



**ADMINISTRATIVE OFFICE**

19 Gregory Drive, Suite 204  
South Burlington, VT 05403

**EMAIL** info@cswd.net

**TEL** (802) 872-8100

**www.cswd.net**

**CHITTENDEN SOLID WASTE DISTRICT  
EXECUTIVE COMMITTEE MEETING INSTRUCTIONS  
FOR THE PUBLIC – REMOTE ACCESS**

Date: Monday, May 18, 2026  
Time: 5:00 p.m.  
Place: ZOOM MEETING INSTRUCTIONS

**IMPORTANT:**

CSWD will hold a hybrid Board of Commissioners Meeting. The virtual meeting is accessible by computer or phone. Members of the public, joining the meeting remotely, may join by clicking the link below. Following the meeting a recording will be available upon request.

**You are invited to a Zoom webinar!**

**Join from PC, Mac, iPad, or Android:**

<https://us02web.zoom.us/j/87379006080>

**Webinar ID:**

873 7900 6080

**Phone one-tap:**

+16465588656, 82206970838# US (New York)

+16469313860, 82206970838# US

**Join via audio:**

+1 646 558 8656 US (New York)

***For those without internet access, call 802-872-8100 ext. 247 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, May 18, 2026  
Time: 5:00 P.M.  
Place: Hybrid Meeting - ZOOM Meeting or In-Person at CSWD Administrative Office  
19 Gregory Drive, South Burlington

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**\*\*\* (E) Indicates Enclosures (D) Indicates Discussion Only**

- |   |             |
|---|-------------|
| 1. (E) Agenda                                   | (5:00 p.m.) |
| 2. Public Comment Period                        | (5:01 p.m.) |
| 3. (E) Consent Agenda – April 13, 2026, Minutes | (5:05 p.m.) |
| 4. Public Hearing                               | (5:10 p.m.) |
| a. Notice of Violation – The Pickled Perch      |             |
| 5. Executive Session – Legal Matters            | (5:55 p.m.) |
| 6. Other Business                               | (6:15 p.m.) |
| 7. Adjourn                                      | (6:20 p.m.) |

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



**DRAFT**

**CHITTENDEN SOLID WASTE DISTRICT  
REGULAR EXECUTIVE BOARD MEETING MINUTES  
CSWD Administrative Office & Via Zoom  
April 13, 2026 – 5:00 P.M.**

**EXECUTIVE BOARD PRESENT:** Paul Ruess, Paul Stabler, Alan Nye, Lee Perry, Ken Spencer

**CSWD STAFF PRESENT:** Josh Estey, Amy Jewell, Sarah Reeves

**PUBLIC PRESENT:** Jason Starr, Williston Observer

**AGENDA ITEMS:**

1. Call to Order Agenda
2. Public Comment Period
3. Consent Agenda
4. General Updates
5. Executive Session
6. Other Business
7. Adjourn

**Paul Ruess called the meeting to order at 5:00 p.m.**

**Agenda #1. Agenda** – Changes were made to the agenda to add an Executive Session after item number 4.

**Agenda #2. Public Comment Period** – No members of the public were present.

**Agenda #3. Consent Agenda** – Approved as presented.

**Agenda #4. General Updates**

**a. MRF Project Updates**

S. Reeves presented updates on the Materials Recovery Facility (MRF) project, stating that the facility construction is moving along as scheduled and that J. Esty is working with local and state fire officials to get the final plans for the fire rover submitted for the Fire Marshall's review. Answering a question from P. Stabler, J. Esty reported that the waterline is in the preparatory phase, with sand currently being transported to the Organics Recycling Facility. Excavation is scheduled to commence within the next two weeks, with the anticipation of potential, minor schedule setbacks once it does. J. Esty reported that Green Mountain Power's line extension is nearing completion.

**b. Jurisdictional Opinion Appeal Update**

S. Reeves reported that the Environmental Court ruled in favor of CSWD regarding the MRF project. The court affirmed that the project is not subject to Act 250 jurisdiction as a municipality project under 10 acres, upholding the original jurisdictional opinion over the appeal filed by Casella Waste Systems. No further appeal was filed and the judge's decision is final.

