

AMENDMENT NO. 4
AGREEMENT FOR USE OF
KERN COUNTY SOLID WASTE FACILITIES

(Kern County – San Bernardino County)

THIS AMENDMENT No. 4 to the Agreement for Use of Kern County Solid Waste Facilities (“Agreement”) is entered into effective as of July 1, 2022, and is by and between the **COUNTY OF KERN**, a political subdivision of the State of California (hereinafter referred to as “Kern County”), and the **SAN BERNARDINO COUNTY**, a political subdivision of the State of California (hereinafter referred to as “San Bernardino County”).

WITNESSETH:

WHEREAS, on June 23, 2009, Kern County and San Bernardino County entered into Kern County Agreement 553-2009, San Bernardino County Agreement No.09-429 (hereinafter referred to as “Agreement”) to allow residents from certain populated areas within 15 miles of the Kern County line (referenced in the Agreement as the “Service Area”) to use the Boron and Ridgecrest Sanitary Landfills and the Randsburg Recycling/Transfer Station; and

WHEREAS, on June 19, 2012, Kern County approved Amendment No. 2 to this Agreement extending the term five additional years set to expire June 30, 2017; and

WHEREAS, on June 19, 2012, Kern County approved Amendment No. 2 to this Agreement, establishing the updated Gate Fees for Non-residential Waste of \$45.00 per ton, excluding waste for which a special rate or charge applies, and updated Land Use Fees of \$82.89 for Single Family Residences effective July 1, 2012; and

WHEREAS, Amendment No. 2 established that the San Bernardino County portion of the operational cost of the Randsburg Recycling/Transfer Station would be subject to the Agreement for the continued use by the residents of the San Bernardino County Red Mountain area; and

WHEREAS, Amendment No. 2 removed the requirement to amend the Agreement upon any change in the Kern County Land Use rate, Gate Fee, Alternate Universal Collection rate or other charge for disposal of waste at Kern County’s landfills and other facilities, as may be approved from time to time by the Kern County Board of Supervisors; and

WHEREAS, on July 11, 2017, Kern County approved Amendment No. 3 to this Agreement extending the term five additional years set to expire June 30, 2022; and

WHEREAS, Kern County desires to remove the use of the Boron Sanitary Landfill from the Agreement; and

WHEREAS, Kern County and San Bernardino County desire to extend the term of the Agreement for an additional two years.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between Kern County and San Bernardino County as follows:

1. Paragraph 1, **Acceptance of Residential Solid Waste**, is hereby amended to read as follows:

1. **Acceptance of Residential Solid Waste.** Kern County agrees to accept and dispose of non-hazardous solid waste generated in the Service Area and brought into the Ridgecrest Landfill and the Randsburg Recycling/Transfer Station by the residents of the Service Area or brought into the Ridgecrest Landfill by the authorized refuse hauler serving the Service Area.

Kern County may reject solid waste loads from the residents of the Service Area or the authorized refuse hauler serving the Service Area that fail to comply with the rules, regulations or instructions relating to the use of the facilities, or otherwise cause a nuisance or health hazard as described in Exhibit "B" – Amendment No. 4 attached herein and incorporated herein by this reference which replaces Exhibit "B" – Amendment No. 3 which is deleted.

2. Paragraph 2, **Non-Residential Solid Waste**, is hereby amended to read as follows:

2. **Non-residential Solid Waste.** Non-residential solid waste generated in the Service Area and brought into the Ridgecrest Landfill by the residents of the Service Area or brought into the Ridgecrest Landfill by the authorized refuse hauler serving the Service Area will be charged at the then current Gate Fee rates per Kern County Ordinance. Commercial, industrial and all construction and demolition waste (even if generated at a residential property) will be charged at the then current "Out of County" non-residential rate, which will be \$90 per ton effective July 1, 2022; except for waste requiring special handling which will be charged at Kern County's then current rates. Exhibit "C" – Amendment No. 2 is hereby deleted; and the current rates effective July 1, 2022, are as specified in Exhibit "C" – Amendment No. 4 attached hereto and incorporated herein by this reference. Kern County will provide San Bernardino County with any updated rates upon approval by the Kern County Board of Supervisors. Non-residential solid waste is prohibited at the Randsburg Recycling/Transfer Station.

