

April 15, 2022

Keith Morris
622 Spring Street
Leeds, Massachusetts 01053

Re: PAN AM Railways& Central New England Railroad 2022 Yearly Operational Plan and Post Emergent Herbicide Application Program

Dear Mr. Morris,

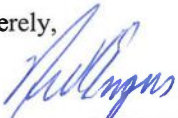
Thank you for your two letters dated March 31, 2022 regarding Pan Am Railways 2022 Yearly Operational Plan and New England Central Railroad's Post-Emergent Herbicide Application Program. As you are aware, the Devens Enterprise Commission is the regulatory authority that oversees the redevelopment of former Fort Devens, now known as the Devens Regional Enterprise Zone, and serves as the local conservation commission as well as the board of health for this region. As depicted on the attached Devens Water Resources Protection Map, almost the entire railway ROW in the Devens Regional Enterprise Zone boundary is within a Zone 2 Water Resource Protection District and adjacent to a number of surface water resources (wetlands and watercourses). As part of the redevelopment planning for Devens, these ground and surface water resources were identified as very important for Devens and the surrounding communities who rely on these water resources for drinking water supplies, groundwater recharge and natural filtration.

Local regulations require specific measures to ensure long-term protection and conservation of water resources within Devens. Once such measure is the avoidance and/or reduced application of fertilizers and pesticides. While it is understood that certain control treatments are necessary to ensure safe operation of the railroad, it is also important to recognize the importance of protecting the ground and surface water resources for the health and safety of local residents, as well as the natural environment. On behalf of the Devens Enterprise Commission, I would ask that operators adhere to the following as part of ongoing management and applications in all Zone 2 Water Resource Protection areas as identified on the attached map:

1. Please ensure operators/applicators have the attached map during applications;
2. Due to the sensitivity of the entire railroad ROW within the Devens Regional Enterprise Zone, we request that where feasible, you eliminate the use of any chemical herbicides. If herbicides are required, we request you use only herbicides that are recommended for use in sensitive areas by the Department of Environmental Protection and the Department of Agricultural Resources and of those recommended, utilize those with the lowest toxicity levels to the humans and the aquatic environment. Application rates should also be minimized for all sensitive areas within Devens. Due to emerging environmental and regulatory issues, products containing PFAS and PFOA chemical chains should not be utilized and should be removed from the list of acceptable herbicides and pesticides.
3. Herbicide applications should not take place within 24 hours of any rainfall events;
4. Please contact the DEC offices for inspection once the "no spray" and "limited spray" areas have been field marked.

Thank you for your attention to these issues and helping ensure the protection of these valuable resources. Feel free to contact me with any questions.

Sincerely,



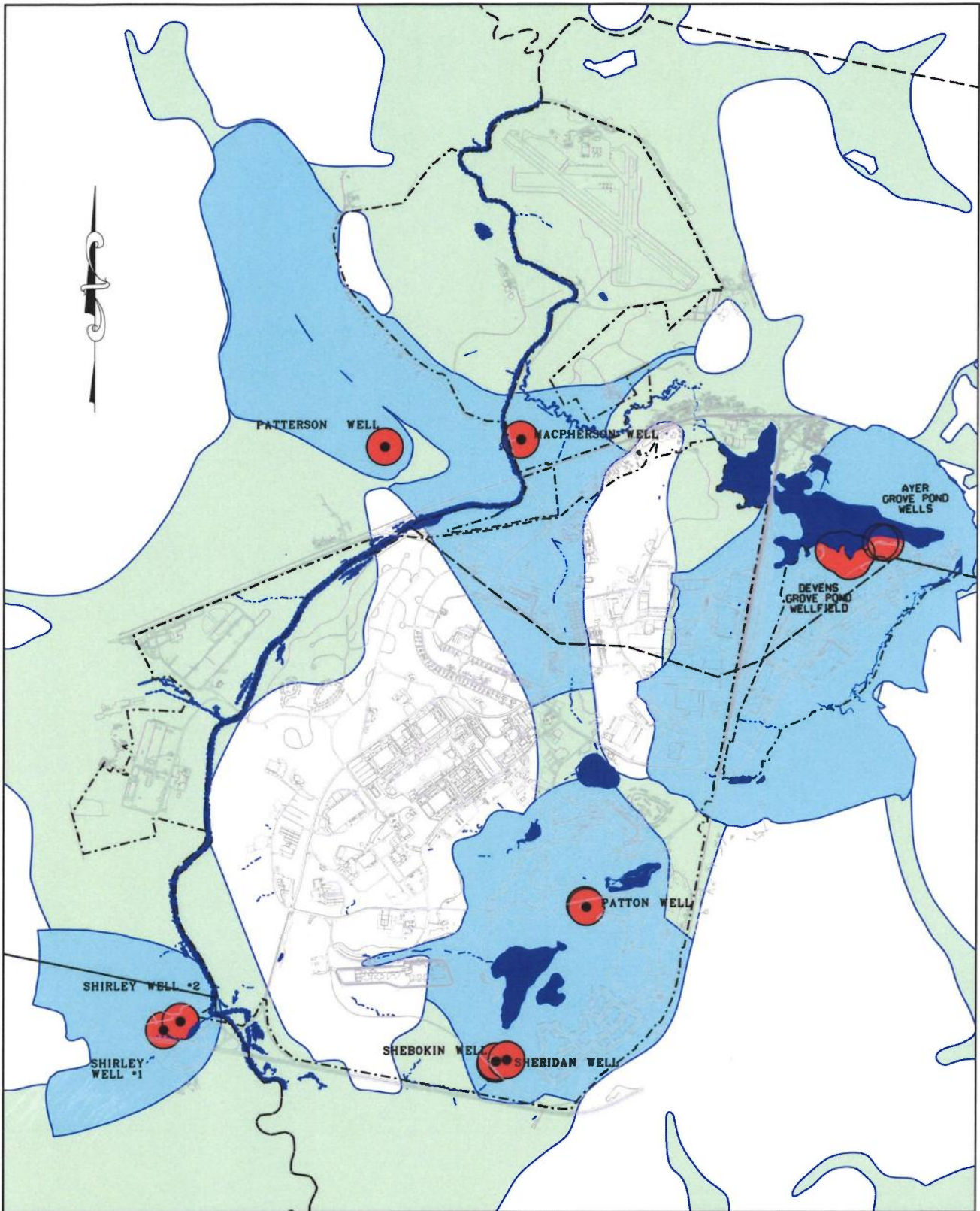
Neil Angus, AICP CEP, LEED AP
Environmental Planner

