

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED

SEP 20 2009 P 2:29

RECEIVED
RECORDS MANAGEMENT CLERK

In the Matter of:)
)
First Student, Inc.)
600 Vine Street, Suite 1400)
Cincinnati, OH 45202)
)
Respondent)
)

Docket No. CAA 01-2009-0094

CONSENT AGREEMENT AND FINAL ORDER

The Complainant, United States Environmental Protection Agency, Region I (“EPA”), alleges that First Student, Inc. (“Respondent”) violated certain provisions of the Connecticut and Rhode Island state implementation plans (“SIPs”) that prohibit the excessive idling of motor vehicles. EPA may enforce SIP provisions under Section 113 of the Clean Air Act, 42 U.S.C. § 7413.

EPA and Respondent agree to settlement of this matter through this Consent Agreement and Final Order (“CAFO”) without the filing of an administrative complaint, as authorized under 40 C.F.R. § 22.13(b).

EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter.

Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

A. PRELIMINARY STATEMENT

1. The provisions of this CAFO shall apply to and be binding on EPA and on Respondent, its officers, directors, successors and assigns.

2. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue. Respondent consents to the terms of this CAFO.

3. Respondent neither admits nor denies the specific factual and legal allegations below in Section B. For purposes of this CAFO and any action necessary to enforce it, Respondent hereby waives its right to request a judicial or administrative hearing or otherwise to contest the allegations in this CAFO. Respondent waives any right to appeal this CAFO.

4. Under Section 113(d) of the Clean Air Act (“Act”), 42 U.S.C. § 7413(d), and the Civil Monetary Inflation Rule (see Pub. L. 104-134 and 40 C.F.R. Part 19), EPA may assess penalties of up to \$32,500 for each day of each violation of the Act occurring after March 15, 2004 through January 12, 2009.

B. EPA FINDINGS

5. The State of Connecticut has adopted an “applicable implementation plan” within the meaning of Section 113(a)(1) of the Act. This plan, commonly known as a SIP, has been approved by EPA under Section 110 of the Act, 42 U.S.C. § 7410. The Connecticut SIP includes various federally-approved portions of the Regulations of Connecticut State Agencies (“RCSA”).

6. The Connecticut SIP includes the regulation at § 19-508-18(a)(5) of the RCSA (the “Connecticut idling regulation”), which states that no mobile source engine

shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion, unless such operation accords with a listed exception.

7. At a school bus facility operated by Respondent in Stafford, Connecticut, EPA alleges to have observed the operation of the engines of mobile sources that were not in motion, for periods in excess of three minutes, as described in Table 1, which is attached to and incorporated into this CAFO.

8. EPA alleges that Respondent allowed the mobile source engines to operate in excess of prescribed limits and that such operation did not accord with any exception in §§ 19-508-18 (a)(5)(i) through (v).

9. Accordingly, EPA alleges that Respondent violated the Connecticut idling regulation at § 19-508-18(a)(5).

10. The State of Rhode Island has adopted a SIP within the meaning of Section 113(a)(1) of the Act, which has been approved by EPA under Section 110 of the Act, 42 U.S.C. § 7410. The Rhode Island SIP includes various federally-approved portions of the Rhode Island Air Pollution Control Regulations (“APCR”).

11. The Rhode Island SIP includes APCR 45, which provides that no person, entity, owner or operator shall cause, allow or permit the unnecessary idling of the engine of a diesel motor vehicle while said vehicle is stopped for a period of time in excess of five consecutive minutes in any 60 minute period, except as provided in the exemptions listed in APCR § 45.5.

12. At a school bus facility operated by Respondent in Pawtucket, Rhode Island, EPA alleges to have observed the idling of the engines of diesel motor vehicles while said vehicles were stopped for periods of time in excess of five consecutive

minutes in any 60 minute period, as described in Table 1, which is attached to and incorporated into this CAFO. EPA also alleges that the observed idling did not accord with any exemptions in APCR § 45.5.

13. Accordingly, EPA finds that Respondent violated the Rhode Island idling regulation at APCR 45.

14. Respondent's alleged violations of the Connecticut and Rhode Island idling regulations render Respondent liable for penalties under Section 113(d) of the Act.

15. EPA has provided notice to Respondent, to the Rhode Island Department of Environmental Management, and to the Connecticut Department of Environmental Protection, of EPA's findings of violations described in this CAFO, at least 30 days prior to the issuance of an administrative penalty order under Section 113(d) of the Act.

C. TERMS OF SETTLEMENT

16. Respondent shall comply with all SIP regulations that limit engine idling by motor vehicles at all facilities owned or operated by Respondent in the following jurisdictions: the States of Connecticut, Hawaii, Massachusetts, New Jersey, Rhode Island, and Virginia; the City of Chattanooga, Tennessee; the Counties of Bastrop, Caldwell, Hays, Travis, and Williamson, Texas; and the Towns of Elm, Westlake, Austin, Bastrop, Lockhart, Luling, Round Rock, and San Marcos, Texas. Respondent shall also implement the measures described in Attachment 1, incorporated herein by reference, which are intended to promote Respondent's compliance with motor vehicle idling regulations in the United States.

a. Within 60 days of the effective date of this CAFO, Respondent shall commence implementation of the Attachment 1 measures, and shall thereafter implement the measures for a period of 10 months.

b. Within 120 days of the effective date of this CAFO, Respondent shall submit an initial report to EPA describing the actions taken to date to implement the Attachment 1 measures.

c. Within 14 months of the effective date of this CAFO, Respondent shall submit a final report to EPA describing the implementation of the Attachment 1 measures during the period following commencement of implementation of the Attachment 1 measures.

17. Stipulated Penalties: Respondent shall be liable for stipulated penalties for actions required in Attachment 1 to this CAFO as follows:

a. With respect to Attachment 1, Sections A and B, to this CAFO, Respondent shall be liable for stipulated penalties in the amount of \$1,200 for every day on which Respondent fails to:

i. commence timely implementation of the required measures in accordance with the provisions of Attachment 1, Sections A and B, to this CAFO;

ii. implement the required measures in accordance with the provisions of Attachment 1, Sections A and B, to this CAFO for the required period; or

iii. submit complete and timely reports as required by Paragraph 16 of this CAFO.

b. With respect to Attachment 1, Section D, to this CAFO, if Respondent fails to install the “First On-Board Component Utilization System”, or FOCUS, on at least 400 buses in accordance with the terms of Attachment 1, Section D, to this CAFO, Respondent shall be liable for a stipulated penalty of \$750 for each bus fewer than 400 in which Respondent installs FOCUS, not to exceed a total stipulated penalty under this Paragraph 17.b of \$250,000.

18. In light of the statutory factors of Section 113(e) of the Act, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in this CAFO in the amount of \$128,000. Respondent shall pay the penalty of \$ 128,000 within thirty (30) days of the effective date of this Consent Agreement and Final Order. Respondent shall submit a bank, cashier’s or certified check in payment of this penalty.

