

Office of the Secretary, Anson B. Tebbetts

www.agriculture.vermont.gov

116 State Street • Montpelier, Vermont 05620-2901 • (802) 828-5667 • (802) 828-1410 fax

Permittee: New England Central Railroad 2 Federal Street Saint Albans, Vermont 05478

Permit conditions:

1. The permittee shall contact the Agency at 802-828-6417 one (1) business day prior to initiating this permit.
2. The permittee shall coordinate one (1) use inspection with the Agency.
3. This permit authorizes the use of pesticides in the railroad ballast during this calendar year in the towns of Putney, Dummerston, Brattleboro, Vernon, Alburgh, Swanton, St. Albans, Georgia, Jericho, Williston, Milton, Colchester, Essex Junction, Winooski, Burlington, Richmond, Bolton, Duxbury, Waterbury, Middlesex, Montpelier, Berlin, Northfield, Roxbury, Granville, Braintree, Randolph, Bethel, Royalton, Sharon, Hartford, Hartland, Windsor, Rockingham, Bellows Falls and Westminster. This permit does not allow for treatment to control terrestrial invasive plant species, if not required to meet the safety and public health needs. This permit in no way authorizes the applicant to use pesticides on real estate where it has no lawful right to do so.
4. Ballast maintenance activities are prohibited for thirty (30) days or until one (1) inch of rain has fallen following application, unless the application is a glyphosate-only application. Ballast maintenance activities are prohibited for five (5) days after a glyphosate-only application.
5. All distances described in this permit are horizontal (lateral) measurements.
6. The spray width shall be no greater than ten (10) feet from either side of the centerline of the tracks or no greater than the width of the ballast. Applications around signal cases and masts, stored material and railroad yard applications must be made in accordance with the product label.
7. At least one certified applicator shall be a member of each application crew. All label recommendations and requirements for protective clothing shall be adhered to for all applicators.
8. Proof of public notification as detailed in the permit application shall be provided to the Agency as proof that the notification occurred (e.g., copies of newspaper tear sheets, invoices).
9. Pesticides shall not enter the waters of the State. Buffers to water are:
 - a. Applications made **parallel** to surface water shall have a visible limit of 10 feet from the edge of the water when spraying glyphosate-only products, or a visible distance of 15 feet when spraying any other permitted products or mixture thereof.
 - i. In areas where the parallel water's edge is less than ten (10) feet, but farther than two (2) feet from the shoulder, only aquatically labeled glyphosate-only applications may be within the railroad tie (tie end-to-tie end).
 - b. Applications made at a surface water **crossing** shall have a visible limit of 30 feet from the water's edge.
 - c. All surface waters that are to be buffered must be identified and flagged prior to any application.

- d. Aquatically-labeled glyphosate products may be applied up to two (2) feet from the edge of water crossings, bridge abutments or culverts containing water, by hy-rail application equipment traveling at two (2) miles per hour.

10. Public and private water supplies are to be avoided.

- a. Applications shall not be made within 200 feet of a public drinking water source. For sources supplied by surface water the buffer shall be measured from the shoreline. Surface waters in a source protection area that contribute to the source shall have a buffer of 100 feet.
- b. Applications shall not be made within 100 feet of private drinking water source; as identified by the Vermont ANR Atlas, through well owner notification to the permittee, or identified in the field.

11. A copy of this permit and current maps identifying both public and private water supplies shall be provided to the applicator for use during application.

12. Spray reports shall be submitted by the pesticide applicator to the Agency of Agriculture on a weekly basis.

Records may be mailed to:

Agrichemical Management Section-Vermont Agency of Agriculture
116 State Street, Montpelier, VT 05620

Alternatively, they may be submitted electronically to:
both Dominique.Golliot@vermont.gov and Linda.Boccuzzo@vermont.gov

13. The following pesticides may be applied at the rates listed below and in accordance with the label:

Product name	EPA registration number	Rate not to exceed
RazerPro	228-366	2 pints per acre
Esplanade 200 SC	432-1516	4 ounces per acre
Opensight	352-786	3 ounces per acre

14. Applications between North Avenue and College Street in Burlington shall be made under the following conditions:

- a. One (1) application shall be made during calendar year;
- b. Only glyphosate containing products shall be applied in this area;
- c. The application shall not occur on a weekend or holiday;
- d. The application shall be made during prior to 6:00 a.m.;
- e. The permittee shall notify the Agency of Agriculture, Food and Markets at (802) 828-6417 twenty-four (24) hours prior to this application being made; and
- f. This application shall be delayed if rain is predicted within twenty-four (24) hours post-application.

15. In the event the permittee sub-contracts or assigns any of the applications authorized by this permit, the permittee shall continue to remain responsible for the conditions of this permit. This condition does not relieve any sub-contractor or assignee from compliance.
16. All operations shall be conducted in accordance with the representations made by the permittee in its permit application under these permit conditions unless, and until, the permit is amended.
17. Applications in rail yards are to be conducted at times of low pedestrian traffic to limit human exposure.
18. The Secretary reserves the right to further limit or restrict the application of pesticides approved under this permit as conditions or circumstances warrant.

This permit application was reviewed by the Vermont Pesticide Advisory Council and forwarded with recommendation to the Secretary.

Dated May 15, 2017



Anson B. Tebbetts, Secretary of the Agency of Agriculture, Food & Markets