

THOMAS J. DONOVAN, JR.  
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DEPUTY ATTORNEY GENERAL

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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

December 17, 2020

John Brabant, Regulatory Affairs Director  
Annette Smith, Executive Director  
Vermonters for a Clean Environment  
Via email at: [johnbvce@yahoo.com](mailto:johnbvce@yahoo.com); [vce@vermontel.net](mailto:vce@vermontel.net)

Dear John and Annette:

I write in further response to your Public Records Act request dated October 1, 2020 requesting records “...regarding the Chittenden Solid Waste District's illegal disposal and unlicensed/unpermitted use of contaminated and off-specification glass derived from its materials recycling facility (MRF) located in Williston, VT,” as modified on October 27, 2020 to exclude records produced by the Agency of Natural Resources.

We have received your payment of costs and are now producing all responsive records that are not exempt. Please find them attached.

Consistent with the Public Records Act, the following records and information have been withheld or redacted as exempt under the provisions cited below:

1. Attorney-client privileged & attorney work product (confidential emails and documents from and with assistant attorneys general and client agency counsel and staff) have been withheld pursuant to 1 V.S.A. § 317(c)(3) & (4).
2. Personal information (home phone number) has been redacted pursuant to 1 V.S.A. § 317(c)(7).
3. Trade secret information has been redacted pursuant to 1 V.S.A. § 317(c)(9).
4. Records related to settlement negotiations have been withheld as exempt under 1 V.S.A. § 317(c)(15) (records relating to contract negotiations) and (c)(3) (records required to be kept confidential by rules of professional conduct).

To the extent you believe that information or records have been withheld in error, you may appeal to the Deputy Attorney General, Joshua Diamond, via email at [Joshua.diamond@vermont.gov](mailto:Joshua.diamond@vermont.gov).

We hope this information is helpful. If you have any questions, please let me know.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Melanie Kehne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie Kehne  
Assistant Attorney General

**From:** [Ingraham, Kim](#)  
**To:** [Kehne, Melanie](#)  
**Subject:** Call re CSWD case  
**Date:** Friday, March 15, 2019 11:29:55 AM

---

John Brabant with Vermonters for a Clean Environment would like to speak with the attorney handling the CSWD matter referred to our office by ANR (involving glass). I did not give him your name. He would like a call back.

Home: 802- [REDACTED] or Cell: 802-498-5661

Kim Ingraham, Paralegal

802/828-3186



Please consider the environment before printing this e-mail

## Kehne, Melanie

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**From:** Ingraham, Kim  
**Sent:** Friday, May 3, 2019 9:04 AM  
**To:** McDougall, Robert  
**Cc:** Kehne, Melanie  
**Subject:** telephone message  
**Attachments:** About Us - Glavel.pdf

Rob Conboy with Glavel – 802-373-4606

He called asking for Rob and said he was in the room at the Senate during the discussion of CSWD and would like to learn more about the investigation. Glavel takes glass and is looking to expand their operations in Vermont. He would like someone to call him back.

(I've attached information about Glavel FYI)

Kim Ingraham, Paralegal  
802/828-3186



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□ MENU

# About Us

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## The Company

GLAVEL, INC., is a Vermont based company that specializes in manufacturing light-weight aggregate from recycled glass. Its technology will enable the construction industry to more cost effectively insulate below slab and achieve substantial reductions in the building material embedded carbon. GLAVEL is an excellent substitute for infrastructure projects that specify light-weight aggregate.

## The Team

### Rob Conboy, CEO

Rob has over 25 years of sales and strategic planning experience, all of which have been with highly entrepreneurial companies. For the past ten years, Rob has focused on renewable energy start-ups, bringing leading edge technologies to market at Draker Laboratories as Chief Operating Officer and at Thermal Storage Solutions as VP of Finance and Marketing. Rob has a deep understanding of how to expedite the acceptance of new technologies and building practices.

### Richard Sellers, VP of Operations

Rick has worked in senior positions in the new and renewable energy sector for over 15 years as a key player shaping the market evolution of clean energy and sustainable



technologies. He was previously the Head of the New and Renewable Energy Unit at the International Energy Agency (IEA) in Paris, France, responsible for accelerating clean and sustainable energy markets worldwide. Rick is a founding partner of Circularity Edge, a firm that provides resources and knowledge needed to apply circular economy principles.

## Jonathan Estes, VP of Sales & Marketing

Jonathan is an accomplished executive with domestic and international experience in business development, customer engagement, and marketing involving both start-up and growth organizations. His focus is new market identification, innovation, and strategic positioning. He has a track record of increasing sales and growing the bottom line while leading operational improvements to drive productivity and reduce costs.

## Advisors

### Skip Wyer, Strategic Advisors

Skip is an independent sponsor of alternative investments and business growth advisor focused on creating and executing opportunities in and around the agriculture, clean tech and sustainable energy sectors. These are not only areas of experience and passion, they are also areas of enormous change and opportunity for business and the environment.

### Michael Ingui, Advisor & Influencer

Michael is a Partner with Ben Baxt at Baxt Ingui Architects – a highly collaborative architectural design firm with extensive experience in residential, institutional, and commercial projects. Baxt Ingui Architects has received a number of design awards and has been included in a number of publications including WSJ and The NY Times. Michael co-founded FENTREND.COM, which assists in overcoming a large hurdle for anyone entering the high performance building world through window selection.

### Floris Keverling Buisman, Green Building Advisor

Floris, CEO – 475 Building Supply, has 20 years' experience researching and sourcing high performance building materials. 475 Building Supply is a highly successful sales

and distribution organization that offers unparalleled customer support. The key to their success is demonstrating how to integrate new technologies into designs and projects.

## Subscribe for Updates

Sign up with your email address to receive news and updates.

We respect your privacy.

## Contact Us

Phone: 802-540-0843

Email: [info@glavel.com](mailto:info@glavel.com)

106 Main Street – Suite 1W

Burlington, VT 05401



Enabling the construction industry to more cost-effectively insulate below slab and achieve substantial reductions in the building material embedded carbon.

## Kehne, Melanie

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**Subject:** CSWD

**Location:** AGO - 109 State 2nd Floor Porch Conf Rm

**Start:** Tue 5/7/2019 11:00 AM

**End:** Tue 5/7/2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Kehne, Melanie

**Required Attendees** McDougall, Rob (Robert.McDougall@vermont.gov); Zaikowski, John

**Resources:** AGO - 109 State 2nd Floor Porch Conf Rm

**From:** [John Brabant](#)  
**To:** [McDougall, Robert](#); [Kehne, Melanie](#)  
**Subject:** SNR Committee Testimony  
**Date:** Tuesday, May 7, 2019 8:28:46 AM

---

Good Morning Mr. McDougall and Ms. Kehne:

Below is a link to a video of the discussion last Wednesday in the Vermont Senate Natural Resources Committee regarding the markets for glass and the Chittenden Solid Waste District's illegal disposal practices over the last decade or more. I believe the discussion would be of interest to you.

<https://vermontersforacleanenvironment.wordpress.com>

Thank you.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

## Kehne, Melanie

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**From:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Thursday, May 9, 2019 11:46 AM  
**To:** McDougall, Robert; Kehne, Melanie  
**Subject:** Fw: Anyone know anything about this?

Good Morning Mr. McDougall & Ms. Kehne:

Please see below an email conversation from 2014 together with the digital picture referenced in the email text. If you expand the photo and look closely at the red dump trucks at the left of the picture, you will see the name of the trucking company, John Leo and Sons on the doors of both trucks. The front end loader is in the process of loading these trucks that are lined up for loading. The pile to right of the loader is a pile containing the processed glass that I witnessed having been dumped on the Williston Landfill property at the back of the landfill. John Leo and Sons was hauling this glass under contract with the Chittenden Solid Waste District. Lee Tourville of Tourville Trucking took the pic and witnessed what is depicted as his email commentary indicates.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

----- Forwarded Message -----

**From:** John Brabant <johnbvce@yahoo.com>  
**To:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Thursday, May 9, 2019, 11:31:31 AM GMT-4  
**Subject:** Fw: Anyone know anything about this?

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

**From:** Goodenough Rubbish Craig <[goodrubbish@live.com](mailto:goodrubbish@live.com)>  
**Date:** May 7, 2019 at 8:00:33 AM EDT  
**To:** Cheryl Franklin <[archer4915@myfairpoint.net](mailto:archer4915@myfairpoint.net)>  
**Subject:** Fw: Anyone know anything about this?