20. Respondent shall make payment by submitting a check, to the order of the “Treasurer, United States of America,” in the amount of \$128,000 to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall note the case name and docket number of this action on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
Suite 1100, Mail Code RCH
One Congress Street

Boston, MA 02114-2023

and

Tim Conway
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
Suite 1100, Mail Code SAA
One Congress Street
Boston, MA 02114-2023

21. Pursuant to Section 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty if it is not paid within thirty (30) calendar days of the entry of the CAFO. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2), promulgated under 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS

22. Respondent First Student shall perform supplemental environmental projects ("SEPs") described below and in Attachment 2, to establish a policy and practice to prevent the excessive idling of all school buses operated by First Student in the United States, and to install emission reduction systems in certain First Student buses currently located in New England. The SEPs are intended to secure significant environmental and

public health protection and improvements by reducing harmful diesel emissions from school bus idling, and by reducing the exposure of students, employees, and the general public to harmful diesel emissions. Respondent shall perform the SEPs in accordance with Attachment 2, incorporated herein by reference.

23. The total expenditure for each SEP shall not be less than the following. For Project 1: Training and Management Solutions, the total expenditure shall not be less than sixty-five thousand dollars (\$65,000); for Project 2: Emission Reduction Systems, the total expenditure shall not be less than three hundred forty thousand dollars (\$340,000). For each SEP, Respondent shall include documentation of the expenditures made in connection with the SEP, cumulatively through the date so indicated in the submittal of the SEP Completion Report, as part of the SEP Completion Report.

24. For each SEP, Respondent hereby certifies that, as of the effective date of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

25. For each SEP, Respondent shall submit a SEP Completion Report to EPA within 14 months of the effective date of the CAFO. The SEP Completion Report shall contain the following information:

- a. A detailed description of the SEP as implemented;
- b. A description of any SEP operating problems encountered and the solutions thereto;

c. Itemized SEP costs, documented by copies of purchase orders and receipts or cancelled checks or other written evidence, including internally generated cost allocation documents. The allowable SEP costs incurred by Respondent's employee(s) include fully-loaded costs related to the employee(s) implementing the SEP, such as Respondent developing and disseminating the training materials required under this CAFO, employee(s) conducting training for other personnel, employee(s) installing and maintaining crankcase filters on buses, and the costs of the employee(s) being trained under the SEP.

d. Certification that the SEP has been fully implemented (subject to ongoing maintenance) pursuant to the provisions of the CAFO; and

e. A description of the estimated environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible) using Respondent's calculations based on manufacturers' estimates, or, if such estimates are unavailable, other readily available information.

26. Respondent agrees that any failure to submit a SEP Completion Report by the date specified in Paragraph 25 shall be deemed a violation of the CAFO and Respondent shall become liable for stipulated penalties under the CAFO, in addition to its responsibility to submit the SEP Completion Report.

27. Respondent agrees that EPA may inspect its facilities at any time in order to confirm that any SEP is being undertaken in conformity with the representations made herein.

28. For each SEP, Respondent shall operate the SEP for a period as described in Attachment 2 to this CAFO. Respondent may seek an extension of time for initiating

or performing an activity under the SEP in accordance with the Force Majeure provisions of Attachment 3, incorporated herein by reference.

29. For each SEP, Respondent shall maintain legible copies of the documentation and data used for any and all documents or reports submitted to EPA pursuant to this CAFO until such time that EPA accepts the SEP Completion Report pursuant to Paragraph 30 below. Respondent shall provide the documentation and data to EPA within 14 days of a request for such information. In all SEP-related documents or reports, including, without limitation, the SEP Completion Report, submitted to EPA pursuant to this CAFO, Respondent shall, by one of its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

30. a. For each SEP, following the receipt of the SEP Completion Report described in Paragraph 25 above, EPA will do one of the following: (i) accept the SEP Completion Report; (ii) reject the SEP Completion Report, notify the Respondent in writing, of deficiencies in the SEP Completion Report and grant Respondent an additional forty-five (45) days in which to correct any deficiencies; or (iii) if any such deficiencies cannot be corrected in 45 days, reject the SEP Completion Report and seek stipulated penalties in accordance with Paragraph 31 of this CAFO.

b. If EPA elects to exercise option (ii) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this Paragraph within fifteen (15) days of receipt of such notification. EPA and Respondent shall have an additional forty-five (45) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this forty-five (45) day period, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 31.

c. In the event that EPA elects to exercise option (iii) above, EPA shall permit Respondent the opportunity to object in writing to EPA's conclusion (that the deficiencies cannot be corrected within forty-five (45) days) within fifteen (15) days of receipt of such notification. EPA and Respondent shall have an additional forty-five (45) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this forty-five (45) day period, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 31.

31. a. In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of a SEP described in Paragraphs 22-29 above and/or to the extent that the actual expenditures for the SEPs do not equal or

exceed the cost of the SEP described in Paragraph 23 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the following amounts, plus interest from the effective date of the CAFO, for Project 1: Training and Management Solutions, \$75,000, and for Project 2: Emission Reduction Systems, \$375,000.

(ii) If the SEP is not completed satisfactorily, but the Respondent: (A) made good faith and timely efforts to complete the project; and (B) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.

(iii) If the SEP is satisfactorily completed, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States equal to the amount resulting from the following calculation: The amount set forth in Paragraph 23 above, less the amounts actually expended by Respondent as documented pursuant to Paragraph 25.c above..

(iv) If the SEP is satisfactorily completed, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

(v) For failure to submit a SEP Completion Report required by Paragraph 25 above in a complete and timely manner, Respondent shall pay a stipulated penalty in

the amount of \$2000 for each day after the SEP Completion Report was originally due under Paragraph 25 until the report is submitted.

(vi) For failure to submit any other report or information required by EPA under Paragraphs 22-29 above in a complete and timely manner, Respondent shall pay a stipulated penalty in the amount of \$1200 for each day after the report or information was originally due until the report or information is submitted.

b. For each SEP, the determinations of whether the SEP has been satisfactorily completed, whether the Respondent has made a good faith, timely effort to implement the SEP, and whether a Force Majeure event has delayed implementation of the SEP in accordance with Attachment 2, shall be made by EPA in the exercise of its reasonable discretion.

32. For each SEP, any public statement, oral or written, in print, film or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for alleged violations of the Clean Air Act."

33. With respect to any injunctive relief or SEP under the terms of this CAFO:
- a. this CAFO shall not be construed to constitute EPA approval of any equipment or technology installed by Respondent; and
 - b. Respondent agrees to indemnify, save and hold harmless the EPA, its officials, agents, contractors, subcontractors, employees and representatives, from any and all claims or causes of action:

- i. arising from, or on account of, acts or omissions of Respondent, Respondent's officers, directors, employees, agents, contractors, subcontractors, receivers, trustees, successors or assigns; and
- ii. for damages or reimbursement arising from, or on account of, any contract, agreement, or arrangement between Respondent and any persons or entities for performance of work.

34. EPA and Respondent agree that nothing in this CAFO will be construed as imposing an enforceable motor vehicle idling restriction on Respondent in any jurisdiction where there is no statute or regulation limiting motor vehicle idling.

