



**ADMINISTRATIVE OFFICE**

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October 25, 2024

Tim Shea, Executive Director  
Champlain Valley Exposition  
105 Pearl Street  
Essex Junction, VT 05452

FIRST CLASS MAIL

**Re: NOTICE OF VIOLATION – Champlain Valley Exposition, Essex Junction, VT; Failure to divert and failure to provide proper required collection containers for mandatory recyclables generated by the 2024 Champlain Valley Fair**

Dear Mr. Shea,

The Chittenden Solid Waste District (CSWD) alleges that Champlain Valley Exposition (CVE) is in violation of the CSWD Solid Waste Management Ordinance (the Ordinance). This letter cites compliance requirements of the Ordinance and deficiencies observed during and following the 2024 Champlain Valley Fair. As further outlined at the bottom of this letter, you have the right to request a hearing before CSWD's Executive Board should you wish to contest the District's findings or offer corrective actions that may mitigate the District's assessment of civil penalties.

**OBSERVATIONS & APPLICABLE CSWD ORDINANCE REQUIREMENTS**

1. There were at least 18 trash receptacles with no accompanying recycling containers visible or readily accessible to the public in at least one sizable area of the Fairgrounds — the Midway — when staff visited the Champlain Valley Fair on Monday, August 26, 2024. There were not an equal number of public-facing recycling containers to match the number of trash cans, nor were recycling containers deployed in proximity to trash containers to provide equally convenient public access. [see Appendix A, pages 2-3]

**Ordinance Requirement: Section 3.11 Public Solid Waste and Mandatory Recyclable Receptacles**

*If a Person provides a container or containers in buildings or on property open to the general public and for the public to use for Solid Waste destined for Disposal, the Person shall also provide an equal number of containers for Mandatory Recyclables. The Recycling and Disposal containers shall comply with the requirements in Section 4.8.J. of this Ordinance and be placed as close to each other as possible in order to provide equally convenient access to such public users. The Mandatory Recyclables collected must be kept separate and transported to a Recycling Facility. Bathrooms are exempt from this provision. Other exemptions may be approved by the District.*

2. Recyclable beverage containers were a significant proportion of the contents of many of the standalone trash cans in the Midway, as documented during the August 26 visit. [Appendix A, pg. 1] Further, CSWD staff noticed more than a dozen blue containers labeled for recycling in other areas of the Fairgrounds that were lined with black bags. During subsequent visits (on August 30, and again on September 1, 2, and 3),

CSWD staff documented that there were only clear bags of material, with minimal loose recyclables, evident in the rollofts on site designated for mixed recycling. The contents of those rollofts appeared unchanged, still containing only material in clear bags and incidental loose recyclables, when the material in them was photographed by staff at the Materials Recycling Facility (MRF) on September 5. [Appendix A, pages 4-5] Based on those observations, CSWD alleges that most, if not all, of the material collected in recycling containers with black liners was managed as trash by Fair staff and was not captured separately with other mixed recyclables for transport to CSWD's MRF for recycling.

Ordinance Requirement: Section 3.8. Separation of Mandatory Recyclables and Food Residuals.

*Mandatory Recyclables and Food Residuals shall not be Disposed with other Solid Waste. Except as provided in Section 3.19 of this Article, all Generators shall Separate Mandatory Recyclables and Food Residuals from other Solid Waste, place the Mandatory Recyclables and Food Residuals in a designated container, and handle them as specified in Section 3.9 of this Article. The foregoing shall not be intended to prohibit or prevent the reuse or Recycling by a business, institution, or industry of materials as part of such Person's normal commercial, manufacturing, or industrial process.*

3. In addition to having communicated the expectation that recyclable items be loose and unbagged in conversations with Expo staff, CSWD also specifies on the CSWD website's Recycling Guide (<https://cswd.net/recycling/>) that, "Recyclable items must be loose in the bin – NOT in a plastic bag.". Haulers also make their customers aware of the specifications outlined in the Materials Recovery Facility Quality Control Policy (available at <https://cswd.net/forms-publications/>), including its prohibition on plastic bags in loads of mixed recycling.