**c. NOV Update - Texas Roadhouse**

S. Reeves reported that following the February 6, 2026, hearing, the Executive Board found Texas Roadhouse in violation of two solid waste ordinance sections. The restaurant paid a total of \$1,600 in fines, (\$800 per violation) submitted a corrective action plan, and, per CSWD verification, has met all compliance measures and established an approved on-site program.

**d. Department Reorganization - Outreach & Communications**

S. Reeves announced a reorganization of the outreach, communications, and marketing department following an upcoming fiscal year-end retirement. This restructuring aims to align personnel with internal goals and ensure compliance with the Solid Waste Implementation Plan and state requirements. Effective July 1, the Compliance and Safety functions will be integrated under Outreach and Education to streamline operations and align related workstreams. Additionally, Marketing and Communications will merge into a single, cohesive program. A new director will be hired to replace the outgoing director who is retiring. K. Spencer asked that the Commissioners get a copy of the new organizational chart.

**e. FY27 Draft Revisions Overview**

S. Reeves provided an update on the FY27 budget revisions, stating that budget managers have been instructed to review remaining FY26 expenses and identify opportunities to reduce, eliminate, or defer costs in the FY27 budget. The revised FY27 budget highlights strategic reductions in outreach, marketing, and consulting/survey expenses, alongside new revenue items. The revisions resulted in a cumulative favorable impact of \$1.6M. Details will be provided in the upcoming board packet. P. Stabler reported that the Finance Committee deemed the review positive, noting significant cost savings and it helped to support the financing for the new MRF. In response to a question from L. Perry S. Reeves said she will ensure an appropriate contingency buffer is factored into the FY27 budget.

**Agenda #5. Executive Session**

**PAUL STABLER made a motion, seconded by ALAN NYE, to move that the Executive Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss real estate negotiations, where premature general public knowledge would clearly place the District, its member municipalities, and other public bodies or persons involved at a substantial disadvantage and to permit authorized staff, other invited interested parties to be present for this session. Motion passed 5-0.**

**PAUL STABLER made a motion, seconded by ALAN NYE, to exit Executive Session. Motion passed 5-0.**

No action was taken during Executive Session.

**Agenda #6. Other Business**

A. Nye reported on a boat wrap recycling initiative identified at a recent marine industry conference. He is coordinating with S. Reeves to evaluate utilizing the new MRF to implement a similar program, aiming to significantly reduce boat wrap waste in local landfills.

**Agenda #7. Adjournment**

**PAUL STABLER made a motion, seconded by KEN SPENCER, to adjourn the meeting. Motion passed 5-0. The meeting was adjourned at 5:50 p.m.**

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

---

Amy Jewell, Secretary

Respectfully submitted,  
 Jamie Harrison  
 Recording Secretary

#4a

## MEMORANDUM

TO: Executive Board of Commissioners  
FROM: Ethan Hausman, Compliance Specialist  
DATE: May 13, 2026  
RE: The Pickled Perch Notice of Violation

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### **BACKGROUND**

As referenced in the May 1, 2026, Notice of Violation (NOV), CSWD first sent The Pickled Perch (PP) a warning of noncompliance letter in late 2024, which was followed by issuance of an NOV in February of 2025 regarding Ordinance food waste requirements, when CSWD continued to find no indications that the restaurant was managing food scraps separately from trash and received no response to the warning letter. After Mr. Kvinlaug, the restaurant's owner, attended a hearing before CSWD's Executive Board in March of 2025, the 2/28/2025 NOV culminated in a Final Order from the Executive Board requiring him to submit a Corrective Action Plan (CAP), implement a food waste program at PP, and allow a follow-up inspection of the restaurant's program by CSWD Compliance staff. CSWD received the required CAP from Mr. Kvinlaug and confirmed during a May, 2025, visit that restaurant staff were diverting food waste via a Myers organics tote with weekly pickup service. Having concluded that PP was in compliance as of that time, CSWD staff considered the conditions of the Final Order met and transitioned from active enforcement to periodic monitoring of the restaurant's program.