3. Paragraph 4, **Term**, is hereby amended to read as follows:

4. **Term**. This Agreement shall be in effect from July 1, 2022 through June 30, 2024 or until terminated by either party by giving 60 days written notice of such intention to terminate to the other party. The San Bernardino County Chief Executive Officer or designee is authorized to terminate the Agreement on behalf of San Bernardino County.

4. Paragraph 5, **Payments by San Bernardino County**, is hereby amended to read as follows:

5. **Payments by San Bernardino County**. San Bernardino County shall annually pay Kern County for the use of Kern County's Ridgecrest Landfill and the Randsburg Recycling/Transfer Station as provided by the Agreement. The annual payment for Fiscal Year 2022-23 shall be in the amount of \$34,240. This amount equates to the annual rates approved by Kern County Ordinances of \$160.00 for each of the 189 parcels identified by San Bernardino County as single-family residences and the annual rates approved by Kern County Ordinances of \$160.00 for 25 parcels for properties which may not be readily identified.

San Bernardino County shall make one annual payment no later than 60 days after receipt of a billing statement from Kern County. The billing statement from Kern County for each fiscal year shall not be sent prior to October 31 of that fiscal year.

Kern County shall accept all payments from San Bernardino County via electronic funds transfer (EFT) directly deposited into Kern County's designated checking or other bank account. Kern County shall promptly comply with directions and accurately complete forms provided by San Bernardino County required to process EFT payments.

Upon any change in the Kern County Land Use rate, Gate Fee, Alternate Universal Collection rate or other charge for disposal of waste at Kern County's landfills and other facilities, as may be approved from time to time by the Kern County Board of Supervisors, San Bernardino County agrees to pay the equivalent Kern County rate.

4. All other terms and conditions, as previously amended, shall remain in full force and effect as written.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 4 to be executed by their respective authorized officers on the day and date herein above set forth.

COUNTY OF KERN
"Kern County"

SAN BERNARDINO COUNTY

By: _____
Chairman, Board of Supervisors

By: _____
Curt Hagman, Chairman
Board of Supervisors

Dated: _____

Dated: _____

APPROVED AND RECOMMENDED:
Kern County Public Works Department

By: _____
Public Works Director

SIGNED AND CERTIFIED THAT A COPY
OF THIS CONTRACT HAS BEEN
DELIVERED TO THE CHAIRMAN OF THE
BOARD

APPROVED AS TO FORM:
Office of County Counsel

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By: _____
Deputy County Counsel

By: _____
Deputy

APPROVED AS TO FORM:
TOM BUNTON,
San Bernardino County Counsel

By: _____
Jolena E. Grider,
County Counsel

EXHIBIT “B” – Amendment No. 4

Rules for Use of the Ridgecrest Sanitary Landfill and the Randsburg Recycling/Transfer Station

1. Unless otherwise posted, the Ridgecrest Sanitary Landfill shall be open to the public as follows:
 - Daily 8:00 a.m. to 4:00 p.m.
 - Extended hours of 7:00 a.m. to 8:00 a.m. Monday through Saturday for franchise and city contractor haulers only.
 - The Landfill shall be closed on New Year's Day, Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day.
2. Unless otherwise posted, the Randsburg Recycling/Transfer Station shall be open to the public as follows:
 - Thursday – 8:00 a.m. to 12:00 p.m.
 - Saturday – 8:00 a.m. to 12:00 p.m.
 - Sunday – 1:00 p.m. to 5:00 p.m.
 - The Transfer Station shall be closed on New Year's Day, Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day.
3. Days and hours of the Ridgecrest Landfill and Randsburg Recycling/Transfer Station are subject to change by Kern County, and Kern County has no obligation to amend this Agreement to update days and hours.
4. Only non-hazardous solid waste generated within the Service Area may be accepted for disposal.
5. Solid waste disposal must be done under the general direction of the Disposal Site Manager and in accordance with directional signs.
6. Solid waste hauled in roll-off containers is not accepted for disposal at the Randsburg Transfer Station.
7. No children under the age of 12 years or pets shall be permitted within the disposal site unless within the confines of a motor vehicle.
8. All solid waste being transported for disposal must be covered or secured in a manner that prevents it from falling or blowing away from the transporting vehicle.