Having noted that almost all the items in the designated recycling rollofts on site were still in clear liner bags when staff visited on August 30, CSWD sent an email to CVE staff that same day to inquire whether there were plans in place to remove the bags prior to having those rollofts delivered to the MRF. [see Appendix B] No response was received by CSWD, and those rollofts were subsequently serviced on September 5. Per the MRF Quality Control Policy, those rolloff loads were assessed by facility staff upon delivery, and because the recyclable material remained in bags, both rolloff loads were rejected by the MRF, resulting in all the material that had been captured as recyclables being landfilled. [Appendix A, pg. 4]

Ordinance Requirement: 3.9. Placement of Recyclables, Food Residuals, and Solid Waste Destined for Disposal.

*Each Generator shall:*

*A. Separate Mandatory Recyclables from other Solid Waste, prepare and sort Mandatory Recyclables according to specifications established by the District, and place such Mandatory Recyclables in Recycling Containers.*

...

4. During visits to the Fair on August 26 and 30, CSWD staff documented at least 8-10 medium blue barrels deployed as public-facing solid waste collection containers that were labeled for trash, or that displayed contradictory labeling, or that simply had no labeling indicating for which material stream they were intended. Most of those blue containers were lined with black bags, which did not match the majority of recycling containers (which had clear liners), but instead were consistent with all the trash containers at the Fair. These labeling deficiencies and other inconsistencies, including the use of medium blue containers to collect trash, had the effect of being ambiguous regarding intended material stream and thus unclear to

users trying to find an appropriate receptacle for their recyclable beverage containers. [Appendix A, pages 6-8]

Ordinance Requirement: 4.8.J. Coloring and Labeling of Containers.

1) Container color requirements

...

*c. Curbside containers and all carts:*

- i. Mandatory Recycling containers shall be royal or medium blue in color or shall have lids that are royal or medium blue in color.*
- ii. Food scrap collection containers greater than ten (10) gallons in size shall be green in color or shall have lids that are green in color.*
- iii. Landfill-bound trash containers shall not be royal/medium blue or green in color and shall have lids that are black.*

**UNLAWFUL CONDUCT PENALTIES**

Based upon the above information, CSWD alleges that the Champlain Valley Expo located at 105 Pearl Street, Essex Junction, Vermont, has failed to comply with Sections 3.8, 3.9, 3.11, and 4.8 of the Ordinance and that such conduct constitutes Unlawful Conduct under and as defined in the Ordinance. CSWD further alleges that three of those Ordinance violations constituting Unlawful Conduct were ongoing for the 10-day duration of the 2024 Champlain Valley Fair.

Pursuant to Ordinance Section 11.1, any Person who engages in any Unlawful Conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800) for each violation or, if lower, the maximum amount allowed by law. Each instance of Unlawful Conduct shall be a separate violation. In the event of other Unlawful Conduct which is deemed “continuing”, the Person who engages in such conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800), plus not more than One Hundred Dollars (\$100) for each succeeding day, or, if lower, the maximum amounts allowed by law.

Thus, fines for the four alleged violations, including the days of continuing Unlawful Conduct during the 2024 Champlain Valley Fair associated with three of them alleged by CSWD, may be assessed cumulatively as follows:

3.11 Failure to provide the required quantity of and equal access to recycling containers	\$800
3.11 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
3.8 Failure to separate mandatory recyclables	\$800
3.8 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
4.8 Use of medium blue containers for collection of trash	\$800
4.8 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
3.9 Failure to prepare mandatory recyclables to specifications established by the District	\$800
<b>Total potential civil penalties for Unlawful Conduct at the 2024 Champlain Valley Fair</b>	<b>\$6200</b>

Pursuant to Ordinance Section 12.5, the Expo has the right to a hearing before CSWD's Executive Board for the purpose of determining whether such Unlawful Conduct occurred. **In order to receive a hearing before CSWD's Executive Board, the Expo must send a written request for a hearing to CSWD's Executive Director within ten (10) business days from the date of receipt of this Notification of Violation.**

CSWD's Executive Board, upon receipt of a written request for a hearing within the permitted ten (10) business day period, shall hold a hearing within fourteen (14) days of receipt of the request. Within 30 days following the hearing or following expiration of the hearing request date, the Executive Board will issue a proposed order. The order shall include, if applicable, information on civil penalties assessed and directives necessary to achieve compliance with the Ordinance. The order will also include information pertaining to your right to a hearing on the order.