When next checking the status of PP's food waste program in December of 2025, compliance staff documented food that appeared to be from the restaurant in the trash dumpster on site and evidence that the Myers food waste tote had not been recently serviced. After verifying through subsequent visits that Myers was not servicing the tote and all PP's food waste appeared to be going in the trash, CSWD staff notified Mr. Kvinlaug on January 14, 2026, of those findings that suggested the restaurant was again out of compliance. Ultimately, Mr. Kvinlaug replied, explaining that Myers had suspended the restaurant's weekly organics service due to a payment issue that he had since uncovered and resolved with Myers. His email stated that Myers pickups would resume the following week and "we'll be back on track". Compliance staff responded by email to remind him that staff training, an element of his CAP and a universal expectation of restaurant food waste programs in the District, must include instructions for employees about reporting or

addressing issues (e.g. full containers, missed pickups, or hauler suspensions of service) that prevent them from effectively diverting food waste. That 2/3/26 email from compliance staff further noted that Mr. Kvinlaug's explanation for the program deficiencies first documented in December and January -- suspension of pickup service due to a payment issue -- would be considered an insufficient excuse by CSWD in the future, should deficiencies in the restaurant's food waste program again result in PP's food waste winding up in the trash.

## **SYNOPSIS**

Despite the assurances in Mr. Kvinlaug's 1/30/26 email response, compliance staff again found the Myes tote on site at The Pickled Perch full and not being actively serviced during visits in March and April of this year. The 5/1/26 NOV outlines CSWD's most recent findings at PP, which include both various foods and numerous Mandatory Recyclables photographed in the restaurant's trash dumpster on multiple visits.

## **SWMO AUTHORITY**

*Penalties for Unlawful Conduct. 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. All penalties for Unlawful Conduct under this Ordinance shall be paid to the District.*

While the maximum civil penalty for each violation is defined by the Ordinance, fines of lesser amounts can be levied, along with conditions to be met to avoid incurring additional per diem penalties for "continuing" violations, at the Executive Board's discretion.

## **STAFF RECOMMENDATION**

This case highlights CSWD's inherent limitations in confirming ongoing compliance, as even in scenarios in which CSWD has established that a business has a dedicated container available for food waste diversion, it provides no guarantee of consistent pickup service or that employees are reliably or consistently using it. Thus, when a business has gone through an enforcement process that involves submitting a CAP explaining how it will comply with Ordinance requirements moving forward, CSWD needs to be able to trust that the business will follow the CAP and continue the program after staff have visited to confirm the business's compliance. While CSWD will ultimately conduct follow-up checks, we intentionally give businesses in those scenarios the benefit of the doubt that their mandated programs and practices -- as described in the CAP and by employees during the program verification visit -- will be ongoing into the future.

In cases in which CSWD finds during follow-up monitoring that the business is not conforming to its CAP, that raises concerns on several levels. Not only does it suggest that the business may no longer be in compliance with Ordinance requirements and require further enforcement, but it also calls the prior enforcement process into question – including whether it ever achieved its goals of bringing the business into compliance, whether it was an effective use of CSWD resources and staff time, and whether it truly advanced the State and District’s solid waste diversion goals, as intended.

CSWD compliance staff’s findings at The Pickled Perch in March and April -- less than three months after CSWD had explicitly warned Mr. Kvinlaug of his responsibility for program compliance, including addressing any hauler service issues that prevented his staff from following the CAP -- raise doubts about Mr. Kvinlaug’s commitment to maintaining an ongoing, Ordinance-compliant food waste diversion program. Further, while the Mandatory Recyclables documented among The Pickled Perch’s trash were an incidental finding prompted by a different compliance concern, they also clearly call into question the restaurant staff’s effort to recycle blue-bin materials. These are the factors we have considered in recommending that The Pickled Perch be assessed the full, maximum civil penalties allowed under the Ordinance for Unlawful Conduct for violations of Ordinance sections 3.8 and 3.9, as outlined in the NOV. In recognition, however, that Mr. Kvinlaug has requested a hearing before the Executive Board, we encourage the Board to exercise its discretion in determining the amount of the civil penalties based on Mr. Kvinlaug’s explanations and testimony at the hearing.

