



ADMINISTRATIVE OFFICE

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South Burlington, VT 05403

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TEL (802) 872-8100

www.cswd.net

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MEETING INSTRUCTIONS
FOR THE PUBLIC**

Date: Monday, April 14, 2025

Time: **5:00 p.m.**

Place: **ZOOM Meeting**

IMPORTANT:

Members of the public who are joining remotely are asked to preregister online using the link below. Following the meeting a recording will be available upon request.

Hi there,

You are invited to register for a Zoom webinar!

When: Apr 14, 2025 05:00 PM Eastern Time (US and Canada)

Topic: Executive Board Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_5r-W3irTToWNm4M3clcV_g

For those without internet access, call 802-872-8100 ext. 213 and leave a message to register for the meeting. A call-in number will be provided to you prior to the meeting.

Participants will be in listen only mode.

Call in controls include: *6 – toggle mute/unmute and *9 to raise your hand.



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**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MEETING
REGULAR MEETING**

Date: Monday, April 14, 2025
Time: 5:00 P.M.
Place: Hybrid Meeting - ZOOM Meeting or In-Person at CSWD Administrative Office
19 Gregory Drive, South Burlington

***** (E) Indicates enclosures (H) Indicates handouts (D) Discussion Only**

1. (E) **Agenda** (5:00 p.m.)
2. **Public Comment Period** (5:00 p.m.)
3. (E) **Consent Agenda – March 17, 2025 minutes** (page 3) (5:05 p.m.)
4. (E) **Public Hearing - Notice of Violation for Unlawful Conduct** (page 8) (5:10 p.m.)
Board Action Requested: Open the Public Hearing
 - a. The Lighthouse Restaurant, Colchester
Board Action Requested: Enter Deliberative Executive Session
Resume Public Hearing
5. (E) **Solid Waste Management Ordinance – Proposed change review** (5 :40 p.m.)
(page 25)
6. **Other Business** (6:10 p.m.)

Possible Action could occur on any agenda item, although not initially noted. If you need an accommodation, please call the District at 872-8100 upon receipt of this notice. All times listed are an estimated start and duration.

DRAFT

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MINUTES
VIA ZOOM & CSWD Administrative Office
March 17, 2025**

EXECUTIVE BOARD PRESENT: Alan Nye, Paul Ruess, Paul Stabler

OTHER BOARD MEMBERS: Lauren Eagan

CSWD STAFF PRESENT: Sarah Reeves, Amy Jewell, John Balparda, Jen Holliday, Joey Catania, Ethan Hausman, Jon Dorwart, Steve Ellis (General Counsel)

PUBLIC PRESENT: Chef Chris & Sven Kvinlaug, Pickled Perch; Maggie Birch, Our House Bistro

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda – 1/2025 minutes
4. NetSuite
5. MRF Update
6. Public Hearing
7. Other Business
8. Adjourn

Paul Ruess called the meeting to order at 6:02 p.m.

Agenda #1. Agenda – Accepted as presented.

Agenda #2. Public Comment Period – No public comments.

Agenda #3. Consent Agenda – Accepted as presented.

Agenda #4. NetSuite – J. Balparda introduced the new contract with NetSuite, CSWD's accounting and budgeting software and explained upcoming increase costs. This new contract eliminates the NetSuite Planning and Budgeting Module to reduce total contract fees by \$52,000. J. Balparda is working with Jon Dorwart to produce a series of spreadsheets and use SQL to build a budgeting tool and forecasting model. Discussion was held on spreadsheet reliability and security. S. Reeves confirmed that due the cost of these two modules, CSWD money can be better utilized by in-house options. It was requested that documentation of this process be thoroughly completed for continuity.

Motion by P. Stabler, seconded by A. Nye to accept the Oracle American NetSuite renewal estimate as presented and authorize Sarah Reeves, Executive Director, to execute the annual renewal at a total cost of \$50,062.80. Voting: All ayes; Motion Carried.