Sent from [Outlook](#)

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**From:** Lee Tourville <[tourvilletrucking@gmail.com](mailto:tourvilletrucking@gmail.com)>

**Sent:** Wednesday, November 5, 2014 8:27 PM

**To:** Vermont Haulers Group

**Cc:** Nathan Guay; Al Sabino; Cheryl Franklin; CJ Kimbell; Craig Goodenough; Dave Koval; Frank Stanley; Gordy; Greg Nolin; Jane Gauthier; Jeff Myers; Joe Sinagra; Ken Myers; Lynn at Myers; Patrick Austin; Ryan Myers; Scott Barnier; Steven Changaris; Steven Deveney; Tim Mack

**Subject:** Anyone know anything about this?

To all:

I was wondering what everyone thought about CSWD paying a company to transport the large pile of crushed glass (and who knows what else mixed in cause it sure does smell..) from the MERF to a large hole in the ground somewhere in Williston to simply get rid of it? I can only imagine how the public would like to know that their hard work recycling glass is only getting buried just like their rubbish. Any bets our rates at the MERF will be going up again soon? Also, surprised the town is allowing this substance to be buried if they even know about it.

On Thursday, October 30, 2014, Vermont Haulers Group

<[vermonthaulersgroup@gmail.com](mailto:vermonthaulersgroup@gmail.com)> wrote:

Since none of us have met since the last meeting, we are all going to meet in the parking lot at 4:45 tonight. All of you should have seen Nancy's email summary of the last meeting. Please bring your copies.

--

Sincerely,  
Stephanie Mack, Spokes Person







**From:** [Kehne, Melanie](#)  
**To:** [John Brabant](#); [McDougall, Robert](#)  
**Cc:** [Annette Smith](#)  
**Subject:** RE: Newport ltr 06172019.pdf  
**Date:** Monday, June 24, 2019 12:32:00 PM

---

Thank you for your email and the link to the 2016 article, Mr. Brabant.

Best,  
Melanie

**Melanie Kehne**

Assistant Attorney General  
(802) 828-5531

---

**From:** John Brabant <[johnbvce@yahoo.com](mailto:johnbvce@yahoo.com)>  
**Sent:** Monday, June 24, 2019 11:54 AM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>; Kehne, Melanie <[Melanie.Kehne@vermont.gov](mailto:Melanie.Kehne@vermont.gov)>  
**Cc:** Annette Smith <[vce@vermontel.net](mailto:vce@vermontel.net)>  
**Subject:** Re: Newport ltr 06172019.pdf

Good Morning Mr. McDougall and Ms. Kehne:

Here is a Seven Days story from back in 2016 (<https://www.sevendaysvt.com/vermont/as-state-mandated-recycling-kicks-in-the-market-for-materials-slides/Content?oid=3138390>) where the former CSWD Executive Director Tom Moreau admits to "storing" the contaminated crushed glass at another property owned by CSWD. CSWD Employee Brian Wright admits that the glass being processed at the time still didn't meet the less than 1% contamination level required to meet the PGA standard, yet today and at the legislature in CSWD's testimony they state that it has always met the 1% standard.

There is a trail of misrepresentations since CSWD got caught dumping this glass waste, an attempt to remake history. I would hope that the Vermont AG and client ANR would not allow CSWD to escape what is expected under the multiple civil environmental and criminal laws for this clear fraud upon consumers, municipalities and solid waste districts.

Thank you for your attention to this matter.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

On Wednesday, June 19, 2019, 12:21:28 PM GMT-4, John Brabant <[johnbvce@yahoo.com](mailto:johnbvce@yahoo.com)> wrote:

Good Afternoon Mr. McDougall and Ms. Kehne:

I am forwarding to you a letter sent in response to a letter from the Mayor of Newport, VT regarding Chittenden Solid Waste District's illegal dumping of off-specification and contaminated processed glass. You have likely read the news stories in this regard and have a copy of Mayor Monette's letter by now.

I am also emailing to you regarding information that I have received over the last couple weeks. First, if you weren't already aware, the CSWD Materials Management Facility (MRF) is operated under contract with Casella Waste Management. It is in fact Casella employees that operate the glass crusher and have done so since the CSWD began its relationship with Casella 15 or so years ago. These employees would have operated the machinery prior to its upgrading in 2015, where among other improvements, finer sort screens were added to screen out the non-glass contaminants that were ending up in the crushed glass at process end. CSWD has been misleading the public in their statements where they continually attempt in testimony given at the legislature, in press statements and in their written correspondence with interested parties by stating that the glass processed prior to 2015 met the PGA specs for sieve size and allowable contamination levels. CSWD has also been misleading the public in its failure to differentiate between the glass processed prior to and post 2015/2016. The Casella employees operated the CSWD MRF would be key witnesses regarding:

1. The nature and quality of the crushed glass post processing before and after 2015/2016;
2. Where the post processed glass was stockpiled prior to being loaded and trucked;
3. The entity (entities) that trucked the waste glass and likely end destinations where the glass was disposed;
4. Possible knowledge of CSWD management and staff directly involved in the decision-making surrounding the disposal of the waste glass.

It has also been brought to my attention that the dumping /filling locations for the contaminated and off-spec glass were not limited to just the back of the closed Williston landfill and behind the CSWD composting facility, but the waste glass was trucked, dumped and used for fill elsewhere relatively close by. I have information regarding this other dumping and can provide it to you upon request.

I would strongly request the the Vermont Attorney General's office develop and release to the public a press statement clarifying the true nature of the violations related to the CSWD dumping of contaminated off-spec glass outside of a certified

solid waste management facility. CSWD misinformation campaign has created much confusion among the general public and it is important that your office set the record straight on this matter.

Thank you and please RSVP acknowledging your receipt of this email correspondence.

Thank you.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

----- Forwarded Message -----

**Subject:** Newport ltr 06172019.pdf

Sent from my iPhone

## Kehne, Melanie

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**From:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Wednesday, July 3, 2019 2:26 PM  
**To:** Kehne, Melanie  
**Subject:** Re: Newport ltr 06172019.pdf

Can you call me at home. No cell service here Melanie. 802- [REDACTED]

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

On Wednesday, July 3, 2019, 2:03:08 PM GMT-4, Kehne, Melanie <Melanie.Kehne@vermont.gov> wrote:

John,

I've been trying to reach you by phone. Thanks for the offer to provide additional information. Yes, please send it along. Many thanks.

Best,

Melanie

**Melanie Kehne**

Assistant Attorney General

(802) 828-5531

---

**From:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Monday, June 24, 2019 11:54 AM  
**To:** McDougall, Robert <robert.mcdougall@vermont.gov>; Kehne, Melanie <Melanie.Kehne@vermont.gov>  
**Cc:** Annette Smith <vce@vermontel.net>  
**Subject:** Re: Newport ltr 06172019.pdf

Good Morning Mr. McDougall and Ms. Kehne:

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There is a trail of misrepresentations since CSWD got caught dumping this glass waste, an attempt to remake history. I would hope that the Vermont AG and client ANR would not allow CSWD to escape what is expected under the multiple civil environmental and criminal laws for this clear fraud upon consumers, municipalities and solid waste districts.

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John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

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contaminated off-spec glass outside of a certified solid waste management facility. CSWD misinformation campaign has created much confusion among the general public and it is important that your office set the record straight on this matter.

Thank you and please RSVP acknowledging your receipt of this email correspondence.

Thank you.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

----- Forwarded Message -----

**Subject:** Newport ltr 06172019.pdf

Sent from my iPhone

## Kehne, Melanie

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**From:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Wednesday, July 3, 2019 5:20 PM  
**To:** Kehne, Melanie  
**Subject:** Updated information regarding CSWD Glass disposal, witnesses and processing  
**Attachments:** VPR FB Screen Shot#1 2019-07-03 at 4.21.59 PM.pdf; VPR FB Image#3 7-3-19 at 4.34 PM.jpg; Glass fill - Milton #1 IMG\_2417.pdf; imagejpeg\_0.jpg; IMG\_2416.jpg

Assistant Attorney General Kehne:

Please find below updated and additional information for the VT Attorney General's consideration.

The Mayor of Newport City attended the 6/26/2019 CSWD monthly board meeting to air his concerns regarding their glass not being recycled as they had been led to believe. His presentation begins at 1:00 at the YouTube link provided below. CSWD engineer Josh Tyler followed with a presentation on glass processing at their MRF and their claimed costs to do so. This presentation can be seen at the same link below starting at 1:50:

### [6/26/2019 Chittenden Solid Waste District](#)



#### 6/26/2019 Chittenden Solid Waste District

Thank you for tuning into Channel 17/Town Meeting TV!  
Please subscribe to our youtube channel and visit our  
webs...

