



PAUL R. LePAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY JENNINGS
DIRECTOR

May 25, 2011

Robert Moosmann
Maine Department of Transportation (MDOT)
Operation & Maintenance
16 State House Station
Augusta, ME 04333

RE: Variance Permits for Pertinent Sections of Chapters 22 and 29

Dear Mr. Moosmann:

This letter will serve as your agency's variance permits for the pertinent sections of Chapters 22 and 29 covering MDOT's 2011 vegetation control programs associated with state maintained roads and maintenance lots. The staff is authorized to approve repeat variance requests provided there were no significant issues arising over the previous year. Please bear in mind that MDOT's variance permits require agency contractors and personnel to adhere to the measures outlined in Section X of the Chapter 22 permit application and Section IX of the Chapter 29 permit application.

We will alert the Board at its June 3, 2011 meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control

**BOARD OF PESTICIDE CONTROL
APPLICATION FOR VARIANCE PERMIT**

I. Name: Robert W. Moosmann Telephone (207) 592-0774
Company: Maine Department of Transportation
Address: Bureau of Maintenance & Operations, 16 State House Station, Augusta, Maine 04333

II. Applicator: Maine Department of Transportation
Address: Bureau of Maintenance & Operations, 16 State House Station, Augusta, Maine 04333

III. Areas where pesticides will be applied:

Selected State maintained roads and other transportation facilities such as buildings, maintenance lots, bridges, and railroads, and adjacent areas within the right of way thereof.

Selected target plants include: evergreen trees up to 3 feet high and deciduous trees up to 6 feet high; grasses and weeds in guardrail areas; grasses and weeds in pavement cracks; invasive plants; plants that present a health risk; or other plants necessary to control for transportation purposes.

IV. Pesticides to be applied:

Various combinations of, Garlon 4 Ultra (Triclopyr), MSM_60 (Metsulfuron Methyl), or Krenite S, (Fosamine Ammonium); various combinations of Accord Concentrate (Glyphosate), Endurance (Prodiamine), Oust or SFM_75 (Sulfometuron Methyl). Products may also be used as the only product in the mix.

V. Purpose of pesticide applications:

- 1).Control of woody brush on roadsides to maintain safety clear zones, sight distances, enhance winter solar access to pavement, and provide snow storage.
- 2).Control of grasses and weeds in cracks in pavement in preparation for asphalt surface treatments.
- 3).Control of grasses and weeds in guardrail areas to enhance sight distances, visibility of and access to structures, signs, and other devices.
- 4). Control of invasive plants
- 5).Control of plants that present a health risk to department or contract workers.
- 6). Control of other plants necessary to control for other transportation purposes

VI. Approximate dates of spray application:

May 23, 2011 to November 25, 2011

VII. Application Equipment:

- FMC Bean Model R10 hydraulic sprayer with handgun, 500 gallon tank or equivalent
- Low pressure, low application rate, boom style applicator with flat fan nozzles, rubber shields on all 4 sides, 48 inch boom width, mounted on the rear of a side arm mower deck, designed to spray 6 inches to 1 foot off the surface.

VIII. Standards to be varied from:

- 1.) Chapter 22 Section 2(D), Part I-Identification of Sensitive Areas

IX. Reason for variance:

- 1.) Unable to locate, map, monitor, and administer changing sensitive areas within 5000 mile long roadside corridor, see attached sheet for MaineDOT no-spray buffer zones.
- 2.) MaineDOT will publish public announcements of spray activities and notify towns.

X. Methods to assure equivalent protection:

- 1.) Roadside brush control: continue using MaineDOT no-spray buffer zones, continue using tank mix particulating agent for enlarged droplet size, continue using No. 12-14 nozzle disc size for enlarged droplet size, continue to use sticker-spreader-extender to adhere spray materials to ground or leaf surface and make rain fast, continue using pump pressure of 25-125 PSI to maintain spray stream trajectory of less than 40 feet, continue to use low volatile chemical, continue to include Atlantic Salmon waters and Certified Organic farms to no-spray buffer zones, continue sending news releases to all media and affected communities in advance of applications, continue maintaining notification signage on spray trucks, continue to offer no-spray agreements.
- 2.) For roadside brush and weeds: Use a low pressure, low application rate, boom style applicator with flat fan nozzles, and rubber shields on all 4 sides, 48 inch boom width, mounted on the rear of a side arm mower deck, designed to apply selective herbicides 6 inches to 1 foot off the surface. Use slow ground speed under 5 miles per hour. Herbicides will be applied at the time of mowing to freshly cut brush stubble and weeds. Primary areas of application with this apparatus will be roadsides within 10 to 12 feet from edge of pavement in areas where vegetation is now mechanically mowed. Trees cut will generally be 2 to 3 inches or less in caliper at the ground. Guardrails may receive this selective treatment as well if the primary objective is removal of brush behind the guardrail.
- 3.) For cracks in pavement and guardrail, invasive plants, plants that are a health risk, or other plants: use a low pump pressure of 25 to 50 PSI; use a tank mix particulating agent for enlarged droplet size, use a spray gun and spray nozzles that will produce raindrop size particles with no fine particle sizes that can drift away from target, use non volatile chemicals, use a slow ground speed of less than 15 mph, use a sticker-spreader-extender to adhere spray materials to ground or leaf surface and make rain fast, send news releases to all media and affected communities, maintain notification signage on spray trucks.



