

Golf Course Permits:

a.No person shall use a pesticide(s) on a golf course without first obtaining a permit from the Commissioner as provided in Section IV 9. except as described in Section IV 9.b. The permit process shall begin as follows:

(1)Existing golf courses shall submit to the Commissioner their name, address, location and information identifying surface water, private water sources of abutting landowners, public water sources, private or public source protection areas and environmentally sensitive areas present on the golf course. The amount and type of pesticide used on the golf course over the last three (3) years is also required. A form will be provided by the Commissioner for the submission of this information.

(2)The Commissioner shall determine a schedule staggered over the next five (5) years when each golf course existing on the effective date hereof shall file an application for a permit and shall notify each course in writing, certified mail, return receipt requested. The scheduling of golf courses will be prioritized on the basis of risk and will require those golf courses with the highest risk potential to submit first.

b.An existing golf course may continue to use pesticides until either it fails to file an application for a permit on the date scheduled by the Commissioner or a permit is denied.

c.An application for a permit shall be on a form provided by the Commissioner and conform to the provisions of Section IV 9 h. and be signed by an officer of the golf course and the golf course superintendent completing the form, who shall agree to the conditions to be set forth by the Commissioner in the permit. Applications for a renewal permit shall be filed with the Commissioner three (3) months prior to the expiration of the existing permit. An application for renewal shall detail any proposed changes to the existing pesticide management plan of the golf course.

d.The Commissioner will forward the application to the Vermont Pesticide Advisory Council (VPAC) for review and recommendation under 6 V.S.A. Section 1102(d)(1). VPAC's review shall be based on the established requirements of statutes, regulations and guidelines.

e.The Commissioner shall issue or deny the permit after consideration of VPAC's recommendation, risk to human health and the environment, the pesticide management plan as it relates to the use of pesticides and the past history of the golf course. The Commissioner may restrict or deny the use of a pesticide in accordance with 6 V.S.A. Section 1104(3) and other applicable provisions of the law. All parties aggrieved by a decision of the Commissioner under this section may request a hearing within fifteen (15) days of the receipt of notice of the decision.

f.Permits issued by the Commissioner:

(1)Shall be conditioned on the operation of the golf course according to an approved pesticide management plan.

(2) Shall, when necessary and appropriate, establish additional buffer strips to protect surface waters and environmentally sensitive areas. The need for buffer strips shall be determined according to the type of application, properties of chemicals to be used and characteristics of the areas to be treated.

(3) May require sampling and analysis of ground and surface water as a condition to the use of a pesticide. Those pesticides on the Prescreened Pesticide List would not require sampling or analysis unless the Commissioner determines that this type of information is critical to the evaluation of the risk to human health or the environment. Due to its cost, sampling and analysis will be required only when the Commissioner determines it is reasonably necessary to assess compliance with statutory or regulatory standards for protection of the environment or human health and will limit the variables. All parties aggrieved by a decision of the Commissioner under this section may request a hearing within fifteen (15) days of the receipt of notice of the decision.

(4) To a proposed golf course shall be conditioned on the course being built as is represented in the application and requires the applicant to submit proof within sixty (60) days after completion.

(5) Shall be issued for a period of five (5) years and therefore expire at the end of the five (5) year period. The permit shall identify the pesticides permitted either by specific reference to each pesticide or reference to the Prescreened Pesticide List. The use of other pesticides may be added by modification of the five (5) year permit. Modifications shall be requested on forms provided by the Commissioner and shall be processed, issued or denied in the same manner as provided for permits, except that the term shall coincide with the term of the permit being modified.

g. The Commissioner shall approve and maintain the Prescreened Pesticide List along with specifications for its use on golf courses upon review and recommendation from VPAC. Pesticide(s) may be added or deleted at any time. Any person may submit to the Commissioner a request to add or delete a pesticide under this section. The request shall include a current EPA Pesticide Fact Sheet or equivalent and any other data desired to be considered. The Commissioner shall either approve or deny the request and notify the applicant in a timely manner.

h. Applications for a permit to use pesticides on a golf course shall contain the following information:

(1) General Information

(a) Name of the golf course

(b) Location

(c) Mailing address

(d) Golf Course Superintendent who is responsible for completing the application

(e) Name and position of an officer of the golf course

(f)Date of application

(2)Permit Status

(a)Initial, renewal or modification

(b)Course classification; existing, existing with proposed expansion or proposed

(3)Pesticide Information. Identification of the pesticide(s) to be used as follows:

(a)Pesticides found on current Prescreened Pesticide List. Indicate specific pesticides by common and trade name and EPA Registration Number.