CSWD has reportedly been dumping (using on local projects as has been their claim) the contaminated and off-spec glass around the area. A commenter to the John Dillon piece that aired on VPR on June 18 named Jake Maddocks stated that they had been dumping in the area for years, that there are plenty of truckers that can validate how many truckloads and that there is a Milton Farm that also took the glass. NEK waste hauler Pat Austin contacted Jake Maddocks thru Facebook messenger and he gave Pat Austin the gps coordinates for the Milton Farm. The farm name is Beaudoin which has a farmstead that sells their products. Maddocks told Austin that he had seen the material being dumped at the farm for fill around 5 or so years ago and as a landscaper, he was interested in getting clean fill from CSWD. So he went to CSWD to get more information about how to get the material delivered, etc. and asked to look at it. Maddocks told Austin that when he looked

at the material pile he was taken to by a CSWD employee, Maddocks declined to use it as it looked like "garbage" due to the amount of contamination. I have attached to this email pics taken from the VPR Facebook page. Also attached are pics taken of the fill area on the referenced Milton Farm which Austin visited and found out that they were taking fill to create a flat area on which to eventually install a solar array, as well as pics of a zoning permit application notice and farm salsa jar label with farm address on it. Pat Austin can be reached at his cellphone 802-673-8862 for more information.

I have spoken with Kim Crosby, the compliance staff person for the Casella corporation. She has contacted their legal counsel about the VT AG contacting them to interview Casella staff working at the CSWD MRF facility who are knowledgeable about the quality of the glass, the CSWD staff that were involved in the dumping of the glass and who would know whether the CSWD staff knew the glass did not meet state PGA specs prior its disposal off-site. The Casella legal counsel is Shelley Sayward and can be reached at 802-772-2215. Ms. Sayward awaits a call from the VT AG office.

Lastly, I had a recent conversation with Rob Conboy of the Glavel Foam Glass Gravel manufacturing company that processes waste glass into powder as a raw material to manufacture the foam glass. He informed me that if the glass was clean coming to their plant, the plant would cost approximately \$1.5 M to build and outfit with the machinery. If it is contaminated as is the case with the CSWD glass, additional preprocessing would require an additional \$2M in machinery added to the plant operation, net cost approx. \$3.5M. Mr. Conboy has had sieve and quality analyses performed on the CSWD glass as it CURRENTLY comes out of their process utilizing their equipment upgraded in 2015. Conboy informs me that the CSWD glass is still too contaminated to meet the state PGA spec and informed CSWD's Executive Committee of this at a recent meeting ( a couple weeks ago). He informed me that this news wasn't taken very well and while some at the table were very supportive of Glavel's idea, others were very less than cordial, possibly upset with the information he had brought to them from the testing. Mr. Conboy is willing to meet with the VT AG and provide any and all information he has that would be helpful. Mr. Conboy can be reached at 802-373-4606 or at rob@glavel.com

Mr. Conboy is very concerned that CSWD is now lobbying to do away with glass recycling in its entirety or have it diverted to the deposit bottle market, making the glass unavailable to a plant he would like Glavel to build in St. Albans. Glavel could take the CSWD glass if it were cleaned up to a higher standard beforehand at the less expensive version of the plant. The more costly plant without additional grant funding would be too costly at this point to justify for his company according to Mr. Conboy. If Mr. Conboy is correct, the processed glass being taken to the Whitcomb quarry may not be meeting the VT PGA spec.

Thank you.

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661





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### Newport Mayor Questions If Glass Sent To Chittenden Was Dumped, Not Recycled

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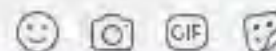
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**Ryan Garvey** You're having a representative from Casella Waste Systems on VT edition shortly. This would be a great thing to ask them about!

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2



Top Fan

**Jake Maddocks** They have been dumping it for years!

There are plenty of truckers can validate how many truck loads.

There is a farm in Milton which also took the glass.

Like · Reply · 2w



Top Fan

**Chris Dupee** Can I ask why Newport is shipping their waste halfway across the state?

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Vermont Public Radio

June 18 at 10:55 AM · 🌐

"If you look at all the information and the violation, it appears they've just been dumping it into their old closed landfill, which to me is not acceptable, especially since we just received a letter from the district increasing our fee by \$10 a ton," said Newport Mayor Paul Monette.

### Related Pages



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## Newport Mayor Questions If Glass Sent To Chittenden Was Dumped, Not Recycled

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**Kehne, Melanie**

---

**From:** John Brabant <johnbvce@yahoo.com>  
**Sent:** Thursday, July 4, 2019 10:02 AM  
**To:** Kehne, Melanie  
**Subject:** Fw: Scientist Discovers Toxic Chemicals In Beer And Wine Bottles | Zero Hedge

Interesting article....

John Brabant  
Regulatory Affairs Director  
Vermonters for a Clean Environment  
802-498-5661

<https://www.zerohedge.com/news/2019-07-01/scientist-discovers-toxic-chemicals-beer-and-wine-bottles>

# Scientist Discovers Toxic Chemicals In Beer And Wine Bottles



by Tyler Durden

Thu, 07/04/2019 - 06:00

Researchers from the University of Plymouth in the UK have made a discovery that could shock alcoholics: designs and writings on glass bottles of beer, wine, and spirits, contain toxic substances such as lead and cadmium, [reported Daily Mirror](#).

The study, published in the journal *Environmental Science and Technology*, examined both the glass and enameled designs on transparent and colored bottles that were readily available at national supermarkets in the UK.

*"It has always been a surprise to see such high levels of toxic elements in the products we use on a daily basis. This is just another example of that, and further evidence of harmful elements being unnecessarily used where there are alternatives available. The added potential for these substances to leach into other items during the waste and recycling process is an obvious and additional cause for concern," Dr. Andrew Turner, Associate Professor in Aquatic Geochemistry and Pollution Science.*

Turner wrote in the study that cadmium, lead, and chromium was found in bottles, but at small concentrations and health risks were considered to be low.





He said enamels contained the most toxicity, with cadmium concentrations of 20,000 parts per million (ppm) in the label of bottles, and lead concentrations of 80,000 ppm in wine bottles.

Several bottles exceeded US Model Toxins in Packaging Legislation levels and could be marked as "hazardous."

Turner and his team purchased bottles of beer, wine, and spirits from national retail outlets between September 2017 and August 2018, with bottles sizes ranging from 50 ml to 750 ml.

Most of the bottles were transparent, frosted, green, ultraviolet-absorbing green (UVAG), and or brown -- with some having painted images, patterns, logos, text, and or barcodes.



Nearly 89 bottles and pieces were examined using x-ray fluorescence spectrometry, 76 had low levels of lead and 55 had positives for cadmium. Chromium was identified in green bottles, 40% in brown bottles, but no detection in transparent bottles.

In past research, Turner has shown that enamel on drinking glasses, playground equipment, and toys contain toxic substances that are seen as harmful to human health.

Turner said: "It has always been a surprise to see such high levels of toxic elements in the products we use daily."

Turner added: "Governments across the world have clear legislation in place to restrict the use of harmful substances on everyday consumer products."

When Turner's team contacted several of the bottle suppliers, they were troubled by how most bottles were not sourced domestically but rather from abroad.

*"This poses obvious challenges for the glass industry and for glass recycling and is perhaps something that needs to be factored into future legislation covering this area."*

While the study was only limited to the UK, it remains to be seen if the US has toxic bottles.

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Subject:** RE: CSWD  
**Date:** Thursday, July 25, 2019 3:15:04 PM

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Thanks and you too!

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**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, July 25, 2019 2:45 PM  
**To:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Subject:** RE: CSWD

Hi Paul: I put Friday, 8/2 at 3 p.m. on everyone's calendars here. Subject to something coming up that I'm not aware of, I think that date/time will work great. So please plan on it. You know the drill, I'm sure, but you, Kayley and Kanika will need photo ID for security downstairs and then should go to the 3<sup>rd</sup> Floor Attorney General's Office reception area and ask for me.

See you then. Have a great weekend – stay cool in the heat that's coming,  
Rob

---

**From:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Sent:** Thursday, July 25, 2019 1:55 PM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Subject:** RE: CSWD

Thanks for getting back to me, Rob. Let's go for the Friday at 3:00 timeslot. I'll most likely be joined by Kayley Olson, a summer intern from VLS, and Kanika Gandhi, an environmental advocate with VPIRG.  
Thanks again,  
Paul

---

**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, July 25, 2019 12:33 PM  
**To:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Subject:** RE: CSWD

Hi Paul: Thanks for reaching out and we're happy to meet. Next week, the best times available seem to be Friday 8/2 at 3 p.m. (best) or 11 a.m., or Wednesday, July 31<sup>st</sup> at noon. On our end, it would be myself and AAG Melanie Kehne, who is my assigned attorney on this. We'd also include Deputy AG Josh Diamond and Public Protection Chief Chris Curtis given the consumer protection concerns you flagged in your email. Please let me know what time might work when you can – schedules fill up quick here and I'd like to get this on the calendars as soon as we can agree to a time.

Thanks again and we will look forward to seeing you soon,

Rob

---

**From:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Sent:** Wednesday, July 24, 2019 4:26 PM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>

**Cc:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>

**Subject:** CSWD

Hi Rob,

As you know, VPIRG has a long history of involvement in solid waste matters in Vermont. We're very concerned about the recent reports of CSWD improperly dumping glass over a period of years. I understand the NOAV was issued in April of 2018. I'd like to understand what's happening with that, especially given the fact that CSWD has said multiple times that there was no violation and that there is no investigation underway.

