



4. This CAFO is entered into pursuant to Section 113(d) of the CAA, as amended, 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b) of the Consolidated Rules, it simultaneously commences and concludes this action.

5. 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, the Parties agree to comply with the terms of this CAFO.

## II. GOVERNING LAW

6. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to prepare a SIP incorporating regulations designed to attain and maintain healthy air quality. A state must submit its SIP and any revisions thereto to EPA for approval.

7. The Commonwealth of Massachusetts has adopted a SIP within the meaning of Section 113(a)(1) of the CAA, which has been approved by EPA under Section 110 of the CAA, 42 U.S.C. § 7410. The Massachusetts SIP includes various federally approved portions of the Massachusetts Air Pollution Control Regulations at 310 CMR § 7.00 *et seq.*<sup>1</sup>

8. The Massachusetts SIP includes the regulation at 310 CMR § 7.11(1)(b) (the “Massachusetts idling regulation”), which provides that no person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while such vehicle is stopped for a foreseeable period in excess of five minutes, unless such operation is in accordance with a listed exception.

9. Sections 113(a)(1) and 113(d)(1) of the CAA, 42 U.S.C. §§ 7413(a)(1) and 7413(d)(1), provide, among other things, that EPA may commence an administrative penalty action against any person found in violation of any requirement or prohibition of a SIP.

---

<sup>1</sup> A version of the SIP, which consists of federally enforceable provisions of the MA Air Pollution Control regulations, can be found on EPA’s Region 1 website at <https://www.epa.gov/sips-ma>.

10. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Debt Collection Improvement Act of 1996 (as amended in 2015 by Section 701 of Pub. L. 114-74, 31 U.S.C. § 3701), and EPA regulations set out at 40 C.F.R. Part 19, EPA currently may assess penalties of up to \$51,796 per day for each violation of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

### **III. FACTUAL AND LEGAL BACKGROUND**

11. AA Transportation Co., Inc. is a Massachusetts corporation and is therefore a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

12. AA Transportation owns and operates fleets of school buses in Massachusetts, including but not limited to locations in the towns of Shrewsbury and Webster.

13. On multiple days in November 2021, EPA conducted unannounced observations of AA Transportation’s school buses in Shrewsbury and Webster, Massachusetts.

14. On December 15, 2022, EPA Region 1 issued a CAA Notice of Violation (“NOV”) to Respondent alleging violations of the Massachusetts anti-idling regulation found at 310 CMR § 7.11(1)(b).

15. On February 10, 2022, the Parties conferred concerning the NOV and the findings upon which it is based.

### **IV. ALLEGED VIOLATIONS OF LAW**

16. At school bus facilities operated by Respondent in Shrewsbury and Webster, Massachusetts, EPA alleges to have observed the unnecessary operation of the engines of motor vehicles while such vehicles were stopped for a foreseeable period in excess of five minutes, as detailed in Table 1 of the NOV. EPA also alleges that the observed idling did not accord with any exception listed in 310 CMR §§ 7.11(1)(b)(1), (2), or (3).

17. Accordingly, EPA alleges that Respondent violated the Massachusetts idling regulation at 310 CMR § 7.11(1)(b), rendering Respondent liable for penalties under Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

#### **V. TERMS OF SETTLEMENT**

18. Respondent certifies that to its knowledge it is presently operating, and shall continue to operate, in compliance with all applicable SIP regulations in Massachusetts. In addition, if in the future, Respondent expands its bus fleet operations outside of Massachusetts, Respondent shall comply with all SIP regulations in such states that limit engine idling by motor vehicles at all facilities owned or operated by Respondent.

19. Respondent also certifies that it has implemented the measures as detailed in Attachment 1, which are incorporated herein by reference and which are intended to promote Respondent's compliance with motor vehicle idling regulations.

20. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- (b) neither admits nor denies the specific factual allegations set out in this CAFO;
- (c) consents to the assessment of a civil penalty as stated below;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to the conditions specified in this CAFO;
- (f) consents to any stated permit action;
- (g) waives any right to contest the alleged violations of law set forth in this CAFO; and
- (h) waives its rights to appeal the Order accompanying this CAFO.

