If you have printed this bid from the City of Quincy's Website or through an email, it is your responsibility to check for addenda at www.quincyma.gov before you turn in your proposal. "Please send an acknowledgment that you have printed out this bid via email to; kimtrillcott@quincyma.gov" The City of Quincy will not be responsible for any bids received omitting any addenda acknowledgement. Thank you

# QUINCY)

# **INVITATION TO BID**

# CITY OF QUINCY, MASSACHUSETTS PURCHASING DEPARTMENT 1305 HANCOCK STREET, QUINCY, MA 02169

The City of Quincy invites sealed bids/proposals for furnishing and delivering to the City of Quincy:

**PUBLIC WORKS** 

# PESTICIDE APPLICATION

MAY 10, 2022 @11:30 A.M.

Detailed specifications are on file at the office of the Purchasing Agent, Quincy City Hall, 1305 Hancock Street, Quincy, Massachusetts, 02169, between the hours of 8:30 AM and 4:30 PM.

The scope of work under this contract shall consist of furnishing labor and material (see City of Quincy Yearly Operational Plan for proposed herbicides), herbicide treatments for vegetation management, at the request of the Commissioner of Public Works or his designee to perform work set forth in the attached Quotation sheet in connection with **PESTICIDE APPLICATION** services throughout the City of Quincy.

Bids must state exceptions, if any, the delivery date and any allowable discounts. Bids/Proposals must be in a sealed envelope. The outside of the sealed envelope is to be clearly marked "BID ENCLOSED" with time/date of bid call.

Firm bid prices will be given first consideration. Bids/Proposals will be received at the office of the Purchasing Agent until the time and date stated above, at which time and date they will be publicly opened and read. Late Bids/Proposals, delivered by mail or in person, will be rejected.

The bidding and award of this contract shall be in full compliance with Massachusetts General Laws, Chapter 30, Section 39M, as last revised. All Federal, State and City of Quincy regulations and subject to the minimum wage rates set under the Massachusetts Prevailing Wage Law Chapter 149, §26 to 27H and/or any applicable federal rates. The City reserves the right to waive any informality in or to reject any or all bids when such an action is deemed in the best interests of the City.

The right is reserved to reject any or all bids or to accept any part of a bid or the one deemed best for the City and waive any informalities in the bidding if it is in the best interest of the City to do so.

Thomas P. Koch, MAYOR

Kathryn R. Logan, Purchasing AGENT

DEPT. CHARGED: PARK DEPT.

LEGAL: APRIL 18, 2022 GOODS & SERVICE LEGAL: APRIL 21, 2022 REQ#: S051022

# PESTICIDE APPLICATION TREATMENT FOR VEGETATION MANAGEMENT SCOPE OF WORK AND GENERAL REQUIREMENTS

# 1. SCOPE OF WORK:

# General:

- 1.1 The scope of work under this contract shall consist of furnishing labor and material (see City of Quincy Yearly Operational Plan for proposed herbicides), herbicide treatments for vegetation management, at the request of the Commissioner of Public Works or his designee to perform work set forth in the attached Quotation sheet in connection with **PESTICIDE APPLICATION** services throughout the City of Quincy.
- 1.2 Work includes mobilization, apply pesticide application, and scheduling of police details by Contractor if needed to complete application.
- 1.3 Work covered herein is non-exclusive.
- 1.4 All pesticide applications will be done with care, safety, and professionalism. The turf, trees, shrubs and perennials are living species and will not withstand improper handling
- 1.5 The Contractor shall have at least 5 years of pesticide application experience. Proof of previous projects/qualification, specifically required to have *municipal right-of-way application experience* in accordance with MDAR 333 CMR 11.00 with staff that have their *Category 40 applicator license*.
- 1.6 Warning Devices: The contractor shall mark off, post and restrict the work area access as necessary from the public by providing, erecting and maintaining all barricade-warning signs, guards or other protection. Shall remove them upon completion of work.
- 1.7 The Contractor shall provide all labor, equipment, pesticide treatments for vegetation management, tools, transportation and other facilities and services necessary for the proper execution and completion of the work, Such, equipment shall include all roadside safety equipment including safety vests, signs, cones, and other traffic control devices.
- 1.8 Police details, when required, will be scheduled through the Quincy Police Department by the Contractor. Direct billing/invoicing for police details shall be paid by the City of Quincy. All costs associated with failure to cancel a police detail due to the Contractor's need to reschedule the work shall be the responsibility of the Contractor.
- 1.9 The Contractor shall provide a qualified Foreman who has a minimum of three years full time experience in pesticide treatments. Operators employed by the Contractor shall hold a valid Massachusetts License where required by State law

# 2. CREW REQUIREMENTS:

- 2.1 Contractor to submit and define what their standard crew and equipment is for their work.

  Additional men and equipment, if required, must be approved by the Commissioner or his designee prior to work to be eligible for payment.
- 2.2 Standard Hours: Monday through Friday onsite 7:00am to 3:30pm (with lunch), Overtime Hours starts after standard hours worked or called in for Saturday or Sunday.

# 3. AUTHORIZATION

- 3.1 The contractor and City of Quincy Commissioner/designee shall meet to discuss the scope of work and requirements for all work unless directed otherwise by the Quincy Commissioner or designee.

  A separate cost estimate based on contract unit pricing may be requested prior to release by Quincy Commissioner/designee.
- 3.2 Work shall be authorized by Quincy Commissioner/designee through the issuance of a work release. The service person's time is to start when he/she arrives at the jobsite and no travel time will be allowed. It shall be incumbent upon the service person to make contact with the Commissioner/designee to record the time they begin and finish work.

# 4. SCHEDULE

- 4.1 Regular work shall be done during normal working hours, Monday through Friday. Work on any other days or hours must be specifically authorized by Quincy Commissioner.
- 4.2 Work is scheduled by Quincy Commissioner/designee. In most cases, the Commissioner will attempt to schedule a half day or full day of work for a standard Pesticide Application. Travel time not included in work hours
- 4.3 If crew gets released early, due to weather conditions, small workload, then the crew rate will be reduced to Half Day Rate.
- 4.4 It is incumbent upon the Contractor to make contact with Superintendent/designee prior to beginning work. Proper coordination is expected to ensure notification of other City departments as required.
- 4.5 Upon receipt of an authorized work release for a specific project from the City's Designee, the Contractor shall notify the Superintendent of the project schedule unless waived by the Department. The project schedule must include: a planned start date for the project. This date shall be no more than 30 days after the date of the authorized work release unless agreed to by the Commissioner/designee. b. planned duration and end date for the project. c. any special requirements for staging of equipment and/or materials in the vicinity of the project and any special requirements for labor, material or equipment to be supplied.
- 4.6 The Contractor shall inform the Commissioner /designee of any changes in schedule at least 48 hours in advance of the planned start date.
- 4.7 Work is expected to be started and completed within a reasonable time period after authorized work release. Work unreasonably delayed or subject to multiple changes in planned start dates for reasons other than weather will be considered a breach of contract.
- 4.8 Once started, the work shall continue on each successive normal workday until it is completed. Interruptions in work to perform work for other customers shall not be allowed unless explicitly approved by the Commissioner/designee in advance.
- 4.9 Properly completed <u>Daily Vegetation Management Reports</u> must be completed daily and turned into the Commissioner/designee.

# 5. CODE REQUIREMENTS

5.1 Unless directed otherwise, all work shall be executed in accordance with the latest Commonwealth of Massachusetts regulations, licensed herbicide applicator, specifically required to have *municipal right-of-way application experience* in accordance with MDAR 333 CMR 11.00 with staff that have their *Category 40 applicator license*. Local inspection authorities and Occupational Safety and Health Administration (OSHA).

# 6. SITE MAINTENANCE

- The Contractor shall confine his apparatus, the storage of materials and the operations of his/her work to the limits prescribed by the Commissioner designee and shall not unreasonably encumber the project site with his materials. The Contractor shall, at all times, fully protect his work and materials from injury loss by others. Any injury or loss which may occur shall be made without expense to the City of Quincy. The Contractor shall be responsible for the proper protection of his materials and tools until the Work is accepted by the Commissioner.
- The Contractor at all times shall keep the premises free from accumulation of waste materials or rubbish caused by his operations.

# 7. APPROVALS

- 7.1 The Commissioner designee will review and approve or take other appropriate action upon the Contractor submittals such as Shop Drawings, Product Data and Samples, but only for conformance with the design concept of the work and with the information given in the work release.
- 7.2 The Commissioner/designee will have the authority to reject work that does not conform to the work release. The Contractor must use good workmanship in performing work as specified. The Contractor shall promptly correct any work rejected by the Commissioner/designee as defective or as failing to conform to the work release whether or not completed and shall correct any work found to be defective or nonconforming within 30 days.