I'm also concerned about the possible violation of Vermont's consumer fraud law. For instance, we've spoken with a trash hauler who is understandably upset about being sold a bill of goods by CSWD. They said they were recycling glass when they obviously were not.

Would it be possible to meet with you next week sometime to discuss this? Let me know when you have a chance.

Thanks,

Paul

Paul Burns

Executive Director

VPIRG

802-223-5221 ext. 12



## Kehne, Melanie

---

**From:** Kehne, Melanie  
**Sent:** Wednesday, July 10, 2019 10:19 AM  
**To:** Rob  
**Subject:** RE: Tour

Many thanks, Rob.

Best,  
Melanie

**Melanie Kehne**  
Assistant Attorney General  
(802) 828-5531

---

**From:** Rob <rob@glavel.com>  
**Sent:** Wednesday, July 10, 2019 9:44 AM  
**To:** Kehne, Melanie <Melanie.Kehne@vermont.gov>  
**Subject:** FW: Tour

Melanie –

Good to talk to you. Here the data Josh sent me back in 2017. I'll find the test data from the pile.

**Rob Conboy**  
**CEO**  
**Phone: 802.373.4606**  
<https://www.glavel.com/>

*"We're the first generation to feel the impact of climate change and the last generation that can do something about it."*

*Gov. Jay Inslee of Washington State (Using this quote is not a statement of support of Gov. Inslee's Presidential candidacy)*



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**From:** JOSH TYLER [<mailto:jtyler@cswd.net>]  
**Sent:** Monday, November 27, 2017 4:59 PM  
**To:** Rob  
**Subject:** RE: Tour

Rob,

I have attached the most recent glass data that we have – it will be the most representative regarding our current process. Would you like to come back to sample the glass pile? I will reach out to the committee to coordinate a December date to meet.

Regards,

Josh

---

**From:** Rob [<mailto:rob@glavel.com>]  
**Sent:** Monday, November 27, 2017 11:16 AM  
**To:** JOSH TYLER <[jtyler@cswd.net](mailto:jtyler@cswd.net)>  
**Subject:** RE: Tour

Josh –

Great to see you last week and do the tour of the sorting facility. Looking forward to seeing the analysis data when you have a chance.

Should we be looking at dates in December to meet with the board to discuss the proposal?

**Rob Conboy**  
**COO**  
**Phone: 802.373.4606**  
<https://www.glavel.com/>

*“We’re the first generation to feel the impact of climate change and the last generation that can do something about it.” Gov. Jay Inslee of Washington State*



---

**From:** JOSH TYLER [<mailto:jtyler@cswd.net>]  
**Sent:** Friday, November 17, 2017 8:24 AM

**To:** Rob  
**Subject:** RE: Tour

That is a good idea and well timed – the bailer at the plant is being worked on, so nothing is being processed. Let's meet on Monday at 10:30 if that works for you.

Feel better,

Josh Tyler  
Project Manager  
Chittenden Solid Waste District  
O 802-872-8100 x210  
C 802-338-5304  
[jtyler@cswd.net](mailto:jtyler@cswd.net)

---

**From:** Rob [<mailto:rob@glavel.com>]  
**Sent:** Friday, November 17, 2017 8:12 AM  
**To:** JOSH TYLER <[jtyler@cswd.net](mailto:jtyler@cswd.net)>  
**Subject:** Tour

Josh –

I've got a nasty cold, can we reschedule the tour for Monday or Tuesday?

**Rob Conboy**  
**COO**  
**Phone: 802.373.4606**

*"We're the first generation to feel the impact of climate change and the last generation that can do something about it." Gov. Jay Inslee of Washington State*



CSWD Materials Recovery Facility  
Glass Clean-up Data

Date	Test #	Total	
		% Deleterious	% Ceramics
6/22/2017	8	0.74	0.004
7/28/2017	9	0.82	0.007
9/6/2017	10	1.93	0.00

**deleterious:** all organic matter including fiber  
all plastic pieces  
all metals

Glass sample 6-13-17  
 Glass analyzed 6-22-17

Fine Material: looked clean with minimal fi  
 nop coarse analyzed

**Glass Crusher at 60Hz**  
 samples came out dry completely



bucket #	gross	Before tare	weight	bucket #
fines	12571.4	125.9	27.44 lbs	fines

27.44



**FINES:**  
 Bucket

Bucket Data	
27.14 lbs	dry weight
12,437 g	dry weight

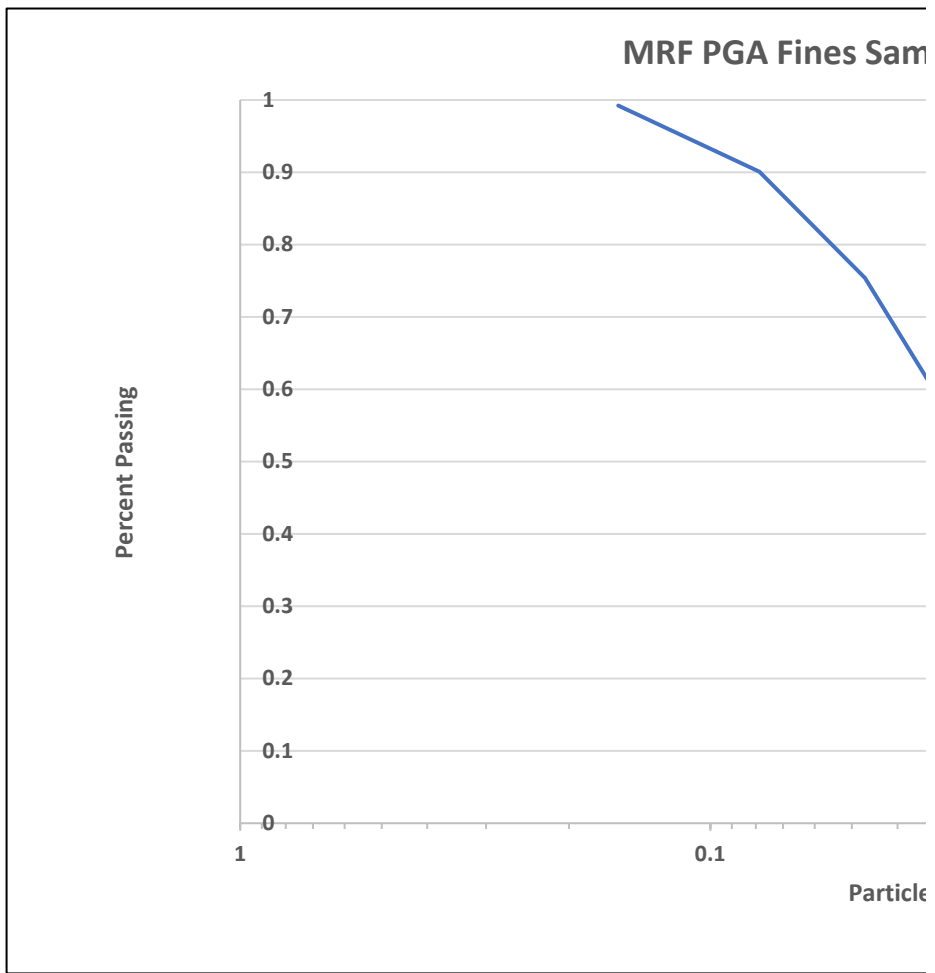
	1	2	3	4	5	6
#5	477	477.7	485.3	482.2	481.7	478.2
#10	550.1	580.8	608.8	613.2	591	540.9
#16	560.7	589.1	606	666.7	639.5	542.1
#60	913	890.3	807.3	1295.9	1256.4	955
#100	375.8	379.2	375.5	380.4	374.1	378.9
#200	359.3	361.7	364.3	361.5	357.1	361.3
pan	524.8	526.5	525.7	526.3	525.3	526.1
sum	3760.7	3805.3	3772.9	4326.2	4225.1	3782.5
sample size	809.6	854.2	821.8	1375.1	1274	831.4
average sample size		883 g				
min sample size		484.4				
maz sample size		1375.1				

Glass sample 6-13-17  
 Glass analyzed 6-22-17

Gradations

FINES ONLY	Grams	percent	sieve
Seive	grams	passing	diameter
	on screen		

#5	94.9	12265.9	99.23%	0.157
#10	1128.6	11137.3	90.10%	0.0787
#16	1819.3	9318	75.38%	0.0469
#60	8867	451	3.65%	0.0098
#100	289.9	161.1	1.30%	0.0059
#200	106.3	54.8	0.44%	0.0029
pan	54.8		0.00%	
		0	0.00%	
total wt=	12360.8			



iber - Casella is running the crusher at 100% power

**% moisture**  
fines  
1.1%

gross                      After                      tare                      weight  
12437.3                      125.9                      27.14 lbs

