatment System
RCFC:	Riverside County Flood Control and Water Conservation District
RCFD:	Riverside County Fire Department
RCTD:	Riverside County Transportation Department
RCDWR:	Riverside County Department of Waste Resources
SAA:	Streambed Alteration Agreement
SCAQMD:	South Coast Air Quality Management District
TUMF:	Transportation Uniform Mitigation Fee
USEPA:	United States Environmental Protection Agency
USFWS:	United States Fish and Wildlife Service

Mitigation Measures and Monitoring

AIR QUALITY

Mitigation Measures:

- AQ-1 During construction, no more than 5 acres per day shall be disturbed for site preparation and grading activities.
- AQ-2 The following standard conditions shall be implemented during construction of the CVC facility; these are required by SCAQMD as part of standard practice related to the generation and control of fugitive dust and VOCs:
- Rule 403 governs emissions of fugitive dust during construction and operational activities and requires that no person shall cause or allow the emissions of fugitive dust such that dust remains visible in the atmosphere beyond the property line or the dust emission exceeds 20 percent opacity, if the dust is from the operation of a motorized vehicle. Compliance with this rule is achieved through application of standard Best Available Control Measures (BACM), which include but are not limited to the measures below. Compliance with these rules would reduce local air quality impacts to nearby sensitive receptors.
 - Utilize either a pad of washed gravel 50 feet long, 100 feet of paved surface, a wheel shaker, or a wheel washing device to remove material from vehicle tires and undercarriages before leaving project site.
 - Do not allow any track out of material to extend more than 25 feet onto a public roadway and remove all track out at the end of each workday.
 - Restrict traffic speeds on all unpaved roads to 15 miles per hour or less.
 - The facility operator shall prepare a Fugitive Dust Control Plan for project construction and operations.
 - The facility operator shall conduct on-site wind monitoring during project construction and operations to suspend or curtail all grading and/or organic materials management activities when wind speeds exceed 25 miles per hour.
 - The facility operator shall conduct watering as necessary to prevent visible emissions and/or apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive areas.
 - Rule 1108 governs the sale, use, and manufacturing of asphalt and limits the volatile organic compounds (VOC) content in asphalt used in the Basin. This rule would regulate the VOC content of asphalt used during

construction. Therefore, all asphalt used during construction of the proposed project must comply with SCAQMD Rule 1108.

- Rule 1113 governs the sale, use, and manufacturing of architectural coatings and limits the VOC content in sealers, coatings, paints and solvents. This rule regulates the VOC contents of paints available during construction. Therefore, all paints and solvents used during construction and operation of the proposed project must comply with SCAQMD Rule 1113.

AQ-3 The standard conditions will apply to the operation of the CVC facility and were included in the assumptions used in the CalEEMod model to evaluate the project's construction emissions.

The following SCAQMD Rules governing the operation of compost facilities applies:

Rule 203 – Permit to Operate

Rule 1133 – Composting General Administrative Requirements

Rule 1133.1 – Chipping and Grinding Activities

Rule 1133.2 – Emissions Reductions from Co-Composting Operations

Rule 1133.3 – Emissions Reductions from Greenwaste Composting Operations

Rule 1157 – PM10 Emissions Reductions from Aggregate Operations

Rule 1193 – Clean On-Road Residential and Commercial Refuse Collection Vehicles

The following CARB Rules governing the operation of compost facilities applies:

- CARB Regulations for In-Use Off-Road Diesel Vehicles
- CARB Resolution 08-43 for On-Road Diesel Truck Fleets
- California Code of Regulations (CCR), Title 14, Chapter 3.1 Materials Odors
- California Code of Regulations (CCR) Title 24, Part 6
- California Code of Regulations (CCR) Title 24, Part 11

AQ-4 To ensure that expansion activities as discussed in the 2017 EIR do not overlap with the proposed development of the pipeline and water tank, the Project Proponent shall submit a Construction Phasing Plan to the County of Riverside for review and approval. The Construction Phasing Plan shall include a list of all proposed activities approved in the 2017 EIR in addition to the requested activities proposed within this Addendum and shall include list of permits associated with each activity if applicable. Prior to the issuance of grading

permits, the County shall check the construction schedule to ensure construction phasing does not overlap. Prior to issuance of subsequent permits, activities for the previous permit shall be deemed complete via a site inspection.

Agency/Individual Responsible for Implementation: Burrtec

Timing: AQ-1: During grading activities.
AQ-2: During construction and grading activities.
AQ-3: During ongoing operation of the CVC.
AQ-4: Prior to issuance of grading permit.

Monitoring: Burrtec, LEA, SCAQMD, and RCDWR

BIOLOGICAL RESOURCES**Mitigation Measures:****CVMSHCP Fee**

BIO-1 Prior to ground disturbance associated with the expansion of the CVC site, to comply with the Coachella Valley Conservation Commissions requirement for payment of a Development Impact Fee, the site operator shall pay the Multiple Species Plan Fee of \$5,911 per acre for the 6.53 acre expansion area (4.53 acres under 2017 EIR and additional 2 acres for water line improvements); for a total of \$38,598.83; or the fee in effect at the time of initial site disturbance.

Desert Tortoise

BIO-2 Prior to the commencement of any new site disturbance associated with the expansion of the CVC site, including any disturbance along the shoulders of Dillon Road where the applicant will be responsible for widening the road to accommodate a southbound acceleration lane and to lengthen the existing northbound deceleration lane, a qualified biologist shall conduct a pre-construction desert tortoise survey in accordance with established protocol. If desert tortoises are found, the operator shall notify the USFWS 45 days prior to the issuance of any grading permit to allow USFWS to salvage adult tortoises. If USFWS is not able to salvage desert tortoise, the operator shall have the qualified biologist salvage desert tortoise per current USFWS desert tortoise clearance survey protocol. New disturbance associated with the expansion of the CVC facility shall not occur until the tortoises are salvaged.

BIO-3 An educational course will be required for construction personnel. The course should be given by a qualified desert tortoise biologist and be approved for use by USFWS and the CDFW. The course shall be given prior to the start of any new ground disturbance associated with the proposed project. At a minimum, the course must cover the following:

- General behavior and ecology of the tortoise
- Distribution of the desert tortoise
- Sensitivity to human activities
- Status of the desert tortoise under state and federal endangered species acts
- Basis for protection requirements and the need to avoid harming desert tortoises
- Restrictions and guidelines that must be followed by all construction personnel
- Penalties and fines for harming desert tortoises
- Reporting requirements
- Project protective mitigation measures

- BIO-4 If a desert tortoise wanders onto the site, all construction shall be halted in the vicinity of the animal until the animal leaves. The site operator shall contact an authorized biologist (listed in the site's Business Plan/Emergency Contingency Plan) who will come on-site and assess the situation. If the animal appears to be leaving the site, no further action will be necessary.
- BIO-5 If an animal takes up residence, then additional measures must include either fencing and avoidance of the burrow site out to 300 feet, or relocation of the animal by an authorized biologist. Relocation will require a take permit from USFWS and CDFW and the implementation of standard measures to protect the animal as determined during consultation with the agencies.

Burrowing Owl

- BIO-6 Occupied burrows shall not be disturbed by development in the expansion areas, during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied burrows are foraging independently and are capable of independent survival. If the biologist is not able to verify one of the above conditions, then no disturbance shall occur within 500 meters of the burrowing owl's nest during the breeding season so as to avoid abandonment of the young.
- BIO-7 Compensation for the loss of burrowing owl burrows and foraging habitat has changed. As of 2012, CDFW has determined that mitigation for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat is such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information gathered for each project. Because these factors will not be known until the survey takes place, if none are found within the project area, the compensation listed herein will not have to occur. If the survey determines birds occupy the area, compensation will have to be arranged.

At a minimum, CDFW requires that mitigation for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat requires:

- Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and nonbreeding seasons) comparable to or better than that of the impact area.

- Sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are located adjacent to the impacted burrow site, ensure the nearest neighbor artificial or natural burrow clusters are at least within 210 meters.
- The operator shall prepare a Burrowing Owl Mitigation and Monitoring Plan according to the CDFW *2012 Staff Report on Burrowing Owl Mitigation* and submit it to CDFW if owls will be significantly impacted by the project. Note: A Burrowing Owl Mitigation and Monitoring Plan will not be required if a survey determines no burrows are present that will be impacted. The Burrowing Owl Mitigation and Monitoring Plan shall be developed to describe the proposed relocation site and follow-up monitoring. The plan shall include the number and location of any occupied burrow sites and details on adjacent or nearby suitable habitat available to the owls for relocation.

BIO-8 Prior to ground disturbance, a qualified biologist shall consult with the project engineer to determine whether individual cholla will be affected by project construction. Any individuals identified within the area of disturbance shall be flagged, and if necessary, removed and relocated to another location on-site, or transported to a plant nursery.

Desert Native Plants

BIO-9 Prior to ground disturbance near individual cholla, the operator shall obtain a permit from the Riverside County Agricultural Commission to remove and relocate any individuals that may be in harm's way during construction of the CVC site improvements.

Waters of the State

BIO-10 The project proponent shall notify the CDFW and Colorado River RWQCB of proposed impacts to 0.39-acres of jurisdictional waters as described in the report entitled *Jurisdictional Delineation for the Coachella Valley Compost Expansion*, prepared by Lilburn Corporation, September 2013. CDFW will be notified per the Streambed Alteration Agreement application and RWQCB through the Clean Water Act Section 401 notification.

BIO-11 The project proponent shall submit a copy of the report entitled *Jurisdictional Delineation for the Coachella Valley Compost Expansion*, prepared by Lilburn

Corporation, September 2013, to the ACOE for concurrence that the proposed project will not result in impacts to waters of the United States.

- BIO-12 Construction activities should be scheduled to occur during dry periods, when rain is not forecast to occur for an extended period of time.
- BIO-13 The project contractor shall be responsible for implementing erosion and sediment control best management practices as established in the project's storm water pollution and prevention program (SWPPP).
- BIO-14 All litter shall be removed from the construction area and disposed of in an appropriate manner at the end of each construction day to ensure that no litter enters jurisdictional waters.
- BIO-15 No project construction vehicles shall be stored within the limits of the jurisdictional waters.
- BIO-16 The project boundaries shall be flagged and defined to avoid impact outside of the designated construction area. No impacts to jurisdictional areas will be allowed outside of the permitted project area.
- BIO-17 To avoid potential impacts to the drainage on the southern edge of the facility, the limits of the compost/organic waste operations area shall be visually marked. Facility operations shall be limited to the defined work area; no waste or litter shall be allowed into the drainage. The project contractor is required to follow the best management practices as established in the project's storm water pollution and prevention program (SWPPP).
- BIO-18 In the event construction cannot take place outside the nesting bird season (generally March 15th to September 15th), a nesting bird survey shall be required prior to any construction activities to avoid potentially taking any birds or active nests. A project-specific Nesting Bird Management Plan shall be prepared to determine suitable buffers. In addition, the operator shall conduct worker awareness training.

Agency/Individual Responsible for Implementation: Burrtec

- Timing:**
- BIO-1: Prior to ground disturbance activities.
 - BIO-2: Prior to ground disturbance activities.
 - BIO-3: Prior to ground disturbance activities.
 - BIO-4: During construction and grading activities.

BIO-5: During construction and grading activities.

BIO-6: Prior to ground disturbance activities.

BIO-7: Prior to issuance of grading permits.

BIO-8: Prior to ground disturbance activities.

BIO-9: Prior to ground disturbance activities.

BIO-10: Prior to issuance of grading permits.

BIO-11: Prior to issuance of grading permits.

BIO-12: During construction and grading activities.

BIO-13: During construction and grading activities.

BIO-14: During construction and grading activities.

BIO-15: During construction and grading activities.

BIO-16: Prior to ground disturbance activities.

BIO-17: Prior to ground disturbance activities for: visual marking of the drainage on the southern edge of the facility and the limits of the compost/organic waste operations.

During construction and grading activities for: no waste or litter allowed into the drainage. Project contractor to follow best management practices from project's SWPPP.

BIO-18: In the event construction occurs during nesting season (generally March 15th to September 15th)

Monitoring: Burrtec, USFWS, CDFW, CRWQCB, and RCDWR

CULTURAL RESOURCES**Mitigation Measures:**

CR-1 A Native American monitor shall be present on site during grading and/or excavation of new infrastructure such as new water quality basins, placement of new poles for the conveyance of electricity to the composting area, the proposed drainage improvements at the entrance to the site at Landfill Road, and where widening may occur on Dillon Road as a result of proposed road improvements to provide acceleration and deceleration lanes.

In addition, if subsurface cultural resources are encountered during any excavation, or if evidence of an archaeological site or other suspected historic resources are encountered, all ground disturbing activity will cease within 100 feet of the resource. A qualified archaeologist will be retained by the operator to assess the find, and to determine whether the resource requires further study. Potentially significant cultural resources could consist of, but are not limited to, stone, bone, fossils, wood or shell artifacts or features, including structural remains, historic dumpsites, hearths and middens. Midden features are characterized by darkened soil, and could conceal material remains, including worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials and special attention should always be paid to uncharacteristic soil color changes. Any previously undiscovered resources found during construction should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated by a qualified archaeologist retained by the County/applicant subject to County approval and concurrence for significance under all applicable regulatory criteria.

CR-2 No further grading will occur in the area of the discovery until the County (CEQA Lead Agency) approves the measures to protect the resources. Any archaeological artifacts recovered as a result of mitigation will be donated to a qualified scientific institution approved by the County (CEQA Lead Agency) where they would be afforded long-term preservation to allow future scientific study.

CR-3 In the event of an accidental discovery or recognition of any human remains, PRC Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner

is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

- Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission,
 - The descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

CR-4 Paleontological Monitoring Program. Excavations in areas identified as likely to contain paleontologic resources shall be monitored by a qualified paleontological monitor, under a paleontological monitoring program approved by the County of Riverside prior to commencement of any ground disturbance. The program shall consist of, but not be limited to the following elements:

- a. The paleontological monitor shall be prepared to quickly salvage fossils, if they are unearthed, to avoid construction delays, but must have the power to temporarily halt or divert construction equipment to allow for removal of abundant or large specimens.
- b. If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.
- c. All site earthmoving shall cease in the area where fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.
- d. The owner of the property shall be immediately notified of the fossil discovery who will in turn immediately notify the County Geologist of the discovery.

- e. Samples of sediments should be collected and washed to recover small invertebrate and vertebrate fossils.
- f. The paleontologist shall determine the significance of the encountered fossil remains.
- g. Paleontological monitoring of earthmoving activities shall continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The supervising paleontologist shall have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.
- h. A report of findings, including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared upon completion of the steps outlined above. The report and inventory, when submitted to the County of Riverside, would signify completion of the program to mitigate impacts on paleontologic resources.

CR-5 Disposition of recovered paleontological resources.

- a. Recovered specimens shall be identified and curated at a repository with permanent retrievable storage that would allow for further research in the future.
- b. Any recovered fossil remains shall be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then shall be curated (assigned and labeled with museum repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data shall be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. Note: Per the County of Riverside "SABER Policy", paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.
- c. The remains shall then be accessioned into the museum repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators.

CR-6 The property owner and/or operator on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

Agency/Individual Responsible for Implementation: Burrtec

Timing: CR-1: During construction and grading activities.
CR-2: During construction and grading activities.
CR-3: During construction and grading activities.
CR-4: During construction and grading activities.
CR-5: During construction and grading activities.
CR-6: During construction and grading activities.