Agenda #5. MRF Update – S. Reeves provided an update on the increased new MRF Build costs of \$3-\$4 million due to increased price of steel from tariffs, other revised architectural work, and a delay in the timeline. She said this will be discussed at the Full board meeting and that following the land purchase closing, CSWD will send a request for a jurisdictional opinion on whether an Act 250 permit is needed. She said that the March Board Meeting will include discussion on covering increases in the MRF project.

Agenda #6. Public Hearing – Notice of Alleged Violation from three parties.

Motion by P. Stabler, Second by A. Nye to open the Public Hearing. VOTING: All Ayes. Motion Carries. The Executive Board opened the public hearing at 6:48 p.m.

P. Ruess said that the Public Hearing will follow established Enforcement Hearing Process recently approved by the Board. He noted that all three respondents received a notice of alleged violation and requested this public hearing to review the alleged violation. The Executive Director and CSWD Staff will present information regarding the alleged violations, and the respondents will have a chance to speak and provide a rebuttal. The Executive Board will ask any questions before going into deliberative Executive Session to discuss and render a decision. He noted that this is a quasi-judicial hearing, and parties will be asked to swear that the information that they give is truthful.

First Hearing – Pickled Perch – Colchester

CSWD staff and Picked Perch representatives affirmed that the testimony they give will be truthful and honest to the best of their understanding and knowledge.

J. Catania states that CSWD staff has documented the Pickled Perch Restaurant and Bar has not been routinely separating and diverting food waste. Attempts to contact the Pickled Perch management were unsuccessful until the Notice of Alleged Violation that was issued on February 28, 2025. Pickled Perch has been responsive since then and, in their request for a hearing, referenced steps that they are now taking to come into compliance. Staff recommend the Executive Board find the Pickled Perch in violation of CSWD's Ordinance and require them to come into compliance through implementation of a Correction Action Plan with verification by CSWD Staff.

J. Catania said CSWD is recommending the board motion to find the Pickled Perch 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 by CSWD staff and the Pickled Perch management, and the Pickled Perch's continued compliance with the Solid Waste Management Ordinance for a 180-day probationary period.

Pickled Perch Sven Kvinlaug states that Pickled Perch has complete compliance at this point. They contacted Myers and now have compost bin for their food waste. They have explained this to their staff and chefs. P. Stabler asks if they are training the waitstaff. S. Kvinlaug states that they had a meeting with all staff, the wait staff and chef understand and S. Kvinlaug will be keeping track of it to make sure it is done properly. CSWD staff affirmed that they would act as a resource to help Pickled

Perch create and implement a corrective action plan. S. Kvinlaug notes they have issues with illegal dumping in their dumpster, as it is not locked by building owners.

Motion by P. Stabler, seconded by A. Nye that the Executive Board of Commissioners of the Chittenden Solid Waste District go into deliberative executive session to weigh, examine, and discuss the facts and testimony provided as part of this public hearing, as it pertains to the notice of violation, issued to the Pickled Perch in Colchester, Vermont.

The Executive Board entered Deliberate Executive Session at 6:59 p.m.

MOTION by P. Stabler, seconded by A. Nye, to exit deliberate session at 7:37 p.m. Motion carries.

P. Ruess states that the Executive Board finds that the Pickled Perch was in violation of Solid Waste Management Ordinance sections 3.8 and 3.9. We find that the respondent has provide assurances that they have and will continue to comply with the Solid Waste Management Ordinance. They further indicated that they will cooperate with district staff and allow access at reasonable times to assured continued compliance. Therefore, the Board determines that we will waive the civil penalty, and direct that the Pickled Perch remain in compliance and continue to cooperate with district staff and allow reasonable access to Pickled Perch facility to assure continued compliance. A written order will be issues within the next 30 days to Pickled Perch. The Pickled Perch does have the option to appeal this decision to the Full Board.