D. GENERAL PROVISIONS

35. All submissions required by this Order shall be sent to:

If by Respondent:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 – Mail Code SEA
Boston, MA 02114
Attention: Abdi Mohamoud

If by EPA:

Beverly A. Wyckoff
Senior Vice President and General Counsel
First Student, Inc.
600 Vine Street, Suite 1400
Cincinnati, OH 45202

With a copy to:

Stephen J. Humes, Esq.
McCarter and English, LLP
185 Asylum Street, CityPlace I
Hartford, CT 06103.

36. The stipulated penalties in this CAFO, the civil penalty under Paragraph 18, above, any interest, and the nonpayment penalties and/or charges as described in Paragraph 21, above, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes, and shall not be deductible for purposes of state, or local taxes unless allowed by law. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP. In addition, Respondent hereby agrees that, within thirty (30) days of the date it submits its federal tax reports for the calendar year in which the above-identified SEP is completed, it will submit to EPA a certification that any funds expended in the performance of the SEP have not been deducted from federal taxes or capitalized into inventory or basis.

37. This CAFO constitutes a settlement by EPA of all claims against Respondent for civil penalties pursuant to Section 113 of the Act for the violations alleged in Section B of this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

38. Each party shall bear its own costs and fees in this proceeding, including attorneys fees, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

39. The dispute resolution procedures of Paragraphs 39-43 shall be the

exclusive mechanism to resolve disputes arising under or with respect to Attachments 1 and 2 of this CAFO, including stipulated penalties relating to Attachments 1 and 2. However, such procedures shall not apply to actions by EPA to enforce obligations of Respondent that have not been disputed in accordance with this Section.

40. Informal Dispute Resolution: Any dispute subject to dispute resolution under this CAFO shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when Respondent provides written notice to EPA describing the nature of the dispute and requesting informal negotiations to resolve it. The period of informal negotiations shall not exceed twenty (20) days beyond the date that EPA receives Respondent's written notice unless EPA and Respondent agree in writing to a longer period. If the parties cannot resolve a dispute by informal negotiations, then the position advanced by EPA shall be considered binding unless, within fifteen (15) days after the conclusion of the informal negotiation period, Respondent invokes formal dispute resolution procedures as set forth below.

41. Formal Dispute Resolution: Respondent shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by providing written notice to EPA containing a statement of position regarding the matter in dispute. The statement of position shall include, but may not be limited to, any factual data, analysis, or opinion supporting Respondent's position and any supporting documentation relied upon by Respondent. Following receipt of Respondent's statement of position submitted pursuant to this Paragraph, EPA will serve on Respondent its statement of position. EPA's statement of position shall include, but may not be limited to, any factual data, analysis, or opinion supporting EPA's position and any supporting

documentation relied upon by EPA.

42. Following receipt of the statements of position submitted by Respondent and EPA pursuant to Paragraph 41, the Director of the Office of Environmental Stewardship (“OES Director”), EPA Region 1, will issue a determination resolving the dispute. The determination of the OES Director shall be final. The parties to this CAFO each reserve any rights they may have under applicable law with respect to any appeal from the determination of the OES Director.

43. The invocation of dispute resolution procedures under this Section shall not extend, postpone, or affect any obligation of Respondent under this CAFO not directly in dispute, unless the final resolution of the dispute so dictates. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of nonperformance, but payment shall be stayed pending resolution of the dispute as provided in this Section. If Respondent does not prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Paragraph 17 above.

44. Respondent shall be entitled to report and claim expenditure credit for any applicable measures related to the obligations in this CAFO provided that the measures, and expenditures associated therewith, were incurred on or after September 1, 2009.

45. For each requirement of Attachment 1 to this CAFO, Respondent shall maintain legible copies of the documentation and data used for any and all documents or reports submitted to EPA pursuant to this CAFO until such time that EPA accepts the final report on implementation of the Attachment 1 measures, as provided in Paragraph 16.c. Respondent shall provide the documentation and data to EPA within 14 days of a request for such information. In all Attachment 1-related documents or reports

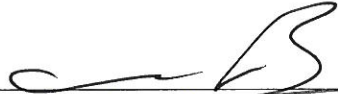
submitted to EPA pursuant to this CAFO, Respondent shall, by one of its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

46. Each party certifies that at least one of their undersigned representatives is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to this document.

In the Matter of First Student, Inc. Docket No. CAA-01-2009-0094
Consent Agreement and Final Order

FOR FIRST STUDENT, INC.

Name  Date September 29, 2009
Title Charles Bruce
Chief Operating Officer

First Student, Inc.

In the Matter of First Student, Inc. Docket No. CAA-01-2009-0094
Consent Agreement and Final Order

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Sam Silverman, acting for 9-30-09
Susan Studlien, Director Date
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I

Tim M. Conway 9/30/09
Timothy M. Conway Date
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I

In the Matter of First Student, Inc.

Docket No. CAA 01-2009-0094

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement. This Final Order shall become effective today.

U.S. ENVIRONMENTAL PROTECTION AGENCY



Jill Metcalf, Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1



Date

Attachment 1: Measures to Promote Compliance with State and Local Idling Restrictions

The following measures are designed to limit the excessive idling of the engines of school buses located in states and local jurisdictions that limit idling by law or regulation. The SEP measures described in Attachment 2 of the CAFO, which will be implemented in all other State jurisdictions, will complement these Attachment 1 compliance measures.

A. The provisions of this Section A shall apply in the following jurisdictions with SIPs that limit excessive motor vehicle idling: the States of Connecticut, Hawaii, Massachusetts, New Jersey, Rhode Island, and Virginia; the City of Chattanooga, Tennessee; the Counties of Bastrop, Caldwell, Hays, Travis, and Williamson, Texas; and the Towns of Elm, Westlake, Austin, Bastrop, Lockhart, Luling, Round Rock, and San Marcos, Texas.

1. Respondent shall provide notification and training of at least 15 minutes in duration to all First Student employees and contractors who operate First Student school buses, including those employees and contractors who operate First Student school buses only to prepare the motor vehicles for other personnel to drive, in jurisdictions with SIP idling limits, as follows:

a. The notification and training shall describe Respondent's policy to prohibit excessive idling, describe state and local motor vehicle idling restrictions, and instruct school bus operators to comply with such idling policy and restrictions. For purposes of this Attachment 1 to the CAFO, "excessive" idling shall mean idling in violation of any terms or

limitations contained in regulations that limit motor vehicle idling in the applicable jurisdiction.

b. Respondent shall provide notification and training to operators and drivers of school buses by such methods as compact disks, DVDs, web-based training, written communications, and new driver orientation sessions.

c. Respondent shall commence the development of the training program within 60 days after the effective date of this CAFO, with an objective of training all or a large percentage of its existing personnel by August 31, 2010. Respondent shall complete all of the training requirements of Attachment 1 within one year of the effective date of this CAFO.