Monitoring: Burrtec, County Coroner, NAHC and RCDWR

GEOLOGY AND SOILS**Mitigation Measures:**

- GEO-1 Building design shall comply with the latest edition of the California Building Code for Site Class D using the seismic coefficients provided in Section 3.4 of the Geotechnical Report prepared for the CVC Expansion Project by LandMark Consultants, Inc., dated January 2013.
- GEO-2 Prior to construction of any habitable structures at the project site, a professional geologist shall review the site plans and determine the optimum location of the scalehouse/office, employee breakroom, maintenance building, and any other habitable structures to ensure that no such structures are constructed within the earthquake fault zone that impacts a portion of the larger county Public Facilities site.
- GEO-3 The operator shall update the CVC SWPPP to include construction and operation of activities in the lease boundary expansion area, the new composting/processing expansion area, and the improvements to the site entrance at Landfill Road and the low water crossing, and shall describe the potential sources of pollutants and the means to manage any identified sources to reduce storm water pollution. The SWPPP shall identify a suite of minimum BMP's, including but not limited to, good housekeeping practices, employee training, etc. The operator shall file a Notice of Intent with the SWQCB and have a copy of the SWPPP and WDID issued by the SWQCB on file at the scalehouse/office.
- GEO-4 The operator shall update the existing CVC Fugitive Dust Control Plan to include the additional lease area and new site elements such as the expansion area for the C&D sorting/processing, and the compost windrow expansion area.
- GEO-5 A percolation test has been performed at the CVC site that determined that the site is suitable for the development of an on-site wastewater treatment system for the scalehouse/office and employee breakroom. Based on the results of the percolation test, and prior to the development of any habitable structures at the CVC site, the operator shall have an On-site Wastewater Treatment (OSWT) Report prepared by a qualified professional such as a grading engineer with expertise in designing such systems or other qualified professional such as a registered civil engineer, registered engineering geologist, or registered environmental health specialist. The report shall describe how the OSWT will be installed/constructed, how sewage will be discharged or disposed of, and how the OSWT will be maintained. The OSWT Report shall be submitted

for review and approval of the Riverside County Director of Environmental Health or his designated representative.

Agency/Individual Responsible for Implementation: Burrtec

Timing: GEO-1: Prior to Building Permit Issuance.
GEO-2: Prior to Building Permit Issuance.
GEO-3: Prior to Grading Permit Issuance.
GEO-4: Prior to Grading Permit Issuance.
GEO-5: Prior to Building Permit Issuance.

Monitoring: Burrtec, FM, and RCDWR

HAZARDS AND HAZARDOUS WASTE**Mitigation Measure:**

- HAZ-1 Handling, storage, and removal of hazardous waste at the facility site must be conducted in compliance with all applicable state laws and regulations. Therefore, prior to acceptance of any additional feedstock or increase in the amount of feedstock accepted at the site, the operator shall update the site's environmental plans and programs including but not limited to: (1) Hazardous Waste Load Checking Program; (2) Solid Waste Facility Permit; (3) Report of Composting Site Information; (4) Spill Prevention and Counter Measure Plan; (5) Emergency Response Plan; and others, to the satisfaction of the LEA and other agencies with regulatory authority over the CVC facility, including the Riverside County Department of Waste Resources, Riverside County Department of Environmental Health Hazardous Materials Division, and the Riverside County Fire Code Official.
- HAZ-2 Load checked hazardous waste storage containers housed in the daily greenwaste tipping areas on the active composting pad will be moved to the designated hazardous waste storage area at the end of an operation day for secured overnight storage. HHW temporarily stored at load check points throughout the facility must also be moved to a secure hazardous waste storage area at the end of each business day.
- HAZ-3 Prior to the expansion of the facility or increase in the amount of feedstock or vehicles entering the site, the Emergency Response Plan shall be updated to include the additional activities in the expansion areas, the location of all fire hydrants and standpipes, and any other pertinent information. The Emergency Response Plan shall be submitted to the Riverside County Department of Waste Resources, the Riverside County Department of Environmental Health Hazardous Materials Division, and the Riverside County Fire Code Official, for review and approval.

Agency/Individual Responsible for Implementation: Burrtec

Timing: HAZ-1: Prior to Construction Building Permit Final

HAZ-2: During ongoing operation of the CVC.

HAZ-3: Prior to Building Permit Issuance.

Monitoring: Burrtec, LEA, FM, RCDWR and Riverside County Fire Code Official

HYDROLOGY AND WATER**Mitigation Measure:**

HWQ-1 During construction of the (1) entrance and drainage improvements; (2) low water crossing; and (3) new development in the composting/processing area, the operator shall implement and comply with the following BMPs, or similar BMPs designed to accomplish the same purpose:

- Good housekeeping: measures to maintain clean and pollution free work areas include designated vehicle parking away from the construction area, trash bins provided in the construction area; designated worker policing of the construction area at the end of each work day, etc.
- Preventive maintenance: measures taken to minimize, or eliminate, environmental exposure to pollutants during routine equipment and facilities maintenance. A dedicated location for the maintenance of equipment and vehicle maintenance shall be identified for each construction area and construction workers shall be informed of the location.
- Storm water management practices: in advance of any construction activities where stormwater erosion/sediment control is necessary, identify potential storm water issues and provide BMPs such as hay bales, temporary diversion dams, or sediment control wattles to filter sediment and control erosion.
- Training: the operator shall identify employees who will be trained to identify stormwater issues and be responsible for stormwater pollution management and monitoring.
- Inspections: measurement taken by qualified employees to maximize effectiveness of stormwater BMPs include daily inspection of the construction site.

HWQ-2 The operator shall update the CVC Storm Water Pollution Prevention Plans to include construction and operation of activities in the lease boundary expansion area, the new composting/processing expansion area, and the improvements to the site entrance at Landfill Road and the low water crossing, and shall describe the potential sources of pollutants and the means to manage any identified sources to reduce stormwater pollution. The SWPPP shall identify a suite of minimum BMPs, including but not limited to, good housekeeping practices, employee training, etc. The operator shall file a Notice of Intent with the State Water Quality Control Board and have a copy of the Storm Water Prevention Plans and Water Discharge Identification (WDID) issued by the State Water Quality Control Board on file at the scalehouse/office.

Agency/Individual Responsible for Implementation: Burrtec

Timing: HWQ-1: During Grading and Construction activities
HWQ-2: Prior to Grading Permit Issuance

Monitoring: Burrtec, FM and RCDWR

LAND USE AND PLANNING

Mitigation Measure:

LU-1 Prior to the issuance of grading permits, the operator shall pay appropriate fees for the area of disturbance. The acreage subject to fees shall be based on the increase in leased land of 6.53 acres. Fees associated with the project are TUMF and MSHCP fees.

Agency/Individual Responsible for Implementation: Burrtec

Timing: Prior to the issuance of grading permits.

Monitoring: Burrtec, CVCC, FM and RCDWR

NOISE

Mitigation Measure:

NOI-1 As part of the revised SWFP and RCSI to be approved by the LEA, the hours of site operation shall clearly state that no C&D sorting that involves crushing shall take place between the hours of 10:00 PM and 7:00 AM.

Agency/Individual Responsible for Implementation: Burrtec

Timing: During ongoing operation of the CVC.

Monitoring: Burrtec, LEA and RCDWR

PUBLIC SERVICES

Mitigation Measure:

PS-1 Prior to the expansion of the facility or increase in the amount of feedstock or vehicles entering the site, the Emergency Response Plan shall be updated to include the additional activities in the expansion areas, the location of all fire hydrants and standpipes, and other relevant, and any other pertinent information. The Emergency Response Plan shall be submitted to the Riverside County Department of Waste Resources, Riverside County Department of Environmental Health Hazardous Materials Division, and the Riverside County Fire Code Official and Local Enforcement Agency (LEA) for review and approval.

Agency/Individual Responsible for Implementation: Burrtec

Timing: During ongoing operation of the CVC.