TARES	FINE
#5	472.3 g
#10	484.6 g
#16	445.2 g
#60	319.5 g
#100	354.7 g
#200	353.1 g
pan	521.7 g
total =	2951.1 g

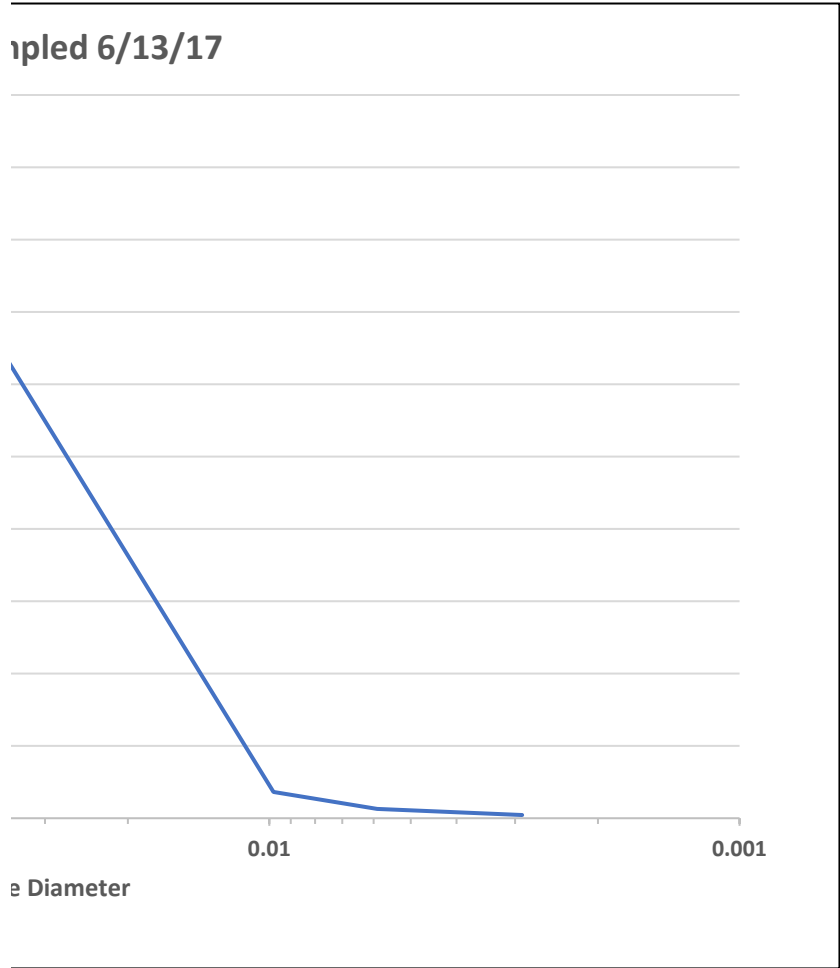
<b>% deliterious fines</b>	<b>0.74%</b>
<b>% ceramic</b>	<b>0.004%</b>

7	8	9	10	11	12	13	14
476.5	478.4	477.9	478.6	477.7	478.4	478.3	479.2
547.5	559.8	568.1	548.6	554.7	547.9	541.3	560.3
532.4	562.1	608.5	550.8	580.9	527.3	533	553
795.5	946.3	1068.1	990.6	1075.3	636	733	977.3
376.1	365.7	378.5	378.2	376.8	365.4	369.6	381.5
358.9	360	362.6	361.7	361.4	357	358.3	364.6
525.7	525.5	527.4	525.7	526.2	523.5	524.3	525.6
3612.6	3797.8	3991.1	3834.2	3953	3435.5	3537.8	3841.5
661.5	846.7	1040	883.1	1001.9	484.4	586.7	890.4

Glass sample 6-13-17  
Glass analyzed 6-22-17

	totals	less sieve	Cermaic	tin	gross
percent on sieve	#5 6707.1	94.9		15.4	15.9
	#10 7913	1128.6	Deliterious	tin	gross
	#16 8052.1	1819.3		15.3	106.9
	#60 13340	8867			

0.77%	#100	5255.7	289.9
9.13%	#200	5049.7	106.3
14.72%	pan	7358.6	54.8
71.73%	sum	53676.2	12360.8
2.35%	lost		77
0.86%	<b>TOTALS =</b>		<b>12360.8</b>
	start weight =		12,437
	% lost		0.6%
	<b>% deliterious</b>		<b>0.74%</b>
	<b>% cermaic</b>		<b>0.004%</b>





net
0.5
net
91.6

Glass sample 7-27-17  
 Glass analyzed 7-28-17

Fine Material: looked clean with minimal fi  
 no coarse analyzed

**Glass Crusher at 60Hz**  
 samples came out dry completely



		Before			
bucket #	gross	tare	weight		bucket #
fines	11071.2	160.6	24.05 lbs		fines

24.05



**FINES:**

Bucket

	Bucket Data	
	23.78 lbs	dry weight
	10,946 g	dry weight

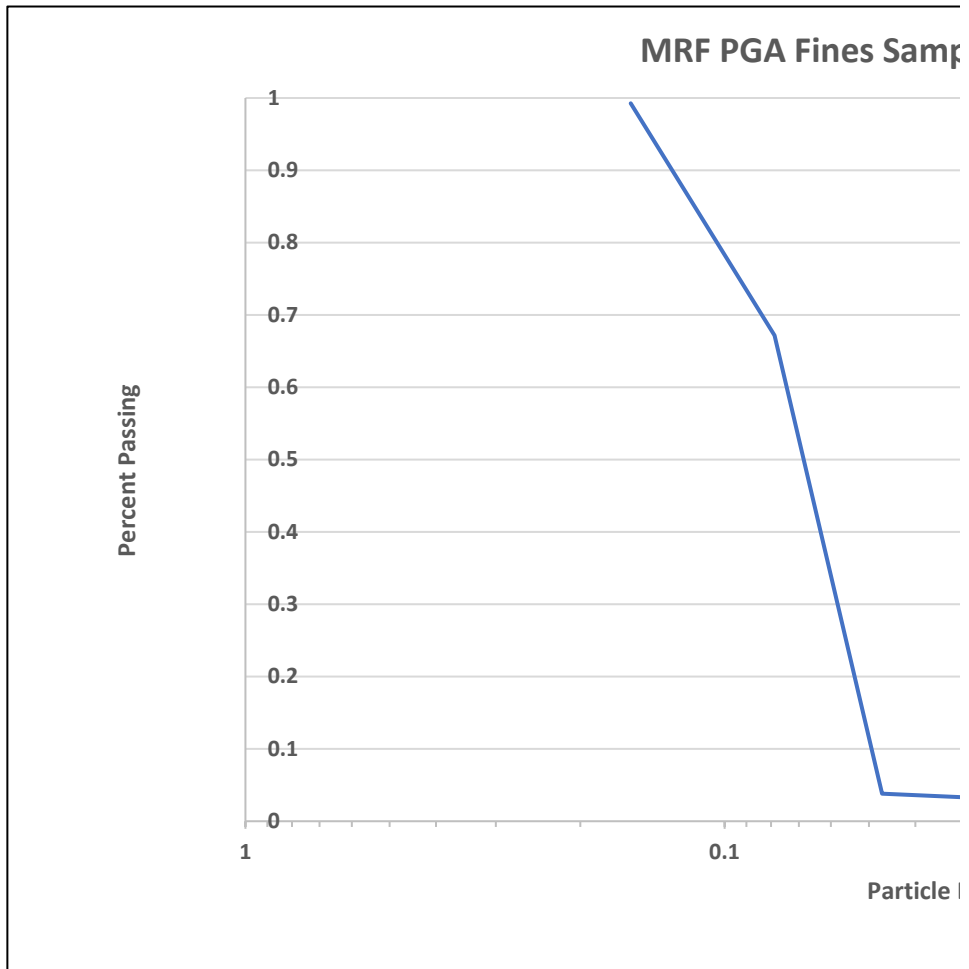
	1	2	3	4	5	6
#5	475.8	476.3	475.1	475.9	476.7	479.4
#10	702.1	586.1	588.2	638	649.4	764.3
#16	947.1	826.1	639.1	781.1	806.9	947.3
#60	348.1	359.1	344.1	356.2	353	357
#100	359.4	367.6	357.3	362	363	367.6
#200	357.2	361	355.6	357.5	359.3	362.1
pan	369.3	370.4	368.5	369.4	369.6	370.7
sum	3559	3346.6	3127.9	3340.1	3377.9	3648.4
sample size	915	702.6	483.9	696.1	733.9	1004.4
average sample size		772 g				
min sample size		483.9				
maz sample size		1012.7				