2. Respondent shall post “no-excessive idling” signs at all First Student Locations (for purposes of this CAFO and Attachments, “First Student Locations” shall mean those locations at which First Student parks school buses for regular operation but does not include solely corporate First Student facilities or facilities operated by other corporate affiliates of First Student, Inc.), as follows:

a. The signs shall notify all operators, drivers, and other employees or contractors who operate school buses that excessive idling is prohibited, and shall specify the applicable jurisdiction’s idling limitations;

b. The signs shall be designed and placed reasonably so as to be visible to all personnel at all First Student Locations; and

c. At each First Student Location, a sign shall be posted at each central area where operators and/or drivers congregate.

3. Respondent shall provide written notifications to each school district in which Respondent operates of the First Student policy to prohibit excessive idling.
- 4 Respondent shall ensure that at each First Student Location, the following actions occur:
 - a. A First Student facility manager, or delegated supervisor with management authority shall walk through and check the facility parking lot(s) during periods when school buses are starting up in preparation for their morning routes, to ensure that drivers are complying with the relevant State (or other jurisdiction) idling regulations (hereinafter, the “walk-through requirement”);
 - b. Respondent shall ensure that managers or delegated supervisors with management authority of all facilities document the performance of the walk-through requirement set out in Paragraph A.4.a above. This documentation shall be retained at each First Student Location, and shall be made available upon request by EPA inspectors or other enforcement personnel; and
 - c. Respondent shall provide quarterly reports to EPA Region 1 regarding compliance with the walk-through requirement. Each report shall state whether First Student was in full compliance with the walk-through requirement during the relevant quarter, and any actions taken to correct or prevent excessive school bus idling during any walk-through. Each report shall identify any instances where Respondent failed to satisfy the walk-

through requirement. For each such instance, the report shall identify the First Student Location being reported on, and the estimated date and time that the walk-through requirement was not performed in accordance with Paragraph A.4.a, and shall provide an explanation for the nonperformance, and the steps taken to resolve the nonperformance. Respondent shall provide the reports quarterly, the first quarterly submission due four months after the effective date of the CAFO, and for four quarterly submissions thereafter.

d. For purposes of this Attachment 1, and Attachment 2 to the CAFO, the “walk-through requirement” shall be performed no less than 6 times per calendar month, with no more than 3 times per calendar month on a particular day of the week.

B. The provisions of this Section B shall apply in the following jurisdictions with laws or regulations that limit motor vehicle idling but that are not in a SIP: the States of California, Delaware, Florida, Maine, Maryland, Minnesota, Nevada, New Hampshire, New York, Ohio, Pennsylvania, South Carolina, Utah, Vermont, and West Virginia; the District of Columbia; in Arizona, Maricopa County; in Colorado, the City and County of Denver, and the City of Aspen; in Georgia, the City of Atlanta; in Illinois, the Counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, Monroe, and St. Clair, and the Townships of Aux Sable, Goose Lake, and Oswego; in Minnesota, the Cities of Minneapolis, Owatonna, and St. Cloud; and in Missouri, the Counties of Clay, Platte, Jackson, Franklin, Jefferson, and St. Charles, and the City and County of St. Louis. The requirements of this Section B are not pursuant to a federally-enforceable SIP, but

Respondent consents to perform such activities pursuant to the CAFO as part of resolution of this action.

1. Respondent shall provide notification and training to all First Student employees and contractors who operate First Student school buses, including those employees and contractors who operate First Student school buses only to prepare the school buses for other personnel to drive, as follows:
 - a. The notification and training shall describe Respondent's policy to prohibit excessive idling, and instruct operators to comply with such idling policy.
 - b. Respondent shall provide notification and training to operators and drivers of school buses by such methods as compact disks, DVDs, web-based training, written communications, and new driver orientation sessions.
 - c. Respondent shall commence the development of the training program within 60 days after the effective date of this CAFO, with an objective of training all or a large percentage of its existing personnel by August 31, 2010. Respondent shall complete all of the training requirements of Attachment 1 within one year of the effective date of this CAFO.
2. Respondent shall post "no-excessive idling" signs at all First Student Locations, as follows:
 - a. The signs shall notify school bus drivers and operators of First Student Locations that excessive idling is prohibited, and shall specify the applicable jurisdiction's idling limitations;

- b. The signs shall be designed and placed reasonably so as to be visible to all personnel at all First Student Locations; and
 - c. At each First Student Location, a sign shall be posted at each central area where operators and/or drivers congregate..
- 3. Respondent shall provide written notifications to each school district in which Respondent operates of the First Student policy to prohibit excessive idling.
- 4. Respondent shall ensure that at each First Student Location, the following actions occur:
 - a. A First Student facility manager, or delegated supervisor with management authority shall walk through and check the facility parking lot(s) during periods when school buses are starting up in preparation for their morning routes, to ensure that drivers are complying with the relevant State idling regulations (hereinafter, the “walk-through requirement”);
 - b. Respondent shall ensure that managers or delegated supervisors with management authority of all First Student Locations document the performance of the walk-through requirement set out in Paragraph B.4.a above. This documentation shall be retained at each First Student Location, and shall be made available upon request by EPA inspectors or other enforcement personnel; and
 - c. Respondent shall provide quarterly reports to EPA Region 1 regarding compliance with the walk-through requirement. Each report shall state

whether First Student was in full compliance with the walk-through requirement during the relevant quarter, and any actions taken to correct or prevent excessive school bus idling during any walk-through. Each report shall identify any instances where Respondent failed to satisfy the walk-through requirement. For each such instance, the report shall identify the First Student Location being reported on, and the estimated date and time that the walk-through requirement was not performed in accordance with Paragraph B.4.a, and shall provide an explanation for the nonperformance, and the steps taken to resolve the nonperformance. Respondent shall provide the reports quarterly, the first quarterly submission due four months after the effective date of the CAFO, and for four quarterly submissions thereafter.

d. For purposes of this Attachment 1, and Attachment 2 to the CAFO, the “walk-through requirement” shall be performed no less than 6 times per calendar month, with no more than 3 times per calendar month on a particular day of the week.

- C. For purposes of the training program and signage requirements of Sections A and B of this Attachment 1, EPA will perform the following:
1. upon request of Respondent, review and provide timely comment on, and if acceptable, approve of content Respondent develops to comply with the training and signage requirements set forth in Attachment 1; and
 2. to the extent practicable under the circumstances, upon request by Respondent, and subject to EPA’s discretion, may provide an EPA spokesperson or

representative to participate as a host or speaker in video production materials developed to produce DVD or web-based training content.

D. Respondent shall implement the following in all jurisdictions in the six New England states as a measure to promote compliance with all SIP and other regulations that limit engine idling. Respondent shall, within 12 months of the effective date of this CAFO, install and operate (for at least five 5 years) the “FOCUS” (“First On-Board Component Utilization System”) school bus anti-idling and global positioning system on at least 400 school buses operating in the New England Region, of which at least 250 school buses are to be operating in urban areas of Rhode Island and Connecticut. For purposes of this CAFO, “urban” shall mean any municipality or school district having a population of at least 50,000 people. Such systems shall include programming school buses with GPS technology to track idling of school bus motor vehicle engines. FOCUS will provide Respondent the capability for tracking and reporting on idling in school bus engines.

