

STATE OF CONNECTICUT

VS

CONSENT ORDER NUMBER
COWSPST12-097

Issue Date April 23, 2013

CHARLES PUCILASKAS
dba/BUG BUSTERS, INC.

A. With the agreement of Charles Pucilaskas dba/Bug Busters, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("the Commissioner") finds:

1. Respondent is registered as a commercial pesticide application business with the Commissioner of Energy & Environmental Protection as Bug Busters, Inc. with a principal place of business at 628 New Haven Road in Naugatuck, Connecticut. Respondent may continue to apply pesticides in Connecticut pursuant to the pesticide application business registration.
2. Respondent is registered with the Secretary of the State of Connecticut with a principal place of business at 10 Jewett Street in Ansonia, Connecticut. Charles Pucilaskas is the President of the business.
3. On or about 3/10/12, a certified commercial operator employed by Respondent applied Tempo 1% Dust in a manner inconsistent with the directions for use on the pesticide label by depositing excessive amounts of the dust onto exposed surfaces at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut.
4. On or about 3/10/12, a certified commercial operator employed by Respondent acted as a certified commercial supervisor by deciding which pesticides to apply, the dosage to use, how they would be mixed, where they would be applied and the methods of application for a carpet beetle treatment performed at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut.
5. Permanent pesticide application records maintained by the Respondent for pesticide applications performed on or about 3/10/12 at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut do not contain specific required information, or the required information is illegible, including the name and certification number of the certified commercial supervisor, the dates of the application, the site(s) treated, the dilution rate and or amount of pesticide applied.
6. On 3/12/12, a certified commercial operator employed by Respondent applied Prescription Treatment Pro-Control Total Release Aerosol Insecticide in a manner inconsistent with labeling at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut by using more than one fogger per room, failing to turn off all ignition sources such as pilot lights or running electrical appliances that cycle off and on and by failing to ventilate the treated area after the application was completed.
7. On 3/12/12, supervisory written instructions provided to a certified commercial operator employed by Respondent did not contain specific required information, or required information was illegible, including the names and certification numbers of the certified commercial supervisor and commercial operator, the pest to be

controlled and the pesticide to be used for a pesticide application at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut.

8. On 3/12/12, a certified commercial operator employed by Respondent acted as a certified commercial supervisor by deciding which pesticides to apply, how it would be applied, how much to apply and precautions to be taken for an application of Prescription Treatment Pro-Control Total Release Aerosol Insecticide at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut.

9. Permanent pesticide application records maintained by Respondent for a pesticide application performed on 3/12/12 at the Salinas residence located at 98 Hills Point Road in Westport, Connecticut do not contain specific required information including the name and certification number of the commercial supervisor, the kind of pesticide applied and the target pest is vague.

By virtue of the above, Respondent has violated sections 22a-61(e), 22a-61(b)(7), 22a-66g(a)(1) of the Connecticut General Statutes and section 22a-66-5(g)(2) of the Regulations of Connecticut State Agencies.

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

1. 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.

2. Civil penalty. Respondent shall pay a penalty of \$2,689.00 in four installments as follows; \$672.25 on or before 4/30/2013; \$672.25 on or before 7/30/2013; \$672.25 on or before 10/30/2013 and \$672.25 on or before 1/30/2014 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A. 3 through A.9 of this consent order.

B.3 Supplemental Environmental Project.

In addition to the civil penalty referenced in paragraph B.2, Respondent has agreed to fund the following supplemental environmental project ("SEP") or make payment as follows:

a. Respondent shall pay eight-thousand one-hundred fifty six dollars (\$8,156.00) in eight installments of one-thousand nineteen dollars and fifty cents (\$1,019.50) to the Connecticut Agricultural Experiment Station and shall certify in writing to the Commissioner that such payment was made. Payment of the installments is due as follows; on or before 4/30/13; on or before 7/30/13; on or before 10/30/13; on or before 1/30/14; on or before 4/30/14; on or before 7/30/14; on or before 10/30/14 and on or before 1/30/15. The SEP funds shall be used by the Connecticut Agricultural Experiment Station to produce informational publications and forums for the education of parties involved with the control of or affected by bed bugs including, but not limited to, certified commercial pesticide applicators, municipal and state health department staff, landlords, tenants and citizens of Connecticut in accordance with the Memorandum of Understanding between the Department of Energy and Environmental Protection and the Connecticut Agricultural Experiment Station included as Attachment A to this consent order.

b. If Respondent fails to fund the SEP in accordance with paragraph B.3.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 one hundred fifty six dollars (\$8,156.00); 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 the "Connecticut Department of Energy and Environmental Protection" and the check shall state on its face "Statewide SEP Account, Consent Order No. COWSPST12-097."

Respondent shall mail or personally deliver such payment to the Department of Energy and 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."

4. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and 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 the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "BMMCA, Pesticide Management Program civil penalty, consent order COWSPST12-097."

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

6. 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.

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

8. 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.

9. 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.