Monitoring: Burrtec, LEA, FM, RCDWR and Riverside County Fire Code Official

TRANSPORTATION / CIRCULATION**Mitigation Measure:**

- TRANS-1 During construction of the on-site improvements, the operator shall construct the following off- site improvements:
- (1) Install a southbound left turn lane on Dillon Road for transition to eastbound Landfill Road;
 - (2) Lengthen the existing northbound right turn lane taper from Dillon Road to Landfill Road to allow for a greater deceleration length prior to storage length of the right turn land for Dillon Road which has a posted speed limit of 55 miles per hour; and
 - (3) A southbound bypass lane for through vehicles shall be constructed with the warranted southbound left turn lane to accommodate a southbound left turn deceleration and storage lane and westbound left turn (from Landfill Road) acceleration lane on Dillon Road. North of the intersection, the southbound bypass lane shall be a minimum of 1,180 feet including a minimum approach-taper of 660 foot (speed x lane width), a minimum storage of 150 feet and a minimum deceleration lane of 370 feet. South of the intersection, the bypass lane should be a minimum of 1,350 feet including an acceleration lane of 750 feet, and a minimum merge taper of 600 feet (50:1). A side road ahead warning sign (W2-2) shall be placed on the north and south approaches.
- TRANS-2 Prior to issuance of occupancy permits for the new buildings on-site, the operator shall pay applicable TUMF fees to the County of Riverside Department of Waste Resources (DWR), in accordance with the latest fee schedule in effect, pursuant to Ordinance No. 673. DWR shall be responsible for transmitting the fees to CVAG to be placed in the Coachella Valley Transportation Mitigation Trust Fund.
- TRANS-3 Sight distance at the project access roadway to Landfill Road shall be reviewed with respect to standard California Department of Transportation/County of Riverside sight distance standards at the time of preparation of final grading, landscaping, and street improvement plans.
- TRANS-4 The following measures shall be implemented as part of the proposed improvements in order to provide a safe working environment at the CVC site:
- The operator shall provide sufficient parking spaces to meet County of Riverside parking code requirements in order to service on-site parking demand;

- Circulation within the project site shall allow relatively free flow of vehicular traffic with no constrictions;
- Adequate transfer truck turning radii shall be provided on-site; and
- On-site traffic signing/stripping shall be implemented in conjunction with detailed construction plans for the project site.

TRANS-5 The operator of CVC shall coordinate with the County of Riverside and cities of Coachella and Indio, and pay a fair share of the maintenance cost, in order to ensure that Dillon Road is improved and maintained as the CVC project and other cumulative projects that would take access from Dillon Road, are developed.

Agency/Individual Responsible for Implementation: Burrtec

Timing: TRANS-1: Prior to issuance of final grading and street improvement plans.

TRANS-2: Prior to occupancy of the relocated scalehouse.

TRANS-3: On-going during operation.

TRANS-4: Prior to occupancy of the relocated scalehouse.

TRANS-5: Within one year of certification of the EIR, the operator shall establish a mechanism providing a fair share for road maintenance as approved by the County of Riverside and the cities of Coachella and Indio.

Monitoring: Burrtec, RCDWR, City of Indio, City of Coachella

UTILITY AND SERVICE SYSTEMS**Mitigation Measure:**

- USS-1 The operator shall coordinate with the LEA to identify additional acceptable alternative liquid supplies to supplement the use of potable water at the site.
- USS-2 Prior to the issuance of building permits for the on-site employee break facility, the project proponent shall submit a Land Use Application that includes an Onsite Wastewater Treatment System (OWTS) Report outlining the testing conducted at the site and the design of the system, for review and approval by the Riverside County Department of Environmental Health.
- USS-3 Prior to the issuance of building permits for the on-site employee break facility, the project proponent shall submit for review and approval a Report of Waste Discharge (ROWD) and an Engineering Report in support of the ROWD, detailing the proposed discharge of wastes and method of treatment and disposal for the proposed project to the Regional Water Quality Control Board, Colorado River Basin.
- USS-4 The CVC operator shall ensure proper maintenance of the drainage facilities such as periodically cleaning out debris that may be carried into the basin at the entrance to the facility to avoid runoff impacts to Landfill Road. Maintenance of the drainage facilities will be in accordance with the Best Management Practices set forth in the approved SWPPP.

Agency/Individual Responsible for Implementation: Burrtec

Timing: USS-1: Prior to development of the on-site employee break facility.

USS-2: Prior to development of the on-site employee break facility.

USS-3: During on-going operation of the CVC.

Monitoring: Burrtec, LEA, and RCDWR

**FIRST AMENDMENT TO AMENDED AND RESTATED
MASTER LEASE**

This First Amendment to Amended and Restated Master Lease (the "AMENDMENT") is entered into July 12, 2022, by and between the County of Riverside, a political subdivision of the State of California, on behalf of its Department of Waste Resources, as Lessor ("COUNTY") and Burrtec Waste Industries, Inc., a California corporation, as Lessee ("LESSEE").

RECITALS

WHEREAS, the County and Lessee previously entered into that certain Amended and Restated Master Lease Agreement effective as of May 23, 2017, for the development and operation of a compost facility (the "MASTER LEASE"); and,

WHEREAS, the compost facility addressed in the MASTER LEASE provides an integral public service and benefit by providing an outlet for organic material thereby assisting local jurisdictions with multiple State and local organic diversion mandates, goals and policies, including but not limited to Assembly Bill (AB) 939 California Integrated Waste Management Act, AB 1826 Mandatory Organics Recycling, AB 32 Global Warming Solutions Act, and Senate Bill 1383 Short-Lived Climate Pollutants; and,

WHEREAS, the County and Lessee desire to amend the Master Lease to provide for additional water system improvements that serve the Facility and the Coachella Valley Transfer Station including an above ground water tank, piping and pumps, and to increase the acreage of real property leased to accommodate such additional improvements.

WHEREAS, Lessee's interest in the Master Lease is no longer encumbered by means of a leasehold encumbrance in favor of any lender.

NOW, THEREFORE, in consideration of the promises above stated and the terms, conditions, covenants, and agreements contained herein, the Parties do hereby agree as follows:

1. AMENDMENT TO SECTION 1.

Section 1 of the MASTER LEASE is hereby amended such that the Premises shall include the additional real property containing two (2) acres, more less, as described in Exhibit A attached hereto, for a total leased area of 41.80 acres.

2. AMENDMENT TO SECTION 32(g).

The last sentence of Section 32(g) of the Master Lease is amended to read as follows:

"No provision of this MASTER LEASE may be amended or varied except by an agreement in writing signed by the parties hereto or their respective successors."

JUL 12 2022 12.1

3. OTHER TERMS AND CONDITIONS UNCHANGED.

Unless defined herein or the context requires otherwise, all capitalized terms herein shall have the meaning defined in the Lease, as heretofore amended. Except as expressly amended by this Amendment, all other terms and conditions of the Master Lease shall remain unchanged and remain in full force and effect. In the event of any conflict between the terms and conditions of this Amendment and the terms and conditions of the Master Lease and/or any previous amendment thereto, the terms and conditions of this Amendment shall prevail and control. Subject to the provisions of the Lease as to assignment, the agreements, conditions and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto. If any provisions of this Amendment or the Lease shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease and all such other provisions shall remain in full force and effect. The language in all parts of the Lease shall be construed according to its normal and usual meaning and not strictly for or against either Lessor or Lessee. Neither this Amendment, nor the Original Lease, nor any notice nor memorandum regarding the terms hereof, shall be recorded by Lessee.

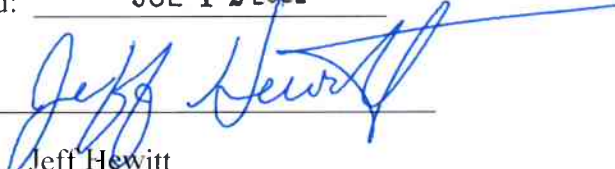
4. COUNTERPARTS.