21. For the purpose of this proceeding, Respondent:

- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (c) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
- (d) consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Massachusetts; and
- (e) waives any rights it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance and agrees that federal law shall govern in any such civil action.

22. In light of the statutory factors of Section 113(e) of the CAA, 42 U.S.C. § 7413(e) 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 \$23,587. Respondent shall pay the penalty of \$23,587 within thirty (30) days of the effective date of this CAFO by submittal of a company, bank, cashier's, or certified check.

23. Within thirty (30) days after the effective date of this CAFO, Respondent shall submit a company, bank, cashier's, or certified check in the amount of \$23,587, payable to the order of the "Treasurer, United States of America" via regular mail to:

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

or, Respondent may make payment via express mail to:

U.S. Bank  
Government Lockbox 979077  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101.

Respondent shall include the case name and docket number (“*In the Matter of AA Transportation Co., Inc.*, Docket No. CAA-01-2022-0041”) on the face of the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter via mail and email to:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code ORC 4-6  
Boston, MA 02109-3912  
santiago.wanda@epa.gov

and

Christine M. Foot, Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code ORC 4-3  
Boston, MA 02109-3912  
foot.christine@epa.gov.

Pursuant to 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. In the event that Respondent does not fully pay the civil penalty required by Paragraph 22 of this CAFO when due, Respondent will be subject to an action pursuant to Section 113(d)(5) of the

CAA, 42 U.S.C. § 7413(d)(5), to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest on any unpaid portion of the civil penalty shall accrue at the “underpayment rate” established pursuant to 26 U.S.C. § 6621(a)(2) beginning from the penalty’s original due date. An additional charge will be assessed to cover the United States’ enforcement expenses, including attorney’s fees and collection costs. In addition, a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent’s outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

24. If Respondent fails to timely pay any portion of the penalty assessed under this Agreement, EPA may:

- (a) request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States’ enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7413(d)(5);
- (b) refer the debt to a credit reporting agency or a collection agency, 42 U.S.C. § 7413(d)(5), 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- (c) collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

- (d) suspend or revoke Respondent's licenses or other privileges; or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

## **VI. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER**

25. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged in this Agreement.
26. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.
27. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter herein.
28. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.
29. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$109,024 per day per violation, as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2) (with penalties increased pursuant to Debt Collection Improvement Act, as amended in 2015), as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.
30. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor shall it



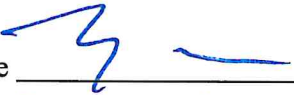
restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

31. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

**VII. EFFECTIVE DATE**

32. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Name  Date 5/16/2022  
Title President

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

\_\_\_\_\_  
Karen McGuire, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 1

\_\_\_\_\_  
Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

\_\_\_\_\_  
In the Matter of: )  
 )  
AA Transportation Co., Inc. )  
605 Hartford Turnpike )  
Shrewsbury, MA 01545 )  
 )  
Respondent )  
\_\_\_\_\_ )

**FINAL ORDER**

Docket No. CAA-01-2022-0041

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the EPA’s Consolidated Rules of Practice and sections 113(d)(1) of the Clean Air Act, 42 U.S.C. § 7413(d)(1), the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, which shall become effective on the date it is filed with the Regional Hearing Clerk.

**So ordered.**

\_\_\_\_\_  
LeAnn Jensen  
Regional Judicial Officer

## **Attachment 1**

AA Transportation Co., Inc. certifies that it has implemented the following measures taken to promote compliance with idling restrictions at each of the Company's facilities in Massachusetts:

1. Provided notification and annual training to all of the Company's school bus drivers and contractors who operate the Company's school buses (including those employees and contractors who operate the Company's school buses only to prepare the motor vehicles for other personnel to drive), describing state and local motor vehicle idling restrictions and AAT's policy prohibiting excessive idling, and instructing school bus drivers and operators to comply with such idling policy and restrictions.
2. Posted "no-excessive idling" signs in places that are visible and accessible to school bus drivers and operators.
3. Implemented tracking of school bus idling time by individual school bus drivers via telematics (currently provided by Zonar Fleet Management).
4. Modified the manufacturer-installed automatic shutoff mechanism available on type B, C, & D school buses in the Company's fleet to cause the engine to shut off once it has idled in neutral for 5 minutes.