Gradations

FINES ONLY

	grams	Grams	percent	sieve
Seive	on screen	passing	passing	diameter

#5	79.6	10733.9	99.26%	0.157
#10	3469.3	7264.6	67.18%	0.0787
#16	6850.5	414.1	3.83%	0.0469
#60	215.4	198.7	1.84%	0.0098
#100	95.3	103.4	0.96%	0.0059
#200	66.6	36.8	0.34%	0.0029
pan	36.8		0.00%	
		0	0.00%	
total wt=	10813.5			



iber - Casella is running the crusher at 100% power

% moisture  
fines  
1.2%

gross                      After                      weight  
                                  tare                      23.78 lbs  
10945.6                  160.6

TARES	FINE
#5	472.4 g
#10	484.7 g
#40	278.6 g
#60	333.1 g
#100	354.6 g
#200	353.6 g
pan	367 g
total =	2644 g

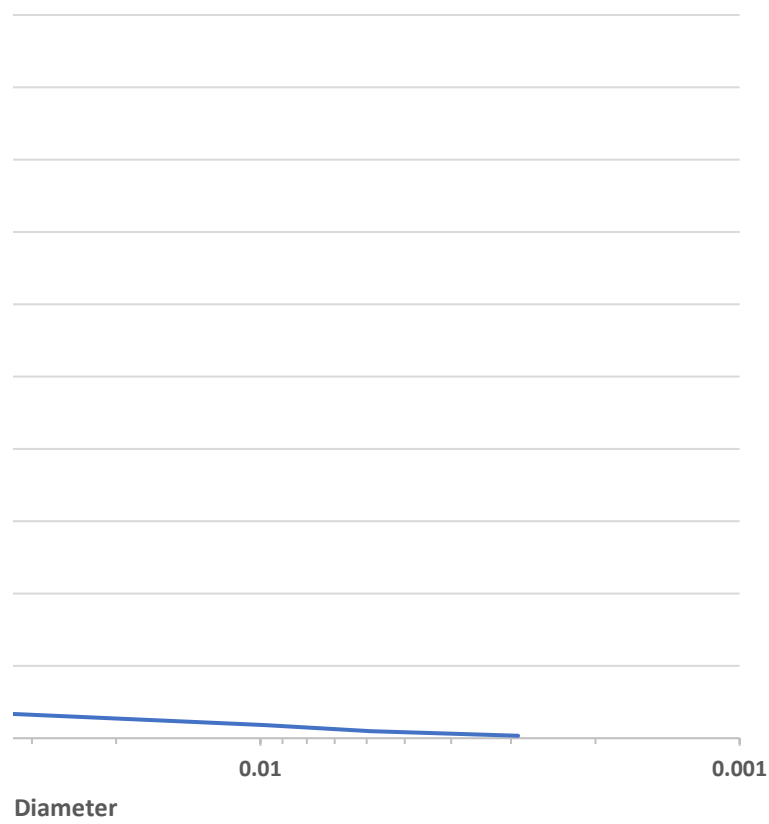
% deliterious fines	<b>0.82%</b>
% ceramic	<b>0.007%</b>

7	8	9	10	11	12	13	14
477.8	476.9	478.3	481.2	476.7	476.8	480.6	485.7
665.9	761.4	853.5	873.5	763.4	733.2	785	891.1
727.4	734.7	717.9	702.7	667.2	693.2	738.6	821.6
341.5	344.3	346	348.4	338.3	343.9	344.3	354.6
357.1	358.6	361.1	364.1	356.3	358.5	359	368.1
355.6	356.6	358.4	360.9	355.1	356.4	357.1	364.2
369	369.1	369.8	370.2	368.8	369.3	369.3	371.4
3294.3	3401.6	3485	3501	3325.8	3331.3	3433.9	3656.7
650.3	757.6	841	857	681.8	687.3	789.9	1012.7

percent  
on sieve

0.74%  
32.08%  
63.35%  
1.99%  
0.88%  
0.62%

oled 6/13/17



	totals	less sieve
#5	6693.2	79.6
#10	10255.1	3469.3
#16	10750.9	6850.5
#60	4878.8	215.4
#100	5059.7	95.3
#200	5017	66.6
pan	5174.8	36.8
sum	47829.5	10813.5
lost		132
<b>TOTALS =</b>		<b>10813.5</b>
start weight =		10,946
% lost		1.2%
% deliterious		0.8%
% cermaic		0.007%

Cermaic	tin	gross	net
			0.8
Deliterious	tin	gross	net
			88.4

Glass sample 9-5-17  
 Glass analyzed 9-6-17  
**Glass Crusher at 60Hz**  
 samples came out dry completely

Fine Material: looked clean with minimal fi  
 no coarse analyzed

		Before			
bucket #	gross	tare	weight		bucket #
fines	12176.6	192.5	26.42 lbs		fines

26.42

**FINES:**

Bucket

	Bucket Data	
	25.44 lbs	dry weight
	11,733 g	dry weight

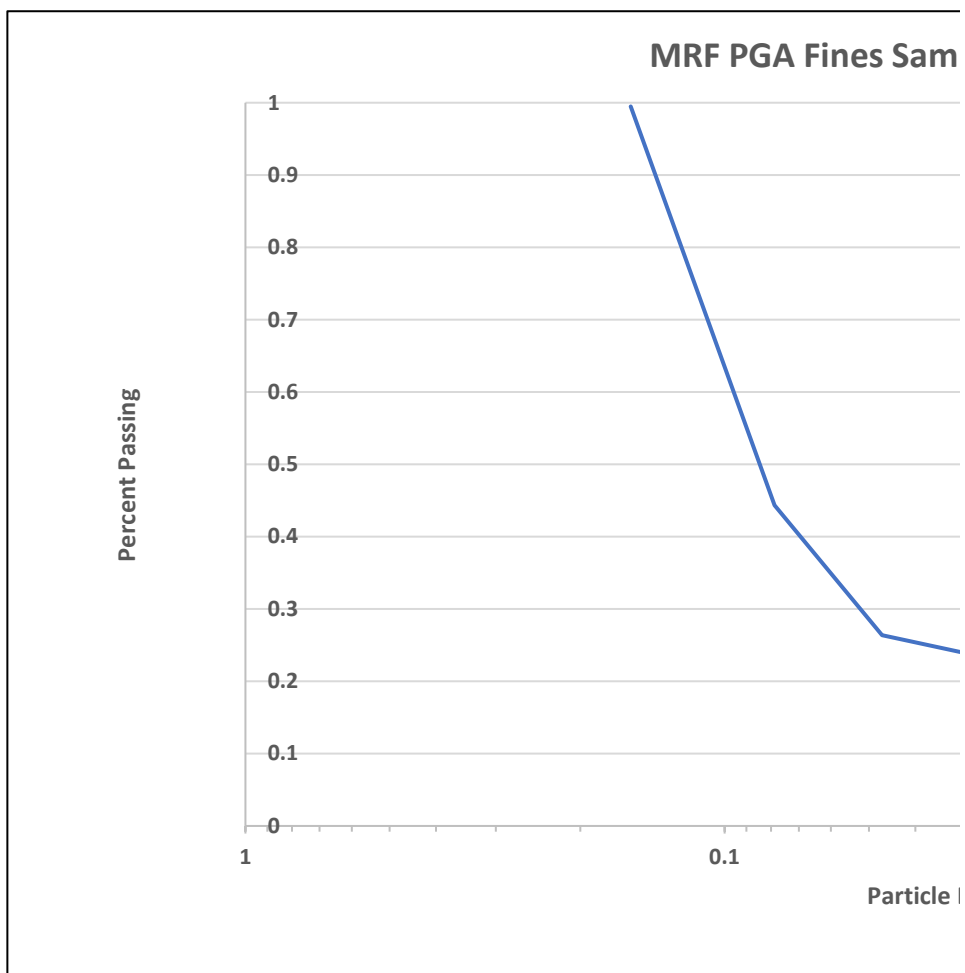
	1	2	3	4	5	6
#5	481.4	484.6	491.9	486.2	481.4	493.6
#10	891.5	996.3	1143.8	1057.4	965.4	1349
#40	418.3	462.5	558.3	393.3	435.3	469
#60	388.1	419.4	453.5	387.1	409.4	411.3
#100	391.7	408.2	426	393.7	407.6	410
#200	366.9	373.5	378.6	367.3	373.8	374.7
pan	370.6	371.1	372	369.8	370.3	371
sum	3308.5	3515.6	3824.1	3454.8	3443.2	3878.6
sample size	730.1	937.2	1245.7	876.4	864.8	1300.2
average sample size		274 g				
min sample size		-2578.4				
maz sample size		1300.2				

