

February 28, 2025

Jonnaca Bushey
The Lighthouse Restaurant
25 Sommerfield Avenue
South Burlington, VT 05403

Re: **NOTICE OF VIOLATION** – The Lighthouse Restaurant and Lounge, 38 Lower Mountain View Drive, Colchester, VT; Failure to separate and divert food waste

Dear Ms. Bushey,

The Chittenden Solid Waste District (CSWD) alleges that The Lighthouse Restaurant and Lounge is in violation of [CSWD's Solid Waste Management Ordinance](#) (Ordinance). This letter cites compliance requirements of the Ordinance and deficiencies documented at your restaurant on multiple occasions in 2024 and 2025 concerning required separation and management of food waste. 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 was no evidence of an organics diversion program when CSWD outreach staff visited the Lighthouse, and an employee indicated that restaurant staff were not trained to "compost" or separate food waste from the trash during one of multiple outreach visits by CSWD in the winter, spring, and early summer of 2024.
2. CSWD compliance staff were unable to locate any food scrap containers in the Designated Areas for solid waste or elsewhere on the property during a visit to The Lighthouse on December 4, 2024, and found no indications of organics pickup service or any other forms of separate, dedicated management of food waste.
3. On December 6, 2024, compliance staff sent a Warning of Noncompliance letter, via both USPS and email, citing the requirements for separate management of food waste under Ordinance sections 3.8 and 3.9 and requesting a response by December 31, 2024. CSWD has received no response before or since that deadline.
4. CSWD compliance staff found no designated containers for food waste at the recycling dumpster or trash compactor sites, near entrance/exit doors, or elsewhere on the property when visiting The Lighthouse on January 9 and again on January 16, 2025. Similarly, there were no designated containers for food waste evident near waste containers or around the perimeter of the building on February 25 and 27, 2025. Although it was not possible to access and check the full contents of the trash compactor, CSWD Compliance staff noted and documented food items on the ground around the trash compactor during the January 16 and February 25 visits.

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.

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

Each Generator shall:

...

B. Separate Food Residuals from other Solid Waste and place such Food Residuals in a designated container. Food Residuals shall be managed in accordance with the requirements of [10 V.S.A. §6605k](#).

UNLAWFUL CONDUCT PENALTIES

Based upon the above information, CSWD alleges that The Lighthouse Restaurant and Lounge, located at 38 Lower Mountain View Drive, Colchester, Vermont, has failed to comply with Sections 3.8 and 3.9 of the Ordinance and that such conduct constitutes Unlawful Conduct under and as defined in the Ordinance. CSWD further alleges that the noted deficiencies are ongoing and that The Lighthouse remains out of compliance with Ordinance food waste requirements, as of the date of this letter.

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.

Accordingly, The Lighthouse may be assessed a cumulative fine of \$1600 for the two alleged violations cited above, plus \$100 per day for the continuing Unlawful Conduct from the date of the letter until the violations are addressed to bring The Lighthouse into compliance, should CSWD's Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, The Lighthouse 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, you 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 with any questions you have about this notice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Reeves".

Sarah Reeves
Executive Director

cc Ethan Hausman, CSWD Compliance Specialist *via email*
 Joey Catania, CSWD Compliance & Safety Manager *via email*
 Lauren Eagan, CSWD Commissioner for Colchester *via email*
 Anne Bijur, VT DEC Solid Waste Program Materials Management Supervisor *via email*



The Lighthouse's recycling dumpster area from various angles. Photos taken 12/4/24.

The Lighthouse's trash compactor area behind Hampton Inn, 12/4/24





Lighthouse recycling dumpster & trash compactor areas. Photos taken 1/9/25.

The Lighthouse exterior from various angles, 1/9/25.





The Lighthouse's recycling dumpster area from various angles on 1/16/25



The Lighthouse's trash compactor area, with loose onion nearby compactor, 1/16/25





The Lighthouse's recycling dumpster area from various angles on 2/25/25.

The Lighthouse's trash compactor area, with multiple food items around compactor on 2/25/25.





Back doors of the Lighthouse, photos taken 2/25/25

Trash compactor area, photos taken 2/27/25

The Lighthouse's recycling dumpster area, photos taken 2/27/25