9. Disposal of dead animals or parts thereof requiring special handling may be accepted upon approval by Disposal Site Manager. (Dead animals ARE NOT ACCEPTED at the Randsburg Recycling/Transfer Station.)
10. The following is PROHIBITED at all disposal sites:
 - a. Use of firearms.
 - b. Salvaging by the public.
 - c. Disposal of hot ashes or causing any material to burn.
 - d. All liquid waste.
 - e. Bulky waste or objects not readily handled by disposal site equipment in use.
 - f. Smoking.
 - g. Hazardous and designated wastes which consist of or contain toxic substances as defined in the California Code Regulations, Title 23, Chapter 3, Subchapter 15, Sections 2521 and 2522, (any substance which could significantly impair the quality of usable waters).
 - f. Any material which by nature of its character or quantity is considered hazardous or detrimental to the efficient and sanitary operation of the facility.
11. Disposal of solid waste at the Ridgecrest Landfill and the Randsburg Recycling/Transfer Station shall conform to Kern County Ordinance Nos. G-5584 and subsequent amendments thereto and Kern County Ordinance Code Chapter 8.28.
12. Questions regarding the Rules and Regulations of the disposal site should be directed to the Kern County Public Works Department.

EXHIBIT “C” – Amendment No. 4

Schedule of Special Rates and Charges Effective July 1, 2022

Basic Per Ton Gate Fee for Non-residential Waste:

The basic per ton Gate Fee for non-residential solid waste brought to a Kern County waste facility from outside of Kern County, excluding wastes for which a special rate or charge is specified below, is Ninety Dollars (\$90.00) per ton.

Schedule of Special Rates and Charges

Tire Program Fees

All tires, whether from residential or non-residential sources, will be charged the following fees to offset the cost of County’s waste tire diversion program:

Tires in bulk loads \$250.00/ton

Individual Tires:

Light Duty Tires - 18" diameter rim or smaller \$3.00/tire

Heavy Duty Tires -19" to 24" diameter rims \$15.00/tire

Oversize Tires \$20.00/tire

(Racing tires and tires with more than 24" rims, but not mover class)

Earth Mover Tires..... \$250.00/ton

(Extremely large tires used on earth moving equipment)

Dead Animals

Any dead animals that require special handling at the disposal facility.....\$100.00/animal

Multiple dead animals or parts of animals that require special handling....\$150.00/ton

Treated Wood Waste (as defined in Health & Safety Code §25150.7)

Disposal of treated wood waste other than railroad ties.....\$150.00/ton

Disposal of treated wood waste that is in the form of railroad ties..... \$15.00/tie

Disposal will be limited to a maximum of 2 cubic yards of treated wood waste per load.

Other Special Fees

The following Special Fees shall be charged, in addition to the normal Gate Fee, regardless of whether the source of the waste is residential or non-residential and in addition to any other fees that may apply:

Hourly rate for Department personnel (1/2 hour minimum) \$90.00/hour

Processing fee for each check returned to the County.....\$60.00/ea.

Travel trailers.....\$500.00/ea.
Must be approved in advance by the Disposal Site Manager.
Subject to removal of all hazardous and unacceptable waste.

Any other hard to handle items \$200.00/ton

Untarped/Unsecured Loads.....2X the Gate Fee or \$20 minimum