# 8. BASIS FOR PAYMENT

- Payment for each work release shall be made at the contract unit price for labor, materials, and any other items as required for the completion of the work release. Alternate payments schedules may be used for longer duration projects.
- 8.2 Invoices should be submitted upon completion of each work release and shall reference the work release. Include all material cost and the time they begin and finished work. Travel time not included in work hours. Submit all Massachusetts Weekly Certified Payroll Report with each Invoice.

# 9. ATTACHEMENTS

9.1 Exhibit A – Yearly Operational Plan (YOP)

Exhibit B – Vegetation Management Plan (VMP)

Exhibit C – WPA Form 2 – Approval letters

Exhibit D – City of Quincy Paperwork to be signed

The undersigned bidder hereby certifies, under pains and penalties of perjury, that the foregoing bid is based upon the payment to laborers to be employed on the project of wages in an amount no less that the applicable prevailing wage rates established for the project by the Massachusetts Department of Labor and Workforce Development. The undersigned bidder agrees to indemnify the awarding authority for, from and against any loss, expense, damages, actions or claims, including any expense incurred in connection with any delay or stoppage of the project work arising out of or as a result of (1) the failure of the said bid to be based upon the payment of the said applicable prevailing wage rates or (2) the failure of the bidder, if selected as the contractor, to pay laborers employed on the project the said applicable prevailing wage rates.

All questions regarding this bid should be directed to Kathryn R. Logan, Purchasing Agent email: <a href="mailto:purchasing@quincyma.gov">purchasing@quincyma.gov</a> Questions will be accepted until May 5, 2022 at 12:00 p.m.

# City of Quincy PRICE PROPOSAL FORM

The undersigned Bidder, in compliance with your invitation for bids for the project known as **PESTICIDE APPLICATION**, having examined the plans and Scope of Work and related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor and to construct the project in accordance with the contract documents and the plans and specifications within the time set forth below, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the contract documents, of which this bid is a part.

The Bidder hereby agrees to commence work on or before the date to be specified in written "Notice to Proceed" of the City, and to fully complete the project within 30 consecutive calendar days thereafter.

Pro	ceed" of the City, and to fully	complete the project within 30 co	onsecutive calendar days thereafter.
A)	Bidder acknowledges receip	t of, and this bid includes the follo	owing addenda:
	No. D	ated:	
B)	The Bidder agrees to perform	n the bid work described in Scope	e of Work and Specification.
	•	all labor, materials, pesticide treat tc., to cover the finished work.	tments for vegetation management,
	•	ollowing information as evidence the requirements of the plans and s	of his qualifications to perform the work specifications.
	Have been in business under	present name for years.	
	It is the responsibility of the e Federal pesticide regulations	contractor to apply pesticides in c	ompliance with all applicable State and
	Pesticide Application – Incl	ude all herbicide ingredients an	nd spray
Ful	l Day Rate \$	<b>X</b> 10 days =	\$
Hal	f Day Rate \$	X 10 days =	\$
		Basis of Award - <b>Total</b> =	= \$
	rs provided above are for eval uired under contract.	uative purposes only and do not r	reflect actual estimate of days/hours
	Receipt of Addendum	No acknowledged by: _	
Sur	plemental Unit Prices:		
	w, Pesticide Equipment & ma	terials, Time/hour \$	Hourly Rate
Lab	or rate for Consulting	Time/hour \$	Hourly Rate
CO	MPANY		
BU	SINESS ADDRESS		
CIT	Y, STATE AND ZIP		
TEI	LEPHONE NUMBER		_
			_
DR I	NT NAME AND TITLE		

# **EXHIBIT A**

Yearly Operational Plan (YOP)

2022

# **Yearly Operational Plan (YOP)**

City of Quincy 2022

# Prepared By:

City of Quincy Public Works Department 55 Sea Street Quincy, Massachusetts 02169 617-376-1900

&

Comprehensive Environmental Inc. 41 Main Street Bolton, Massachusetts 01740 508.281.5160

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# **Appendix**

MA DAR YOP Approval YOP Environmental Monitor Notice Daily Vegetation Management Report Vegetation Management Plan Safety Data Sheets Herbicide Labels Herbicide Fact Sheets

# 1.0 Program Purpose

The purpose of 333 CMR 11.00, Rights of Way Management, is to promote the implementation of integrated pest management techniques and to establish standards, requirements, and procedures necessary to minimize the risk of unreasonable adverse effects on human health and the environment associated with the use of herbicides to maintain streets, road, sidewalks and paths. These regulations establish procedures that guarantee ample opportunity for public and municipal agency review and input on the right-of-way maintenance plans.

A yearly operational plan (YOP) must be submitted to the Department of Agricultural Resources every year herbicides are intended for use to maintain rights-of-way. The YOP provides a detailed program for vegetation management for the year. A five year Vegetation Management Plan (VMP) was approved by the Department and is available for review at the Quincy Department of Public Works, Board of Health, Conservation Commission, and the Mayors' Office. The VMP was approved for 2022 through 2026.

Upon receipt of this YOP, the Department publishes a notice in the *Environmental Monitor*. The City must provide a copy of the proposed YOP and *Environmental Monitor* notice to the Board of Health, Conservation Commission, and the Mayor for the City of Quincy, in which the herbicide treatment is proposed. The Department allows a 45-day comment period on the proposed YOP beginning with the publication of the notice and receipt of the YOP and *Environmental Monitor* notice by the City.

Public notification of herbicide application to the streets is made in advance of the treatment by a separate notice and in accordance with 333 CMR 11.00. Notice is made to the Department of Agricultural Resources, Mayor, Board of Health, and the Conservation Commission in the City of Quincy.

Any comments on this YOP should be made to the person designated herein as the person supervising the YOP or the person performing the treatment.

This Yearly Operational Plan, approved by the Massachusetts Department of Agricultural Resources pursuant to Rights-of-Way Management Regulations (333 CMR 11.00), has been adopted by the following roadway vegetation management program in the City of Quincy. The undersigned hereby acknowledges that the conditions of the Yearly Operational Plan will be adopted and complied with.

Municipality:	City of Quincy
Name:	Michael Norton, Operations Manager
Office:	Department of Public Works
Address:	55 Sea Street, Quincy, MA 02169
Telephone / Fax:	617-376-1258 / 617-376-1969
Email:	mnorton@quincyma.gov
Signature:	
Date:	
Wetland Determination:	Issued by the Quincy Conservation Commission Date: TBD Valid: TBD

# 2.0 Individual Supervising YOP

Name and Title: Michael Norton, Operations Manager

Department: Department of Public Works

Address: 55 Sea Street, Quincy, MA 02169

Telephone: 617-376-1258

Signature:

# 3.0 Municipal Department Performing Herbicide Treatment

Either City staff that are licensed herbicide applicators or a licensed herbicide applicator under contract to the City of Quincy Department of Public Works will perform the herbicide treatment. Applicators are certified by the Massachusetts Department of Agricultural Resources in the applicator category:

Certified Applicator(s) & License Number

Company or Department:

Address:

Telephone / Fax:

TO BE DETERMINED

Email:

The following information is provided as details of the YOP of the City of Quincy in accordance with the requirements of 333 CMR 11.06 (2):

# 4.0 Herbicides Proposed

The herbicide proposed for use in calendar year 2022 is:

Herbicide & EPA Reg: Razor-Pro (228-366)

Rodeo (62719-324) Round-Up Pro (524-475)

Active Ingredient: Glyphosate

Registrant: Dow AgroSciences

Application Rate: Razor Pro – 2-5% solution

Rodeo – 2-5% solution

Round-Up Pro – 2-5% solution

Herbicide & EPA Reg: Milestone (62719-519)

Active Ingredient: Aminopyralid Triisopropanolamine Salt

Registrant: Dow AgroSciences
Application Rate: 0.069 pounds/1,000 ft<sup>2</sup>

Information for these products is attached, including the Safety Data Sheet (SDS). The herbicide fact sheets for the above listed herbicides are attached to and made part of this YOP.

# 5.0 Herbicide Application Techniques and Alternative Control Procedures

#### Foliar Treatment

Foliar treatments involve the selective application of an herbicide diluted in water, to the foliage. Several types of equipment for foliar treatments may be used. These could include: backpack sprayers, hand-held pump sprayers or a motorized truck-mounted sprayer. Foliar treatments with backpack and hand-held pump sprayers are used on low-density target vegetation. The herbicide solution will be diluted to the lowest possible percent that will provide effective control of target species. Motorized application equipment may be used for foliar treatment on areas where the vegetation density is high and the use of a backpack spray may not be as effective. In both cases, the herbicide solution is applied to lightly wet the target plant/ target area. These techniques have few limitations with the exception being reduced effectiveness on tall, high-density target vegetation and will not be used on vegetation over 12 feet in height.