In summary, should the Executive Board find that The Pickled Perch violated sections 3.8 and 3.9 of CSWD’s Ordinance, CSWD staff recommend that The Pickled Perch be fined as much as \$800 for each of those violations -- a potential total of \$1600 in civil penalties -- as well as be required to provide a written declaration that the restaurant will adhere to the CAP Mr. Kvinlaug submitted on 4/25/25, maintain consistent and ongoing compliance with the Ordinance, and cooperate with all future CSWD efforts to confirm the restaurant’s compliance. This includes participation in a scheduled, on-site review of the restaurant’s Corrective Action Plan and food waste and recycling programs by both CSWD staff and Pickled Perch management within fifteen (15) days of receipt of the Proposed Order.



Chittenden Solid Waste District

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#4b

May 1, 2026

The Pickled Perch  
Attn: Sven Kvinlaug  
97 Blakely Road, #406  
Colchester, VT 05446

Re: **NOTICE OF VIOLATION** – The Pickled Perch, 97 Blakely Road, Colchester, VT; Failure to separate and divert Food Residuals and Mandatory Recyclables

To Mr. Kvinlaug:

The Chittenden Solid Waste District (CSWD or District) alleges The Pickled Perch, located at 97 Blakely Road, Colchester, Vermont, 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, starting in December of 2025 and then again in March and April of 2026, concerning required separation and management of food waste and mandatory recyclables. 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.

### **BACKGROUND & OBSERVATIONS**

#### **Background:**

CSWD issued a Notice of Violation (NOV) to The Pickled Perch in February, 2025, after an Outreach Coordinator was unable to confirm that the restaurant was managing food waste separately, compliance staff found no evidence of dedicated containers or hauling service for food scraps, and a warning letter to Mr. Kvinlaug requesting a response went unanswered. As required by the Final Order issued by CSWD's Executive Board following the NOV hearing, Mr. Kvinlaug submitted a Corrective Action Plan (CAP) and met with CSWD staff at The Pickled Perch in May, 2025. Mr. Kvinlaug indicated in both the CAP and his conversations with CSWD staff that the restaurant had obtained a food waste tote from Myers Container Service and was diverting food scraps via a contract with Myers for weekly organics pickup service. Upon verifying that the Myers tote was on site near the Pickled Perch's shared dumpsters and being actively used by the restaurant's staff, CSWD considered The Pickled Perch to be in compliance with Ordinance food waste requirements at that time, prompting the case to be reassigned from active enforcement to periodic monitoring.

While conducting a routine follow-up check on December 11, 2025, CSWD compliance staff observed food waste that was consistent with menu items from the restaurant in the trash dumpster used by

The Pickled Perch at 97 Blakely Road. A Myers organics tote, which appeared to be the same one Pickled Perch staff had previously been utilizing, was full of food scraps; however, the contents of the tote did not appear to have been added recently, suggesting the container was not in active use. These findings raised compliance concerns that prompted additional monitoring by CSWD.

While observing that the Myers food waste tote remained full and unserviced for over a month following the December 11 visit, CSWD compliance staff documented food waste that appeared to be from The Pickled Perch in the restaurant's trash dumpster on multiple occasions. Compliance staff then sent Mr. Kvinlaug an email on January 14, 2026, that noted these findings did not conform to his CAP and suggested that the restaurant was out of compliance with Ordinance food waste requirements. In a short email response Mr. Kvinlaug sent later the same day, he indicated he wasn't aware of the lapse in organics service and indicated he would, "get this [issue] figured out" to ensure the restaurant's compliance moving forward. On January 30, 2026, Mr. Kvinlaug sent a follow-up email explaining that he'd learned that a payment problem had prompted Myers to suspend his organics service and assured CSWD staff, "...but we got that figured out and [Myers] will pick [the tote] up next week and we'll be back on track sorry about that."