Attachment 2: Supplemental Environmental Projects: Limiting Motor Vehicle Idling at First Student Locations in Jurisdictions That Do Not Regulate Idling, and Installing Emission Control Systems

The following SEPs are intended to provide environmental and health benefits beyond those required by established laws, through measures designed to limit the idling of the engines of school buses operated by Respondent. SEP Project 1 will be implemented by Respondent in all State jurisdictions in which such motor vehicle idling is not limited by existing law. Such jurisdictions are, without limitation: Alabama; Alaska; Arizona (except Maricopa County); Arkansas; Colorado (except the City of Aspen and the City and County of Denver); Georgia (except the City of Atlanta); Idaho; Illinois (except Cook, DuPage, Lake, Kane, McHenry, Will, Madison, Monroe, and St. Clair counties and Aux Sable, Goose Lake, and Oswego townships); Indiana; Iowa; Kansas; Kentucky; Louisiana; Michigan; Mississippi; Missouri (except Clay, Platte, Jackson, Franklin, Jefferson, St. Charles, and St. Louis Counties, and the City of St. Louis); Montana; Nebraska; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; South Dakota; Tennessee (except Chattanooga); Texas (except the Counties of Bastrop, Caldwell, Hays, Travis, Williamson and Towns of Elm, Westlake, Austin, Bastrop, Lockhart, Luling, Round Rock, and San Marcos); Washington; Wisconsin; and Wyoming. SEP Project 2 will be implemented as described below.

The SEPs are intended to complement the compliance measures to be undertaken by Respondent under Attachment 1 of the CAFO. No SEP requirement will be implemented if it conflicts with an existing state or local law, regulation or permit

requirement. In the event that a proposed state or local law, regulation, or permit has the potential to conflict with the implementation of a SEP, First Student may seek an extension of time for SEP implementation in accordance with the Force Majeure provisions of Attachment 3. For the purposes of this paragraph, “to conflict with” shall mean to delay or prevent timely performance, despite First Student’s best efforts.

Project 1: Training and Management Solutions:

A. Within 60 days of the effective date of the CAFO, First Student shall commence the actions as described below at all First Student Locations located in jurisdictions that do not limit motor vehicle idling. Respondent shall spend a minimum of \$65,000 to complete Project 1.

1. Post signs to notify operators, drivers and other employees or contractors who operate school buses that excessive idling is prohibited;
2. The signs shall be designed and placed reasonably so as to be visible to all personnel at all First Student Locations; and
3. At each First Student Location, a sign shall be posted at each central area where operators and/or drivers congregate.

B. Within 60 days of the effective date of the CAFO, Respondent shall provide written notifications to each school district in which Respondent operates of the First Student policy to prohibit excessive idling.

C. Respondent shall provide notification and training to all First Student employees and contractors who operate First Student school buses, including

those employees and contractors who operate First Student school buses only to prepare the school buses for other personnel to drive, as follows:

1. The notification and training shall describe Respondent's policy to prohibit excessive idling, and instruct operators to comply with such idling policy. For purposes of this Attachment 2 to the CAFO, "excessive" idling shall generally mean idling longer than 5 minutes unless necessary due to weather conditions or for safe use of school buses.
2. Respondent shall provide notification and training to operators and drivers of school buses by such methods as compact disks, DVDs, web-based training, written communications, and new driver orientation sessions.
3. Respondent shall commence the development of the training program within 60 days after the effective date of this CAFO, with an objective of training all or a large percentage of its existing personnel by August 31, 2010. Respondent shall complete all of the training requirements of Attachment 2 within one year of the effective date of this CAFO.

D. Respondent shall ensure that at each First Student Location, the following actions occur:

1. A First Student facility manager, or delegated supervisor with management authority shall walk through and check the facility parking lot(s), during periods when school buses are starting up in preparation for their morning routes, to ensure that drivers are complying with First

Student's policy of no-excessive idling. (hereinafter, the "walk-through requirement").

2. Respondent shall ensure that managers or delegated supervisors with management authority of all facilities document the performance of the walk-through requirement set out in Paragraph D.1 above. This documentation shall be retained at each First Student Location, and shall be made available upon request by EPA inspectors or other enforcement personnel.

3. Respondent shall provide quarterly reports to EPA Region 1 regarding compliance with the walk-through requirement. Each report shall state whether First Student was in full compliance with the walk-through requirement during the relevant quarter, and any actions taken to correct or prevent excessive school bus idling during any walk-through. Each report shall identify any instances where Respondent failed to satisfy the walk-through requirement. For each such instance, the report shall identify the First Student Location being reported on, and the date and time that the walk-through requirement was not performed in accordance with Paragraph D.1, and shall provide an explanation for the nonperformance, and the steps taken to resolve the nonperformance. Respondent shall provide the reports quarterly, the first quarterly submission due four months after the effective date of the CAFO, and for four quarterly submissions thereafter.

Project 2: Emission Reduction Systems:

A. SEP Description and Schedule:

1. Respondent shall perform and satisfactorily complete a SEP involving the expenditure of at least \$340,000 on the installation, operation and maintenance of crankcase filter and diesel oxidation catalyst systems on a number of its school buses in New England States, of which approximately 60% of the school buses on which the crankcase filter and diesel oxidation catalyst systems are to be installed are to be from urban areas of Rhode Island and Connecticut. For purposes of this CAFO, "urban" shall mean any municipality or school district having a population of over 50,000 people. Respondent shall spend a minimum of \$160,000 on buying and installing crankcase emissions filter and diesel oxidation catalyst systems for Project 2. The SEP is intended to reduce harmful emissions from Respondent's school buses. The crankcase filter and diesel oxidation catalyst systems to be installed will be verified through EPA's Diesel Retrofit Technology Verification Process.

2. Respondent's "performance and satisfactory completion" of the SEP means that Respondent shall perform or ensure the performance of the SEP in accordance with the terms and schedules set out in this Attachment 2. Respondent shall order the crankcase filter and diesel oxidation catalyst systems by no later than sixty (60) days after the effective date of this CAFO, shall install and operate at least half of the systems by no later than 180 days after the effective date of this CAFO, and shall install and operate all of the systems by no later than one year after the effective date of this CAFO. Respondent shall continue to operate the systems on its buses until at least five years from the

installation of the system on each bus, or until any particular bus is retired from service or sold, whichever is earlier. Respondent may transfer any converted school bus from New England to any other First Student Location in the United States at any time after the effective date of this CAFO.

3. Respondent shall provide quarterly reports to EPA regarding implementation of Project 2. Respondent shall provide the reports quarterly, the first submission due four months after the effective date of the CAFO, and for four quarterly submissions thereafter, or until all the school buses to be converted under Section A.1 of this SEP Description are successfully converted.