Glass sample 9-5-17  
 Glass analyzed 9-6-17  
 Gradations

FINES ONLY	Grams	percent	sieve
grams	passing	passing	diameter



Seive	on screen			
#5	59.8	11516.6	99.48%	0.157
#10	6384.4	5132.2	44.33%	0.0787
#16	2080.3	3051.9	26.36%	0.0469
#60	1120.7	1931.2	16.68%	0.0098
#100	592.3	1338.9	11.57%	0.0059
#200	1170	168.9	1.46%	0.0029
pan	168.9		0.00%	
		0	0.00%	
total wt=	11576.4			



iber - Casella is running the crusher at 100% power

**% moisture**  
fines 3.8%

gross                      After                      tare                      weight  
11733.1                      192.5                      25.44 lbs

TARES	FINE
#5	472.3
#10	435.9
#40	278.3
#60	316.6
#100	354.6
#200	353.4
pan	367.3
total =	2578.4

<b>% deliterious fines</b>	<b>1.93%</b>
<b>% ceramic</b>	<b>0.000%</b>

7	8	9	10	11	12	13
492.6	372.5	484.8	489.5	496.6		
1193.9	380.9	1007.3	1096	1097.8		
444.3	420.4	486.4	481.9	571.9		
409.7	397	422.9	428.8	476.1		
403.3	402.8	416.5	402.5	430.6		
373.1	1324.1	376.7	369.3	379.4		
371.2	498.2	372.3	370.9	371.8		
3688.1	3795.9	3566.9	3638.9	3824.2	0	0
1109.7	1217.5	988.5	1060.5	1245.8	-2578.4	-2578.4

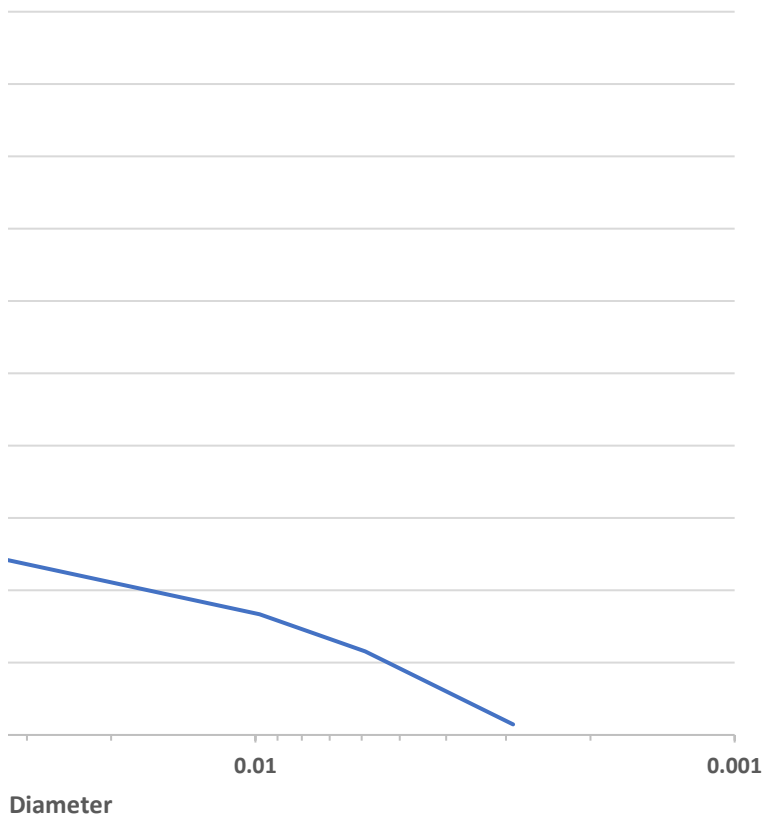
Glass sample 9-5-17  
Glass analyzed 9-6-17

	totals	less sieve	Cermaic	tin
#5	5255.1	59.8		17.5
#10	11179.3	6384.4	Deliterious	tin
#16	5141.6	2080.3		17.5

percent on sieve

	#60	4603.3	1120.7
0.52%	#100	4492.9	592.3
55.15%	#200	5057.4	1170
17.97%	pan	4209.2	168.9
9.68%	sum	39938.8	11576.4
5.12%	lost		157
10.11%	<b>TOTALS =</b>		<b>11576.4</b>
	start weight =		11,733
	% lost		1.4%
	<b>% deliterious</b>		<b>1.9%</b>
	<b>% cermaic</b>		<b>0.000%</b>

pled 9/6/17



8  
8  
8  
8  
8  
8  
8

8



-2578.4

gross	net
17.5	0
gross	net
243.5	226

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Cc:** [Paul Burns](#)  
**Subject:** CSWD  
**Date:** Wednesday, July 24, 2019 4:25:45 PM

---

Hi Rob,

As you know, VPIRG has a long history of involvement in solid waste matters in Vermont. We're very concerned about the recent reports of CSWD improperly dumping glass over a period of years. I understand the NOAV was issued in April of 2018. I'd like to understand what's happening with that, especially given the fact that CSWD has said multiple times that there was no violation and that there is no investigation underway.

I'm also concerned about the possible violation of Vermont's consumer fraud law. For instance, we've spoken with a trash hauler who is understandably upset about being sold a bill of goods by CSWD. They said they were recycling glass when they obviously were not.

Would it be possible to meet with you next week sometime to discuss this? Let me know when you have a chance.

Thanks,

Paul

Paul Burns

Executive Director

VPIRG

802-223-5221 ext. 12

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Subject:** RE: CSWD  
**Date:** Thursday, July 25, 2019 1:55:33 PM

---

Thanks for getting back to me, Rob. Let's go for the Friday at 3:00 timeslot. I'll most likely be joined by Kayley Olson, a summer intern from VLS, and Kanika Gandhi, an environmental advocate with VPIRG.  
Thanks again,  
Paul

---

**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, July 25, 2019 12:33 PM  
**To:** Paul Burns <[pburns@vpig.org](mailto:pburns@vpig.org)>  
**Subject:** RE: CSWD

Hi Paul: Thanks for reaching out and we're happy to meet.  
Next week, the best times available seem to be Friday 8/2 at 3 p.m. (best) or 11 a.m., or Wednesday, July 31<sup>st</sup> at noon.  
On our end, it would be myself and AAG Melanie Kehne, who is my assigned attorney on this. We'd also include Deputy AG Josh Diamond and Public Protection Chief Chris Curtis given the consumer protection concerns you flagged in your email.  
Please let me know what time might work when you can – schedules fill up quick here and I'd like to get this on the calendars as soon as we can agree to a time.

Thanks again and we will look forward to seeing you soon,

Rob

---

**From:** Paul Burns <[pburns@vpig.org](mailto:pburns@vpig.org)>  
**Sent:** Wednesday, July 24, 2019 4:26 PM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Cc:** Paul Burns <[pburns@vpig.org](mailto:pburns@vpig.org)>  
**Subject:** CSWD

Hi Rob,  
As you know, VPIRG has a long history of involvement in solid waste matters in Vermont. We're very concerned about the recent reports of CSWD improperly dumping glass over a period of years. I understand the NOAV was issued in April of 2018. I'd like to understand what's happening with that, especially given the fact that CSWD has said multiple times that there was no violation and that there is no investigation underway.  
I'm also concerned about the possible violation of Vermont's consumer fraud law. For instance, we've spoken with a trash hauler who is understandably upset about being sold a bill of goods by CSWD. They said they were recycling glass when they obviously were not.  
Would it be possible to meet with you next week sometime to discuss this? Let me know when you have a chance.  
Thanks,  
Paul  
Paul Burns

Executive Director  
VPIRG  
802-223-5221 ext. 12



**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Subject:** RE: CSWD  
**Date:** Thursday, July 25, 2019 3:15:04 PM

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Thanks and you too!

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**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, July 25, 2019 2:45 PM  
**To:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Subject:** RE: CSWD

Hi Paul: I put Friday, 8/2 at 3 p.m. on everyone's calendars here. Subject to something coming up that I'm not aware of, I think that date/time will work great. So please plan on it. You know the drill, I'm sure, but you, Kayley and Kanika will need photo ID for security downstairs and then should go to the 3<sup>rd</sup> Floor Attorney General's Office reception area and ask for me.

See you then. Have a great weekend – stay cool in the heat that's coming,  
Rob

---

**From:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Sent:** Thursday, July 25, 2019 1:55 PM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Subject:** RE: CSWD

Thanks for getting back to me, Rob. Let's go for the Friday at 3:00 timeslot. I'll most likely be joined by Kayley Olson, a summer intern from VLS, and Kanika Gandhi, an environmental advocate with VPIRG.  
Thanks again,  
Paul

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**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, July 25, 2019 12:33 PM  
**To:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Subject:** RE: CSWD

Hi Paul: Thanks for reaching out and we're happy to meet. Next week, the best times available seem to be Friday 8/2 at 3 p.m. (best) or 11 a.m., or Wednesday, July 31<sup>st</sup> at noon. On our end, it would be myself and AAG Melanie Kehne, who is my assigned attorney on this. We'd also include Deputy AG Josh Diamond and Public Protection Chief Chris Curtis given the consumer protection concerns you flagged in your email. Please let me know what time might work when you can – schedules fill up quick here and I'd like to get this on the calendars as soon as we can agree to a time.