In responding to Mr. Kvinlaug's January 30 email, CSWD compliance staff noted that staff training is an element of the CAP and an expectation of restaurants' food waste programs. The email response sent by compliance staff on February 3, 2026, reminded Mr. Kvinlaug that staff training must address employees' role in reporting any problems that arise with Myers pickup service — or any other circumstance that prevents reliable diversion of the restaurant's food waste — such as to avoid a similar scenario that puts the restaurant out of compliance. CSWD noted Mr. Kvinlaug's responsibility to monitor the status of The Pickled Perch's food waste program and be in communication with his staff and/or Myers about any issues with the restaurant's program or organics service that pose a barrier to consistent food waste diversion. Accordingly, the email warned Mr. Kvinlaug that, should any future suspension of the Pickled Perch's food waste program or pickup service result in the restaurant's food waste going in the trash, he should expect CSWD to issue, "an NOV without further forewarning if this happens again."

CSWD staff next visited the Pickled Perch to verify the restaurant's food waste program on March 5, 2026, and observed and documented the following during that check and subsequent visits in March and April:

1. The Myers food waste tote appeared to have been serviced since the last time CSWD documented its contents (in January), but the tattered condition of its compostable liner on 3/5/26 suggested it had not been emptied in more than a week. The contents of the tote seemed to be material that had been newly added since CSWD last photographed it in December and January, but the tote was again full, with little to no remaining capacity for additional food scraps. Both food waste and Mandatory Recyclables, which appeared to be from The Pickled Perch, were also observed in the restaurant's trash dumpster during that visit.
2. CSWD Compliance Staff documented the further deterioration of the Myers tote's liner and its unchanged, decomposing contents during a series of visits to the restaurant throughout March and April, 2026. There were no indications that the tote was utilized by restaurant staff or serviced by Myers during the seven-week monitoring period.

3. Compliance staff documented the contents of several garbage bags in the restaurant's trash dumpster on April 26, 2026. All the bags appeared to be from the Pickled Perch, and compliance staff found and photographed various pre- and post-consumer food scraps, as well as numerous Mandatory Recyclables, in most of the bags. The Myers food waste tote remained full of the same decomposing material that had been documented for over a month previously.

### **APPLICABLE CSWD ORDINANCE REQUIREMENTS**

#### **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:

*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.*

*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 Pickled Perch, located at 97 Blakely Road, 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 Pickled Perch remains out of compliance with Ordinance mandatory recycling and 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 Pickled Perch 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 Pickled Perch into compliance, should CSWD's Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, The Pickled Perch 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) 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) 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 emailed to [sreeves@cswd.net](mailto:sreeves@cswd.net) or 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, Outreach & Safety Manager *via email*  
Lauren Eagan, CSWD Commissioner for Colchester *via email*  
Anne Bijur, VT DEC Solid Waste Program Materials Management Supervisor *via email*

December 11, 2025



December 23, 2025



January 2, 2026





April  
3



April  
15



April  
26



March  
5



March  
18



March  
24

# Food Residuals & Mandatory Recyclables in Trash Dumpster

March 5, 2026



# Food Residuals & Mandatory Recyclables in Trash Dumpster April 26, 2026





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#4c

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## **PROPOSED ORDER**

**In Re: NOTICE OF VIOLATION – The Pickled Perch, 97 Blakely Road, Unit 105, Colchester, VT 05446: 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 Pickled Perch (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 its 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.

The Respondent appeared at such public meeting held on March 17, 2025. Sven Kvinlaug, who identified himself as Respondent’s owner, spoke for the Respondent. He stated that he was accompanied at the hearing by his head chef. He identified a number of steps that have been taken to bring Respondent into compliance, including the placement of designated food waste containers and staff training. He stated that Respondent is committed to improving compliance and will cooperate with District Staff to assure improved and continuing compliance.