B. SEP Reporting and Completion

1. Respondent's Quarterly Reports on Project 2 shall contain the following information:

a. a summary of the current status of the SEP and what has been accomplished regarding the SEP during the quarter; and

b. a summary of any problems encountered that may impact the implementation schedules, and the steps taken to remedy the problem(s).

2. Respondent's SEP Completion Report shall be submitted in accordance with the terms of the CAFO.

Attachment 3: Force Majeure

A. "Force Majeure" for purposes of this CAFO, is defined as any event arising from causes entirely beyond the control of Respondent, including its contractors and subcontractors, that delays or prevents the timely performance of a SEP under this CAFO notwithstanding Respondent's best efforts to avoid the delay. "Best efforts" include anticipating any potential Force Majeure event and addressing the effects of any such event (a) as it is occurring, and (b) after it has occurred, such that the delay is minimized to the greatest extent possible. Force Majeure does not include Respondent's financial inability to perform any action under a SEP.

B. If an event occurs which causes or may cause Respondent to fail to fully comply in a timely manner with any provision of a SEP, Respondent shall provide written notice via electronic mail and overnight mail to EPA within seven (7) days of when Respondent first knew or should have known of the event. In the notice, Respondent shall specifically reference this Force Majeure Attachment 3, and describe the expected length of time the delay or impediment to performance may persist; the known or suspected causes of the delay or impediment; the measures taken or to be taken by Respondent to prevent or minimize the delay or impediment; and the timetable by which those measures will be implemented by Respondent.

C. Failure by Respondent to fully comply with the notice requirements set out in Paragraph B, above, shall render the remainder of this Attachment 3 void and of no effect as to the particular event involved, and shall constitute a waiver of Respondent's rights under this CAFO to obtain an extension of time based on such event.

D. If the United States agrees that Respondent's failure to comply with a provision of a SEP is attributable to Force Majeure, the United States and Respondent shall stipulate in writing to an extension of time for the performance of the affected requirements of the SEP, not to exceed the amount of time lost due to the actual unavoidable delay resulting from such circumstances. Stipulated penalties shall not accrue for the number of days constituting the actual unavoidable delay caused by such circumstances.

Table 1

**First Student
Idling Observations**

	Date	City	State	Company Name	Ambient Temperature (°F)	Vehicle Number	License Plate	Idling Start	Idling End	Duration of Idling (hours / minutes)
1	10/28/08	Pawtucket	RI	First Student	46	29		5:40 AM	5:54 AM	0:14
2	10/28/08	Pawtucket	RI	First Student	46	22		6:01 AM	6:25 AM	0:24
3	10/28/08	Pawtucket	RI	First Student	46	28		6:10 AM	6:38 AM	0:28
4	10/28/08	Pawtucket	RI	First Student	46	52		6:15 AM	6:38 AM	0:23
5	10/28/08	Pawtucket	RI	First Student	46	67		6:19 AM	6:39 AM	0:20
6	10/28/08	Pawtucket	RI	First Student	46	54		6:19 AM	6:38 AM	0:19
7	10/28/08	Pawtucket	RI	First Student	46	23		6:26 AM	6:38 AM	0:12
8	10/28/08	Pawtucket	RI	First Student	46	26		6:26 AM	6:54 AM	0:28
9	10/28/08	Pawtucket	RI	First Student	46	48		6:29 AM	6:38 AM	0:09
10	10/28/08	Pawtucket	RI	First Student	46	31		6:35 AM	6:45 AM	0:10
11	10/28/08	Pawtucket	RI	First Student	46	46		6:35 AM	6:52 AM	0:17
12	10/28/08	Pawtucket	RI	First Student	46	51		6:35 AM	6:55 AM	0:20
13	10/28/08	Pawtucket	RI	First Student	46	38		6:35 AM	6:55 AM	0:20
14	10/28/08	Pawtucket	RI	First Student	46	99		6:40 AM	7:22 AM	0:42
15	10/28/08	Pawtucket	RI	First Student	46	33		6:40 AM	7:10 AM	0:30
16	10/28/08	Pawtucket	RI	First Student	46	58		6:45 AM	7:07 AM	0:22
17	10/28/08	Pawtucket	RI	First Student	46	55		6:45 AM	7:07 AM	0:22
18	10/28/08	Pawtucket	RI	First Student	46	53		6:45 AM	7:07 AM	0:22
19	10/28/08	Pawtucket	RI	First Student	46	41		6:50 AM	7:13 AM	0:23
20	10/28/08	Pawtucket	RI	First Student	46	37		6:50 AM	7:18 AM	0:28
21	10/28/08	Pawtucket	RI	First Student	46	50		6:50 AM	7:18 AM	0:28
22	10/29/08	Pawtucket	RI	First Student	46	47		6:08 AM	6:33 AM	0:27
23	10/29/08	Pawtucket	RI	First Student	46	54		6:08 AM	6:39 AM	0:31
24	10/29/08	Pawtucket	RI	First Student	46	22		6:08 AM	6:24 AM	0:16
25	10/29/08	Pawtucket	RI	First Student	39	24		6:10 AM	6:31 AM	0:21
26	10/29/08	Pawtucket	RI	First Student	39	38		6:11 AM	6:57 AM	0:46
27	10/29/08	Pawtucket	RI	First Student	39	52		6:12 AM	6:38 AM	0:26
28	10/29/08	Pawtucket	RI	First Student	39	48		6:15 AM	6:37 AM	0:22
29	10/29/08	Pawtucket	RI	First Student	39	23		6:22 AM	6:40 AM	0:18
30	10/29/08	Pawtucket	RI	First Student	39	67		6:22 AM	6:39 AM	0:17
31	10/29/08	Pawtucket	RI	First Student	39	28		6:25 AM	6:48 AM	0:23
32	10/29/08	Pawtucket	RI	First Student	39		2466	6:29 AM	6:47 AM	0:18
33	10/29/08	Pawtucket	RI	First Student	39	39		6:30 AM	6:48 AM	0:18
34	10/29/08	Pawtucket	RI	First Student	39	46		6:31 AM	6:52 AM	0:21
35	10/29/08	Pawtucket	RI	First Student	39	51		6:31 AM	6:42 AM	0:11
36	10/29/08	Pawtucket	RI	First Student	39	56		6:35 AM	6:55 AM	0:20
37	10/29/08	Pawtucket	RI	First Student	39	26		6:43 AM	6:54 AM	0:11
38	10/29/08	Pawtucket	RI	First Student	39	41		6:50 AM	7:11 AM	0:21
39	10/29/08	Pawtucket	RI	First Student	39	58		6:51 AM	7:07 AM	0:16
40	10/29/08	Pawtucket	RI	First Student	39	53		6:55 AM	7:08 AM	0:13
41	10/29/08	Pawtucket	RI	First Student	39	99		6:57 AM	7:21 AM	0:24
42	10/29/08	Pawtucket	RI	First Student	39	33		7:04 AM	7:15 AM	0:11
43	10/29/08	Pawtucket	RI	First Student	39	50		7:08 AM	7:20 AM	0:12
44	10/29/08	Pawtucket	RI	First Student	39	29		7:15 AM	7:32 AM	0:17
45	10/29/08	Pawtucket	RI	First Student	39	928257	6890	7:29 AM	7:46 AM	0:17
46	11/4/08	Pawtucket	RI	First Student	39	39		6:33 AM	6:43 AM	0:10
47	11/4/08	Pawtucket	RI	First Student	39	99		6:42 AM	6:53 AM	0:11
48	11/4/08	Pawtucket	RI	First Student	39	38		6:50 AM	7:16 AM	0:26
49	11/4/08	Pawtucket	RI	First Student	39	58		6:50 AM	7:06 AM	0:16
50	11/4/08	Pawtucket	RI	First Student	39	46		6:58 AM	7:20 AM	0:22
51	11/4/08	Pawtucket	RI	First Student	39	37		6:59 AM	7:11 AM	0:12
52	11/4/08	Pawtucket	RI	First Student	39	48		7:20 AM	7:32 AM	0:12
53	11/4/08	Pawtucket	RI	First Student	39	56		7:20 AM	7:36 AM	0:16