This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.


[Signature page follows]

IN WITNESS WHEREOF, this Amendment has been executed and is effective on the date the Board of Supervisors takes action on it.

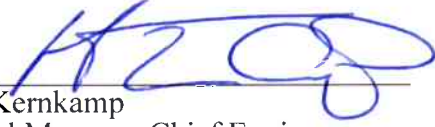
COUNTY:
COUNTY OF RIVERSIDE, ON BEHALF
OF DEPARTMENT OF WASTE RESOURCES,
a political subdivision of the State of California

Dated: JUL 12 2022
By: 
Jeff Hewitt
Chairman, Board of Supervisors

LESSEE:
BURRTEC WASTE INDUSTRIES, INC
a California corporation

Dated: 6/21/22
By: 
Name: Tracy Sweeney
Its: Vice President/COO

RECOMMENDED FOR APPROVAL:

By: 
Hans Kernkamp
General Manager-Chief Engineer

ATTEST:
Kecia R. Harper
Clerk of the Board

By: 
Deputy

(Seal)

APPROVED AS TO FORM:
County Counsel

By: 
Wesley W. Stanfield
Deputy County Counsel

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
WATER EASEMENT

THENCE SOUTH 74°20'27" WEST 62.61 FEET TO A POINT ON THE GENERAL EASTERLY LINE OF THAT LEASE AREA DEDICATED TO COACHELLA VALLEY COMPOST RECORDED MAY 11, 2017, ALSO BEING THE **POINT OF TERMINUS**.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN STRIP NO. 1.

CONTAINING 1,431 SQUARE FEET (0.033 ACRES), MORE OR LESS.

STRIP NO. 3 (10.00 FEET WIDE)

BEGINNING AT THE HEREINABOVE DESCRIBED POINT 'A', THENCE NORTH 90°00'00" EAST 100.66 FEET;
THENCE NORTH 68°24'51" EAST 138.51 FEET;
THENCE NORTH 90°00'00" EAST 108.08 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'B', ALSO BEING THE **POINT OF TERMINUS**.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN STRIP NO. 1.

CONTAINING 3,472 SQUARE FEET (0.080 ACRES), MORE OR LESS.

PARCEL A

BEGINNING AT THE AFOREMENTIONED POINT 'B', THENCE NORTH 17°23'39" WEST 72.62 FEET;
THENCE NORTH 72°36'21" EAST 201.66 FEET;
THENCE SOUTH 17°23'39" EAST 176.12 FEET;
THENCE SOUTH 72°36'21" WEST 201.66 FEET;
THENCE NORTH 17°23'39" WEST 103.51 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 35,516 SQUARE FEET, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION:



MICHAEL JAMES KNAPTON
P.L.S. 8012

03/18/22
DATE



EXHIBIT "B"

LEGEND:

