STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
PESTICIDES PROGRAM

555 Cordova Street
Anchorage, Alaska 99501
PHONE: (907) 269-7581
FAX: (907) 269-7600
http://www.dec.state.ak.us/

Certified Mail # 7010 2780 0000 2089 5531
Return Receipt Requested

June 15, 2012

Mr. Matthew Kelzenberg
Alaska Railroad Corporation
P.O. Box 107500
Anchorage, AK 99510

Subject: Permit to Apply Pesticides, **# 12-SOL-03**

Dear Mr. Kelzenberg:

The Department of Environmental Conservation (DEC) has completed its evaluation of your request for a permit for the application of the pesticide Aquamaster Herbicide, EPA Registration Number 524-343 to control vegetation on approximately 60 miles of track beginning near Clear and proceeding north to Fairbanks. DEC is issuing the enclosed permit in accordance with Alaska Statute 46.03.330 and Title 18, Chapter 90.525 of the Alaska Administrative Code (18 AAC 90.525) for a period not to exceed five years.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340, or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501 within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days of the permit decision. In both cases, please also send a copy of the request to ADEC Pesticide Program, 1700 E. Bogard Road, Building B Suite 103, Wasilla, AK 99654. If a hearing is not requested within 30 days, the right to appeal is waived. More information about the submission of a request for an informal review or adjudicatory hearing may be found at **www.dec.state.ak.us/commish/ReviewGuidance.htm**.

Sincerely,

Robert J. Blankenburg, P.E.
Solid Waste & Pesticides Program Manager

Enclosure

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501

PERMIT TO APPLY PESTICIDES

Permit No.: 12-SOL-03
Date Issued: June 15, 2012
Date Effective: This permit is effective the later of

A. 40 days after the date of issuance of the permit;
B. The date a stay or injunction is vacated, if the permit is stayed or enjoined as part of an adjudicatory hearing or other process under 18 AAC 15 or by a court of competent jurisdiction; or
C. The date a stay or injunction is vacated, if, after the permit becomes effective, the permit is stayed or enjoined as part of an adjudicatory hearing or other process under 18 AAC 15 or by a court of competent jurisdiction, provided no spraying under the permit has occurred. In the event that spraying under the permit has occurred, the Effective Date of the permit is the date the permit first became effective.

Date Expires: The Expiration Date of this permit is five years after the Effective Date.

The Alaska Department of Environmental Conservation (ADEC), under authority of Alaska Statute 46.03.330 and Title 18, Chapter 90 of the Alaska Administrative Code (18 AAC 90), hereby grants a Permit to Apply Pesticides to:

Matthew Kelzenberg
Alaska Railroad Corporation
P.O. Box 107500
Anchorage, AK 99510

for the application of the pesticide Aquamaster Herbicide, EPA Registration Number 524-343 to control vegetation on approximately 60 miles of track beginning near Clear and proceeding north to Fairbanks.

The permit holder shall manage and apply the pesticide in accordance with 18 AAC 90 and the permit application, which incorporates materials submitted between November 10, 2011 and November 23, 2011. In addition, the following permit conditions and stipulations are required:

1. Use pesticides only in the manner specified by the label instructions. Adhere to all the requirements specified by the pesticide product label.

2. Ensure that pesticides are applied only by a person properly certified by DEC to apply such pesticides, or a person under the direct supervision of a person so certified.

3. Apply pesticides using properly calibrated equipment, and in strict compliance with safety precautions.

4. Apply pesticides only to those locations identified in the permit application.

5. Prevent application of pesticides to any surface water body as defined by AS 46.03.900(37), including any temporary water bodies, or to the area within 25 feet of any surface water body. Comply with all measures described in the permit application to prevent such application, including;
    - Identify and mark all locations to be sprayed prior to application;
    - Identify and mark buffer zones of at least 25 feet from any surface water body;
    - Ensure that an Alaska Railroad Corporation representative who is a licensed certified applicator accompanies the contracted applicator at all times during application activities; and
    - Ensure that the Alaska Railroad Corporation representative maintains constant radio communications with the applicator.

6. Maintain a telephone line and website which provide updated information about pesticide applications, including location, potential dates of application, and actual dates of application.

7. At least one week prior to each pesticide application, post written notices which meet the following requirements. Notices must:
    - Contain the following information:
        - The words "Attention – Pesticide Application";
        - Name and EPA registration number of the pesticide to be applied;
        - Potential dates for application;
        - A telephone number and website address where interested people can find current information about the specific dates when application occurs;
    - Be at least 8 ½ by 11 inches, and contain legible text throughout the posting period;
    - Be posted at all road crossings within the proposed treatment areas, nearby depots, and any train cars serving flag stop passengers in the treatment area;
    - Be posted in such a way as to remain in place and visible throughout the required posting period;
    - Remain in place for at least two weeks after application.

8. Prior to commencement of application, update the telephone and website information indicated in Stipulation Six with actual dates of pesticide application. In addition, update all written notices indicated in Stipulation Seven with actual dates of pesticide application.

9. The permit holder must provide at least one week notice to the ADEC Pesticide Program of the date and time of any pesticide application using track mounted spray equipment under this permit to allow for an ADEC representative to be physically on site to monitor the application.

10. Apply pesticides only when the measured wind speed is between 2 and 10 miles per hour.

11. Do not apply pesticides during heavy rain.

12. Do not apply pesticides to areas that are bare of vegetation.

13. Maintain the following records for each pesticide used. Records must be available to DEC upon request:
    - Product name
    - EPA registration number
    - Target pests
    - Date and time of application

- Method of application
- Weather conditions during application
- Amount of pesticide used
- Location and size of treatment area
- Names of applicators
- Purchase, storage, and disposal information

14. Dispose of empty pesticide containers in accordance with label directions and 18 AAC 90.615(a). Any burning of pesticide containers must be done in compliance with 18 AAC 50.

15. Immediately report any spill or accident, alleged accident, or complaint to the DEC Pesticide Program at 1-800-478-2577.

16. Ensure that decontamination, safety, and spill clean-up supplies are available at the treatment site at all times during application.

17. Store all pesticide containers securely, as required by 18 AAC 90.615(d). Post a warning notice on the outside of each storage area in compliance with 18 AAC 90.615(e)-(h).

18. No later than **March 31** of each year throughout the duration of the permit, submit a written Summary of Treatment Results in accordance with 18 AAC 90.535. This summary must include all of the information outlined under Stipulation Thirteen, above, and must also include an assessment of success or failure of the treatments and any observed effect on human health, safety or welfare, animals, or the environment.

In addition to the above stipulations, the ADEC Pesticide Program may monitor treatments to ensure compliance with 18 AAC 90 and the Permit Conditions and Stipulations.

This permit expires five years after the effective date, and may be revoked in accordance with 18 AAC 90.540.

Robert J. Blankenburg, P.E.
Solid Waste & Pesticides Program Manager