# Cut Stump Surface Treatment

Cut stump treatments consist of mechanical cutting of target species using chain saws followed by herbicide treatment applied with a squirt bottle, a hand pump sprayer, or painted on the freshly cut surface of the stump. The cutting procedure is identical to that outlined in the Hand Cutting section of this VMP. Cut stump application can be effective during the dormant period, however may not be effective during times of sap flow (i.e., maples and birches during the months of February through early April), as flowing sap will limit the herbicide from being absorbed into the stump down to the roots. Certain types of herbicide formulations are limited to freshly cut stumps to be effective. Cut stump treatments will generally be performed to trees greater than 12' tall and resprout.

All equipment used for vegetation management programs must be maintained in good working condition, and should be of adequate design and ability to produce the professional quality of work that the City requires. Because the City recognizes the vast variety and performance of herbicide application equipment, dictating how that equipment should be calibrated to deliver precise amounts of herbicide to effectively control a host of vegetation conditions is difficult. Therefore, the City insists that the applicator provide the most appropriate application equipment, calibrated to effectively and legally control target vegetation.

Both the applicator and/or the City are responsible to ensure that vegetation management activities are conducted in a professional, safe, efficient manner, with special attention directed towards minimal environmental impact. The applicator is qualified, licensed and certified to apply herbicides. "Qualified" means those personnel who have been trained to recognize and identify target and non-target vegetation and are knowledgeable in the safe and proper use of both mechanical and chemical vegetation management techniques. All personnel applying herbicides in Massachusetts must be licensed in the Commonwealth and must work under the on-site supervision of a certified applicator. All contract personnel will also follow all Label instructions regarding Personal Protective Equipment (PPE).

The City will rely on the applicator listed in the YOP for vegetation management applications and requires, (in a contractual agreement if an outside entity) that applicators comply with all applicable federal and state laws and regulations. These include, but are not limited to, applicable OSHA, FIFRA and DOT regulations, 333 CMR

1-15.00, Rights-of-Way Management, Chapter 132B, Chapter 85 of the Acts of 2000 and 321 CMR 10.00 as managed by NHESP.

Herbicides will only be applied in a safe and judicious manner, in compliance with all-applicable State and Federal pesticide regulations.

Applicators will at all times exercise good judgment and common-sense during herbicide treatment activities, and will immediately cease operations if adverse conditions or other circumstances warrant.

Herbicides will NOT be applied during the following adverse weather conditions:

- A. During high wind velocity, per 333 CMR 11.03
- B. Foliar applications during periods of dense fog, or moderate to heavy rainfall
- C. Foliar applications of volatile herbicides during periods of high temperatures (90 plus degrees Fahrenheit) and low humidity
- D. Cut Stump applications when deep snow (i.e., 6" plus or ice frozen on stem or stump) prevents adequate coverage of target plants to facilitate acceptable control

The applicator or a representative of the City must complete Daily Vegetation Management Reports that include:

- A. Date, name and address of vegetation management applicator(s)
- B. Identification of site or work area and lane miles treated
- C. List of crew members
- D. Type of equipment and hours used, both mechanical and chemical
- E. Method of application and description of target vegetation
- F. Amount, concentration, product name of herbicide(s), adjuvants, and dilutants (EPA registration numbers must be on file)
- G. Weather conditions
- H. Notation of any unusual conditions or incidents, including public inquiries
- I. Recording and/or verification of sensitive areas on ROW maps

A Daily Vegetation Management Form is included in the Appendix

# 6.0 Target Vegetation

The target vegetation for this YOP will include hazard, detrimental, and nuisance vegetation.

Vegetation management crews will exercise care to ensure that low-growing desirable vegetation and other non-target organisms are not unreasonably affected by the application of herbicides.

# Hazard Vegetation

Hazard vegetation poses a risk to public safety and represents vegetation that impedes movement along public ways. Hazard vegetation may: obscure sightlines, obscure signs, obscure vehicular movement, create windfall hazards, and cause winter shading (causing ice/reduced melting). Hazard vegetation may include, but is not limited to, trees, tree limbs and shrubs.

# Nuisance Vegetation

This category includes nuisance vegetation that could cause problems to the general public, employees or contractors and generally includes poisonous and noxious plant species. Nuisance vegetation poses a risk to safety and health often due to dermal contact with plants that are poisonous, heavily thorned or densely colonized. Target vegetation in this category is primarily Poison Ivy and other nuisance vegetation within 10 feet of the edge of pavement.

# **Detrimental Vegetation**

Detrimental vegetation includes grasses and woody plants that are destructive or compromise the function of infrastructure by growing in cracks along the roadway, pavement/bridge joints, medians/traffic islands, drainage structures/drainageways, trails and bike paths.

# **Invasive Vegetation**

Invasive species can colonize a space and virtually eliminate the biodiversity of an area. This can result in changes in wildlife due to habitat change, impede natural hydrologic function and cause an overall change in the natural functions of an area. Vegetation listed on the MA DAR *Massachusetts Prohibited Plant List* will be included in this category.

# 7.0 Description of Methods Used to Flag or Otherwise Designate Sensitive Areas

Sensitive areas as defined by 333 CMR 11.04 are 'any areas within Rights-of-Way, including No-Spray and Limited Spray Areas, in which public health, environmental or agricultural concerns warrant special protection to further minimize risks of unreasonable adverse effects.' Table 1 defines specific sensitive areas, associated buffer zones and treatment restrictions such as limited-spray and no-spray zones.

The attached map identifies 'Sensitive Areas Not Readily Identifiable in the Field'. With this map and the assistance of the Conservation Commission Agent, sensitive areas can be identified and marked along the ROW prior to any herbicide application. Field methods may include flagging and/or roadway marking (via paint) of start and stop areas.

Table 1. Control Strategies for Sensitive Areas				
Sensitive Area	Minimum Buffer Zone (feet)	Control Method	Time Restriction Code	
Public Ground Water Supplies	400'	Mechanical Only	None	
Primary Recharge Area	Designated buffer zone or 1/2 mile radius	Mechanical, Recommended Herbicides*	1	
Public Surface Water	100'	Mechanical Only	None	
Supplies (Class A & Class B)	100'-400'	Recommended Herbicides	1	
Tributary to Class A Water	100'	Mechanical Only	None	
Source, within 400' upstream of water source	100'-400'	Recommended Herbicides	1	
Tributary to Class A Water Source, greater than 400'	10'	Mechanical Only	None	
upstream of water source	10'-200'	Recommended Herbicides	1	
Class B Drinking Water	100'	Mechanical Only	None	
Intake, within 400' upstream of intake	100'-200'	Recommended Herbicides	1	
Private Drinking Water	50'	Mechanical Only	None	
Supplies	50'-100'	Recommended Herbicides	2	
Surface Waters	10'	Mechanical Only	None	
	10'-100'	Recommended Herbicides	2	
Rivers	10' from mean annual high water line	Mechanical Only	None	
	10'-200'	Recommended Herbicides	2	
Wetlands	100' (treatment in wetlands permitted up to 10' of standing water)**	Low-pressure Foliar, CST, Basal Recommended Herbicides	1	
Habitated Areas	100' (for high- pressure foliar only)	Recommended Herbicides	2	
Agricultural Area (Crops, Fruits, Pastures)	100' (for high- pressure foliar only)	Recommended Herbicides	2	
Certified Vernal Pools	10'	Mechanical Only	None	
Certified Vernal Pool Habitat  10'-outer boundary of habitat  As recommended by NHESP in their process, no treatment without writter permission.		ut written		
Priority Habitat	bitat As recommended by NHESP in their permit process, no treatment without written permission.			

without written permission.

Restriction Code #1: A minimum of twenty-four months shall elapse between applications.

Restriction Code #2: A minimum of twelve months shall elapse between applications.

\*Massachusetts recommended herbicides for sensitive sites.

# 8.0 Procedures and Locations for Handling, Mixing and Loading of Herbicide Concentrates

The herbicide will be managed and mixed by licensed City staff or hired contractor in the controlled environment at the DPW Garage at either 12 Ponders Hollow Road or 4 Holcomb Street in Quincy, MA

Although it is expected that all the mixed herbicide will be used, any remaining will be stored at the DPW Garage in accordance with manufacturer's instructions. The absorbent product "Speedi-Dri" will be available for use at the locations of application. If there is a leak in the hose, the pump will be immediately shutoff. Equipment used will be washed at the DPW Garage.

Herbicides will be handled and applied only in accordance with the label instructions. Staff applicators will strictly adhere to all mandated safety precautions directed towards the public, the applicator and the environment.