	Date	City	State	Company Name	Ambient Temperature (°F)	Vehicle Number	License Plate	Idling Start	Idling End	Duration of Idling (hours / minutes)
54	11/4/08	Pawtucket	RI	First Student	39		6890	7:32 AM	7:40 AM	0:08
55	11/5/08	Pawtucket	RI	First Student	50	22		6:06 AM	6:26 AM	0:20
56	11/5/08	Pawtucket	RI	First Student	50	24		6:14 AM	6:27 AM	0:13
57	11/5/08	Pawtucket	RI	First Student	50	67		6:17 AM	6:35 AM	0:18
58	11/5/08	Pawtucket	RI	First Student	50	28		6:19 AM	6:37 AM	0:18
59	11/5/08	Pawtucket	RI	First Student	50	47		6:22 AM	6:32 AM	0:10
60	11/5/08	Pawtucket	RI	First Student	50	48		6:22 AM	6:36 AM	0:14
61	11/5/08	Pawtucket	RI	First Student	50	39		6:24 AM	6:43 AM	0:19
62	11/5/08	Pawtucket	RI	First Student	50	54		6:30 AM	6:44 AM	0:14
63	11/5/08	Pawtucket	RI	First Student	50	38		6:30 AM	6:51 AM	0:21
64	11/5/08	Pawtucket	RI	First Student	50		3329	6:31 AM	6:51 AM	0:20
65	11/5/08	Pawtucket	RI	First Student	50	26		6:31 AM	6:53 AM	0:22
66	11/5/08	Pawtucket	RI	First Student	50	25		6:31 AM	6:39 AM	0:08
67	11/5/08	Pawtucket	RI	First Student	50		2466	6:32 AM	6:40 AM	0:08
68	11/5/08	Pawtucket	RI	First Student	50	36		6:32 AM	6:43 AM	0:11
69	11/5/08	Pawtucket	RI	First Student	50	31		6:34 AM	6:43 AM	0:09
70	11/5/08	Pawtucket	RI	First Student	50	43		6:34 AM	6:53 AM	0:19
71	11/5/08	Pawtucket	RI	First Student	50	56		6:34 AM	6:53 AM	0:19
72	11/5/08	Pawtucket	RI	First Student	50		3374	6:35 AM	6:52 AM	0:17
73	11/5/08	Pawtucket	RI	First Student	50	51		6:37 AM	6:43 AM	0:06
74	11/5/08	Pawtucket	RI	First Student	50	55		6:40 AM	7:05 AM	0:25
75	11/5/08	Pawtucket	RI	First Student	50	46		6:40 AM	6:53 AM	0:13
76	11/5/08	Pawtucket	RI	First Student	50	53		6:40 AM	7:07 AM	0:27
77	11/5/08	Pawtucket	RI	First Student	50	58		6:43 AM	7:06 AM	0:23
78	11/5/08	Pawtucket	RI	First Student	50	32		6:44 AM	6:59 AM	0:15
79	11/5/08	Pawtucket	RI	First Student	50	33		6:58 AM	7:06 AM	0:08
80	11/5/08	Pawtucket	RI	First Student	50	41		6:59 AM	7:11 AM	0:12
81	11/5/08	Pawtucket	RI	First Student	50	37		7:00 AM	7:15 AM	0:15
82	11/5/08	Pawtucket	RI	First Student	50	50		7:10 AM	7:18 AM	0:08
83	11/5/08	Pawtucket	RI	First Student	50	45		7:10 AM	7:28 AM	0:18
84	11/5/08	Pawtucket	RI	First Student	50	21		7:11 AM	7:24 AM	0:13
85	11/5/08	Pawtucket	RI	First Student	50	29		7:11 AM	7:28 AM	0:17
86	11/12/08	Stafford	CT	First Student	31	23		4:43 AM	6:30 AM	1:47
87	11/12/08	Stafford	CT	First Student	31	8		4:59 AM	6:29 AM	1:30
88	11/12/08	Stafford	CT	First Student	31	211184		4:59 AM	5:30 AM	0:31
89	11/12/08	Stafford	CT	First Student	31	7		5:00 AM	6:20 AM	1:20
90	11/12/08	Stafford	CT	First Student	31	5		5:00 AM	6:28 AM	1:28
91	11/12/08	Stafford	CT	First Student	31	213561		5:00 AM	6:22 AM	1:22
92	11/12/08	Stafford	CT	First Student	31	212412		5:00 AM	5:31 AM	0:31
93	11/12/08	Stafford	CT	First Student	31	211450		5:15 AM	5:23 AM	0:08
94	11/12/08	Stafford	CT	First Student	31	9		5:30 AM	6:32 AM	1:02
95	11/13/08	Stafford	CT	First Student	35	211660		4:36 AM	5:21 AM	0:45
96	11/13/08	Stafford	CT	First Student	35	211540		4:36 AM	5:21 AM	0:45
97	11/13/08	Stafford	CT	First Student	35	10		4:50 AM	6:08 AM	1:18
98	11/13/08	Stafford	CT	First Student	35	29		4:50 AM	5:38 AM	0:48
99	11/13/08	Stafford	CT	First Student	35	14		4:50 AM	6:05 AM	1:15
100	11/13/08	Stafford	CT	First Student	35	4		4:55 AM	6:09 AM	1:14
101	11/13/08	Stafford	CT	First Student	35	2		5:00 AM	5:57 AM	0:57
102	11/13/08	Stafford	CT	First Student	35	32		5:08 AM	5:30 AM	0:22
103	11/13/08	Stafford	CT	First Student	35	16		5:20 AM	6:20 AM	1:00
104	11/13/08	Stafford	CT	First Student	35	5		5:20 AM	6:29 AM	1:09
105	11/13/08	Stafford	CT	First Student	35	23		5:20 AM	6:33 AM	1:13
106	11/13/08	Stafford	CT	First Student	35	8		5:20 AM	6:17 AM	0:57
107	11/13/08	Stafford	CT	First Student	35	6		6:00 AM	6:20 AM	0:20
108	11/13/08	Stafford	CT	First Student	35	27		6:00 AM	6:42 AM	0:42
109	11/13/08	Stafford	CT	First Student	35	11		6:00 AM	6:45 AM	0:45
110	11/13/08	Stafford	CT	First Student	35	13		6:14 AM	6:19 AM	0:05
111	11/13/08	Stafford	CT	First Student	35	3		6:15 AM	6:44 AM	0:29