In addition to any other remedy provided in the Ordinance or available at law or in equity, the District may institute a suit in equity for an injunction to prevent, restrain, or abate a violation of the Ordinance. CSWD may seek enforcement of a final order in the State of Vermont Superior Court or before the Environmental Division.

**All written requests for a hearing must be sent by first class mail or certified mail with return receipt to Chittenden Solid Waste District, Attn: Sarah Reeves, Executive Director, 19 Gregory Drive, Suite 204, South Burlington, VT 05403.**

This letter is sent under reservation of all rights that CSWD may have under applicable law.

Please contact Ethan Hausman at (802) 872.8100 x208 or [ehausman@cswd.net](mailto:ehausman@cswd.net) with any questions you have about this notice.

Sincerely,



Sarah Reeves  
Executive Director

cc     Ethan Hausman, CSWD Compliance Specialist *via email*  
        Joey Catania, CSWD Compliance Manager *via email*  
        Mike Sullivan, CSWD Commissioner for Essex Junction *via email*  
        Anne Bijur, VT DEC Solid Waste Program Materials Management Supervisor *via email*

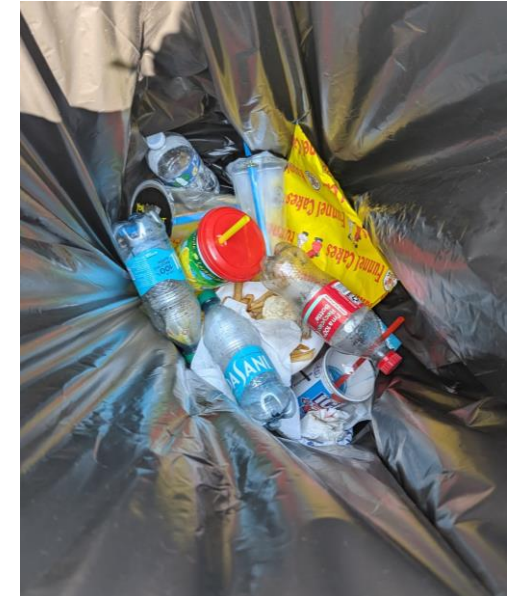


## Appendix A

# 2024 Champlain Valley Fair waste management deficiencies

### Section 3.8 Separation of Mandatory Recyclables and Food Residuals

**Mandatory Recyclables and Food Residuals shall not be Disposed with other Solid Waste.** Except as provided in Section 3.19 of this Article, all Generators shall Separate Mandatory Recyclables and Food Residuals from other Solid Waste, place the Mandatory Recyclables and Food Residuals in a designated container, and handle them as specified in Section 3.9 of this Article. [CSWD SWMO pdf page 10, [https://cswd.net/wp-content/uploads/SWMO07012024\\_FINAL.pdf](https://cswd.net/wp-content/uploads/SWMO07012024_FINAL.pdf)]

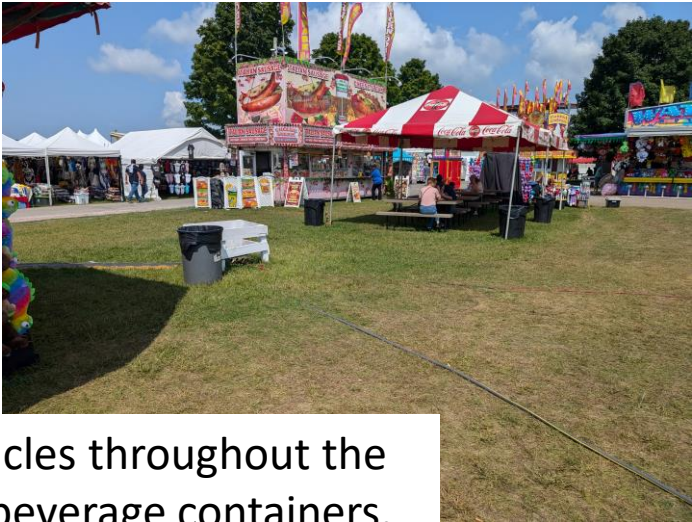
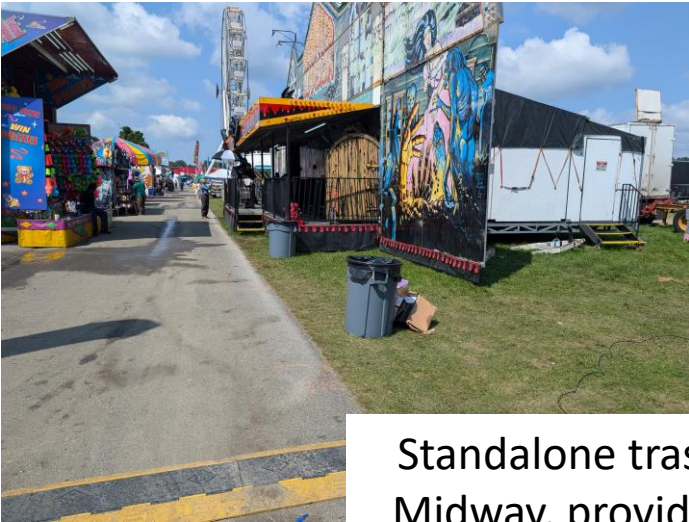