# 9.0 Remedial Plan to Address Spills and Related Accidents

All mixing and loading of herbicides will be conducted at the DPW Garage. Herbicides will either be stored here or offsite by the contractor, if applicable. Only the amount of herbicide necessary to carry out the vegetation control, based on monitoring results, will be mixed to ensure that there will be no waste and minimize potential problems. The vehicles carrying out the spray operations will be equipped with a bag of absorbent, activated charcoal, leak-proof containers, a broom and a shovel in case of minor spills. A clipboard log of the herbicides on the vehicle will be kept on the vehicle. Herbicide labels and fact sheets will be carried on-site by the applicator.

As soon as any spill is observed, immediate action will be taken to contain the spill and protect the spill area. The cause of the spill must be identified and secured. Spill containment will be accomplished by covering the spill with absorptive clay or other absorptive material or, for large spills, building clay or soil dikes to impede spill progress. Until completely remediated, the spill area will be protected by the placement of barriers and by the delineation of the spill area by crew members. If a fire is involved, care will be taken to avoid breathing fumes from any burning chemicals.

Minor spills will be remedied by soaking up the spill with adsorption clay or other adsorptive material and placing it in leak proof containers, removed from the site and disposed of properly. Dry herbicides, such as granulars, will be swept up or shoveled up directly in leak proof containers for proper disposal. All contaminated soil will be placed in leak proof containers, removed from the site and disposed of properly. Activated charcoal will be incorporated into the soil at the spill location per label instructions. Any minor spill will be reported to the Pesticide Bureau.

Major spills will be handled in a similar manner as minor spills, except in cases where the spill cannot be contained and/or removed by the crew. In this case the MassDEP Incident Response Unit and the Pesticide Bureau must be contacted.

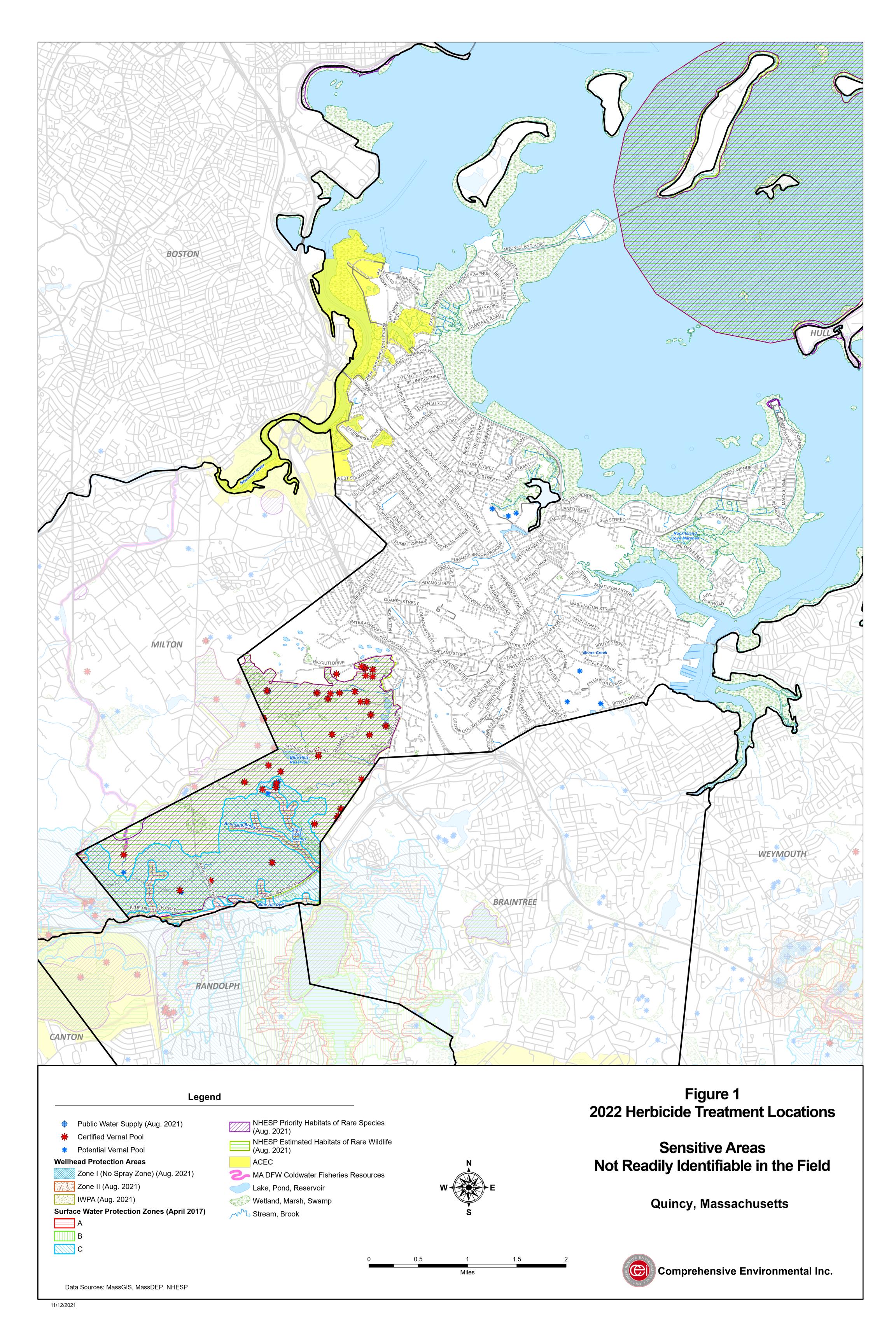
Emergency first responders (including but not limited to fire and police) will be immediately notified of a major spill and/or any size incident deemed a potential risk to public health, safety and the environment.

MassDEP will be contacted when there is a spill of a regulated quantity, regardless of major or minor spill status and in accordance with 310 CMR 40.0000 Massachusetts Contingency Plan.

# 10.0 Emergency Contacts

In the event of a spill, information on safety precautions and clean up procedures may be gathered from the following sources (Table 2).

Table 2. Emergency Resources			
Resource	Location/Phone #		
Herbicide Label	Approved YOP		
Herbicide Safety Data Sheet (SDS)	Approved YOP		
Herbicide Manufacturer	(800) 992-5994 (877) 325-1840 (866)-99-BAYER		
MDAR, Division of Crop & Pest Services Clayton Edwards	(617) 626-1700		
Massachusetts Department of Environmental Protection Emergency Response	(888) 304-1133		
Department of Public Health Environmental Toxicology Program	(617) 624-5286		
Massachusetts Poison Control Center 24-Hour Hotline	(800) 222-1222		
City of Quincy Public Works Department	(617) 376-1900		
Quincy Fire Department	(617) 376-1040 – non-emergency or 911		
Quincy Police Department	(617) 479-1212 – non-emergency or 911		
Quincy Health Department	(617) 376-1275		
Chem-Trec	(800) 262-8200		
National Pesticide Information Center	(800) 858-7378		
National Animal Poison Control Center	(800) 426-4435		



# EXHIBIT B

Vegetation Management Plan (VMP)

2022

# **Vegetation Management Plan (VMP)**

City of Quincy, MA 2022-2026

# Submitted On:

December 6, 2021

# Prepared By:

City of Quincy Public Works Department 55 Sea Street Quincy, Massachusetts 02169 617-376-1900

&

Comprehensive Environmental Inc. 41 Main Street Bolton, Massachusetts 01740 508-281-5160

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# 1.0 Statement of Goals and Objectives

This Vegetation Management Plan (VMP) is intended to establish criteria for the City of Quincy to manage vegetation along municipal Rights-of-Way (ROW) in compliance with the Rights-of-Way Management Regulations (333 CMR 11.00) as promulgated by the Massachusetts Department of Agricultural Resources (MDAR). This is the City of Quincy's first VMP.

The primary objective of this VMP is to provide the public with safe and unobstructed ROWs while minimizing reliance upon herbicides. Vegetation maintenance is necessary along public ROWs including: roads, sidewalks, bike paths, and trails to manage unwanted vegetation that may pose a public nuisance, result in safety hazards or cause damage to structures and infrastructure. The City of Quincy has over 200 centerline miles of road with approximately 6 miles of bike lanes and 45 miles of trails. The goal of the program is to manage undesirable vegetation while maximizing environmental protection and minimizing the use of herbicides. Only herbicides listed on the current ROW MDAR Sensitive Areas Materials List will be used. Periodic monitoring and inspection will aid in the success of the VMP which is expected to:

- Manage target vegetation while ensuring the protection of sensitive areas and the environment.
- Reduce the volume of herbicides application over time.
- Reduce the frequency of herbicides application.
- Ensure vegetation management activities are conducted in a safe and effective manner and in compliance with regulations.