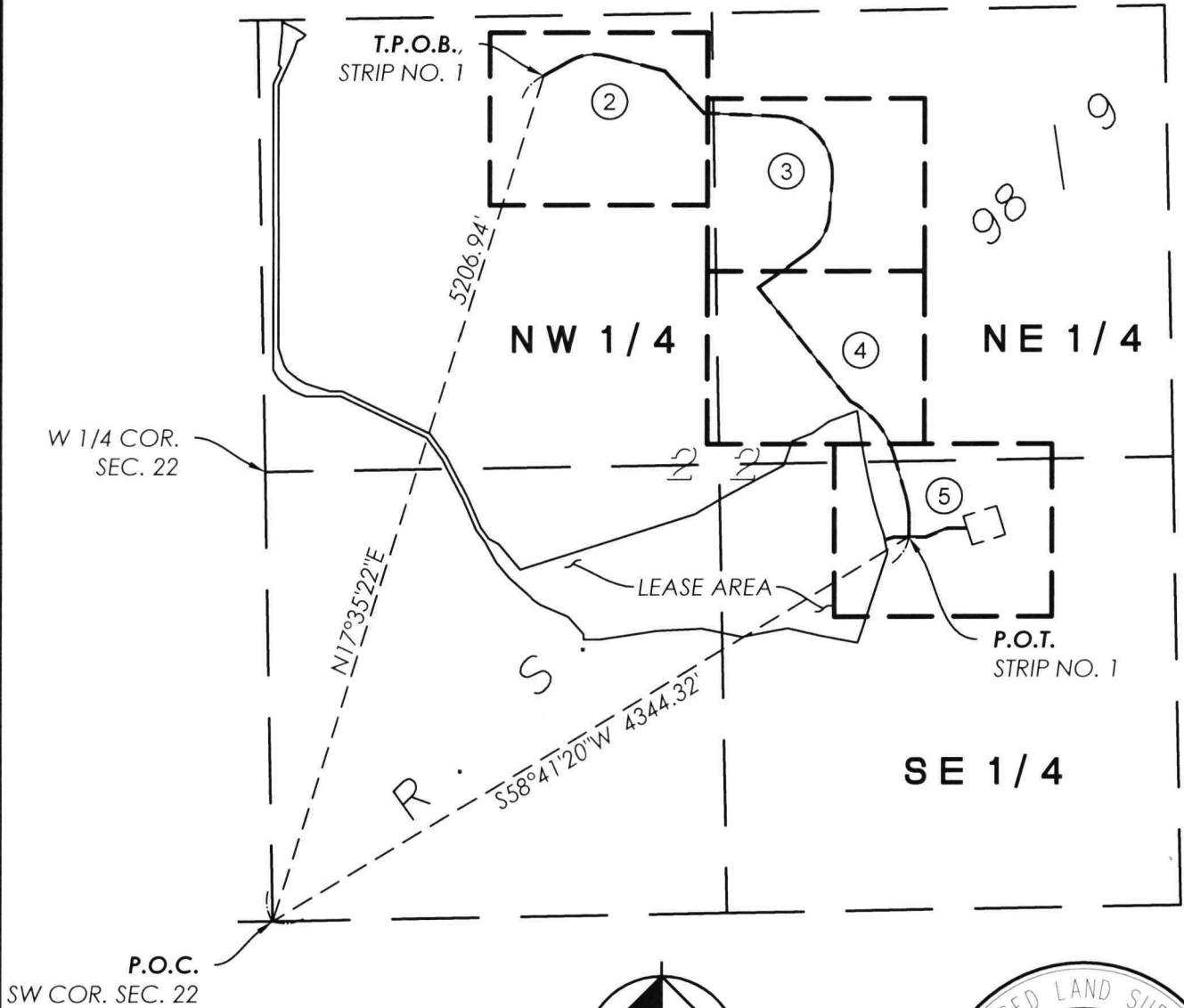
 LIMITS OF WATER EASEMENT

 SHEET INDEX

P.O.C. POINT OF COMMENCEMENT

P.O.T. POINT OF TERMINUS

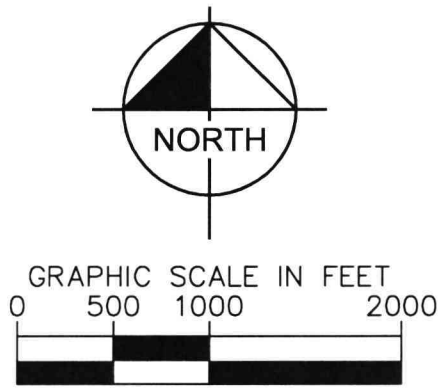
T.P.O.B. TRUE POINT OF BEGINNING



Kimley»Horn
401 B STREET, SUITE 600, SAN DIEGO, CA 92101
PHONE: 619-234-9411
WWW.KIMLEY-HORN.COM

NORTH

GRAPHIC SCALE IN FEET
0 500 1000 2000



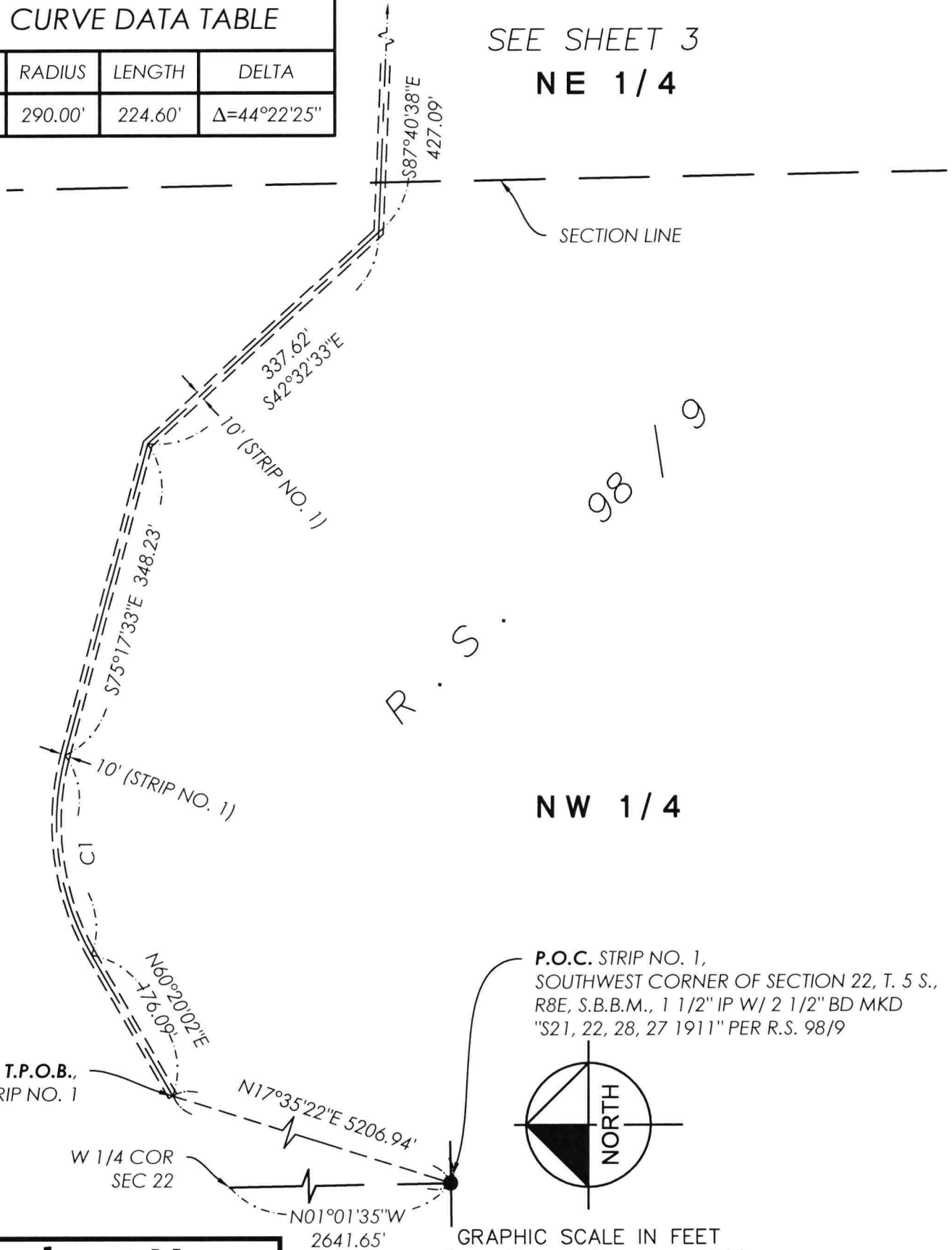
LICENSED LAND SURVEYOR
MICHAEL J. KNAPTON
No. 8012
STATE OF CALIFORNIA
3/18/2022



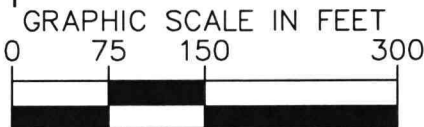
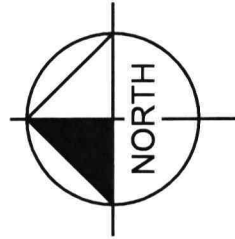
EXHIBIT "B"

SEE SHEET 3
NE 1/4

CURVE DATA TABLE			
-	RADIUS	LENGTH	DELTA
C1	290.00'	224.60'	$\Delta=44^{\circ}22'25''$



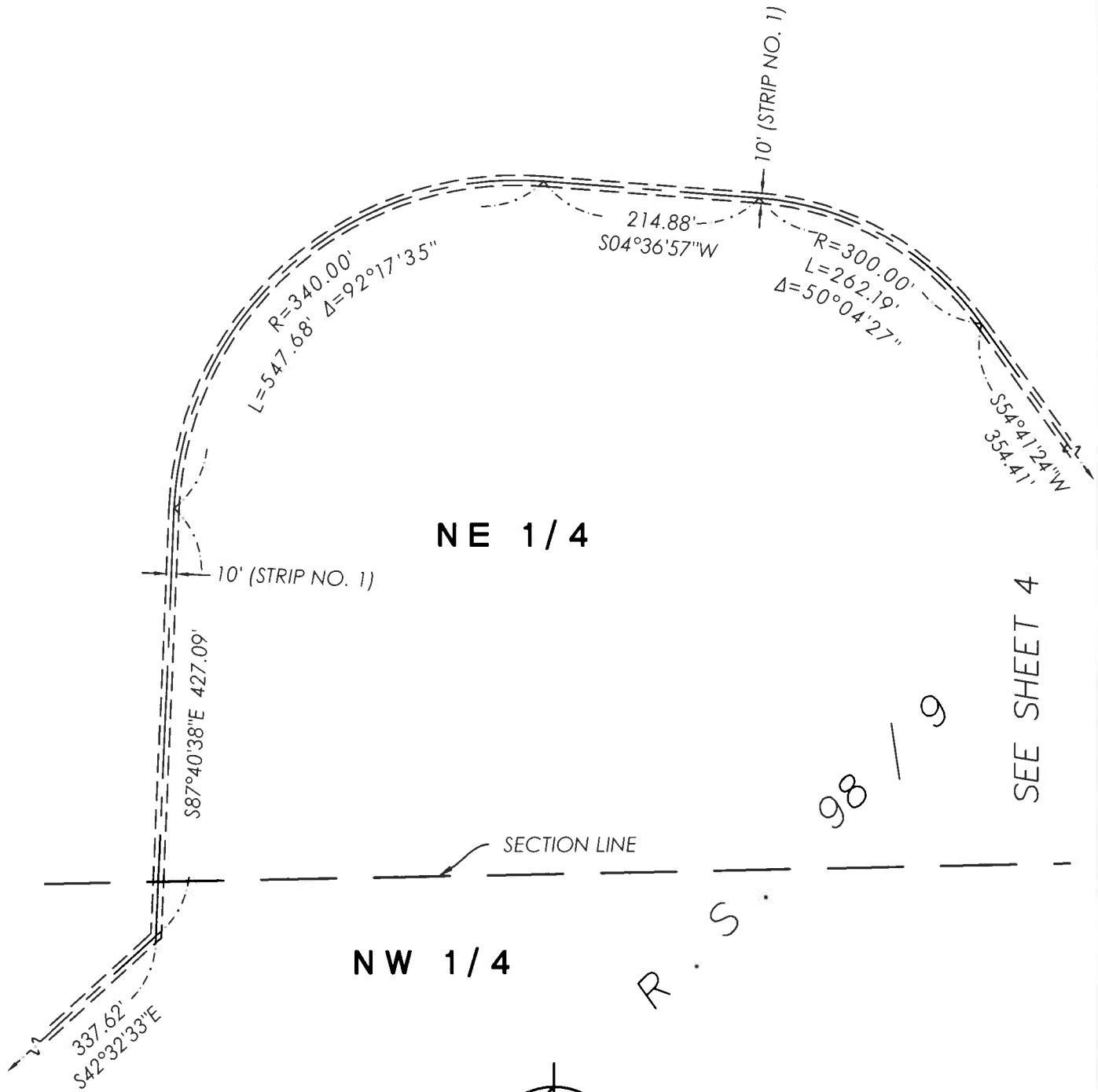
P.O.C. STRIP NO. 1,
SOUTHWEST CORNER OF SECTION 22, T. 5 S.,
R8E, S.B.B.M., 1 1/2" IP W/ 2 1/2" BD MKD
"S21, 22, 28, 27 1911" PER R.S. 98/9



