

FIRST AMENDMENT TO AGREEMENT FOR DISPOSAL OF SOLID WASTE

This First Amendment to Agreement for Disposal of Solid Waste (“First Amendment”) is entered into as of December 14, 2020 by and between the Coachella/Indio Waste Transfer Station Authority (the “AUTHORITY”) and Burrtec Waste Industries, Inc., a California corporation (“BURRTEC”):

RECITALS

A. On March 19, 2015, AUTHORITY and BURRTEC entered into that certain Agreement for Disposal of Solid Waste (the “Burrtec WDA”).

B. Capitalized terms used herein and not otherwise defined herein shall have the meanings set forth in the Burrtec WDA.

C. The AUTHORITY and BURRTEC now wish to amend the Burrtec WDA to extend its term and revise certain disposal fees.

NOW THEREFORE, based on and in consideration of the foregoing recitals, the mutual promises herein and for other good and valuable consideration, the receipt of which is acknowledged by both parties, the parties agree as follows:

1. Term. Section 6 of the Burrtec WDA shall be amended to provide that the Agreement shall end on August 9, 2026, unless extended by mutual agreement of BURRTEC and the AUTHORITY.

2. Disposal Fees. Effective as of the date hereof, Section 7.A of the Burrtec WDA shall be deleted in its entirety and the following shall be substituted in its stead:

A. Disposal Fee.

AUTHORITY shall be charged a per ton disposal fee on the Effective Date of this First Amendment of \$31.99 for delivery of Solid Waste Residue that is transported to the Landfill in a transfer vehicle with walking floors (i.e., typical minimum 20+ tons per pay load) or “possum belly” trucks (typically 23+ tons per pay load). The disposal fee shall be adjusted according to the provisions of SECTION 8.

3. County Export Fees. Effective as of the date hereof, Section 7.B of the Burrtec WDA shall be deleted in its entirety and the following shall be substituted in its stead:

B. Extended Rental Rate.

The disposal fee set forth in paragraph A of this Section 7 is inclusive of the following fee payable to Riverside County pursuant to the County Agreement: Extended Rental Rate of \$.75 per ton. BURRTEC shall timely pay the Extended Rental Rate to Riverside County. Should the County increase the amounts of the

Extended Rental Rate charged to AUTHORITY, the disposal fee shall be adjusted accordingly and BURRTEC shall pay the increased amounts.

3. CPI Index. The Parties understand and agree that the Consumer Price Index for all Urban Consumers (CPI-U) for Los Angeles/Riverside/Orange Co. (“Prior Index”) has been discontinued and its successor is the Consumer Price Index for all Urban Consumers (CPI-U) for Riverside-San Bernardino-Ontario area (“Successor Index”). References to the Prior Index in the Burrtec WDA shall mean the Successor Index.

4. Other Terms and Conditions Unchanged.

Except as expressly amended by this First Amendment, all other terms and conditions of the Agreement for Disposal of Solid Waste shall remain unchanged. In the event of any conflict between the terms of this First Amendment and the terms of the Agreement for Disposal of Solid Waste, the terms and conditions in this First Amendment shall prevail and control.

5. Counterparts.

This First 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.

6. Authority.

The persons executing this First Amendment on behalf of the parties hereto warrant that they are duly authorized to execute this Section Amendment on behalf of those parties and that by doing so, the parties hereto are formally bound to the provisions of this First Amendment.

7. Effective Date.

The First Amendment shall be effective June 20, 2021.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by and through their respective authorized officers, as of the date first above written.

BURRTEC WASTE INDUSTRIES, INC.
A CALIFORNIA CORPORATION

COACHELLA/INDIO WASTE
TRANSFER STATION AUTHORITY

Dated: _____

Dated: _____

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____