	Date	City	State	Company Name	Ambient Temperature (°F)	Vehicle Number	License Plate	Idling Start	Idling End	Duration of Idling (hours / minutes)
112	11/19/08	Stafford	CT	First Student	23	4/933958		4:54 AM	6:04 AM	1:10
113	11/19/08	Stafford	CT	First Student	23	6/211184		4:54 AM	6:21 AM	1:27
114	11/19/08	Stafford	CT	First Student	23	10/213571		4:54 AM	6:10 AM	1:16
115	11/19/08	Stafford	CT	First Student	23	12/213551		4:54 AM	6:04 AM	1:10
116	11/19/08	Stafford	CT	First Student	23	211450		4:54 AM	5:21 AM	0:27
117	11/19/08	Stafford	CT	First Student	23	2/906518		5:01 AM	5:58 AM	0:57
118	11/19/08	Stafford	CT	First Student	23	16/213561		5:09 AM	6:20 AM	1:11
119	11/19/08	Stafford	CT	First Student	23	3/217782		5:11 AM	6:48 AM	1:37
120	11/19/08	Stafford	CT	First Student	23	14/211214		5:51 AM	6:05 AM	0:14
121	11/19/08	Stafford	CT	First Student	23	8/217351		5:52 AM	6:29 AM	0:37
122	11/19/08	Stafford	CT	First Student	23	5/209152		5:52 AM	6:27 AM	0:35
123	11/19/08	Stafford	CT	First Student	23	13/215951		5:52 AM	6:20 AM	0:28
124	11/19/08	Stafford	CT	First Student	23	906548		5:52 AM	6:34 AM	0:42
125	11/19/08	Stafford	CT	First Student	23	11/934008		6:20 AM	6:39 AM	0:19
126	12/16/08	Pawtucket	RI	First Student	41	22		6:02 AM	6:25 AM	0:23
127	12/16/08	Pawtucket	RI	First Student	41	26		6:08 AM	6:54 AM	0:46
128	12/16/08	Pawtucket	RI	First Student	41	24		6:12 AM	6:30 AM	0:18
129	12/16/08	Pawtucket	RI	First Student	41	23		6:19 AM	6:42 AM	0:23
130	12/16/08	Pawtucket	RI	First Student	41	21		6:22 AM	6:38 AM	0:16
131	12/16/08	Pawtucket	RI	First Student	41	58		6:22 AM	6:24 AM	0:02
132	12/16/08	Pawtucket	RI	First Student	41	25		6:28 AM	6:52 AM	0:24
133	12/16/08	Pawtucket	RI	First Student	41	31		6:31 AM	6:44 AM	0:13
134	12/16/08	Pawtucket	RI	First Student	41		2466	6:33 AM	6:47 AM	0:14
135	12/16/08	Pawtucket	RI	First Student	41	39		6:36 AM	6:49 AM	0:13
136	12/16/08	Pawtucket	RI	First Student	41	32		6:49 AM	6:56 AM	0:07
137	12/16/08	Pawtucket	RI	First Student	41	34		6:50 AM	7:05 AM	0:15
138	12/16/08	Pawtucket	RI	First Student	41	37	3202	7:00 AM	7:15 AM	0:15
139	12/16/08	Pawtucket	RI	First Student	41	46	2395	7:00 AM	7:12 AM	0:12
140	12/16/08	Pawtucket	RI	First Student	41	33	1770	7:00 AM	7:09 AM	0:09
141	12/16/08	Pawtucket	RI	First Student	41	41	3595	7:00 AM	7:12 AM	0:12
142	12/16/08	Pawtucket	RI	First Student	41	50		7:02 AM	7:15 AM	0:13
143	12/16/08	Pawtucket	RI	First Student	41		8115	7:12 AM	7:21 AM	0:09
144	12/16/08	Pawtucket	RI	First Student	41	51		7:18 AM	7:27 AM	0:09
145	12/17/08	Stafford	CT	First Student	27	211214		5:05 AM	7:37 AM	2:32
146	12/17/08	Stafford	CT	First Student	27	953939		5:05 AM	8:03 AM	2:58
147	12/17/08	Stafford	CT	First Student	27	733998		5:05 AM	7:58 AM	2:53
148	12/17/08	Stafford	CT	First Student	27	213581		5:10 AM	7:27 AM	2:17
149	12/17/08	Stafford	CT	First Student	27	8/217351		5:11 AM	7:43 AM	2:32
150	12/17/08	Stafford	CT	First Student	27	5		5:11 AM	7:56 AM	2:45
151	12/17/08	Stafford	CT	First Student	27	13		5:12 AM	7:52 AM	2:40
152	12/17/08	Stafford	CT	First Student	27	206478		5:15 AM	7:51 AM	2:36
153	12/17/08	Stafford	CT	First Student	27	1		5:20 AM	8:00 AM	2:40
154	12/17/08	Stafford	CT	First Student	27	206468		5:20 AM	7:37 AM	2:17
155	12/17/08	Stafford	CT	First Student	27	11		5:20 AM	8:00 AM	2:40

Total Minutes Idling: 5727

CERTIFICATE OF SERVICE

I hereby certify that, on the date(s) referenced below, the foregoing Consent Agreement and Final Order was delivered in the manner stated to the following addressees:

Copy by Hand Delivery to:

Jill Metcalf, Esq.
Acting Regional Judicial Officer
Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

Date Delivered: 7/30/09
(Boston, MA)

**Original and One Copy by
Hand Delivery to:**

Judy Lao-Ruiz
Acting Regional Hearing Clerk
Environmental Protection Agency
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

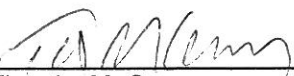
Date Delivered: 9/30/09
(Boston, MA)

**Copy by Overnight Mail
to Respondent:**

Stephen J. Humes, Esq.
McCarter & English
185 Asylum Street, CityPlace I
Hartford, CT 06103

Date Delivered: 9/30/09

Signed: _____


Timothy M. Conway
Senior Enforcement Counsel
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (SAA)
Boston, MA 02114-2023
Phone: 617-918-1705
Fax: 617-918-0705 or 617-918-1809

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Judy Lao for Tim Conway
Name of Case Attorney

9/30/09
Date

in the ORC (RAA) at 918-1454
Office & Mail Code Phone number

Case Docket Number CAA-01-2009-0094

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

First Student, Inc.
600 Vine Street, Suite 1400
Cincinnati, OH 45202

Total Dollar Amount of Receivable \$ 128,000.00 Due Date: 10/30/09

SEP due? Yes No Date Due 9/30/2014

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____