Thanks again and we will look forward to seeing you soon,

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**Cc:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>

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Would it be possible to meet with you next week sometime to discuss this? Let me know when you have a chance.

Thanks,

Paul

Paul Burns

Executive Director

VPIRG

802-223-5221 ext. 12

**From:** [McDougall, Robert](#)  
**To:** [Paul Burns](#)  
**Subject:** RE: CSWD  
**Date:** Thursday, July 25, 2019 12:32:00 PM

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Hi Paul: Thanks for reaching out and we're happy to meet.  
Next week, the best times available seem to be Friday 8/2 at 3 p.m. (best) or 11 a.m., or Wednesday, July 31<sup>st</sup> at noon.

On our end, it would be myself and AAG Melanie Kehne, who is my assigned attorney on this. We'd also include Deputy AG Josh Diamond and Public Protection Chief Chris Curtis given the consumer protection concerns you flagged in your email.

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Paul Burns

Executive Director

VPIRG

802-223-5221 ext. 12

**From:** [McDougall, Robert](#)  
**To:** [Paul Burns](#)  
**Subject:** RE: CSWD  
**Date:** Thursday, July 25, 2019 2:45:00 PM

---

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Thanks,

Paul

Paul Burns

Executive Director

VPIRG

802-223-5221 ext. 12

**From:** [Matthews, Deborah](#)  
**To:** [Clark, Charity](#); [Diamond, Joshua](#); [Jandl, Lauren](#)  
**Subject:** PRESS CALL - Kiernan Brisson - WCAX - 802-393-7452 or 802-652-6397  
**Date:** Wednesday, September 11, 2019 4:11:18 PM  
**Importance:** High

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RE: CSWD Investigation. Called in June. Just read a press release and wants to know if there is an update to this investigation, have there been any charges or is there anything new?

DEADLINE: TONIGHT 5pm

CALL REC'D: TODAY 4:07pm

## *Deb Matthews*

Administrative Assistant

Office of the Attorney General | GCAL

109 State Street, 3<sup>rd</sup> Floor

Montpelier, VT 05609

Phone | 802-828-3689

E-Mail \ [deborah.matthews@vermont.gov](mailto:deborah.matthews@vermont.gov)

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Cc:** [Paul Burns](#)  
**Subject:** RE: Follow up on CSWD and glass  
**Date:** Thursday, October 29, 2020 4:42:02 PM  
**Attachments:** [2020.06.17.113300 .pdf](#)

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**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Rob,

I hope you're staying healthy these days.

I want to give you a heads up that at the ANR hearing later this evening re: the CSWD glass dumping situation, I will be expressing VPIRG's great disappointment over the fact that there has been no enforcement action initiated against CSWD.

When I sent you the memo (see below) over one year ago, the letter attached didn't exist yet. But it is devastating to CSWD's position.

The hearing tonight is not about enforcement, but it relates to it. An after the fact permit smacks of sweeping this under the rug. That can't happen. And it is time now for us to ask more forcefully for appropriate action from the Attorney General in this matter.

Again, I wanted to give you a heads up. I'd be happy to discuss it if that's useful. Thanks for your consideration.

Best,  
Paul

---

**From:** Paul Burns  
**Sent:** Thursday, October 3, 2019 4:09 PM  
**To:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Cc:** 'paul@vpig.org' <[pburns@vpig.org](mailto:pburns@vpig.org)>  
**Subject:** Follow up on CSWD and glass

Hi Rob,

I must apologize. I had intended to forward the attached memo to you as a follow up to the meeting you organized for us back in August. But I don't think I ever pulled the trigger on it and that's entirely my fault and not the fault of our excellent legal intern, Kayley Olsen.

So, the memo is attached. It covers much of the ground we laid in the meeting related to CSWD's dumping of glass in Williston. It focuses more on the possible violation of VT's consumer fraud law, but we're equally concerned about the environmental violation.



Since we met, the District Environmental Commission #4 issued a final Act 250 opinion related to this same matter. (See attached.) In pertinent part, the opinion reads:

In the reconsideration request, CSWD also asserts that the placement of glass material on an embankment of the Landfill is covered under the solid waste certification as post-closure care and was completed as a preventative and protective measure used to, "...control erosion and prevent failure or breach of the roadway adjacent to the landfill." The Coordinator takes issues with this analysis. First, the 2013 and 2014 annual engineering inspection reports provided by CSWD in support of this assertion include descriptions of "minor ponding" or "tire rutting" along the access road on the southwestern side of the Landfill and the mitigation recommended for this area is described as "typical housekeeping" measures. The engineering reports do not include observations of large-scale erosion issues on the southwestern side of the access road that would warrant mitigation in CSWD's opinion to, "...control erosion and prevent failure or breach of the roadway adjacent to the landfill." Second, after a review of the records on file for Phase III of the Landfill, it was determined that any repair maintenance activities are required to be completed in accordance with the application materials. **There is no convincing evidence in the Facility Management Plan, Post-closure Care Plan or other exhibits in the Act 250 record that the use of glass material is allowable or was even contemplated for repair maintenance activities.** Therefore, the Coordinator finds that the quantity, extent and type of material placed at the Landfill was not authorized by prior Act 250 permits.

This Act 250 opinion is simply further evidence of CSWD's wrongdoing in this case. VPIRG believes it's critically important that CSWD be held accountable. Not merely in recognition of the environmental damage done in this case, but in order to restore public faith in our recycling programs. I appreciate your office's consideration of this material. Would you mind forwarding this memo from us (and the Act 250 opinion) to your colleagues who joined us for the meeting?

I look forward to seeing you soon. In fact, I think a small group of us (led by Joey Miller) will be seeing you and the AG tomorrow morning.

Best,  
Paul

Paul Burns  
Executive Director  
VPIRG  
802-223-5221 ext. 12

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Subject:** RE: Follow up on CSWD and glass  
**Date:** Thursday, October 3, 2019 4:24:40 PM

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Great – thanks!

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**From:** McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>  
**Sent:** Thursday, October 3, 2019 4:23 PM  
**To:** Paul Burns <[pburns@vpirg.org](mailto:pburns@vpirg.org)>  
**Subject:** RE: Follow up on CSWD and glass

Thanks, Paul, for sending and I will pass this on to my team.  
And yes, we will see you tomorrow morning.  
Rob

---

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Paul

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Executive Director

VPIRG

802-223-5221 ext. 12

**From:** [Paul Burns](#)  
**To:** [McDougall, Robert](#)  
**Cc:** [Paul Burns](#)  
**Subject:** Follow up on CSWD and glass  
**Date:** Thursday, October 3, 2019 4:09:23 PM  
**Attachments:** [CSWD Memo to AG Final Draft\\_VPIRG.docx](#)  
[JO 4-271\(Reconsideration\) and cos.pdf](#)

---

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Executive Director

VPIRG

802-223-5221 ext. 12

## Kehne, Melanie

---

**From:** Kehne, Melanie  
**Sent:** Wednesday, November 13, 2019 3:54 PM  
**To:** Rob  
**Subject:** RE: Glass Pics / Data Glavel Feedstock sample 6-04-2018

Dear Mr. Conboy,

Thanks again for providing this information and the other email you sent me on 7/10/2019. Do you consider any of it to be protected trade secret information for your business? If so, please let me know right away. Thanks.

Happy to discuss further should you have any questions.

Best regards,  
Melanie

**Melanie Kehne**  
Assistant Attorney General  
(802) 828-5531

---

**From:** Rob <rob@glavel.com>  
**Sent:** Wednesday, July 10, 2019 9:47 AM  
**To:** Kehne, Melanie <Melanie.Kehne@vermont.gov>  
**Subject:** FW: Glass Pics / Data Glavel Feedstock sample 6-04-2018

This was from the sample taken in December 2017.

---

**From:** Joe Keating [<mailto:keating@vitrominerals.com>]  
**Sent:** Monday, June 4, 2018 5:02 PM  
**To:** Rob  
**Cc:** Floris Keverling Buisman  
**Subject:** Fwd: Glass Pics / Data Glavel Feedstock sample 6-04-2018

Hello, Rob. The LOI ( weight percent that is Plastics or paper labels) at 2.6 percent is [REDACTED]. The MURF or you will have to clean that up.

Sent from my iPhone

Begin forwarded message:

**From:** John Bengtson <[jbengtson@vitrominerals.com](mailto:jbengtson@vitrominerals.com)>  
**Date:** June 4, 2018 at 3:16:32 PM CDT  
**To:** Joe Keating <[keating@vitrominerals.com](mailto:keating@vitrominerals.com)>  
**Subject:** RE: Glass Pics / Data Glavel Feedstock sample 6-04-2018

Glavel mixed bottle glass feedstock looks quite dirty – plastic pieces mostly, and wet. Results below.