This VMP will serve as technical guidance for individuals involved in ROW vegetation management and as an accessible source of information for residents and public officials.

# 2.0 Target Vegetation

Vegetation targeted will be species that fall into the categories described below. The City of Quincy will submit a Yearly Operational Plan (YOP) for MDAR approval to specify the herbicide(s) to be used, target species and application locations.

# Hazard Vegetation

Vegetation considered to be a hazard includes plants or plant species that pose a risk to public safety or that impede movement along public ways. Hazard vegetation may: obscure sightlines, signs and vehicular movement, create windfall hazards, and cause winter shading (causing ice/reduced melting).

# Noxious Vegetation

This category includes vegetation that could cause problems to the general public, employees or contractors. Generally, it includes poisonous plant species and those with thorns. Nuisance vegetation poses a risk to safety and health often due to dermal contact with plants that are poisonous, heavily thorned or densely colonized. Target vegetation in this category is primarily poison ivy and other noxious vegetation within 10 feet of the edge of pavement.

# <u>Detrimental Vegetation</u>

Detrimental vegetation applies to all vegetation that can destroy or compromise the function of infrastructure by growing in cracks along the roadway, pavement/bridge joints, medians/traffic islands, drainage structures/drainageways, trails and bike paths.

# **Invasive Vegetation**

Invasive plants can aggressively colonize areas along ROWs, blocking site distances and compromising infrastructure. Many invasive plants, such as Japanese knotweed and *Phragmites*, are difficult to control using mechanical means alone. Mechanical methods can also result in spreading these plants to new locations. In addition, invasive plants pose a threat to biodiversity of naturalized areas. Herbicides are the most effective method of treatment for many invasive plants. Invasive plants can include those listed on the Massachusetts Prohibited Plant List located at <a href="https://www.mass.gov/service-details/massachusetts-prohibited-plant-list">https://www.mass.gov/service-details/massachusetts-prohibited-plant-list</a> and those voted as 'invasive' by the MA Invasive Plants Advisory Group.

# 3.0 Vegetation Management Methods & Actions to Minimize Herbicides

Vegetation management methods will include both non-chemical techniques and chemical application where necessary. Vegetation management may involve the following methods:

- Physical street sweeping, sealing cracks, resurfacing.
- Mechanical hand-cutting, moving, selective trimming.
- Chemical

  foliar herbicide treatments, cut-stump surface treatment.

The management methods selected will be chosen based on a variety of factors and with the goal to achieve a long-term, vegetation management program.

# <u>Physical</u>

Physical management methods will rely primarily on pavement maintenance. Pavement maintenance will consist of sealing cracks and general ROW repairs including resurfacing and installing new sidewalks. This helps to eliminate weeds by preventing seeds from imbedding in pavement cracks. The City also completes routine street sweeping. The build-up of sediment and other material can provide a medium for plant growth. Regular street sweeping helps eliminate this material from accumulating as a base for weed establishment.

# **Mechanical**

Mechanical management methods may include hand-cutting, mowing, and/or selective trimming.

# Hand-Cutting

Hand-cutting consists of the mechanical cutting of target species using chainsaws and brush saws. Target species are cut as close to the ground as practical. Hand-cutting is used to protect environmentally sensitive sites. It is also used on target vegetation greater than twelve feet in height. Hand-cutting is used on those restricted sites where terrain, site size, or environmental sensitivity renders mowing impossible or impractical. Hand-cutting may be practiced at any time during the year.

## Mowing

Mowing consists of the mechanical cutting of target vegetation using push mowers, large rider mowers, rear deck mowers, brush mowers, brush cutters, pole-saws, edgers and line trimmers. Selection of specific equipment is based on terrain, target vegetation species, size and density of target vegetation area, and equipment availability. Mowing will be used in areas where terrain and target stem size permit safe and efficient use of the above machinery. Mowing will be the principal method for vegetation management along road shoulders and where herbicide use is prohibited. Mowing will be conducted seasonally when weather conditions allow.

# Selective Trimming

Selective trimming consists of the mechanical pruning of encroaching limbs of tall trees that may block roadway, sidewalk, and trail and bike path access. Trimming will be accomplished using aerial lifts via trucks or tractors, or by climbing crews if terrain or obstruction prevents equipment access.

# **Chemical**

Chemical management may include foliar treatment and/or cut stump surface treatments. Selected chemicals are limited to those listed on the MDAR Rights of Way Sensitive Area Materials List.

#### Foliar Treatment

Foliar treatments involve the selective application of an herbicide, in accordance with manufacturers' directions, to the foliage. Several types of equipment for foliar treatments may be used. These could include: backpack sprayers, handheld pump sprayers, or a motorized truck-mounted sprayer. Foliar treatments with backpack and hand-held pump sprayers are used on low-density target vegetation. No more than the minimum labeled rate of the herbicide for the appropriate site, pest, and application method shall be applied. Motorized application equipment may be used for foliar treatment on areas where the vegetation density is high and the use of a backpack sprayer may not be as effective.

These foliar applications will take place when plants are in full leaf and actively growing, and in accordance with the product label. When used according to the label, foliar treatments are an effective and efficient method to manage the whole target plant. Managing the whole target plant reduces the potential of resprout from root systems.

#### Cut-Stem Treatment

Cut-stem treatments consist of mechanical cutting of target species using chainsaws immediately followed by herbicide treatment applied with a squirt bottle, a hand-held pump sprayer, or painted on the freshly cut surface of the stump. Treatment will include spraying the root collar area, sides of the stump, and the outer portion of the cut surface, including the cambium, until thoroughly wet, but not to the point of runoff. Cut-stump application can be effective during the dormant period, however, it may not be effective during times of sap flow (i.e., maple and birches during the months of February through early April), as flowing sap will limit the herbicide from being absorbed into the stump down to the roots. All herbicides are to be applied to freshly cut stems to be effective.

# Monitoring

All roadsides proposed for chemical management will be visually surveyed by the City of Quincy Department of Public Works (DPW) prior to any scheduled treatment program. Monitoring will be conducted by the DPW on foot and/or by vehicle. Monitoring of areas may result from requests from the public. All monitoring records will be maintained by the DPW.

## Record Keeping

A log of areas surveyed will be maintained by the City for future planning and reference. Areas maintained either through physical repair, mechanical or chemical management will be recorded.

## Management Tactics

The decision to use one or a combination of vegetation management techniques will depend on the site-specific situation. The management techniques selected will control target vegetation in the most environmentally sensitive and efficient manner.

# 4.0 Justification of Herbicide Use

Vegetation management along public ways is necessary to (based on the goals and objectives stated in this VMP (page 1)):

- Manage target vegetation while ensuring the protection of sensitive areas and the environment.
- Reduce the volume of herbicides application over time.
- Reduce the frequency of herbicides application.
- Ensure vegetation management activities are conducted in a safe and effective manner and in compliance with regulations.

As discussed in this VMP, physical and mechanical methods are sufficient to manage most plants that interfere with traffic, visibility and safety. Chemical treatment is necessary where topography, access, growth and reproduction characteristics or concerns regarding worker safety limit the potential for management by physical or mechanical methods.

Chemical management is the preferred method or only method of management for plants that pose a health hazard for the technician in the field. Poison ivy, for example, is extremely hazardous to handle and resprouts after cutting, making it difficult to achieve cost-effective management using mechanical methods. In addition, manual and mechanical management along roadsides can put worker safety at risk due to high speed traffic. Moreover, the climbing characteristics of Poison Ivy over stone walls, up tree trunks, and around guardrails/guiderails, make mechanical management impractical for safety and economic reasons.

Mowing will manage most herbaceous species. Herbicide applications, however, are used where mechanical management is not feasible due to location, stem density, and/or height. Although herbaceous species are more often a desirable vegetative cover along public ways, in areas where it is difficult and sometimes dangerous to remove by mechanical treatment methods, herbicide is used. These areas include, but are not limited to, cracks in asphalt, along guardrails/guiderails, paved traffic islands, sidewalks, and curbs. In these instances, herbaceous species are considered target vegetation.

Woody vegetation growing along the ROW that interfere with pedestrian or vehicle safety is managed by a variety of techniques. Pruning or ground cutting using hand tools or chainsaws is typically sufficient to manage large woody vegetation. Depending upon the species of plant removed and its proximity to other vegetation, these stumps may be treated with an herbicide to prevent resprouting.

Small woody plants that are growing along the road shoulder in an accessible location will usually be mowed along with the roadside grass. Woody plants that are growing over obstacles that would impede the mower, or have a viney growth habit and are not practical to hand-cut or chip, or that grow very rapidly can be managed with foliar application of herbicides.