Second Hearing – Light House Restaurant and Lounge

CSWD Staff has documented that the Lighthouse Restaurant and Lounge does not have a composting program in place. Multiple attempts by CSWD Outreach and Compliance in 2024 to contact management received no responses.

J. Catania said CSWD is recommending the board 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 by CSWD staff and the Lighthouse management, and the continued compliance with the Solid Waste Management Ordinance for a 180-day probationary period.

No Representative from the Lighthouse in attendance. A. Nye asks if they have started a program and/or there might be a willingness to. J. Catania informs the Board that the owner was traveling out of the country just after receiving the Notice of Alleged Violation and has been unreachable but responsive as a result. P. Stabler when will the owner and will be back in town and can respond and be back in town. E. Hausman noted that she is back as of a few days ago. P. Stabler asks if we are getting cooperation, and optimistic Lighthouse will implement a plan. J. Catani stresses importance of Board requirement to implement a plan. E. Hausman notes how the process is to issue a warning letter, request a response about the deficiency, and only issue an NOV if efforts to verify a program have been stonewalled.

Motion by P. Stabler, seconded by A. Nye that the Executive Board of Commissioners of the Chittenden Solid Waste District go into deliberative executive session to weigh, examine, and discuss the facts and testimony provided as part of this public hearing, as it pertains to the notice of

violation, issued to the Lighthouse Restaurant and Lounge in Colchester, Vermont and to permit Solid Waste District attorney to be present for this session.

The Executive Board entered Deliberate Executive Session at 7:47 p.m.

MOTION by P. Stabler, Second by A. Nye to exit deliberate session at 7:57 p.m. Motion carries.

Motion by P. Stabler, seconded by A. Nye that the Board table this to the next Executive Board meeting on April 14, 2025. All ayes; motion carries.

Third Hearing – Our House Bistro 7:58 p.m.

CSWD staff and Maggie Birch, Our House Bistro Representative, affirm that the testimony they intend to give will be truthful and honest to the best of their understanding and knowledge.

CSWD Outreach and Compliance staff have documented that Our House Bistro does not have a program in place for routinely diverting food waste. CSWD staff received no response from Our House Bistro owner throughout 2024, prior to issuing the Notice of Alleged Violation on February 28, 2025.

J. Catania said CSWD is recommending the board motion to find the Our House in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and to 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 by CSWD staff and Our House Management, and Our House's continued compliance with the Solid Waste Management Ordinance for a 180-day probationary period.

M. Birch, representing Our House Bistro, appreciates the opportunity to respond. M. Birch states that Our House does have a program in place but notes that it is developing and is not perfect. States that Our House Bistro has had a bin from Myers for some time, but it often it goes missing which makes it difficult to keep up regular habits in the restaurant. M. Birch states that they do have a program – albeit imperfect- in -place and that she can share their standard operating procedure with CSWD. She said that the Our House Bistro does share waste and recycling receptables with Mule Bar, but that the compost bin on site is theirs is for Our House use only, and they have added a label to indicate this.

E. Hausman said that finding food scraps in the trash and no evidence of a program is what brings us to this point. J. Catania states that the Outreach team heard from an employee that they have not been trained. M. Birch responds that part time college students staff the restaurant, and they do not always have face time, but they have improved their training. P. Stabler asks for the role of the representative. M. Birch is a co-owner. P. Stabler asks CSWD staff if, in recent weeks or months, that they have seen improvements. J. Catania states that they received communication from Our House on Friday of a photo of compost container at their facility. He said that less than a month prior, they had gone and did not see any compost container on site and saw food in the trash consistent with Our House menu. M. Birch states that Our House has full-time back of house staff and 3-4 dishwashers, 12 staff working 1-2 days of week. She also added that included in their response to CSWD is an e-mail from Myers stating they have been a customer of theirs for some time.