Mandatory recyclables, including numerous bottles and cans, observed in a number of (unpaired) trash receptacles. There were no containers labeled for recycling in immediate proximity or easily visible nearby. Photos were taken in the Midway area of the Fairgrounds, 1-3pm, on 8/26/24.



Section 3.11 Public Solid Waste and Mandatory Recyclable Receptacles

If a Person provides a container or containers in buildings or on property open to the general public and for the public to use for Solid Waste destined for Disposal, the Person shall also provide an equal number of containers for Mandatory Recyclables. The Recycling and Disposal containers shall comply with the requirements in Section 4.8.J. of this Ordinance and be placed as close to each other as possible in order to provide equally convenient access to such public users. [CSWD SWMO pdf page 12]



Standalone trash cans, unaccompanied by recycling receptacles throughout the Midway, provided no opportunity for capture of recyclable beverage containers.  
All photos taken 1-3pm on 8/26/24.







Very few, if any, “paired bins” for recyclables were set out in the Midway, despite widespread deployment of trash cans throughout that area, on 8/26/24.



Section 3.9 Placement of Recyclables, Food Residuals and Solid Waste Destined for Disposal

Each Generator shall:

- A. Separate Mandatory Recyclables from other Solid Waste, prepare and sort Mandatory Recyclables according to specifications established by the District, and place such Mandatory Recyclables in Recycling Containers. [CSWD SWMO pdf page 11]



MATERIALS RECOVERY FACILITY  
CONTAMINATED LOAD REPORT 0759

Accepted contaminant level = less than 2% by volume or weight (2% of 2,000 lbs = 40 lbs.)

DATE	9/5/24
TIME	12:55
LICENSE PLATE	453A469
SCALE TICKET #	2075
HAULER	Allegre
TRUCK TYPE	Roll
COMMERCIAL OR RESIDENTIAL LOAD	Comm
EXAMINER	SKAD

CONTAMINANT	<input checked="" type="checkbox"/>
FILM	<input type="checkbox"/>
FOAM	<input type="checkbox"/>
DRINK CARTONS/BOXES	<input type="checkbox"/>
TEXTILES	<input type="checkbox"/>
FOOD RESIDUALS	<input type="checkbox"/>
HOUSEHOLD ITEMS/TOYS	<input type="checkbox"/>
PAPER PLATES, CUPS, NAPKINS	<input type="checkbox"/>
WOOD	<input type="checkbox"/>
DIRT	<input type="checkbox"/>
HAZARDOUS WASTE	<input checked="" type="checkbox"/>
MIXED TRASH	<input type="checkbox"/>
SNOW/ICE	<input type="checkbox"/>
OTHER:	<input type="checkbox"/>

CONTAMINANT LEVEL	
% BY WT	
% BY VOL	100

THIS LOAD WAS:

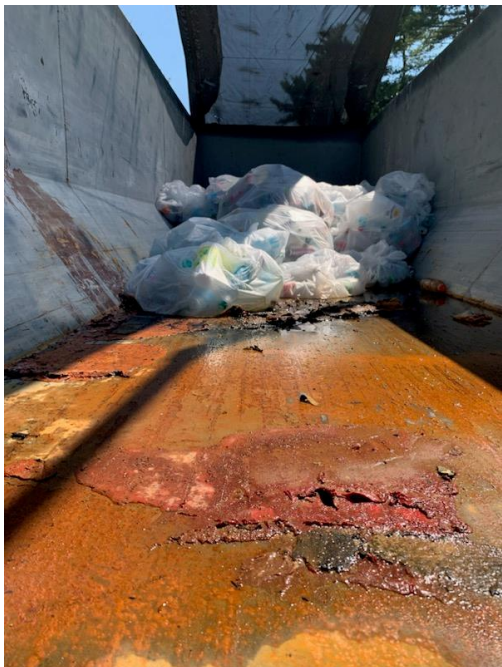
CONTAMINATED and  
LEFT AT MRF  
REMOVED

