



AGENCY OF AGRICULTURE, FOOD & MARKETS

Charles R Ross Jr., Secretary

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PERMIT TO CONDUCT RIGHTS-OF-WAY HERBICIDE TREATMENT

Applicant: Vermont Railway, Inc.
118 Post Street
Rutland, VT 05701

Permit Number: **ROW #2012-RR7**

1. This permit authorizes the use of herbicides in the railroad ballast during the calendar year 2012 in the towns of Burlington, South Burlington, Shelburne, Charlotte, Vergennes, Ferrisburg, New Haven, Middlebury, Salisbury, Leicester, Brandon, Pittsford, Rutland Town, Rutland City, Clarendon, Wallingford, Danby, Dorset, Manchester, Sunderland, Arlington, Shaftsbury, Bennington and Mount Tabor. 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 Rodeo. An application of Rodeo will require a five (5) day prohibition.
3. The following pesticides may be applied at the rates specified:
 - i. **Razor Pro, E.P.A. registration number 228-366**, at an application rate not to exceed two (2) quarts per acre and in accordance with label directions.
 - ii. **Polaris AC, E.P.A. registration number 228-480** at an application rate not to exceed one (1) quart per acre, and in accordance with label directions.
 - iii. **Oust Extra, E.P.A. registration number 352-622**, at an application rate not to exceed four (4) 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 1.
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 this 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 Rodeo or Aquaneat) 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, Rodeo may be applied only to the end of the railroad ties. Rodeo 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 in the area of the Burlington waterfront between Maple Street and College Street shall be made under the following conditions:
 - a. Only one application shall be made during calendar year ;
 - b. Only glyphosate shall be applied during this application;
 - c. This application shall not occur on a weekend or holiday;
 - d. This application shall be made during hours prior to 6:00 a.m.;
10. The applicant shall notify the Agency of Agriculture, Food and Markets at (802) 828-6531 twenty four (24) hours prior to this application being made; and
11. This application shall be delayed if heavy rain is predicted within twenty four (24) hours post-application.
12. 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.
13. Spray reports shall be submitted by the herbicide applicator to the Agency on a weekly basis.
14. 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.
15. All label recommendations and requirements for protective clothing shall be adhered to.
16. 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.
17. 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.
18. 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. Applications around signal cases and masts, stored material and Railroad yard applications must be in accordance with the product label directions.
19. Herbicide applications in rail yards are to be conducted at times of low traffic to try and avoid unnecessary exposure to both workers and the general public.
20. The Secretary reserves the right to further limit or restrict the application of herbicides approved under this permit as conditions or circumstances require.

DATED: May 18, 2012



Charles R. Ross Jr., Secretary