

1 H.525

2 Introduced by Representatives Masland of Thetford and Cheney of Norwich

3 Referred to Committee on

4 Date:

5 Subject: Public service; utilities; poles; pesticide; wood preservative; notice

6 Statement of purpose: This bill proposes to regulate the application of wood

7 preservatives to utility poles and the siting of utility poles treated with wood

8 preservatives in order to protect public health and sources of drinking water.

9 An act relating to the siting and regulation of utility poles treated with wood  
10 preservatives

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 6 V.S.A. § 1113 is added to read:

13 § 1113. PESTICIDE-TREATED UTILITY POLES

14 As used in this section:

15 (1) "Source of drinking water" means any source of water that would  
16 constitute a potable water supply under 10 V.S.A. § 1972(6) or a public water  
17 source under 10 V.S.A. § 1671(4).

18 (2) "Utility pole" means the poles upon which telegraph, telephone, and  
19 electric lines or wires are installed.

1           (3) “Wood preservative” means any pesticide for which a Class A or  
2           Class B dealer license is required under section 1112 of this title and excludes  
3           pesticides considered Class C under the regulations of the Vermont agency of  
4           agriculture, food and markets.

5           (b) New poles. New or replacement utility poles treated with any wood  
6           preservative shall not be sited within 200 feet of a source of drinking water.

7           (c) Existing poles. Existing utility poles sited within 200 feet of a source of  
8           drinking water shall not be treated with any wood preservative. If the existing  
9           utility pole is in need of repair or treatment with a wood preservative, the  
10           person or corporation owning the utility pole shall replace or relocate the pole  
11           as provided in subdivisions (d)(1)–(2) of this section.

12           (d) Relocation. On the written request of a person whose source of  
13           drinking water is located within 200 feet of an existing utility pole treated at  
14           any time with any wood preservative, the person or corporation owning the  
15           utility pole shall, at its own expense:

16           (1) relocate the utility pole to a site greater than 200 feet away from the  
17           source of drinking water; or

18           (2) replace the existing utility pole with a pole that does not require  
19           treatment with any wood preservative.

20           (e) Public notice.

1           (1) Prior to the treatment of a utility pole with any wood preservative,  
2           the person or corporation owning the utility pole shall provide written notice  
3           by hand-delivery, regular mail, or certified mail to:

4                   (A) the landowner of the underlying property, if the utility pole is  
5                   located in a right-of-way for which the utility pole owner has an easement; or

6                   (B) owners or occupiers of land immediately adjacent to the utility  
7                   pole if the utility owns the right-of-way in fee.

8           (2) The notice shall include:

9                   (A) A title at the beginning of the notice in no less than 15 point bold  
10                  face print which states, "Wood Preservative Use Notification";

11                  (B) The designation of the utility pole or poles to be treated;

12                  (C) The chemical names and common names of the wood  
13                  preservative to be used;

14                  (D) The name and contact information of the owner of the utility pole  
15                  and the contracting company, if any, completing the treatment; and

16                  (E) The date treatment will commence and the number of days  
17                  treatment will continue.

18           Sec. 2. 6 V.S.A. § 1111 is amended to read:

19           § 1111. ADMINISTRATIVE PENALTIES

20           (a) The secretary may assess an administrative penalty, not to exceed

21           \$1,000.00 per violation for private applicators or certified private applicators

1 or \$5,000.00 per violation for certified noncommercial applicators, certified  
2 commercial applicators, licensed dealers, licensed companies or permit  
3 holders, in any case in which he or she determines that an applicator, dealer,  
4 licensed company or permit holder has done any of the following acts in  
5 violation of this chapter, or of the rules or regulations promulgated under this  
6 chapter:

7 \* \* \*

8 (6) improperly disposed of pesticide products, dilutions or rinsates; ~~or~~

9 (7) violated the terms or conditions of a permit issued pursuant to this  
10 chapter, or pursuant to the rules or regulations promulgated pursuant to this  
11 chapter; or

12 (8) violated any provision of section 1113 of this title.

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14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on July 1, 2012.