REJECTED and  
LEFT AT MRF  
REMOVED

NOTES

Driver Signature: *SKAD*

357 Avenue C, Williston, VT 05495 - 802-658-5176  
12/11 white - CSWD Finance yellow - MRF pink - customer gold - CSWD Facilities



MATERIALS RECOVERY FACILITY  
CONTAMINATED LOAD REPORT 0760

Accepted contaminant level = less than 2% by volume or weight (2% of 2,000 lbs = 40 lbs.)

DATE	9/5/24
TIME	1:40
LICENSE PLATE	453A469
SCALE TICKET #	2075
HAULER	Allegre
TRUCK TYPE	Roll
COMMERCIAL OR RESIDENTIAL LOAD	Comm
EXAMINER	SKAD

CONTAMINANT	<input checked="" type="checkbox"/>
FILM	<input type="checkbox"/>
FOAM	<input type="checkbox"/>
DRINK CARTONS/BOXES	<input type="checkbox"/>
TEXTILES	<input type="checkbox"/>
FOOD RESIDUALS	<input type="checkbox"/>
HOUSEHOLD ITEMS/TOYS	<input type="checkbox"/>
PAPER PLATES, CUPS, NAPKINS	<input type="checkbox"/>
WOOD	<input type="checkbox"/>
DIRT	<input type="checkbox"/>
HAZARDOUS WASTE	<input checked="" type="checkbox"/>
MIXED TRASH	<input type="checkbox"/>
SNOW/ICE	<input type="checkbox"/>
OTHER:	<input type="checkbox"/>

CONTAMINANT LEVEL	
% BY WT	
% BY VOL	100

THIS LOAD WAS:

CONTAMINATED and  
LEFT AT MRF  
REMOVED

REJECTED and  
LEFT AT MRF  
REMOVED

NOTES

Driver Signature: *SKAD*

357 Avenue C, Williston, VT 05495 - 802-658-5176  
12/11 white - CSWD Finance yellow - MRF pink - customer gold - CSWD Facilities

The contents of two rollofs reserved for mixed recycling were observed and documented both during and after the Fair. No black bags (and minimal unbagged items) were evident in those rollofs, prompting the conclusion that the material collected in all public-facing containers with black liners at the Fair (regardless of container color, labeling, or contents) was managed exclusively as trash from the point of collection. CSWD staff received no response to an email inquiry sent during the Fair to Expo staff about debagging the recyclables in those rollofs , and the material was still in bags when it was delivered by Casella to the Materials Recycling Facility (MRF). Photos above were taken when those rolloff loads were rejected at the MRF on 9/5/24.





Despite their medium blue color and the recycling labels on these containers, the material deposited in them is believed to have been managed as trash since no black bags or significant unbagged materials were evident in recycling rollofs.





## Section 3.11 Public Solid Waste and Mandatory Recyclable Receptacles

If a Person provides a container or containers in buildings or on property open to the general public and for the public to use for Solid Waste destined for Disposal, the Person shall also provide an equal number of containers for Mandatory Recyclables. **The Recycling and Disposal containers shall comply with the requirements in Section 4.8.J.**

### Section 4.8.J. Coloring and Labeling of Containers

#### 1) Container Color Requirements

##### c. Curbside containers and all carts:

- i. Mandatory Recycling containers shall be royal or medium blue in color or shall have lids that are royal or medium blue in color.
- ii. Food scrap collection containers greater than ten (10) gallons in size shall be green in color or shall have lids that are green in color.
- iii. **Landfill-bound trash containers shall not be royal/medium blue or green in color** and shall have lids that are black.



Poor differentiation of containers due to prohibited use of “recycling blue” container for trash.



Clearly labeled for trash



Inadequate contrast between trash & recycling barrels, compounded by peeling trash label.





