



PERMIT TO CONDUCT RIGHTS-OF-WAY HERBICIDE TREATMENT

Applicant: Washington County Railroad
118 Post Street
Rutland, VT 05701

Permit Number: **ROW #2016-RR7**

1. This permit authorizes the use of herbicides in the railroad ballast during the calendar year 2016 in the towns of Montpelier, Barre City, Barre Town, South Barre and Berlin. This permit in no way authorizes the applicant to use herbicides on land where it has no lawful right to do so.
2. Ballast maintenance activities are prohibited for 30 days or until one (1) inch of rain has fallen following application, unless the application is made with Aquaneat. An application of Glyphosate will require a five (5) day prohibition.
3. The following pesticides may be applied at the rates specified:
 - a. **Aquaneat, E.P.A. registration number 228-365**, at an application rate not to exceed two (2) quart per acre and in accordance with label directions.
 - b. **Esplanade 200 SC, E.P.A. registration number 432-1516** at an application rate not to exceed five (5) ounces per acre, and in accordance with label directions.
 - c. **Streamline, E.P.A. registration number 432-1570** at an application rate not to exceed six (6) ounces per acre, and in accordance with label directions.
4. At least one certified applicator shall be a member of each crew using herbicides.
5. The applicant shall contact the Vermont Agency of Agriculture, Food and Markets at (802) 828-6531 twenty-four (24) hours prior to the commencement of herbicide application, and shall provide the location of spray initiation and the names and certificate numbers of the certified applicators who will be applying herbicides.
6. This permit shall not be initiated prior to May 16.
7. The public shall be notified prior to herbicide applications in accordance with Section IV of the Vermont Regulations for the Control of Pesticides. Copies and dates of all public notifications shall be submitted to his office prior to spraying. Newspaper tear sheets or invoices and radio station invoices for public notification shall be provided to the Agency as proof the notification has occurred.

8. Herbicides shall not enter the waters of the State. Herbicides (other than glyphosate product with an aquatic use label) applied parallel to water courses shall have a visible limit of 15 feet from the edge of the water and a visible limit of 30 feet from the water's edge at all water crossings. In areas where the parallel water's edge is less than ten (10) feet, but further than two (2) feet from the shoulder glyphosate product with an aquatic use label may be applied only to the end of the railroad ties (aka tie end to tie end). Glyphosate products with an aquatic use label may also 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, which is calibrated to apply pesticides at two (2) miles per hour.
9. Treatment areas:
 - a. Treatment in high-traffic/ urban areas shall only occur weekdays prior to 6:00 a.m.
 - b. Use of herbicides between in Montpelier between the crossings of Main St. and Granite St. are prohibited unless the conditions in Section 19 have been met and this permit has been amended by the Secretary.
10. Public and private water supplies are to be avoided. Herbicides shall not be applied within 200 feet of public water supplies or within 100 feet of private water supplies. For drinking water sources supplied by surface water the no spray buffer shall extend from the shoreline of lakes or ponds. At the point where the right of way intersects other surface waters within the source protection area the buffer shall be 100 feet.
11. Spray reports shall be submitted by the herbicide applicator to the Agency on a weekly basis.
12. A copy of this permit, the permit application, and a set of maps noting both public and private water supplies shall be provided to the applicator for use during herbicide application.
13. All label recommendations and requirements for protective clothing shall be adhered to.
14. All herbicide operations shall be conducted in accordance with the representations made by the applicant in its permit application and in these permit conditions unless, and until, the permit is amended.
15. A current vegetation management plan shall be submitted to the Secretary of the Agency of Natural Resources as required by Wetland Rules if not done so previously.
16. The spray width shall be no greater than 10 feet from either side of the centerline of the tracks when applying the soil active tank mix. The spray width shall be no greater than 10 feet from either side of the centerline of the tracks or no greater than the width of the ballast when applying glyphosate products with an aquatic use label. Signal cases and masts, stored material and railroad yard applications must be in accordance with the product label directions.
17. Herbicide applications in rail yards are to be conducted at times of low traffic to try and avoid exposure to both workers and the general public.
18. The Secretary reserves the right to further limit or restrict the application of herbicides approved under this permit as conditions or circumstances require.

19. The use of herbicides in the city of Montpelier between Main St. and Granite St may be considered by the Secretary when:

a) The City of Montpelier and The Washington County Railroad have not entered into an agreement for alternative control measures such as mechanical control or other alternative methods of vegetation management consistent with overall rail safety and integrity.

b) Schedules for ballast improvement(s) have been established by the railroad and the track owner that will substantially improve ballast condition appropriate to the volume and speed of rail traffic using the railroad. Such improvements include those that will structurally improve the ballast in order to reduce the need for future herbicide use.

c) Vegetation presents a substantial hazard to the inspection, maintenance and operation of the railroad that the risks associated with the presence of the vegetation could impact overall rail safety to the rail operator and the public.

d) An effective notification system for those abutting the Washington County Railroad has been established.

e) A long term vegetation management plan has been developed and approved by the Secretary specific to the needs and characteristics of the area of the rail between Main St. and Granite St. that includes thresholds that will allow for the use of herbicides when the use of alternative vegetative control measures are not adequately maintaining the overall integrity and safety of the ballast and track.

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

DATED: May 17, 2016

Charles R. Ross Jr., Secretary