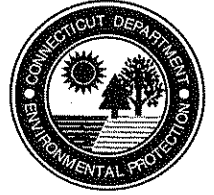




STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

VS

CONSENT ORDER NUMBER  
COWSPST10-054

CHRISTOPHER BEUTZ  
DBA/GREEN HORIZONS CT, LLC

A. With the agreement of Christopher Beutz dba/Green Horizons CT, LLC ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. Respondent is registered with the State of Connecticut Secretary of State as Green Horizons CT, Inc. with a principal place of business at 7440 Oxford Street, St. Louis Park, Minnesota. Christopher Beutz is the President of Green Horizons CT, LLC.
2. Respondent was registered as a commercial pesticide application business with the Commissioner of Environmental Protection as Green Horizons with a principal place of business at 6980 Oxford Street #220, St. Louis Park, Minnesota. The registration expired on August 31, 2007.
3. Respondent engaged in the operation of a commercial pesticide application business in the state of Connecticut between 9/1/07 and 11/15/09, with an expired certificate of registration issued by the Commissioner of Environmental Protection.
4. On 9/1/09, 9/4/09, 9/25/09, 10/5/09, 10/8/09, 10/13/09, 10/22/09, 11/13/09 and 11/15 09, commercial pesticide applications were performed by one or more employees of Respondent that did not first obtain commercial pesticide applicator certification from the Commissioner of Environmental Protection.
5. Permanent pesticide application records maintained by Respondent do not include specific required information including the amount of pesticide applied and the name(s) and certification number(s) of the certified commercial supervisor and commercial operator.
6. On 9/4/08, 9/5/08, 9/8/08, 9/9/08, 9/17/08, 9/22/08, 10/7/08, 10/8/08, 10/9/08, 4/23/09, 4/24/09, 4/27/09, 4/28/09, 5/18/09, 5/19/09 and 5/20/09, an employee of Respondent acted as a certified commercial supervisor by deciding the methods of application, sites to be treated, dosages and precautions to be used for commercial applications of pesticides performed at multiple locations within the state of Connecticut on behalf of the Respondent.

7. Between 9/1/08 and through at least 11/15/09, Respondent engaged in the operation of a commercial pesticide application business without employing an individual with commercial pesticide supervisor certification issued by the Commissioner of Environmental Protection.

By virtue of the above, Respondent has violated sections §22a-54(c)(1), §22a-66(e), §22a-66c(a), §22a-66g(a)(1) and §22a-66f of the Connecticut General Statutes & Regulations

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-63e and §22a-66h of the Connecticut General Statutes, orders Respondent as follows:

1. Effective immediately upon issuance of this consent order, Respondent shall take all steps necessary to comply with all applicable provisions of chapter 441 of the Connecticut General Statutes governing Pesticide Control and regulations promulgated thereunder and shall maintain such compliance.

2. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.

3. Civil penalty. Respondent shall pay a penalty of \$2,812.50 in two installments as follows; \$1,875.00 on or before ninety days (90) after the date of issuance of this consent order and \$937.50 on or before one hundred eighty days (180) after the date of issuance of this consent order as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in A.3 through A.7 of this consent order.

4. Supplemental Environmental Project.

Supplemental Sponsorship of Research to Evaluate the Effects of Organic Management Practices on the Quality and Playability of Athletic Fields

In addition to the civil penalty referenced in paragraph B.3, Respondent has agreed to fund the following supplemental environmental project ("SEP") or make payment as follows:

a. Respondent shall pay eight thousand four hundred thirty seven dollars and fifty cents (\$8,437.50) in five installments as follows; \$937.50 on or before one hundred eighty (180) days after the date of issuance of this consent order, \$1,875.00 on or before two hundred seventy (270) days after the date of issuance of this consent order, \$1,875.00 on or before three hundred sixty (360), \$1,875.00 on or before four hundred fifty (450) and \$1,875.00 on or before five hundred forty (540) days of the date of issuance of this consent order. Respondent shall make payment by bank or certified check to "Treasurer, State of Connecticut." The check shall state on its face "Bureau of Materials Management & Compliance Assurance, Pesticide Management Program SEP payment, consent order number COWSPST10-054" The SEP funds shall be used by the University of Connecticut Turfgrass Science Program to supplement sponsorship of research to evaluate the effect of organic management practices on the quality and playability of athletic fields in accordance with the Memorandum of Understanding between the Department of

Environmental Protection and University of Connecticut included as Attachment A to this consent order.

b. If Respondent fails to fund the SEP in accordance with paragraph B.4.a., Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment for unexpended SEP funds equal to: eight thousand four hundred thirty seven dollars and fifty cents (\$8,437.50) plus either 10% or \$2,500, whichever is greater. Within fourteen (14) days after the date of the Commissioner's written request, Respondent shall pay such unexpended SEP funds by certified or bank check payable to "Treasurer State of Connecticut" and the check shall state on its face "Statewide SEP Account, Consent Order No. COWSPST10-054." Respondent shall mail or personally deliver such payment to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.

c. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.

d. Respondent shall not claim or represent that any SEP payment made pursuant to this consent order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.

e. In the event that any SEP funds paid by the Respondent are not fully expended in accordance with the Memorandum of Understanding, the Department may use the unexpended SEP funds for additional SEP(s) consistent with its "Policy on Supplemental Environmental Projects."

5. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Bureau of Materials Management & Compliance Assurance, Pesticide Management Program civil penalty, consent order number COWSPST10-054."

6. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.

8. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

9. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.

10. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

11. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.

12. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

13. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.

14. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.

15. Access to site. Any representative of the Department of Environmental Protection may enter the place of business without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.

16. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.

17. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.

18. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.


19. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Diane Jorsey, Environmental Analyst III  
Department of Environmental Protection  
Bureau of Materials Management & Compliance Assurance  
Pesticide Management Program  
79 Elm Street  
Hartford, Connecticut 06106-5127

20. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this consent order.

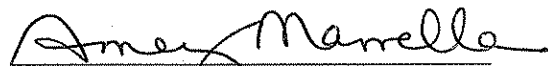
The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

CHRISTOPHER BEUTZ  
dba/GREEN HORIZONS CT, LLC

BY:   
Christopher Beutz  
President

11/06/10  
Date

Issued as a final order of the Commissioner of Environmental Protection.

  
Amey W. Marrella  
Commissioner

12/3/10  
Date

Attachment A  
**(COWSPST10-054)**

Memorandum of Understanding  
**Between the Department of Environmental Protection  
And University of Connecticut**

This Memorandum of Understanding ("MOU") is made and concluded in Hartford, Connecticut by and between the Connecticut Department of Environmental Protection ("Department"), represented by Amey W. Marrella, Commissioner ("Commissioner") and University of Connecticut, represented by Michael Crouch, Executive Director and Assistant Vice Provost for Research. The purpose of this memorandum is to document the understanding between the parties regarding supplemental sponsorship of research being conducted by the University of Connecticut Turfgrass Science Program to evaluate the effects of organic management practices on the quality and playability of athletic fields.

Whereas, Christopher Beutz dba/Green Horizons CT, LLC (Respondent) has agreed, pursuant to administrative consent order COWSPST10-054 with the Department, to provide payment in the amount of eight thousand four hundred thirty seven dollars and fifty cents (\$8,437.50) in five installments to fund a supplemental environmental project ("SEP") and;

Now, therefore, the Department and University of Connecticut agree as follows:

The Department agrees to:

1. Convey by inter-agency transfer invoice a total of \$8,437.50 in five installments as received from Respondent to perform the project as described above.

University of Connecticut agrees to:

1. Coordinate performance of the project to completion. The project shall be fully performed by no later than July 31, 2012.
2. Obtain any federal, state or local permits or approvals necessary to carry out the project.
3. Maintain adequate staffing to oversee the work and accounting of the project to its completion.
4. Within thirty (30) days of each conveyance of funds and continuing until the completion of the project submit a progress report describing the status of the project.
5. Within thirty (30) days after completion of the project, prepare and submit a comprehensive final report that shall include, but not be limited to:
  - Written certification that the project has been completed

- A complete accounting of actual project costs on the SEP funds including an itemized list of expenditures and copies of receipts and invoices;
6. Submissions required under this MOU shall be made to Diane Jorsey, Department of Environmental Protection, Bureau of Materials Management & Compliance Assurance, Pesticide Management Program, 79 Elm Street, Hartford, CT 06106-5127.

**Reimbursement of Unexpended SEP Funds:**

Within seven (7) days after the submission of the final report, or upon the expiration of this MOU or any extension of time of performance authorized by the Commissioner pursuant to this paragraph, whichever is earlier, University of Connecticut shall remit the total amount of any unexpended SEP funds to the Commissioner. Such payment shall be delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127, and shall be by inter-agency transfer invoice. The inter-agency transfer invoice shall state, "Reimbursement of Unexpended SEP Funds – COWSPST10-054."

**Time of Performance:**

This MOU shall be in effect until August 30, 2012. Following written request by University of Connecticut, the Commissioner may extend the time of performance as necessary to complete the supplemental environmental project.

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Amey Marrella Date: 12/3/10  
Amey W. Marrella, Commissioner

UNIVERSITY OF CONNECTICUT

By: Michael Crouch Date: 11/19/10  
Michael Crouch, Executive Director and Assistant Vice Provost for Research