Motion by P. Stabler, seconded by A. Nye that the Executive Board of Commissioners of the Chittenden Solid Waste District go into deliberative executive session to weigh, examine, and discuss the facts and testimony provided as part of this public hearing, as it pertains to the notice of violation, issued to Our House Bistro in Winooski, Vermont.

The Executive Board entered Deliberate Executive Session at 8:09 p.m.

MOTION by P. Stabler, Second by A. Nye to exit deliberate executive session at 8:15 p.m. Motion carries.

P. Ruess states that the Executive Board finds that Our House Bistro is in violation of Solid Waste Management Ordinance sections 3.8 and 3.9. We find that the respondent has provide adequate assurances that they have and will continue to comply with the Solid Waste Management Ordinance. They've indicated that they will cooperate with district staff and allow access at reasonable times to assure continued compliance. Therefore, the Board determines that it will waive the civil penalty, and direct that Our House Bistro remain in compliance and continue to cooperate with district staff and allow reasonable access to Our House Bistro facility to assure continued compliance. A written order will be issued within the next 30 days.

Motion by P. Stabler, Second by A. Nye to close the public hearing. Motion Carries. All Ayes.

The Public Hearing was closed at 8:17 p.m.

Agenda #9. Other Business – P. Stabler notes that Casella Waste Management is providing \$1.5 million dollars to UVM to start a program to study sustainability.

Motion by P. Stabler, Second by A. Nye to adjourn the meeting. VOTING: unanimous; motion carried. The meeting was adjourned at 8:18 p.m.

I agree that this is an original copy of minutes, and they have been approved by the Executive Board at the _____ meeting held in South Burlington.

Amy Jewell, Recording Secretary

CHITTENDEN SOLID WASTE DISTRICT

Enforcement Hearing Process Policy

I. STATEMENT OF PURPOSE

The purpose of this policy is to outline the official process to be followed at enforcement hearings conducted by both the Executive Board and Board of Commissioners (the Board) with respect to allegations of Unlawful Conduct under, and as provided in, the Solid Waste Management Ordinance (Ordinance) adopted by the Chittenden Solid Waste District (CSWD).

II. BACKGROUND

Hearings on a Notice of Violation are publicly warned meetings and are held in public session with minutes of the meeting recorded. The Ordinance outlines the enforcement procedure resulting from a Notice of Violation and the requirements for determining if penalties for Unlawful Conduct are warranted.

All Notice of Violation hearings will be held in a manner compliant with Vermont's Open Meeting Law, including Act 133 (S.55).

III. PROCEDURE

- A. The Chair of the Board calls the meeting to order at the appointed time, determines whether a quorum of the Board is in attendance, and if so, proceeds with and follows the warned Agenda. When the agenda item that designates the Public Hearing is reached, the Chair calls for a motion to open the Public Hearing, stating the time. If moved and seconded, the Chair calls for a vote on the motion to open the Public Hearing. If the motion carries, the Public Hearing is open.
- B. The Chair states the nature of the Public Hearing, states that the Board will function in a quasi-judicial manner for the duration of the Public Hearing and turns to the Executive Director to describe the reason for the Public Hearing.
- C. The Executive Director and associated staff describe the Notice of Violation and present evidence to substantiate the accusations.
- D. At the conclusion of staff's presentation, the Chair will provide an opportunity for the Notice of Violation recipient to address the accusations and provide additional details for consideration by the Board.