Kimley»Horn

401 B STREET, SUITE 600, SAN DIEGO, CA 92101
PHONE: 619-234-9411
WWW.KIMLEY-HORN.COM

EXHIBIT "B"



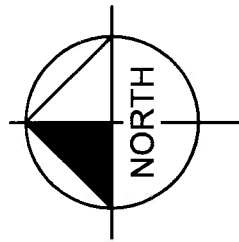
NE 1/4

NW 1/4

SECTION LINE

SEE SHEET 4

SEE SHEET 2

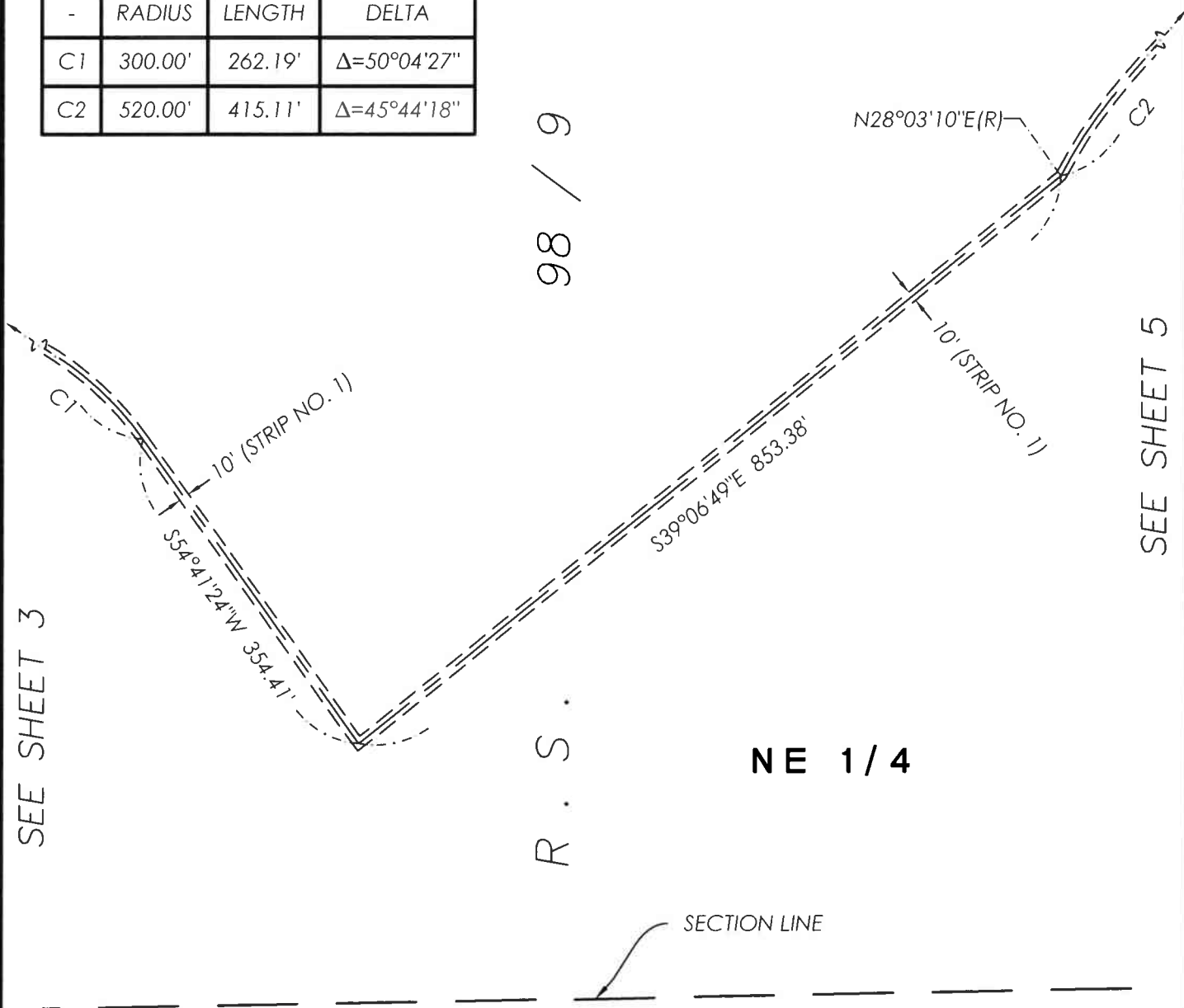


Kimley»Horn

401 B STREET, SUITE 600, SAN DIEGO, CA 92101
 PHONE: 619-234-9411
 WWW.KIMLEY-HORN.COM

EXHIBIT "B"

CURVE DATA TABLE			
-	RADIUS	LENGTH	DELTA
C1	300.00'	262.19'	$\Delta=50^{\circ}04'27''$
C2	520.00'	415.11'	$\Delta=45^{\circ}44'18''$