(b)Pesticide(s) other than those found on the Prescreened Pesticide List shall be identified by both common and trade name, EPA Registration Number and by attaching a current EPA Pesticide Fact Sheet or equivalent. The KOC, solubility, half-life (soil) and any additional information as specified in Section IV 9h.(6) shall be provided for each pesticide.

(4)Golf Course Description. A description of the golf course as it exists or is designed as follows:

(a)A site plan (which may be an orthophoto map, scale 1:5000'), marked with the following:

i. tees, greens and fairways, by hole number and supporting operations;

ii. areas irrigated and source of water for irrigation;

iii. all surface waters identified by name, if known;

iv. all known ground waters;

v. private water sources of abutting properties;

vi. public water sources and source protection areas;

vii. identification and location of any environmentally sensitive areas;

viii. property boundaries;

ix. each building and its use; and

x. legend, scale, north designation;

(b)A topographical map, which may be a U.S.G.S. topographical map with the boundaries of the golf course identified thereon and a general written topographical description including minimum and maximum slopes and any distinct topographical features.

(c)The square feet of each green and tee, and identification of any green or tee which is within 100 feet of any surface waters.

(d)Approximate acreage of each fairway specifying closely mowed areas and rough areas individually.

(e)The square miles of the drainage area for flowing waters at the point of exit from the golf course property.

(f)The surface acreage and average depth of any ponded surface waters and the location of its primary source of supply.

(g)A soils map and key as mapped by the United States Soil Conservation Service or other reliable source, including identification of soils of high erodibility.

(5)Pesticide Management Plan. A detailed account of how pests such as insects, weeds, diseases and rodents are managed on the golf course as follows:

(a)A general statement of the policy and listing of the goals of the pesticide management plan, including the golf course's strategy for minimizing pesticide use;

(b)A description of pest problems associated with turfgrass and ornamentals during the past five (5) years, including locations and the extent of infestation. For proposed golf courses a description of anticipated pest problems and the rationale for each;

(c)A description and rationale of the pest management strategies that are or will be employed, including biological, chemical and cultural controls;

(d)A description of pest monitoring practices that are or will be utilized;

(e)A description and location of pesticide storage, handling and mixing areas; a Spill Response Plan and proposed measures to prevent accidental releases;

(f)A description of irrigation practices, including the type of system used, rates and intervals of irrigation;

(g)For proposed golf courses, a description of any unique feature of its design which will minimize pest problems;

(h)A description of any buffer zone established or to be established to protect surface waters, private and public water supplies, and environmentally sensitive areas.

(6)Other Pesticides, Additional Information. When the use of a pesticide(s) is (are) requested which is (are) not found on the current Prescreened Pesticide List or when otherwise required by the Commissioner to evaluate risk, the applicant will provide additional information which will justify the use of the pesticide within an acceptable level of risk. The following information or any other pertinent information may be submitted in support of this justification:

(a)Expected pesticide concentrations:

i.nearest private and all public water sources of concern using a Simple Dilution Analysis, calculated using a proportion of either well yield and/or precipitation and irrigation;

ii.in flowing surface water at the point of exit from the golf course boundary.

iii.in standing surface water only when deemed necessary after consultation with the Department of Environmental Conservation, Water Quality Division.

(b)In graphic or matrix form, a comparison between the expected pesticide concentrations and Vermont Water Quality Guidelines, Chapter 12 Groundwater Protection Rule Standards and Department of Health Drinking Water Standards.

(c)The hydrogeologic setting, including hydrogeologic flow patterns, receiving waters, recharge and discharge areas, range of depth to groundwater, aquifer type, if present and hydraulic conductivity.

(d)Identification of any environmentally sensitive areas and a general discussion of whether the use of pesticides will destroy or significantly imperil the same.

i.Golf courses shall keep and maintain operating records and report pesticides on forms provided by the Commissioner for that purpose as follows:

(1)Operational records of pest problems encountered, control methods employed and their effectiveness, the type and amount of pesticide(s) used, its purpose, date and area of the golf course where applied; a record of rainfall; and a summary of irrigation utilization. These records must be maintained for a period of five (5) years and shall be made available to the Commissioner upon request.

(2)A pesticide use record for each calendar year shall be submitted to the Commissioner prior to January 1 of the following year. A form will be provided by the Commissioner for this purpose.

(3)Maintenance of the records and report of pesticide use as provided above shall exempt the golf course or certified applicators employed by it from the record and reporting requirements of Section V. 2, 4 and 6.