Finally, invasive plant management is usually required along ROWs for sight distances and to prevent destruction of infrastructure. Treatment can allow native, more stable vegetation to establish. Managing invasive plants via mechanical means can be ineffective and depending on the species, may encourage the spread of an existing population or inadvertently result in the introduction of a new population. In these situations, the use of an herbicide can be the most effective method of managing

invasive plants. Working in conjunction with the Conservation Commission, the City may treat invasive plants to encourage the growth of native species.			

# 5.0 Identification of Sensitive Areas

Sensitive areas are defined within 333 CMR 11.00 as areas within ROWs in which public health and environmental concerns warrant special protection to further minimize risks of unreasonable adverse effects of herbicides. These include public groundwater sources, Class A public surface water sources, associated surface water bodies, tributaries, Class B drinking water intakes, private wells, state listed species habitat, wetlands, waters over wetlands, riverfront areas, certified vernal pools, inhabited areas and agricultural areas. Sensitive areas will be identified through the use of existing data and verified, when necessary, in the field.

# Sensitive Areas Basemap

There are several readily available sources of information that can be used to develop a draft sensitive areas basemap. These sources include:

- Massachusetts Department of Environmental Protection (MassDEP)
   Water Supply Maps (1:25,000).
- Aerial Photographs.
- MassDEP Wetlands Conservancy Maps (scale 1:1,000).
- Municipal maps and records including those from the Quincy Health Department to identify private water supplies.
- Regional Planning Agency maps and records.
- U.S. Fish and Wildlife Service National Wetlands Inventory Maps.
- Ortho Photo Information MassDEP (1:5,000).
- Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP).
- Available MassGIS maps.

# Identification of Sensitive Areas

With the sensitive areas basemap complete, the Quincy DPW staff will identify and mark the proposed treatment zones on the basemap. Quincy DPW staff will visually survey treatment zones in the field for any additional sensitive areas not already on the basemap. Sensitive areas identified in the field that are not already on the basemap will be added or adjusted as needed. Similarly, treatment zones located within sensitive areas will be adjusted according to the Sensitive Areas Restrictions listed in Table 1. An updated basemap will be developed, as needed.

## Field Verification of Sensitive Areas

With the draft sensitive areas basemap complete, Quincy DPW staff will deploy in advance of treatment crews to identify the treatment areas in the field. All treatment areas will be identified and marked on the sensitive areas maps. Sensitive areas in the vicinity of the treatment areas will be confirmed during this field effort, if possible, and any additional sensitive areas identified in the field or corrections will be applied to the basemap. Treatment areas located within limited spray areas will be adjusted according to the Sensitive Areas Restrictions listed in Table 1.

Table 1. Sensitive Area Restrictions				
Sensitive Area	No Spray Areas	Limited Spray Areas	Where Identified	
Wetlands and Water Over Wetlands	Within 10 feet (unless provisions of 333 CMR 11.04(4)(c) are followed)	10 – 100 feet; 12 months must elapse between applications; Selective low pressure, using foliar techniques or cut-stem applications	YOP Maps and identify on site	
Certified Vernal Pool	Within 10 feet	10 feet to the outer boundary of any Certified Vernal Pool Habitat; 12 months must elapse between applications; Selective low pressure, using directed spray or cut-stem applications	YOP Maps and identify on site	
Public Ground Water Supply	Within 400 feet (Zone I)	Zone II or IWPA (Interim Wellhead Protection Area which is the Primary Recharge Area); 24 months must elapse between applications; Selective chemical, using directed spray or cut-stem applications	YOP Maps	
Public Surface Water Supply	Within 100 feet of any Class A public surface water source	A; 24 months must elapse between applications; Selective chemical, using directed spray or cut-stem applications	YOP Maps	
	Within 10 feet of any tributary or associated surface water body located outside of the Zone A	10 feet to the outer boundary of the Zone A; 24 months must elapse between applications; Selective chemical, using directed spray or cut-stem applications		
	Within 100 feet of any tributary or associated surface water body located within the Zone A of a Class A public surface water source			
	Within a lateral distance of 100 feet for 400 feet upstream of any Class B Drinking Water Intake	Within a lateral distance of between 100 - 200 feet for 400 feet upstream of intake; 24 months must elapse between applications; Selective chemical, using directed spray or basal or cut-stem applications		
Private Water Supply	Within 50 feet	50 – 100 feet; 24 months must elapse between applications; Selective chemical, using directed spray or cut-stem applications	In YOP will list and identify on site	

Surface Waters	Within 10 feet from mean annual high- water line	10 feet from the mean annual high-water line and the outer boundary of the Riverfront Area; 12 months must elapse between applications; Selective chemical, using directed spray or cut-stem applications	YOP Maps and identify on site
Agricultural and Inhabited Areas	N/A	0 – 100 feet; 12 months must elapse between application; Selective chemical, using directed spray or cut-stem applications.	Identify on site
State-listed Species Habitat	No application within ha approved in writing by the	YOP Maps <sup>1</sup>	

<sup>&</sup>lt;sup>1</sup>Includes Estimated Habitats of Rare Wildlife and the Priority Habitats for State-Listed Species as shown on the most recent edition of the Massachusetts Natural Heritage Atlas prepared by the NHESP

# 6.0 Operational Guidelines for Applicators Relative to Herbicide Use

As required by regulations, application to roadside ROWs must hold a valid Category 40 pesticide certification from the MDAR. The applicator(s) will be City staff and/or a certified contractor working under the supervision of the City of Quincy. All applicators and their supervisors will have a copy of the VMP and YOP with them at all times for reference during the herbicide application. A Daily Vegetation Management Report form will be filed at the end of each day with the individual supervising the YOP. This will include the following information:

- Applicator or contractor name
- Weather conditions during application
- Identification of site/work area
- Type of equipment and hours used
- Method of application
- Target vegetation
- Herbicide (amount/concentration used)
- Identification of adjuvents or dilutants and amount/concentration used
- Unusual conditions or incidents noted
- Public inquiries noted
- · Recording/verification of sensitive areas
- Lane miles treated
- Total amount of herbicide used
- Man hours (actual spray hours) vs. total herbicide used.

In addition to the applicable rules and regulations, applicators will adhere to the following operational guidelines.

## Weather

Herbicide applications will be restricted during certain adverse weather conditions, such as rain or wind. Herbicide applications will not be conducted during periods of moderate or heavy rainfall. Foliar applications can be effective in light mist situations; however, any measurable rainfall that creates leaf runoff will wash the herbicide off target vegetation. If foliar applications are interrupted by unexpected rainfall, the treatment will not resume until the rain ends and active leaf runoff has ceased.

To minimize off-target drift, the applicator will comply with the following restrictions:

- During periods of wind, which are strong enough to bend the tops of the main stems of trees on the roadside, the applicator will periodically observe the application of the foliar treatment to ensure that there is no significant movement of the herbicide. If the applicator can see the herbicide moving off target, the application will immediately stop until the wind has subsided enough to permit further applications.
- Herbicide solution to be used for a foliage application may contain low drift agents. Low drift agents may be added to the foliage herbicide solutions as per the low drift agent label. In moderate wind conditions, as per label recommendations, more low drift agent may be added, at the discretion of the applicator to manage increased drift.

• Foliar treatment will not be made to target vegetation that exceeds twelve feet in height.

### **Equipment Calibration**

Foliar application equipment will be calibrated prior to application and in accordance with manufacturer's recommendations. Applicator nozzles will be adjusted to apply a coarse spray pattern.

Equipment will be adjusted to deliver an herbicide solution that minimizes herbicide overspray or drift.

#### Sensitive Area Restrictions

In defined sensitive areas, there exists a no-spray area where herbicide use is prohibited and a limited spray area where herbicide use is allowed under certain conditions. In places around sensitive areas where herbicide use is allowed, only the minimum labeled rate of application for the management of target species can be applied.

## 7.0 Alternative Land Use Options

Every effort will be given for alternative land use options. However, there are specific criteria to be met for adoption of alternative land use options. The alternative land use option must effectively manage vegetation as required for ROW access and safety and must not cause a negative impact to the environment.

### 8.0 Remedial Plan to Address Spills and Related Accidents

All mixing and loading of herbicides will be conducted at the facility where the herbicides are stored. This will be a City facility if the application is completed by a City employee, or offsite, if the application is being completed by an outside contractor. Only the amount of herbicide necessary to carry out the vegetation management, based on monitoring results, will be mixed daily to ensure that there will be no waste and will minimize potential problems. The vehicles carrying out the spray operations will be equipped with a bag of absorbent, activated charcoal, leak-proof containers, a broom and a shovel, in case of minor spills. A log of the herbicides on the vehicle will be kept in the vehicle. Herbicide labels and fact sheets will be carried on-site by the applicator.