cc: DEC
Ayer Board of Health
Harvard Board of Health
Shirley Board of Health
Michael McClean, Rights-of-Way Program, Pesticide Bureau
RWC, Inc.
Asplundh Railroad Division



DEVENS ENTERPRISE COMMISSION

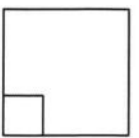
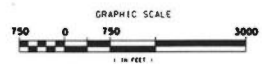
33 Andrews Parkway • Devens, MA 01434 • Phone: (978) 772-8831 • Fax: (978) 772.8831



Legend:

- Zone I District
- Zone II District
- Aquifer District
- Watershed Districts

- Well Head
- Surface Waters
- DREZ Boundary
- Town Boundary



Devens Regional Enterprise Zone

Water Resource Protection Overlay Districts

Original Map Date: November 17, 1994
 Re-Printed: November 3, 1999
 Revised: February 7, 2003 - Based on updated data from DEP
 February 2, 2007 - Based on updated data from DEP
 August 1, 2011 - Based on updated data from DEP

1 10 Acre(s)

APR 13 2022

KEITH L. MORRIS
622 Spring Street
Leeds, Massachusetts 01053
keithlmorris@comcast.net
Tel/Fax 413 695-2767

March 31, 2022

Peter Lowitt, Director
Devens Enterprise Commission
33 Andrews Parkway
Devens, MA 01434

RE: 2022 Yearly Operational Plan and
Pan Am Railways, Inc.

Dear Sir/Madam

This correspondence serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that Pan Am Railways, Inc. will commence with a post emergent herbicide application program on or after May 1, 2022 and conclude on or about August 15, 2022. The specific date of application in your community shall depend upon scheduling and weather conditions. A mixture of the herbicides Aquaneat, Roundup Custom, Opensight, Milestone, and Oust Extra shall be applied with low-pressure spray application by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.


A copy of the 2022 Yearly Operational Plan, which includes Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available for download on the web site <http://railroadvmpyop.wordpress.com/about/> or a hard copy may be requested by contacting this office. Notification has been sent by certified mail to the chief elected official, Board of Health and Conservation Commission of each affected community.

Application of the herbicides will be performed by the following certified applicator.

RWC, INC.
Lockhouse Road, Turnpike Industrial Park
P.O. Box 876
Westfield, MA 01085
(413) 562-5681

If you should have any questions concerning the above matter, please contact our office at your convenience.

Sincerely,

Keith Morris 
Environmental Consultant
cc: Pan Am Railways, Inc.

KEITH L. MORRIS
622 Spring Street
Leeds, Massachusetts 01053
Email: keithlmorris@comcast.net
Tel: 413 695-2767

Received by the
Devens Enterprise Commission

APR 13 2022

March 31, 2022

Peter Lowitt, Director
Devens Enterprise Commission
33 Andrews Parkway
Devens, MA 01434

RE: 2022 Post-Emergent
Vegetation Management
New England Central Railroad

Dear Board/Commission member:

This correspondence serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that the New England Central Railroad will commence with a post emergent herbicide application program on or after June 1, 2022 and conclude on or about August 15, 2022. The specific date of application in your community shall depend upon scheduling and weather conditions.

The herbicides Rodeo, Opensight, and Patriot shall be applied with low-pressure spray for ballast application and brush control by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.


A copy of the 2022 Yearly Operational Plan (YOP), environmental monitor notice, Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available on the website <http://railroadvmpyop.southernrail.com/about/> or a hard copy may be requested by contacting this office. Notification has been sent by registered or certified mail to the chief elected official, Board of Health and Conservation Commission of each affected community.

Application of the herbicides will be performed by the following certified applicator.

Asplundh Railroad Division
720 County Road 400
Ironton, Ohio 45638
(740) 532-7035

If you should have any questions concerning the above matter, please contact our office at your convenience.

Sincerely,


Keith Morris
Environmental Consultant

cc: Massachusetts Department of Agricultural Resources
New England Central Railroad