- E. If either the Respondent or the Executive Director request to provide testimony or submission of evidence by a third party, any such evidence or testimony shall be subject to the approval of the Chair, after a finding that such proposed testimony or evidence may be relevant or assist the Board in its deliberations.
- F. Upon hearing the presented evidence, Board members may direct questions to the Chair, who will then direct the question to the appropriate party. Board members should not address the parties directly, nor should the parties address each other.
- G. When all questions have been asked and answered, the Chair will ask for a motion to enter deliberative Executive Session, stating the time and asking for a second. If moved and seconded, the Chair calls for a vote on the motion to enter deliberative Executive Session. If the motion carries, those formally invited to such deliberative Executive Session (members of the Board and CSWD's General Counsel) will leave the room where the hearing is taking place and begin the deliberative Executive Session in a private room. The room where the deliberative Executive Session is held must have access to an online meeting option for those members who are permitted in the session but not on site. Minutes are not recorded during the deliberative Executive Session.
- H. In deliberative Executive Session, the Chair will lead the discussion of the presentation of the evidence and the Board will determine whether the Unlawful Conduct, as defined in Article 2 (UU) of the Ordinance, described in the Notice of Violation has occurred.
- I. The deliberations and determination shall be by majority vote in the deliberative Executive Session. As the hearing involves the due process rights of a Person (as defined in the Ordinance), and not the general governance of the Executive Board or Board of Commissioners, the vote shall be one person-one vote, and not the weighted voting provided under the Charter for actions by the Board of Commissioners.
 - a. The Board may decide to:
 - i. Determine that the respondent committed Unlawful Conduct and impose a civil penalty as recommended by staff;
 - ii. Determine that the respondent committed Unlawful Conduct and impose a civil penalty different than that proposed by staff;
 - iii. Determine that the Unlawful Conduct did not occur or that there was insufficient evidence to make a determination of Unlawful Conduct by the respondent;
 - iv. Make such other findings as needed under the Solid Waste Management Ordinance.

- J. When deliberations are finished, the Chair will call the public back into the Public Hearing and asks for a motion to exit deliberative Executive Session. If moved and seconded, the Chair calls for a vote on the motion to exit deliberative Executive Session and notes the time. If the motion carries, public session resumes. The Chair describes any action that needs to be taken as a result of the deliberations during Executive Session.
- K. Such action, as determined by the Board, shall be issued from a Proposed Order, or Final Order within 30 days of the hearing to the accused, as outlined and defined in CSWD's Ordinance and 24 V.S.A. § 2297a.

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: April 10, 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 & 2025 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 15 days of issuance of the Proposed Order, a Corrective Action Plan (CAP) for CSWD's review. Compliance staff will conduct at least one scheduled and one unannounced check 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 15-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.

MOTION to

Find The Lighthouse Restaurant and Lounge in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and waive the financial penalties associated with those violations. In lieu of fines, The Lighthouse Restaurant and Lounge must submit a Corrective Action Plan and allow for a scheduled, on site, review of the implemented Corrective Action Plan with CSWD Staff and Lighthouse Management.



Chittenden Solid Waste District

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**NOTICE OF TABLED MOTION TO BE TAKEN UP AT NEXT REGULARLY SCHEDULED
MEETING OF EXECUTIVE BOARD**

**In Re: NOTICE OF VIOLATION – The Lighthouse Restaurant: Failure to separate and divert
food waste**

The Lighthouse Restaurant (the “Respondent”) received a Notice of Violation (NOV) dated February 28, 2025, citing deficiencies observed on multiple occasions in 2024 and 2025 concerning required separation and management of food waste. The NOV further alleged that the notified deficiencies were ongoing, and that Respondent remained out of compliance. The NOV notified Respondent of its right to request a hearing before the Executive Board. Notice of a request for a hearing was received by the Executive Board within the time limit allowed.

At a public meeting held March 17, 2024, the Staff of the District submitted the finding of facts to the Executive Board for consideration in determination of whether the Respondent has committed Unlawful Conduct. District Staff that presented for the District were Sarah Reeves, Executive Director, Joey Catania, Compliance and Safety Manager, and Ethan Hausman, Compliance Specialist. District Staff moved the Executive Board to 1) find Respondent in violation of the Ordinance, as set forth in the NOV; 2) hold the financial penalties in abeyance; and 3) place the Respondent on “probation” for a period of 180 days.