Spills requiring action, include but are not limited to: herbicides, fuels, oils and other motor/hydraulic fluids. As soon as any spill is observed, immediate action will be taken to contain the spill and protect the spill area. The cause of the spill must be identified and secured. Spill containment will be accomplished by covering the spill with absorptive clay or other absorptive material or, for large spills, building clay or soil dikes to impede spill progress. Until completely remediated, the spill area will be protected by the placement of barriers and by the delineation of the spill area by crew members. If a fire is involved, care will be taken to avoid breathing fumes from any burning chemicals.

Minor spills of liquid herbicide will be remedied by soaking up the spill with adsorption clay or other adsorptive material and placing it in leak-proof containers, removed from the site and disposed of properly. Minor spills involving dry herbicides, such as granulars, will be swept up or shoveled up directly in leak proof containers, removed from the site and disposed of properly. All contaminated soil will be placed in leak-proof containers, removed from the site and disposed of properly. Any minor spill will be reported to the MDAR, Division of Crop & Pest Services.

Major spills will be handled in a similar manner as minor spills, except in cases where the spill cannot be contained and/or removed by the crew. In this case, the MassDEP Emergency Response Unit and the MDAR, Division of Crop & Pest Services must be contacted.

Emergency first responders (including, but not limited to, fire and police) should be immediately notified of a major spill and/or any size incident deemed a possible risk to public health, safety and the environment.

MassDEP will be contacted when there is a spill of a reportable quantity, regardless of major or minor spill status and in accordance with 310 CMR 40.0000 Massachusetts Contingency Plan.

In the event of a spill, information on safety precautions and clean up procedures may be gathered from (but not limited to) the sources listed in Table 2.

Table 2. Emergency Resources			
Resource	Location/Phone #		
Herbicide Label	Approved YOP		
Herbicide Safety Data Sheet (SDS)	Approved YOP		
Herbicide Manufacturer	(800) 992-5994 (877) 325-1840 (866)-99-BAYER		
MDAR, Division of Crop & Pest Services Clayton Edwards	(617) 626-1700		
Massachusetts Department of Environmental Protection Emergency Response (888) 304-1133			
Department of Public Health Environmental Toxicology Program	(617) 624-5286		
Massachusetts Poison Control Center 24-Hour Hotline	(800) 222-1222		
City of Quincy Public Works Department	(617) 376-1900		
Quincy Fire Department	(617) 376-1040 – non-emergency or 911		
Quincy Police Department	(617) 479-1212 – non-emergency or 911		
Quincy Health Department	(617) 376-1275		
Chem-Trec	(800) 262-8200		
National Pesticide Information Center	(800) 858-7378		
National Animal Poison Control Center	(800) 426-4435		

#### 9.0 Notification Procedures

Once approved, a copy of the VMP will be provided to the Mayor of Quincy, Board of Health and Conservation Commission. Upon approval of the VMP and YOP and 21-days in advance of the application of herbicide to a ROW, the City will notify the MDAR, Board of Health, water supplier, Mayor of Quincy and Conservation Commission of the application. Notification will include: method and location of application, herbicide fact sheet, U.S. EPA registration number for herbicide and applicator contact information. Additionally, at least 48-hours prior to a ROW herbicide application, the applicant will publish in a local newspaper the following information: methods and location of herbicide application, approximate dates of herbicide application, name of herbicide(s) to be used, description/purpose of application and contact information for the designated individual representing the City whom citizens can contact. Section 9.0 was developed per 333 CMR 11.00.

#### 10.0 Monitoring Plan

On an annual basis, the Quincy DPW will evaluate the success of this Vegetation Management Program based on the goals and objectives stated in this VMP (page 1) which include:

- Manage target vegetation while ensuring the protection of sensitive areas and the environment.
- Reduce the volume of herbicides application over time.
- Reduce the frequency of herbicides application.
- Ensure vegetation management activities are conducted in a safe and effective manner and in compliance with regulations.

This monitoring plan will evaluate the relative success of the VMP. Plan success constitutes achievement of the above goals and objectives. Monitoring plan and assessment activities will include the following:

- 1. Pre-application assessment of each primary treatment area to include estimated area of treatment and identification of target species. Primary treatment areas will be mapped for future assessment.
- 2. Recording of volume of herbicide used during treatment for each area.
- Post-evaluation of each primary treatment area to include a description of the overall management of target species and observation of nearby sensitive resource areas, noting impacts if any.
- 4. The Quincy DPW will hold an annual VMP evaluation meeting to take place after a sufficient period of time after completion of all herbicide application activities. This meeting will evaluate efficacy and assess the following issues:
  - a. Overall management of target species in each primary treatment area
  - b. Volume of herbicide applied
  - c. Impacts related to weather
  - d. Sensitive area impacts
  - e. Comments received from the public
  - f. Overall program implementation including suggested changes

This meeting will result in the development of documentation needed to summarize the program annually for inclusion in the next VMP, should one be developed for MDAR approval.

 Meeting minutes will include the above information, data and discussion points and will include comparisons to previous years' information, if available.
 Recommendations on location and use will be reflected in the next year's YOP as applicable.

### 11.0 Qualifications of Individuals Developing & Submitting the Plan

Mr. Michael Norton is the City of Quincy's Department of Public Works Operations Manager. In this role Mr. Norton assists with the management of various City utilities and transportation operations including ROW vegetation maintenance.

Comprehensive Environmental Inc. (CEI) is a civil engineering and environmental science firm that has served municipal, state, and federal agencies throughout the New England area for over 30 years. Ms. Stephanie Hanson is a Project Manager and Principal Scientist at CEI with over 20-years of experience specializing in the areas of wetlands, water resources, stormwater, environmental permitting, and resource area protection. Ms. Hanson is a Certified Senior Ecologist and Project Management Professional with a B.S. in Environmental Geoscience and M.S. in Environmental Science.

## EXHIBIT C

WPA Form 2 – (City approval letters)

2022



# **WPA Form 2 – Determination of Applicability**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)	
5. The area described in the Request is described therein meets the requirement the regulations, no Notice of Intent is re-	s subject to protection under the Act. Since the work ents for the following exemption, as specified in the Act and equired:
Exempt Activity (site applicable statuatory/regulatory	provisions)
6. The area and/or work described in the Quincy	ne Request is not subject to review and approval by:
Name of Municipality	
Pursuant to a municipal wetlands ordinance	e or bylaw.
Wetlands Protection Act	401-87
Name	Ordinance or Bylaw Citation
C. Authorization	
This Determination is issued to the applicant an	id delivered as follows:
,⊠ by hand delivery on	by certified mail, return receipt requested on
MC A. Vinter 2/3/2022	Date
This Determination is valid for <b>three years</b> from Vegetation Management Plans which are valid	the date of issuance (except Determinations for for the duration of the Plan). This Determination does not er applicable federal, state, or local statutes, ordinances,
This Determination must be signed by a majorit the appropriate DEP Regional Office (see <a href="https://doi.org/10.1007/journal.org/">https://doi.org/10.1007/journal.org/</a> and the property owner (if different termination)	y of the Conservation Commission. A copy must be sent to ://www.mass.gov/service-details/massdep-regional-officesent from the applicant).



## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

	A	. General Informatio	n				
Important: When filling out forms on the	Fr	om:					
		Quincy					
computer, use only the tab		Conservation Commission					
key to move your cursor -	То	: Applicant			Property Owner (it	f different from a	oplicant):
do not use the return key.		Michael Norton, DPW, City	of Quincy				
eturi key.		Name 55 Sea Street			Name		
rab		Mailing Address			Mailing Address		
<del></del>		Quincy	MA	02169	0.7		
return		City/Town	State	Zip Code	City/Town	State	Zip Code
	1.	Title and Date (or Revised D	ate if appl	icable) of Fina	al Plans and Other D	ocuments:	
		Vegetation Management Pla	ın & Yearly	y Operational	Plan	2022	
		Title				Date	
		Title				Date	
		Title				Date	
	2.	Date Request Filed:					
		January 21, 2022					
		· · · · · · · · · · · · · · · · · · ·					110
	_						
	В.	Determination					
		Pursuant to the authority of National Request for Determination of Determination.	И.G.L. c. 1 f Applicabi	31, § 40, the ility, with its su	Conservation Commupporting documenta	ission considere tion, and made t	d your ne following
		Project Description (if applica	able):				
	Ma Agı	To control Vegetation Manag nagement Regulations(33 CM ricultural Resources.	jement ald IR 11.00) a	ong municipal as promulgate	right-of-way(ROW) in ed by the Massachus	n compliance wit setts Department	h the ROW of
		Project Location:					
		ETDIECT LOCATION:					

Quincy

City/Town

Parcel/Lot Number

Select areas citywide

Assessors Map/Plat Number

Street Address



## WPA Form 2 - Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## **B. Determination** (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

## Positive Determination Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection). ☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent. 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid. 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination. ☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent. 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone). 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by: Name of Municipality Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



# **WPA Form 2 – Determination of Applicability**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

В.	De	etermination (cont.)
		6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but <u>not</u> subject to the Massachusetts Wetlands Protection Act:
		7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
		Alternatives limited to the lot on which the project is located.
		Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
		Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
		Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.
	Not Dep on t requal	gative Determination e: No further action under the Wetlands Protection Act is required by the applicant. However, if the partment is requested to issue a Superseding Determination of Applicability, work may not proceed this project unless the Department fails to act on such request within 35 days of the date the uest is post-marked for certified mail or hand delivered to the Department. Work may then proceed no owner's risk only upon notice to the Department and to the Conservation Commission. Quirements for requests for Superseding Determinations are listed at the end of this document.
		1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
	$\boxtimes$	<ol><li>The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.</li></ol>
		3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
I		4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## C. Authorization (cont.)