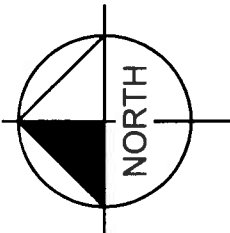


SEE SHEET 3

SEE SHEET 5

NE 1/4

SE 1/4

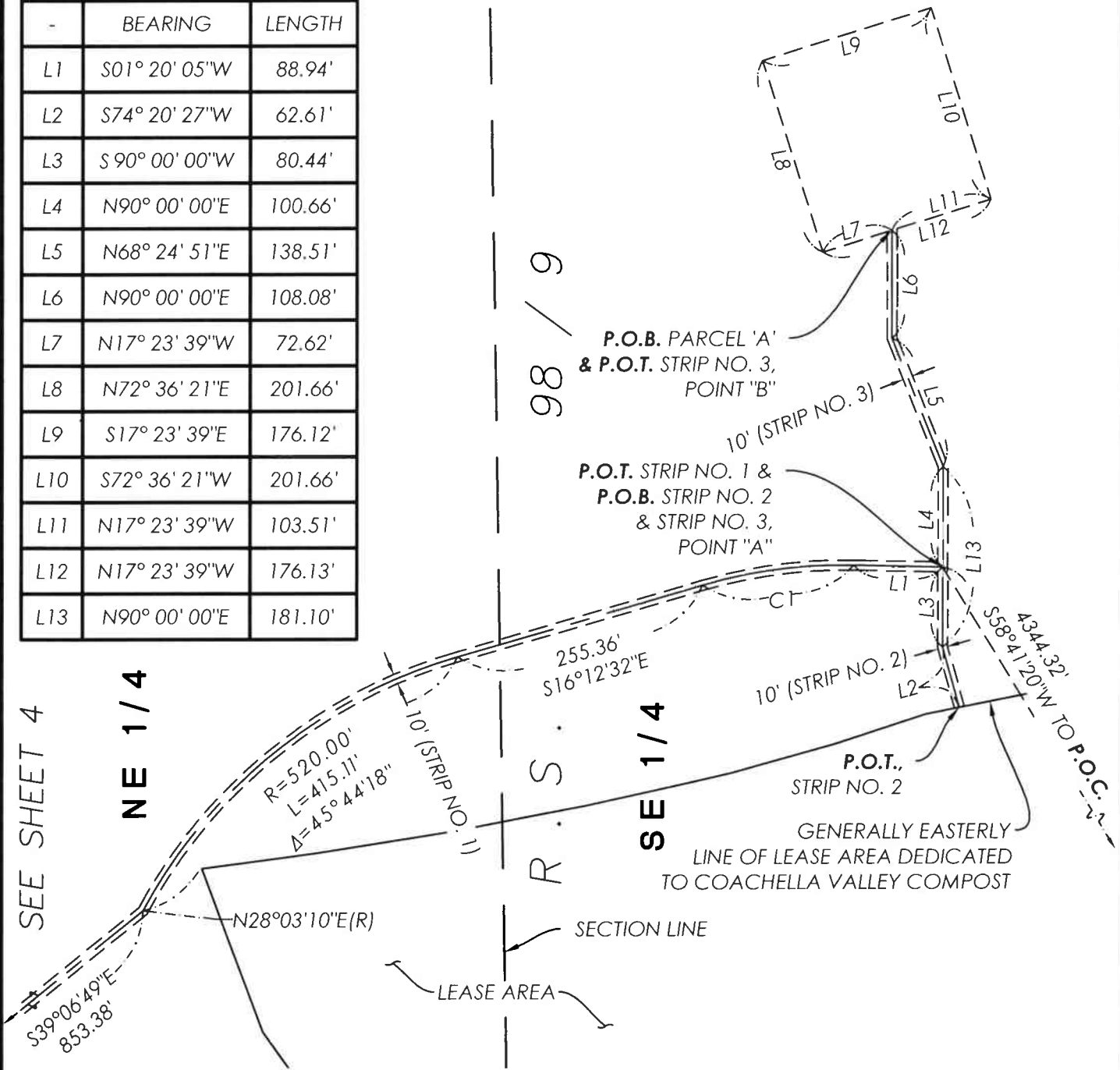


Kimley»Horn
 401 B STREET, SUITE 800, SAN DIEGO, CA 92101
 PHONE: 619-234-9411
 WWW.KIMLEY-HORN.COM

EXHIBIT "B"

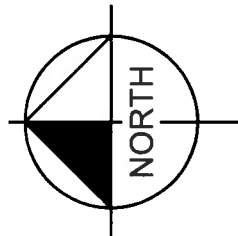
LINE DATA TABLE

-	BEARING	LENGTH
L1	S01° 20' 05"W	88.94'
L2	S74° 20' 27"W	62.61'
L3	S90° 00' 00"W	80.44'
L4	N90° 00' 00"E	100.66'
L5	N68° 24' 51"E	138.51'
L6	N90° 00' 00"E	108.08'
L7	N17° 23' 39"W	72.62'
L8	N72° 36' 21"E	201.66'
L9	S17° 23' 39"E	176.12'
L10	S72° 36' 21"W	201.66'
L11	N17° 23' 39"W	103.51'
L12	N17° 23' 39"W	176.13'
L13	N90° 00' 00"E	181.10'



CURVE DATA TABLE

-	RADIUS	LENGTH	DELTA
C1	500.00'	153.10'	Δ=17°32'37"



Kimley»Horn

401 B STREET, SUITE 800, SAN DIEGO, CA 92101
 PHONE: 619-234-9411
 WWW.KIMLEY-HORN.COM

Recording Requested By and
When Recorded Return To:

Department of Waste Resources
14310 Frederick St
Moreno Valley, CA 92553

With a conformed copy to:

Burrtec Waste Industries
9890 Cherry Ave
Fontana, CA 92335

FREE RECORDING This instrument is for the benefit of
The County of Riverside, and is entitled to be recoded without fee.
(Govt. Code 6103)

(Space above this line reserved for Recorder's use)

MEMORANDUM OF MASTER LEASE

THIS MEMORANDUM OF MASTER LEASE ("Memorandum") dated as of July 12, 2022, is entered into by and between the County of Riverside, a political subdivision of the State of California, on behalf of its Department of Waste Resources, as Lessor ("COUNTY") and Burrtec Waste Industries, Inc., a California corporation, as Lessee ("LESSEE").

Recitals

A. WHEREAS, the COUNTY is the owner of certain real property located in an unincorporated area of Riverside County, with Assessor's Parcel Number 697-280-015, whereby a portion of which contains the closed Coachella landfill; a portion contains a transfer station, and a portion contains a compost operation ("the Compost Facility"); and

B. WHEREAS, the COUNTY and Agri Service, Inc, predecessor-in-interest to Burrtec Waste Industries, Inc, as LESSEE, entered into a lease agreement dated December 1, 2009 ("Original Master Lease") whereby the LESSEE leased approximately 35.27 acres of COUNTY owned real property ("Premises") for the purposes of developing and operating the Compost Facility; and

C. WHEREAS, on November 9, 2010, COUNTY consented to the Assignment dated October 27, 2010 by Agri Service, Inc., as Assignor, to Burrtec Waste Industries, Inc., as Assignee, of the Original Master Lease; and

D. WHEREAS, COUNTY and LESSEE entered into that certain Amended and Restated Master Lease Agreement dated May 23, 2017 ("MASTER LEASE") whereby the leased area in the Premises was increased to approximately 39.8 acres of COUNTY owned real property for the purposes of continued operation and development of the Compost Facility; and

E. COUNTY and LESSEE have amended the MASTER LEASE to provide for additional water system improvements that serve the Compost Facility and the Coachella Valley Transfer Station including an above ground water tank, piping and pumps, and to increase the acreage of real property leased within the Premises by approximately 2 acres, for a total leased area of 41.8 acres, as described in Exhibit A attached hereto; and

F. COUNTY and LESSEE desire to execute this Memorandum to provide constructive notice of LESSEE's rights under the MASTER LEASE to all third parties.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

Section 1. Term. COUNTY leases the Premises to LESSEE for a term of 15 years commencing on May 23, 2017 and ending on May 23, 2032. Upon completion of the 15 year term, the MASTER LEASE may be extended for a period of ten (10) years, upon mutual agreement of COUNTY and LESSEE.

Section 2. MASTER LEASE Terms. This lease of the Premises to LESSEE is pursuant to the MASTER LEASE, which is incorporated in this Memorandum by reference.

Section 3. Leasehold Deed of Trust. COUNTY agrees to allow LESSEE to obtain a loan for financing the remodeling and rehabilitation of the Premises secured by a leasehold deed of trust. COUNTY has agreed to give the beneficiary under this leasehold deed of trust notice of any default by LESSEE under the MASTER LEASE and the right to cure this default within 90 days of written notice to the beneficiary. COUNTY also agrees to recognize the purchaser of the leasehold interest at the foreclosure sale as the LESSEE under the MASTER LEASE, whether this purchaser is the beneficiary under the leasehold deed of trust or a third party.

Section 4. Assignment. LESSEE's rights and obligations under the MASTER LEASE shall not be assigned without COUNTY's prior written consent, and any assignment without this consent shall be void.

Section 5. Successors and Assigns. This Memorandum and the MASTER LEASE shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of the MASTER LEASE on assignment.

Section 6. Governing Law. This Memorandum and the MASTER LEASE are governed by California law.

Section 7. Early termination or Expiration. LESSEE agrees to quitclaim its interest under the MASTER LEASE as amended to the COUNTY upon early termination or Expiration of the MASTER LEASE.

[SIGNATURES ON FOLLOWING PAGE]

Executed as of the date first written above.

COUNTY: County of Riverside, a political subdivision of the State of California

LESSEE: Burrtec Waste Industries, Inc.

By: Jeff Hewitt
Jeff Hewitt, Chairman

By: Tracy Sweeney
Name: Tracy Sweeney
Its: Vice President/Chief Operating Officer

ATTEST:

KECIA R. HARPER, Clerk

By: Kecia R. Harper
DEPUTY

FORM APPROVED COUNTY COUNSEL

BY: Wesley W. Stanfield 6/29/2022
WESLEY W. STANFIELD DATE



ATTEST
KEON R. HARRIS
JAN 10 2012