

Proposed Administrative Consent Agreement Background Summary

Subject: Bruce Hunter
32 High Street
Farmington, CT 06032

Date of Incident(s): Early June 2012, browning vegetation noticed

Background Narrative: On November 6, 2012, the Board received a call from the Chebeague Island Code Enforcement Officer (CEO). The CEO conveyed a complaint he received earlier in the season from the superintendent of the Chebeague Island Golf Club. In early June of 2012, golf course personnel noticed browning shrubs/brush on course property along their property line abutting Bruce Hunter's property. Also browning shrubs/brush was found on the on the opposite side of the course (ocean side) in line with browning brush leading up to Bruce Hunter's cottage porch. A course employee said Hunter admitted to him that he applied an herbicide along the property line.

On November 9, 2012, a Board inspector conducted a follow-up investigation at the site. Foliage samples of symptomatic vegetation were collected both on golf course property (3 separate sample sites) and one sample from Hunter's property. All samples were positive for glyphosate and/or AMPA a breakdown product of glyphosate.

Hunter agreed to sign a consent agreement, and pay the proposed penalty, but asked for a revision that included no admission of the violation.

Summary of Violation(s):

- CMR 01-026 Chapter 20 Section 6(B) specifies that no person may apply a pesticide to a property of another unless prior consent for the pesticide application has been obtained from the owner, manager or legal occupant of that property.

Rationale for Settlement: The staff compared similar cases settled by the Board in the past.

Attachments: Proposed Consent Agreement

6. That during the Board inspector's investigation described in paragraph three, the golf course employee told the inspector that he had a conversation with Hunter earlier in the 2012 season and Hunter acknowledged that he applied an herbicide to the shrubs and brush along the property line leading to his cottage. Hunter disputes these facts.
7. That CMR 01-026 Chapter 20 Section 6(B) specifies that no person may apply a pesticide to a property of another unless prior consent for the pesticide application has been obtained from the owner, manager or legal occupant of that property.
8. That Hunter did not have the consent of the Chebeague Island Golf Club owners to make an herbicide application to their property. There is a factual dispute regarding consent.
9. The Board believes the circumstances described in paragraphs one through eight constitute a violation of CMR 01-026 Chapter 20, section 6(B). While Hunter does not admit the violation, and while there are factual disputes involving the violation alleged by the Board, Hunter does agree to enter into this Consent Agreement for the purpose of resolving the alleged violation.
10. That the Board has regulatory authority over the activities described herein.
11. That Hunter expressly waives:
 - a. Notice of or opportunity for hearing;
 - b. Any and all further procedural steps before the Board; and
 - c. The making of any further findings of fact before the Board.
12. That this Agreement shall not become effective unless and until the Board accepts it.
13. That in consideration for the release by the Board of the cause of action which the Board has against Bruce Hunter resulting from the alleged violations referred to herein in paragraph nine, Hunter agrees to pay a penalty to the State of Maine in the sum of \$600.00. (Please make checks payable to Treasurer, State of Maine).

IN WITNESS WHEREOF, the parties have executed this Agreement of two pages.

BRUCE HUNTER

By:  Date: 03/27/2013
 Bruce Hunter

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
 Henry Jennings, Director

APPROVED:

By: _____ Date: _____
 Mark Randlett, Assistant Attorney General