

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: March 13, 2025
RE: The Lighthouse Restaurant Notice of Violation, Narrative

SYNOPSIS

CSWD staff has documented that The Lighthouse Restaurant and Lounge does not have a composting program in place. Outreach and Compliance staff made multiple attempts throughout 2024 to contact management to address this concern but received no response. CSWD Staff recommends the Executive Board to find The Lighthouse Restaurant and Lounge in violation of CSWD's Ordinance and require them to come into compliance through a Corrective Action Plan with verification by CSWD staff.

HISTORY

The Lighthouse Restaurant and Lounge, which is adjacent to the Hampton Inn in Colchester, shares waste containers with the hotel. A Casella compactor sited immediately behind the Hampton Inn is used for trash, and a large dumpster that's in a side parking lot of the hotel, behind the restaurant, is used for recyclables.

Over the course of several visits beginning in February 2024, CSWD Outreach staff sought to confirm the Lighthouse's waste diversion programs by speaking with management. CSWD's Business Outreach Coordinator was first told to speak to Jeff and was then directed by Jeff to speak to the owner, Jonnaca Bushey. Ms. Bushey was not in/available when CSWD visited and did not respond to multiple messages conveyed via her staff and by voicemail. Nonetheless, a Lighthouse employee acknowledged during an outreach visit in the early summer of 2024 that Lighthouse Restaurant staff were not trained to compost and did not routinely separate food scraps from the trash.

After receiving the case from the Outreach Team, CSWD's Compliance Staff confirmed that there were no containers for food scraps evident on site – including next to the trash compactor behind the hotel, near the recycling dumpster in the parking lot, or outside restaurant entrances or kitchen doors. A letter compliance staff sent by both email and postal mail to Ms. Bushey on December 6, 2024, outlined the CSWD Solid Waste Management Ordinance (SWMO) requirements for separate management of food waste, warned that CSWD believes the Lighthouse to be out compliance with those requirements, and requested a response by December 31, 2024. CSWD used postal and email addresses associated with the Lighthouse in

the Vermont Department of Health's current database of food service licensees when sending that letter. CSWD received no response to the Warning of Noncompliance letter before or after the December 31 deadline. CSWD Compliance staff were again unable to find any containers designated for food waste or other indications of separate management of food waste outside the restaurant during subsequent visits to the Lighthouse in January and February, 2025.

CURRENT SITUATION

CSWD's primary goal with this enforcement action is holding The Lighthouse responsible for the corrective measures required to come into compliance with SWMO requirements and ensure that the restaurant's food waste is collected and managed appropriately for diversion from landfill. Accordingly, CSWD staff support offering The Lighthouse the opportunity to promptly address food waste management deficiencies and demonstrate ongoing compliance with solid waste requirements as an alternative to immediately levying fines.

It is staff's recommendation that the Lighthouse be required to develop, and submit within 14 days of issuance of the Proposed Order, a Corrective Action Plan (CAP) for CSWD's review. Should the CAP be accepted by CSWD and implemented by the Lighthouse in accordance with the approved timeline, the fines proposed for the instances of Unlawful Conduct (for violations of SWMO sections 3.8 and 3.9) cited in the 2/28/25 Notice of Violation would be held in abeyance pending successful completion of a six-month probationary period. Staff recommend that period begin on the date CSWD approves The Lighthouse's CAP and expire 180 days after the Lighthouse is confirmed to have come into full compliance, provided the Lighthouse adheres to the conditions of the CAP and CSWD finds no additional SWMO violations during that time. Compliance staff will conduct at least one scheduled and one unannounced check during the probationary period to confirm that corrective actions have been implemented and that the Lighthouse's program is ongoing and effectively diverting food waste from the trash.

In this scenario, the Lighthouse would be strongly encouraged to present the plan within 10 days to allow CSWD to request any necessary modifications in time for the CAP to be revised and resubmitted by the Lighthouse before the 14-day deadline. The CAP should specify an implementation timeline, but the Lighthouse would have no more than 30 days (from the date the Proposed Order is issued) to come into compliance, with an effective program for diverting food waste fully in place.

Staff further recommend that, in the event that The Lighthouse does not submit a CAP before the deadline; or submits an inadequate CAP that does not meet CSWD's approval; or fails to execute the stipulations of the CAP; or is found to be in violation of the SWMO during the probationary period, the Executive Board would immediately rescind the abeyance of the fines and issue a proposed order and assessment of the fines outlined in the NOV without offering The Lighthouse additional opportunities to mitigate those penalties with corrective actions.

MOTION to

Find The Lighthouse Restaurant and Lounge in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and hold the financial penalties associated with those violations in abeyance pending the submission and approval of a Corrective Action Plan, a scheduled on site review of the implemented Corrective Action Plan with CSWD Staff and Lighthouse Management, and continued compliance with the Solid Waste Management Ordinance for a 180 day probationary period.