Signed: _____

Dated: 5/12/2011

Return completed form to: Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028

OR E-mail to: pesticides@maine.gov

**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

I. Robert W. Moosmann (207) 592-0774
Name Telephone Number

Maine Department of Transportation, Bureau of Maintenance & Operations
Company Name

16 State House Station Augusta Maine 04333-0016
Address City State Zip

II. Area(s) where pesticide will be applied:
Selected State maintained roads and other transportation facilities such as buildings, maintenance lots, bridges, and railroads, and adjacent areas within the right of way thereof.
Selected target plants include: evergreen trees up to 3 feet high and deciduous trees up to 6 feet high; grasses and weeds in guardrail areas; grasses and weeds in pavement cracks; invasive plants; plants that present a health risk; or other plants necessary to control for transportation purposes.

III. Pesticide(s) to be applied:
Various combinations of, Garlon 4 Ultra (Triclopyr), MSM_60 (Metsulfuron Methyl), or Krenite S (Fosamine Ammonium); various combinations of Accord Concentrate (Glyphosate), Endurance (Prodiamine), Oust or SFM_75 (Sulfometuron Methyl). Products may also be used as the only product in the mix.

IV. Purpose of pesticide application:
1).Control of woody brush on roadsides to maintain safety clear zones, sight distances, enhance winter solar access to pavement, and provide snow storage.
2).Control of grasses and weeds in cracks in pavement in preparation for asphalt surface treatments.
3).Control of grasses and weeds in guardrail areas to enhance sight distances, visibility of and access to structures, signs, and other devices.
4). Control of invasive plants
5).Control of plants that present a health risk to department or contract workers.
6). Control of other plants necessary to control for transportation purposes.

V. Approximate dates of spray application:
May 23, 2011 to November 25, 2011

VI. Application Equipment:

- FMC Bean Model R10 hydraulic sprayer with handgun, 500 gallon tank or equivalent
- Low pressure, low application rate, boom style applicator with flat fan nozzles, rubber shields on all 4 sides, 48 inch boom width, mounted on the rear of a side arm mower deck, designed to spray 6 inches to 1 foot off the surface.

VII. Standard(s) to be varied from:
Chapter 29 Section 6 (A)-Buffer Requirement

VIII. Reason for variance:

1).To provide control of brush, annual, or perennial plants growing within a distance from 25 feet to 10 feet from waters as defined in the regulation. Brush and other plants targeted for control will be those which impede visibility of the road, signs, guardrail, entrances, and other structures; cause shading of the road surface; are considered an invasive plant; are a health risk: or other plants necessary to control for transportation purposes.

IX. Method to assure equivalent protection:

1).Roadside brush control: continue using MDOT no-spray buffer zones, continue using tank mix particulating agent for enlarged droplet size, continue using No. 12-14 nozzle disc size for enlarged droplet size, continue to use sticker-spreader-extender to adhere spray materials to ground or leaf surface and make rain fast, continue using pump pressure of 25-125 PSI to maintain spray stream trajectory of less than 40 feet, continue to use low volatile chemical, continue to include Atlantic Salmon waters and Certified Organic farms to no-spray buffer zones, continue sending news releases to all media and affected communities in advance of applications, continue maintaining notification signage on spray trucks, continue to offer no-spray agreements. Spray when ground is dry and not saturated with water. Avoid spraying when forecasts show a threat of heavy rains. Do not spray on rainy days and cease spray operations if rain is in the immediate forecast.

2). For roadside brush and weeds: Use a low pressure, low application rate, boom style applicator with flat fan nozzles, and rubber shields on all 4 sides, 48 inch boom width, mounted on the rear of a side arm mower deck, designed to apply selective herbicides 6 inches to 1 foot off the surface. Use slow ground speed under 5 miles per hour. Herbicides will be applied at the time of mowing to freshly cut brush stubble and weeds. Primary areas of application with this apparatus will be roadsides within 10 to 12 feet from edge of pavement in areas where vegetation is now mechanically mowed. Trees cut will generally be 2 to 3 inches in caliper at the ground. Guardrails may receive this selective treatment as well if the primary objective is removal of brush behind the guardrail. Spray when ground is dry and not saturated with water. Avoid spraying when forecasts show a threat of heavy rains. Do not spray on rainy days and cease spray operations if rain is in the immediate forecast.

3.) For cracks in pavement, guardrail, invasive plants, plants that are a health risk, or other plants: use a low pump pressure of 25 to 50 PSI; use a tank mix particulating agent for enlarged droplet size, use a spray gun and spray nozzles that will produce raindrop size particles with no fine particle sizes that can drift away from target, use non volatile chemicals, use a sticker-spreader-extender to adhere spray materials to ground or leaf surface and make rain fast, send news releases to all media and affected communities, maintain notification signage on spray trucks. Spray when ground is dry and not saturated with water. Avoid spraying when forecasts show a threat of heavy rains. Do not spray on rainy days and cease spray operations if rain is in the immediate forecast.



Signed: _____ Date: 5/12/2011

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**

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