Confusing effect created by the hodgepodge of conflicting labels on a “recycling blue” container. Despite Ordinance requirement that medium blue be used exclusively for recycling, intent appears to be trash.



Which of these unlabeled blue containers are for recycling? The lack of uniformity and varying combinations of containers’ color, liner type, and labeling force users to have to guess at how to differentiate streams.



Intended stream ambiguous due to conflicting labels. Likely interpreted as a recycling container by most users based on “recycling blue” color and lid labeling, but black liner suggests container contents were managed as trash.

## Section 4.8.J. Coloring and Labeling of Containers

### 1) Container Color Requirements

#### c. Curbside containers and all carts:

- i. Mandatory Recycling containers shall be royal or medium blue in color or shall have lids that are royal or medium blue in color.
- ii. Food scrap collection containers greater than ten (10) gallons in size shall be green in color or shall have lids that are green in color.
- iii. Landfill-bound trash containers shall not be royal/medium blue or green in color and shall have lids that are black.

### 2) Labeling requirements

#### a. Curbside containers and all carts used for materials streams described in 4.8(J)(1).

- i. Commercial Haulers shall place a label on the front of each container and on the lid. The label will include language and/or graphic images as provided or approved by the District that indicate primary materials accepted and common contaminants prohibited in that container. [CSWD SWMO pdf page 18]



If all these unlidded containers were intended for recyclables, they represent various flawed collection practices:

- 1) Standalone recycling cans will attract contaminants and should always be accompanied by a trash receptacle.
- 2) Lids with restricted openings should be used to prevent contamination and reinforce that round cans/bottles are the targeted items.
- 3) Labels should specify intended recyclables and reinforce the expectation that guests recycle all empty bottles & cans.
- 4) Black liners were inconsistent with other Fair recycling receptacles and suggest that container contents were managed as trash.



Standalone unlabeled blue barrel



There's no benefit to the narrowed recycling focus on exclusively beverage containers without more effort to limit contamination and specify to users that cans & bottles are the items being targeted.



Standalone unlabeled blue barrel at an exit gate was ambiguous about intended material. The recyclable cans & bottles it contained (photo inset) were evidently managed as trash.

## Section 4.8.J. Coloring and Labeling of Containers

### 2) Labeling requirements

a. Curbside containers and all carts used for materials streams described in 4.8(J)(1).

- i. Commercial Haulers shall place **a label on the front of each container** and on the lid. The label will include language and/or graphic images as provided or approved by the District that indicate primary materials accepted and common contaminants prohibited in that container.



# Appendix B

## Ethan Hausman

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**From:** Ethan Hausman  
**Sent:** Friday, August 30, 2024 12:58 PM  
**To:** Shawn Quinn  
**Cc:** Tim Shea; Robert Jenkins  
**Subject:** RE: material check tomorrow AM

Hi Shawn,

I'm following up on this morning's visit.

The food scraps I saw in one tote looked good for diversion – all food.

In the recycling rollofs, most material was still bagged in clear liners. Which made it harder to assess the contents, but I think I was seeing a high proportion bottles and cans.

My question being, do you have a process in mind for removing the bags before those containers are pulled?

Thanks.  
Ethan

Ethan Hausman  
Phone: (802) 872-8100 x208



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**From:** Ethan Hausman  
**Sent:** Thursday, August 29, 2024 3:17 PM  
**To:** Shawn Quinn <SQuinn@cvexpo.org>  
**Cc:** Tim Shea <TShea@cvexpo.org>; Robert Jenkins <RJenkins@cvexpo.org>  
**Subject:** material check tomorrow AM

Hi Shawn,

I checked out public-facing containers and collection setups as a Fair attendee earlier in the week, but I plan to be back tomorrow morning to look at the material streams. I'm planning to arrive shortly after 9 and will need to look in trash and recycling rollofs, food scrap totes, and so forth.

Please let me know if there's anywhere specific you'd like me to park or check-in upon arrival. I'll otherwise just try to stay out of the way -- and hope to be on my way by around 10, when you're opening up (I have a ticket/pass, if needed). I'm happy to meet with you and have you show me the containers, if that's your preference, but fine either way, and I'll leave that up to you.

Feel free to call/text me on my cell (802 922.2707) if you need to reach me in the morning.

Thanks.  
Ethan