Although the Respondent requested a hearing, no representative of the Respondent appeared at the hearing on March 17, 2025. District Staff reported that the Respondent’s representative had recently been out of the country and was likely attending to the St. Patrick’s Day business.

The Executive Board voted to table the motion until the next regularly scheduled meeting of the Executive Board on April 14, 2025. At that meeting, a motion will be entertained to reopen the record and afford District Staff an opportunity to report any developments in the interim, and Respondent an opportunity to appear and be heard. The Executive Board will then deliberate and issue its decision on the NOV.

District Staff shall deliver a copy of this Notice to the Respondent on or before March 31, 2025.

Notice issued this 26th day of March, 2025.

Executive Board, Chittenden Solid Waste District

By: Paul Ruess

Paul Ruess
Chair, CSWD Executive Board
and Board of Commissioners

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.

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



CSWD Ordinance, Current language April 3, 2025**ARTICLE VIII SOLID WASTE MANAGEMENT FEE**

8.1. Establishment. In order to provide for the efficient, economical, and environmentally sound Management and regulation of Solid Waste within the District and its member municipalities, there is hereby established a Solid Waste Management Fee. The Solid Waste Management Fee is imposed on all Solid Waste generated in the District including, but not Amended and enacted July 1, 2024 21 limited to, Solid Waste that is collected for Disposal, however, only twenty-five percent (25%) of the fee shall be imposed on all of the 1) Solid Waste approved by the State for use as landfill daily cover and used as landfill daily cover at Facilities within or without the District and 2) construction and demolition debris fines, derived from the processing of mixed construction and demolition debris for Recycling, and processed concrete contaminated with lead paint, when approved by the State for use in landfill site improvements. The following categories of Solid Waste shall be exempt from the Solid Waste Management Fee: 1) Recyclables that are separated from other Solid Waste and recycled; 2) Compostables that are separated from other Solid Waste and Composted or anaerobically digested at Composting Facilities; 3) Biosolids; 4) nonlandfilled Untreated Wood; 5) Hazardous Waste and non-hazardous Solid Waste delivered to certified Hazardous Waste Facilities as defined in the Vermont Hazardous Waste Management Regulations; 6) Regulated Medical Waste delivered to certified Regulated Medical Waste treatment or Regulated Medical Waste Disposal Facilities; 7) Inert Materials, stumps, root masses, rotted wood, and animal carcasses delivered to certified categorical disposal Facilities; 8) Inert Materials approved by the District Executive Director that are used for landfill site improvements; and 9) screened municipal street sweepings, that are approved by the Vermont Agency of Natural Resources to be used in clean fill applications, as well as alternative daily landfill cover, when used as alternative daily landfill cover. The Board of Commissioners may exempt or partially exempt other materials from the imposition of the Solid Waste Management Fee upon good cause shown. The Solid Waste Management Fee is also imposed on 1) any Solid Waste residues generated and collected in the District that are mixed with Recyclables and exceed ten percent (10%) of those Recyclables delivered to Recycling end market Facilities and 2) mixed Solid Waste used in the production of raw materials or products.

8.2. Amount of Fee. The Solid Waste Management Fee is \$30.00 per ton.

8.3. Waiver of the Solid Waste Management Fee. For good cause shown, the District Executive Board may waive or partially waive the imposition of the Solid Waste Management Fee to provide economic incentives to comply with the provisions of this Ordinance, any other ordinance or regulations adopted by the District, District policies, or to reduce the cost of alleviating a specific environmental hazard.

