

**BHCSWMC**  
BLACK HAWK COUNTY  
SOLID WASTE MANAGEMENT COMMISSION

June 13, 2025

City of Independence  
C/O Matthew R. Schmitz, City Manager  
331 1st St E  
Independence, IA 50644

[MSchmitz@independenceia.gov](mailto:MSchmitz@independenceia.gov)

Re: Request for the City of Independence to Direct Haul Waste to the Black Hawk County Landfill

Mr. Schmitz:

This letter is in response to the May 29, 2025, email request from you, on behalf of the City of Independence, requesting authorization for the City of Independence to direct waste generated and collected in the city to the Black Hawk County Landfill (BHC Landfill). Included with that email was a copy of a Consent and Release Agreement between the Buchanan County Solid Waste Commission (BCSWC) and the City of Independence.

Background

Our understanding is that the City of Independence is a party to a Participating Agency Agreement with the Buchanan County Solid Waste Commission, under which it has delegated its responsibility for waste flow to the Commission for the designation of final solid waste disposal. The Black Hawk County Solid Waste Commission (BHCSWMC) and BCSWC agreed in June 1997 to designate the BHC Landfill as the BCSWC's final disposal facility and joined the INRCOG Planning Area.

In addition, the BCSWC established an agreement with Waste Management, directing all waste generated in the Buchanan County Service Area to a transfer station located in Independence. This agreement allowed Waste Management to determine the final disposal facility, which would be shipped outside the planning area. As such, the BHCSWMC established a policy recognizing that Buchanan is in the Planning Area yet outside the service area and set the tipping fees at twice the in-service area rate. Over time, this policy was not enforced. As of May 22, 2025, this policy was officially placed on hold for six months, pending confirmation of final disposal designation.

Response to the Request

As BCSWC has designated the BHC Landfill as a final disposal facility and it has consented to releasing the City of Independence from its agreement with Waste Management, the Commission hereby authorizes the City of Independence to direct its waste generated in the City to the BHC Landfill on the following conditions:

- 1) Provide a copy of the collection agreement designating the BHC Landfill as the final disposal location to the BHCSWMC. While this does not preclude the waste from being deposited at an Iowa Department of Natural Resources permitted facility, it directs that facility to direct the waste to the designated final disposal facility.
- 2) The City of Independence will amend its Solid Waste Ordinance to designate the BHC Landfill as its designated final disposal location by November 1, 2025.
- 3) Indicate if the City of Independence will be billed for the delivery of its collection program or if this will be invoiced to the designated hauler. If the waste is billed to the Hauler, the Hauler is required to identify the loads from Buchanan County at the time of delivery.



BLACK HAWK COUNTY  
SOLID WASTE MANAGEMENT COMMISSION

- 4) Through the delivery of waste to the BHC Landfill, the City of Independence shall indemnify, defend, and hold harmless the BHCSWMC, its affiliates, directors, officers, employees, agents, successors, and assigns (collectively, the "Indemnified Parties") from and against any and all claims, costs and damages arising out of, relating to, or in connection with any agreements, torts, contracts or obligations with Waste Management, Inc and/or the Buchanan County Solid Waste Commission.

We are in the process of updating our waste delivery agreements and mechanisms to address our Comprehensive Solid Waste Planning requirements over the next year, with a focus on changes to the planning area, material recovery, and final disposal. The BHCSWMC will work with the BCSWC to update the previously mentioned agreement to incorporate this change and to address Comprehensive Plan requirements.

If you have any questions or comments regarding this letter, please do not hesitate to contact me at (319) 234-8115 or [jfoster@wastetrac.org](mailto:jfoster@wastetrac.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "John Foster", with a long horizontal flourish extending to the right.

John A. Foster  
Administrator

CC: Randy Bennett, Chairman, Black Hawk County Solid Waste Management Commission (Email)  
Gerald W. Dennie, Chairman, Buchanan County Solid Waste Commission (Email)  
Isaiah Corbin, INRCOG (Email)  
Matt Craft, JSC Legal (Email)