

# DECISION REPORT

DPR-161 (Rev. 03/19)  
DR-39-20200204-002

COUNTY OF: San Joaquin

COMPANY/PERSON [REDACTED]	INCIDENT DATE 01/30/2019
INCIDENT TYPE: <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Inspection	OTHER TRACKING INFO

## DETAILS OF INVESTIGATION INV-39-20190130-021

Section Violated	Section Title	Violation Class
6616	Consent to apply necessary.	Class B

- Alleged violation(s) could not be proven by a preponderance of the evidence necessary for an administrative civil penalty hearing. Describe specifics below - include section numbers and/or evidence issues.
- Investigation limited due to non-cooperation of complainant(s). Describe specifics below.
- Follow-up conducted/scheduled. Describe specifics below..
- Mitigation measures to prevent future incidents have been adopted. Describe specifics below
- Other: Describe specifics below.

### Summary of Incident and Justification for not taking an Enforcement Action:

On January 30, 2019 at 11:05AM, the SJCAC received a telephone call from [REDACTED] stating that his neighbor sprayed and killed weeds on the west side of his property next to his vineyard without his knowledge. [REDACTED]'s grape vineyard is listed as Site 1-1 of California Restricted Materials Permit 3904230 under [REDACTED] Vineyard and is located at the southeast corner of [REDACTED] in Acampo. At 2:03PM, I, Agricultural Biologist Raung Long, drove to [REDACTED] Vineyard's Site 1-1 and observed yellow and dead weeds a few inches away from pole stakes along the northwest side of the vineyard. Based upon the San Joaquin County Assessor's plot map of [REDACTED] vineyard, it is clear that the area that was sprayed is owned by [REDACTED]. To the west of [REDACTED]'s vineyard is a driveway belonging to [REDACTED] a private citizen.

On February 5, 2019, at 1:37PM, [REDACTED] admitted by telephone that he did spray the portion of [REDACTED]'s property to the east of his driveway using Spectracide Weed and Grass Killer, a Warning material with EPA Reg. No. 9688-265-8845. By purposely spraying pesticide material onto the area between his driveway and [REDACTED] vineyard rows, [REDACTED] had directly applied pesticides to [REDACTED]'s property without [REDACTED]'s consent. This is a violation of 3CCR section 6616, which states that no person shall directly discharge a pesticide onto a property without the consent of the owner or operator of the property.

There were no injuries, illness, or property loss occurred due to this non-compliance. [REDACTED] stated that he will not spray his neighbor's property again. [REDACTED] is a private citizen and has had no prior history of violations in the past two years. No enforcement action will be pursued at this time.

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REPORT PREPARED BY	DATE SIGNED
Raung Long	02/07/2020
REPORT REVIEWED BY	DATE SIGNED
Fowler, Jessica	