8.4. Weighing. The District shall license one or more Scales for determining the weight of Solid Waste collected within the District for Disposal within or without the District. Any Person required to obtain a Hauler's License and any Self-Hauler delivering Solid Waste to a Transfer/Disposal Facility shall cause any vehicle that has been or is being used to collect any such Solid Waste to be weighed on a District-licensed Scale. Weighings at any District-licensed Scale shall be performed: 1) before any Solid Waste is removed from such vehicle at a Transfer/Disposal Facility of any kind, either within or without the District, and 2) when such vehicle is empty. In the event weighing of a

vehicle is performed at other than a Transfer/Disposal Facility for the Solid Waste in such vehicle, the average tare weight of the vehicle may be used in lieu of actual weighing of the empty vehicle upon approval of the Executive Director. It is presumed that all Solid Waste in every such vehicle was generated within the District. The owner or operator of each such vehicle shall have the burden to demonstrate to the District, by a preponderance of the evidence, that any Solid Waste in any such vehicle was generated outside of the District. If weighing facilities are not readily available, or upon a showing of undue burden, a Hauler may request the approval of the District to pay the Solid Waste Management Fee based upon the estimated weight of Solid Waste such Hauler will collect within the District. Such request shall be made in a License application or an amendment to an existing License. Estimated weights shall be based upon information and evidence reasonably satisfactory to the District and shall be valid for no longer than one (1) year, or such shorter period of time as the District may designate. If weighing facilities are not readily available, or if an undue burden would be imposed on the Hauler, the District Executive Director may authorize the Hauler to use estimated weights for specific and isolated loads of Solid Waste for purposes of calculating the Solid Waste Management Fee due the District.

CSWD Ordinance, Proposed language, effective July 1, 2025

*Key

Red underline denotes new language or new numbering. ~~Red strikethrough (red strikethrough)~~ denotes deleted language.

~~Green double strikethrough (double strikethrough)~~ and green double underline denote current language that was moved from an existing section to a new section.

ARTICLE II DEFINITIONS

ZZ. “Tipping Fees” shall mean the per unit fee charged on Waste received at waste management Facilities.

ARTICLE VIII SOLID WASTE MANAGEMENT FEE

8.1. Establishment. As provided in the District’s charter, Article I, CREATION AND POWERS, Section 5. POWERS, in in order to provide for the efficient, economical, and environmentally sound Management and regulation of Solid Waste within the District and its member municipalities, there is hereby established a Solid Waste Management Fee. The Solid Waste Management Fee is imposed on all Solid Waste generated in the District including, but not limited to, Solid Waste that is collected for Disposal, however, only twenty-five percent (25%) of the fee shall be imposed on all of the 1) Solid Waste approved by the State for use as landfill daily cover and used as landfill daily cover at Facilities within or without the District and 2) construction and demolition debris fines, derived from the processing of mixed construction and demolition debris for Recycling, and processed concrete contaminated with lead paint, when approved by the State for use in landfill site improvements. ~~The following categories of Solid Waste shall be exempt from the Solid Waste Management Fee: 1) Recyclables that are separated from other Solid Waste and recycled; 2) Compostables that are separated from other Solid Waste and Composted or anaerobically digested at Composting Facilities; 3) Biosolids; 4) nontandfilled Untreated Wood; 5) Hazardous Waste and non-hazardous Solid Waste delivered to certified Hazardous Waste Facilities as defined in the Vermont Hazardous Waste Management Regulations; 6) Regulated Medical Waste delivered to certified Regulated Medical Waste treatment or Regulated Medical Waste Disposal Facilities; 7) Inert Materials, stumps, root masses, rotted wood, and animal carcasses delivered to certified categorical disposal Facilities; 8) Inert Materials approved by the District Executive Director that are used for landfill site improvements; and 9) screened municipal street sweepings, that are approved by the Vermont Agency of Natural Resources to be used in clean fill applications, as well as alternative daily landfill cover, when used as alternative daily landfill cover.~~ The Solid Waste Management Fee is also imposed on 1) any Solid Waste residues generated and collected in the District that are mixed with Recyclables and exceed ten percent (10%) of those Recyclables delivered to Recycling end market Facilities and 2) mixed Solid Waste used in the production of raw materials or products.