The Executive Board hereby finds that the Respondent has failed to comply with the Ordinance, as set forth in the NOV, 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. The Executive Board finds that Respondent has taken steps to achieve compliance and is committed to maintaining compliance going forward.

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.

The Executive Board further finds that the cumulative fine of \$1600 described in the NOV could appropriately be assessed. The Executive Board finds that a corrective action plan is necessary for Respondent to achieve continuing compliance with the Ordinance.

### ORDER

Based upon the information submitted, and the findings of the Executive Board, the Executive Board will not order the civil penalties that could have been imposed for the violations found. However, the Respondent shall take the following actions to achieve compliance with the Ordinance:

- **Within fifteen (15) days of this Order, submit a written corrective action plan to District Staff, acceptable to District Staff, which may include:**
  - **Describing and specifying the size, location and labeling of the designated containers for the separation and management of food waste;**
  - **Describing the schedule and process for the removal, transportation and composting of Respondent's separated food waste;**
  - **Written instructions to all full-time and part-time staff.**
- **Effective immediately and continuing indefinitely:**
  - **Comply with the Ordinance;**
  - **Provide District Staff reasonable access to Respondent's facility and staff to monitor compliance.**

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 26<sup>th</sup> day of March, 2025.

Executive Board, Chittenden Solid Waste District

By: Paul Ruess

Paul Ruess  
Chair, CSWD Executive Board  
and Board of Commissioners



Chittenden Solid Waste District

**ADMINISTRATIVE OFFICE**

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**www.cswd.net**

February 28, 2025

#4d

The Pickled Perch  
Attn: Sven Kvinlaug  
97 Blakely Road, Unit 105  
Colchester, VT 05446

Re: **NOTICE OF VIOLATION** – The Pickled Perch, 97 Blakely Road, Colchester, VT; Failure to separate and divert food waste

Dear Mr. Kvinlaug,

The Chittenden Solid Waste District (CSWD) alleges The Pickled Perch, located at 97 Blakely Road, Colchester, Vermont, 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 a CSWD outreach staff member visited the restaurant in the summer and fall of 2024. A restaurant employee who introduced himself as Sven and described himself as the restaurant's chef was vague about how the restaurant managed food waste and non-committal about whether the Pickled Perch had compost service when an CSWD Outreach Team member spoke to him on September 19, 2024. In that conversation he expressed a lack of certainty about whether food waste from the Pickled Perch was going in the trash and offered no details about the restaurant's food waste program or organics service that CSWD staff could corroborate (no containers for food waste have been found behind the restaurant's dumpsters, where he indicated they might be).
2. CSWD compliance staff were unable to find any food waste containers around the restaurant's dumpsters, behind the dumpster fencing/corral, or elsewhere on site during a visit to the Pickled Perch on December 4, 2024. Compliance staff documented multiple packages of food in the trash dumpster during that visit.
3. On December 6, 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 were unable to find any containers designated for food waste on the property when visiting The Pickled Perch on January 10 and again on January 16, 2025. Similarly, there were no designated containers for food waste near or behind the dumpster area or around the perimeter of the building on February 25 and 27, 2025. CSWD compliance staff noted and photographed significant quantities of (prepared) food contained in a bag in the trash dumpster during the February 27 visit.

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 Pickled Perch, located at 97 Blakely Road, 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 Pickled Perch 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 Pickled Perch 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 Pickled Perch into compliance, should CSWD's Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, The Pickled Perch 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,



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 Pickled Perch's waste container area. Photos taken 12/4/24.



Packaged food items in the Pickled Perch's trash dumpster on 12/4/24.





The Pickled Perch's waste container area from various angles. Photos taken 1/10/25.





Back & sides of waste container area and building exterior. Photos taken 1/16/25.

The Pickled Perch's water container area from various angles. Photos taken 1/16/25.





Waste container area and various food in a bag in the trash dumpster. Photos taken on 2/27/25.