10. 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.

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

12. 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 [or prevent or abate pollution].

13. Access to site. Any representative of the Department of Energy and 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.

14. 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.

15. 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.

16. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

17. 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.

18. 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 Energy and Environmental Protection
Bureau of Materials Management & Compliance Assurance
Pesticide Management Program
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

Charles Pucilauskas
dba/Bug Busters, Inc.

BY: Charles Pucilauskas
Charles Pucilauskas
President

3/15/13
Date

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

Macky McCleary
Macky McCleary
Deputy Commissioner

4/22/13
Date

**Memorandum of Understanding
Between the Department of Energy and Environmental Protection and
Connecticut Agricultural Experiment Station**

This Memorandum of Understanding ("MOU") is made and concluded in Hartford, Connecticut by and between the Connecticut Department of Energy and Environmental Protection ("Department"), represented by Daniel C. Esty, Commissioner ("Commissioner") and Connecticut Agricultural Experiment Station, represented by Dr. Kirby Stafford, Acting Director. The purpose of this memorandum is to document the understanding between the parties regarding the production of informational publications and forums for the education of parties involved with the control of or affected by bed bugs including, but not limited to certified commercial pesticide applicators, municipal and state health department staff, landlords, tenants and citizens of Connecticut.

Whereas, Charles Pucilauskas dba/Bug Busters, Inc. has agreed, pursuant to administrative consent order COWSPST12-097 with the Department, to provide payment in the amount of eight-thousand one-hundred fifty six dollars (\$8,156.00) in eight installments of one-thousand nineteen dollars and fifty cents (\$1,019.50) directly to the Connecticut Agricultural Experiment Station to fund a supplemental environmental project ("SEP") and;

Whereas, a proposal for performing such SEP has been submitted by the Connecticut Agricultural Experiment Station and approved by the Department ("project").

Now, therefore, the Department and Connecticut Agricultural Experiment Station agree as follows:

Connecticut Agricultural Experiment Station agrees to:

1. Within three (3) business days from the date of receipt of SEP funds under this MOU, notify the Commissioner in writing of the amount of such funds that were received and deposit such funds in a federally insured, interest bearing account. Such SEP funds, including any interest accruals, shall be kept separate from all other assets or accounts held by the Connecticut Agricultural Experiment Station and used solely for the purposes of fulfilling the Connecticut Agricultural Experiment Station's obligations under this MOU.
2. Perform the project to its fullest detail as approved. The project shall be fully performed by no later than 2/28/2015.
3. Obtain any federal, state or local permits or approvals necessary to carry out the project.
4. Maintain adequate staffing to oversee the work and accounting of the project to its completion.
5. Report to the Department on a quarterly basis. Quarterly reports shall be submitted to the Department on or before January 15 for the quarter ending December 31, April 15 for the quarter ending March 31, July 15 for the quarter ending June 30 and October 15 for the quarter ending September 30, beginning with the execution of this MOU. Each quarterly report shall include but not be limited to the following information:
 - Progress of the project;
 - A complete accounting of actual project costs incurred to date;

- Progress of the project;
 - A complete accounting of actual project costs incurred to date;
 - Planning for the remaining project tasks to be performed;
 - Any other activities, occurrences, and significant findings related to this project; and
 - Any other information if requested by the Department for the purpose of evaluating the progress of the project.
6. 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 as approved.
 - A complete accounting of actual project costs for the SEP funds including an itemized list of expenditures and copies of receipts and invoices;
 - Discussion of the environmental benefits resulting from the project;
 - Level of success and results;
7. Submissions required under this MOU shall be made to Diane Jorsey, Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, Pesticide Management Program, 79 Elm Street, Hartford, CT 06106-5127.


Reimbursement of Unexpended SEP Funds:

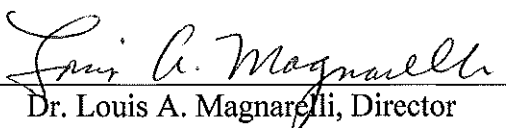
Within seven (7) days after the submission of the final report, or upon the expiration of this MOU or any extension of time of performance authorized by the Commissioner pursuant to this paragraph, whichever is earlier, the Connecticut Agricultural Experiment Station shall remit the total amount of any unexpended SEP funds, including any unexpended interest accruals, to the Commissioner. Such payment shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127, and shall be by certified or bank check payable to the Department of Energy and Environmental Protection. The check shall state on its face, "Reimbursement of Unexpended SEP Funds."

Time of Performance:

This MOU shall be in effect until 2/28/2015. Following written request by the Connecticut Agricultural Experiment Station, the Commissioner may extend the time of performance as necessary to complete the supplemental environmental project.

CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

By:  Date: 4/24/13
 FOR Daniel C. Esty, Commissioner
 Macky McCleary, Deputy Commissioner
 CONNECTICUT AGRICULTURAL EXPERIMENT STATION

By:  Date: April 2, 2013
 Dr. Louis A. Magnarelli, Director