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8.3. Purpose and Uses. The purpose of the Solid Waste Management Fee is to generate revenue to defray some or all of District costs other than those to be defrayed by the Tipping Fees, by the sale of goods, by grants received by the District, or by any other revenue due to the District. In establishing the annual budget the Board will include all or portions of the costs which it desires to defray by the District Fee, which may include, but are not limited to: debt service (principal and interest), capital reserves, any portion of the costs of operation not being defrayed by the Tipping Fees, Special Waste programs, Recycling programs, educational programs, administration costs, and other District Facilities, programs, and service costs.

8.4. Amount of Fee. The Solid Waste Management Fee is Forty Dollars (\$40.00) per ton and may be subject to change as follows: \$30 per ton.

ALT Language: The baseline Solid Waste Management Fee is Forty Dollars (\$40.00) per ton as of July 1, 2025, and may be subject to adjustment as follows:

The Solid Waste Management Fee shall be subject to annual adjustment in accordance with the budget appropriation procedures in Article IV of the District Charter. Adjustments to the Solid Waste Management Fee shall be at the discretion of the Board when it is reviewing its annual financial position, and be determined by the Board who shall consider the Purpose and Uses of the Solid Waste Management Fee as identified in Section 8.3, and Consumer Price Indices as determined and published by the U.S. Bureau of Labor Statistics, referencing both the Northeast Urban Class B/C Consumer Price Index and the Garbage and Trash Index for the twelve (12) month period immediately preceding January 31 of the current fiscal year. The proposed adjustment shall be calculated as of January 31 for the subsequent fiscal year.

All Solid Waste Management Fee adjustments shall become effective on July 1 of the same calendar year in which the calculation is made.

In the event of unanticipated extraordinary circumstances, the Board may determine that an adjustment to the Solid Waste Management Fee is warranted outside of the annual budget process. Such adjustment shall take effect not less than 60 calendar days from the date of the Board action authorizing the adjustment.

8.35. Waiver of the Solid Waste Management Fee. For good cause shown, the District Executive Board may waive or partially waive the imposition of the Solid Waste Management Fee to provide economic incentives to comply with the provisions of this Ordinance, any other ordinance or regulations adopted by the District, District policies, or to reduce the cost of alleviating a specific environmental hazard.

8.46. Weighing. The District shall license one or more Scales for determining the weight of Solid Waste collected within the District for Disposal within or without the District. Any Person required to obtain a Hauler's License and any Self-Hauler delivering Solid Waste to a Transfer/Disposal Facility shall cause any vehicle that has been or is being used to collect any such Solid Waste to be weighed on a District-licensed Scale. Weighings at any District-licensed Scale shall be performed: 1) before any Solid Waste is removed from such vehicle at a Transfer/Disposal Facility of any kind, either within or without the District, and 2) when such vehicle is empty. In the event weighing of a vehicle is performed at other than a Transfer/Disposal Facility for the Solid Waste in such vehicle, the average tare weight of the vehicle may be used in lieu of actual weighing of the empty vehicle upon approval of the Executive Director. It is presumed that all Solid Waste in every such vehicle was generated within the District. The owner or operator of each such vehicle shall have the burden to demonstrate to the District, by a preponderance of the evidence, that any Solid Waste in any such vehicle was generated outside of the District. If weighing facilities are not readily available, or upon a showing of undue burden, a Hauler may request the approval of the District to pay the Solid Waste Management Fee based upon the estimated weight of Solid Waste such Hauler will collect within the District. Such request shall be made in a License application or an amendment to an existing License. Estimated weights shall be based upon information and evidence reasonably satisfactory to the District and shall be valid for no longer than one (1) year, or such shorter period of time as the District may designate. If weighing facilities are not readily available, or if an undue burden would be imposed on the Hauler, the District Executive Director may authorize the Hauler to use estimated weights for specific and isolated loads of Solid Waste for purposes of calculating the Solid Waste Management Fee due the District.

CSWD Ordinance, Proposed language, effective July 1, 2025

Clean Version

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