

PROPOSED ORDER

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

This is a Proposed Order issued pursuant to the Chittenden Solid Waste Management Ordinance (the “Ordinance”) adopted by the Chittenden Solid Waste District (the “District”).

FINDINGS

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, 2025, 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. The Executive Board voted to table the motion until the next regularly scheduled meeting of the Executive Board on April 14, 2025. The Respondent was informed by notice mailed March 27, 2025 to the Respondent that the Executive Board would consider the NOV and may take action at the April 14, 2025 meeting.

On April 14, 2025, the Chair of the Executive Board convened the public hearing. No representative of the Respondent was present. Upon approval of the motion to take the matter off the table, the Chair opened the hearing to further discussion and presentation of additional evidence.

The Chair summarized the presentation of the Staff of the District as presented at the March 17, 2025 meeting with respect to the Unlawful Conduct of the Respondent in violation of the Ordinance, and in particular, Ordinance Section 3.8 (Separation of Mandatory Recyclables and Food Residuals) and Ordinance Section 3.9 (Placement of Recyclables, Food Residuals, and Solid Waste Destined for

Disposal). Ethan Hausman, Compliance Specialist, submitted an additional Memorandum Dated April 10, 2025 to the Executive Board.

Joey Catania, Compliance and Safety Manager, indicated that staff made a site visit on April 9, 2025, and stated that no one at the Respondent's business was willing to speak with the District staff. Joey Catania stated that, as of April 14, 2025, the District had not received any further response from the Respondent.

The Executive Board hereby finds that the Respondent has failed to comply with the Ordinance, as set forth in the Notice of Violation, a copy of which is attached hereto and incorporated by reference into this Proposed Order. Specifically, the Executive Board finds that Respondent failed to comply with Sections 3.8 and 3.9 of the Ordinance.

As provided in the Ordinance, in its determination of a civil penalty, the Executive Board considered:

- (1) the impact on public health, safety, welfare, and the environment resulting from the violation;
- (2) the Respondent has not cured the violation;
- (3) evidence of mitigating circumstances has not been submitted;
- (4) based upon the prior Warning of Non Compliance, the Respondent knew or had reason to know the violation existed;
- (5) the Respondent's record of compliance;
- (6) the possible economic benefit to Respondent gained from the violation;
- (7) the deterrent effect of the penalty;
- (8) the costs of enforcement; and
- (9) the length of time the violation has existed.

ORDER

Based upon the information submitted, and the findings of the Executive Board, the Executive Board hereby orders that Respondent is subject to the following pursuant to Section 12.5 of the Ordinance and 24 V.S.A. Section 2297a:

- **Respondent (The Lighthouse Restaurant) has committed Unlawful Conduct as described above by its failure to comply with Sections 3.8 and 3.9 of the Ordinance.**
- **Civil Penalties for the Unlawful Conduct set forth in the NOV will be waived.**
- **The Respondent is directed to take action necessary to achieve compliance with the Ordinance, and to submit a corrective action plan acceptable to the District staff within 15 days of the date of this Order, and to allow District staff to conduct an on-site review.**
- **Failure to take such corrective action and complete a corrective action plan may be considered as factors in any future hearing for violations of the Ordinance as it relates to Respondent's record of compliance and knowledge of the violations.**

Respondent is further advised that any future violations may incur civil penalties of \$800 for each violation and \$100 a day for continuing violations.

NOTICE OF RIGHT TO A HEARING

Respondent is hereby notified that it has the right to request a hearing before the Board of Commissioners of the District. A request for a hearing must be made in writing to the Executive Director of the District no later than fifteen (15) days after the receipt of this order. Receipt is considered to be three (3) days after the date of mailing. If Respondent does not request a hearing within such allowed time, this order shall be deemed final and shall be effective on the date of receipt.

If Respondent requests a hearing before the Board of Commissioners, the Board of Commissioners shall hold a hearing within fourteen (14) days of receipt of the request. After the hearing, the Board of Commissioners may withdraw or amend the proposed order and may issue a final order that shall be effective on the date of receipt. CSWD may seek enforcement of a final order in the Vermont Environmental Division of the Vermont Superior Court.


Once an order is deemed final, Respondent shall have a right to request a hearing before the Vermont Environmental Division of the Vermont Superior Court. Review of a municipal solid waste order shall be taken by filing a notice of the request with the clerk of the Environmental Division of the Vermont Superior Court and with the Secretary of the CSWD Board of Commissioners within ten days of receipt of the final order.

Filing a request for hearing before the Environmental Division will stop penalties from accruing in the case of a continuing violation.

Questions about this proposed order may be directed to the District's Compliance Specialist (Ethan Hausman) at 872-8100 ext. 208.

Proposed order issued this 16th day of April 2025.

Executive Board, Chittenden Solid Waste District

By: 

Paul Ruess
Chair, CSWD Executive Board
and Board of Commissioners