Signatures:  Signature  Signature  Signature  Signature	Chair, Jeffrey Graeber Printed Name Vice Chair, Maureen Glynn Printed Name
0: 4	John T. Brennion
Signature	Printed Name
Cheistopher Veenaw (NC)	Christopher Keenan
Signature	Printed Name
James Warten (NO)	James Martin
Signature	Printed Name
WAREN Grovanniello (NC)	Karen L. Giovanniello
Signature	Printed Name
Sang Toll	E. James Iorio
Signature	Printed Name
Signature	Printed Name

## D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <a href="https://www.mass.gov/service-details/massdep-regional-offices-by-community">https://www.mass.gov/service-details/massdep-regional-offices-by-community</a>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filling fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

## **EXHIBIT D**

City Paperwork to be signed

- 1. Signature Authorization Form
- 2. Tax Compliance Form
- 3. Non-Collusion Form
- 4. OSHA Form
- 5. Indemnity Form
- 6. Reference List



# CITY OF QUINCY Purchasing Department 1305 Hancock Street, Quincy, MA 02169

Phone: 376-1060

Fax: 376-1074

## SIGNATURE AUTHORIZATION

At a duly authorized meeting of the Board of Directors of the

	(NAME OF CORPORATION)
held on(DATE) VOTED, that:	_, at which all the Directors were present or waived notice, it was
(NAME)	(OFFICER)
said Company, and affix its Corporat	r is authorized to execute Contracts and Bonds in the name and behalf of Seal thereto, and such execution of any Contract or obligation in this number under seal of the Company, shall be valid (OFFICER)
and binding upon this Company. It w future Contracts until notified to the o	as further voted that the City of Quincy may rely on such authorization contrary.
	A true copy,
	ATTEST:(CLERK SIGNATURE)
	PLACE OF BUSINESS:
DAT	E OF THIS CONTRACT:
I hereby certify that I am the Clerk of	the:
	that is th
(COMPANY)	that is the is the
duly elected(TITLE)	of said Company, and that the above VOTE has not been
amended or rescinded and remains in	full force and effect as of the date of this Contract.
	CORPORATE SEAL



# CITY OF QUINCY Purchasing Department 1305 Hancock Street, Quincy, MA 02169

Phone: 376-1060

Fax: 376-1074

## TAX COMPLIANCE CERTIFICATE

MASS. GENERAL LAWS, CH. 62C, S: 49A(b)

I hereby certify that I have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding of child support.

(1) Individual Contractor	
	(Contractor's Name and Signature)
Social Security Number	
(2) Corporation, Association	
or Partnership	(Contractor's Name)
7-1-17-W-N-1	
Federal Tax ID Number, or Social Security Number	
By:	
	(Authorized Signature)

Note to Contractor: Please sign at (1) or (2), whichever applies.

Signed under the pains and penalties of perjury.

#### CHAPTER 62C. ADMINISTRATIVE PROVISIONS RELATIVE TO STATE TAXATION

## Chapter 62C: Section 49A Certification of compliance with tax laws as prerequisite to obtaining license or governmental contract

Section 49A. (a) Any person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business, or for the renewal of such right or license, shall certify upon such application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support. Such right or license shall not be issued or renewed unless such certification is made.

- (b) No contract or other agreement for the purposes of providing goods, services or real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless such person certifies in writing, under penalties of perjury, that he had complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.
- (c) Any such agency, which has been notified by the commissioner pursuant to section fortyseven A that a person who holds a license or certificate of authority issued by such agency or who has agreed to furnish goods, services or real estate space to such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or has been penalized pursuant to section 9 of chapter 62E for failure to comply with the provisions under said chapter 62E relating to reporting of employees and contractors, or has been penalized pursuant to paragraph (3) of subsection (f) of section 12 of chapter 119A for failure to comply with the provisions under said chapter 119A relating to withholding and remitting child support, shall refuse to reissue, renew or extend such license. certificate of authority, contract or agreement until the agency receives a certificate issued by the commissioner that the person is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of said certificate, including all returns and taxes referenced in the initial notification or, if the licensee has been penalized for failure to comply with the provisions relating to reporting of employees and contractors under chapter 62E or withholding and remitting child support under chapter 119A, a certificate issued by the commissioner that the licensee is in compliance with said provisions.
- (d) Any person who owns or leases a motor vehicle or trailer that is required to be registered in the commonwealth under chapter 90 and improperly registers the motor vehicle or trailer in another state or misrepresents the place of garaging of the motor vehicle or trailer in another city or town, shall be considered in violation of laws of the commonwealth relating to taxes under chapter 60A, chapter 64H or chapter 64I. The right, license or contract provided for in subsections (a) and (b) shall not be issued or renewed until the person or business entity has paid all taxes due at the time of application for such right, license or contract.
- (e) Any person who, for the purpose of evading payment of a tax pursuant to chapters 59 to 64J, inclusive, willfully makes and subscribes any return, form, statement or other document pursuant to subsection (a), (b) or (d) that contains or is verified by a written declaration that is made under the penalties of perjury, and that contains information that he does not believe to be true and correct as to every matter material to his compliance with all laws of the commonwealth relating to taxes, shall be subject to section 73.



# CITY OF QUINCY Purchasing Department 1305 Hancock Street, Quincy, MA 02169

### **CERTIFICATE OF NON – COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union committee, club, or other organization, entity, or group of individuals.

(Name of person signing bid or proposal) (Please print)	
	(Signature required)
	(Name of business)

Phone: (617) 376-1060

Fax: (617) 376-1074

## <u>CERTIFICATION OF GENERAL BIDDERS ON PUBLIC CONSTRUCTION</u> PROJECTS

#### I. CERTIFICATION REGARDING HEALTH AND SAFETY

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least ten hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations application to awards made subject to section 44A.

#### II. CERTIFICATION REGARDING NON-COLLUSION AND DEBARMENT

The undersigned further certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word õpersonö shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date:	
Name of General Bidder	
By	
Signature	
Print name and title	
Business Address	
Street Address City and State	

## <u>CERTIFICATION OF SUB- BIDDERS (IF ANY) ON PUBLIC CONSTRUCTION PROJECTS</u>

#### I. CERTIFICATION REGARDING HEALTH AND SAFETY

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupation Safety and Health Administration that is at least ten hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards of subcontracts subject to section 44F.

#### II. CERTIFICATION REGARDING NON-COLLUSION AND DEBARMENT

The undersigned further certifies under penalties of perjury that this subbid is in all responses bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the õpersonö shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date
Name of Sub-bidder
By
Signature
Print Name and Title
Business Name
Street Address, City and State

## **INDEMNITY AGREEMENT**

In consideration of the award of Contract No
by the City of Quincy, hereinafter referred to as INDEMNITEE, to the CONTRACTOR/BIDDER:
hereinafter referred to as INDEMNITOR, and for other good and valuable consideration, said
INDEMNITOR agrees to hold INDEMNITEE, City of Quincy, and its various department and
employees harmless from any and all liability, loss or damage that INDEMNITEE may suffer as the
result of claims, demands, costs, including attorneys fees, or judgement or other actions against it by
reason of any and all work done by or on behalf of the INDEMNITOR in connection with the above-
referenced contract.
INDEMNITOR,
By Duly Authorized Agent
Date:

## **REFERENCE LIST**

All vendors are to fill out the following reference form, and submit it with the bid package.

Reference #1 Name:
Address:
Telephone:
Fax:
Email:
Reference #2 Name:
Address:
Telephone:
Fax:
Email:
Reference #3 Name:
Address:
Telephone:
Fax:
Email:
Reference #4 Name:
Address:
Telephone:
Fax:
Email: