

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS**

This form was originated by Wanda I. Santiago for Jeff Kopf 4/3/12  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CWA-01-2012-0035

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:

Michael Last  
Rackeman, Sawyer & Brewster  
160 Federal St.  
Boston, MA 02110

Total Dollar Amount of Receivable \$ 3,000.00 Due Date: 5/3/12

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

1<sup>ST</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_  
5<sup>th</sup> \$ \_\_\_\_\_ 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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I RECEIVED

5 Post Office Square, Suite 100

Mail Code: 02109-3912

BOSTON, MASSACHUSETTS 02109-3912

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

April 3, 2012

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

BY HAND

Re: In the Matter of: First Student, Inc.  
Docket No. CWA-01-2012-0034 (Trumbull, CT)  
Docket No. CWA-01-2012-0035 (Charlton, MA)  
Expedited Settlement Agreements

Dear Ms. Santiago,

Enclosed for filing, please find two Expedited Settlement Agreements both initiating and settling the matters referenced above.

Thank you for your attention to this matter.

Sincerely,

Jeffrey Kopf  
Senior Enforcement Counsel  
U.S. EPA, Region I

Enclosures

cc: Michael P. Last, Esquire, Rackemann, Sawyer & Brewster

**In the Matter of First Student, Inc.**

**EPA Docket Nos. CWA-01-2012-0034; CWA-01-2012-0035**

**CERTIFICATE OF SERVICE**

I certify that the foregoing Expedited Settlement Agreements were transmitted to the following persons, in the manner specified, on the date below:

Original and one copy  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Copy by certified mail,  
Return-receipt requested:

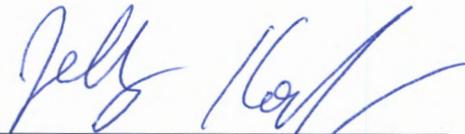
Michael P. Last, Esquire  
Rackemann, Sawyer & Brewster  
160 Federal Street  
Boston, MA 02110

Copy by certified mail,  
Return-receipt requested:

Todd Bachand  
Director of Environment  
First America  
600 Vine St.  
Suite 1400  
Cincinnati, OH 45202

Dated: \_\_\_\_\_

4/3/12



Jeffrey Kopf, Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency,  
Region I  
5 Post Office Square, Suite 100  
OES04-4  
Boston, MA 02109-3912  
Phone: (617) 918-1796  
Fax: (617) 918-0796



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, 5 POST OFFICE SQUARE, BOSTON, MASSACHUSETTS 02109-3912
EXPEDITED SPCC SETTLEMENT AGREEMENT

RECEIVED

DOCKET NO. CWA-01-2012-0035

On January 12, 2012 at a First Student, Inc. (Respondent) facility located at 111 Brookfield Rd., Charlton, MA, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j), and found that Respondent, as owner or operator of the facility, had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention Regulations as noted on the attached Spill Prevention Control and Countermeasure Plan (SPCC) Inspection Findings and Alleged Violations Form (Violation Form) which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Form for a penalty of \$3,000. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 CFR § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violation Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violation Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations identified in the Violation Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility brought in full compliance with the Oil Pollution Prevention Regulations within the time frame described in the Administrative Order on Consent, Docket No. 12-003, entered into between Respondent and EPA); and (2) Respondent has sent a certified check to EPA in the amount of \$3,000, payable to the Environmental Protection Agency. Respondent shall send the check to: U.S. Environmental Protection Agency, Fines and Penalties, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall send a copy of the check to Diane Boisclair, Water Technical Unit, Environmental Protection Agency, Region 1, 5 Post Office Square, Boston, Massachusetts 02109-3912. The check should reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311".

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is final and effective upon signature by the Regional Judicial Officer, the third signature below.

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violation Form.

After this Expedited Settlement becomes final and effective, EPA will take no further civil penalty action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

[Signature] Date 3/28/12
Joanna Jensen, Legal Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): Michael Petrucci
Title(print): VP Deputy GC and Asst Secretary
Signature: [Signature] Date: 3.23.12

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent)

IT IS SO ORDERED:

[Signature] Date: 4/2/12
LeAnn Jensen
Acting Regional Judicial Officer

## Spill Prevention Control and Countermeasure Inspection Findings, Alleged Violations, and Proposed Penalty Form

These Findings, Alleged Violations and Penalties are issued by EPA Region 1 under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(I) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

Company Name: <b>First Student, Inc.</b>		Docket Number: <b>CWA -01-2012-0035</b>
Facility Name: <b>First Student, Inc.</b>		Date of Inspection: <b>December 27, 2011</b>
Address: <b>111 Brookfield Rd</b>		
City: <b>Charlton</b>	Inspector's Name: <b>Alex Sherrin, On-Scene Coordinator, EPA Region 1</b>	
State: <b>MA</b>	Zip Code: <b>01507</b>	Enforcement Contact: <b>Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1, Tel: 617-918-1763</b>
Facility Contact: <b>Brenda Richardson</b>		<b>Brenda.richardson@firstgroup.com</b>



### Summary of Findings (Bulk Storage Facilities)

**GENERAL TOPICS: 112.3(a), (d), (e); 112.5(a), (b), (c); 112.7 (a), (b), (c), (d)**

- No Spill Prevention Control and Countermeasure Plan-112.3
- Plan not certified by a professional engineer- 112.3(d)
- Certification lacks one or more required elements - 112.3(d)(1)
- No management approval of plan- 112.7
- Plan not maintained on site (if manned at least four (4) hrs/day) or not available for review - 112.3(e)(1)
- No evidence of five-year review of plan by owner/operator- 112.5(b)
- No plan amendment(s) if the facility has had a change in: design, construction, operation, or maintenance which affects the facility's discharge potential- 112.5(a)
- Amendment(s) not certified by a professional engineer- 112.5(c)
- Plan does not follow sequence of the rule and/or cross-reference not provided- 112.7
- Plan does not discuss additional procedures/methods/equipment not yet fully operational- 112.7

- Plan does not discuss alternative environmental protection to SPCC requirements- 112.7(a)(2)
- Plan has inadequate or no facility diagram- 112.7(a)(3)
- Inadequate or no listing of type of oil and storage capacity layout of containers- 112.7(a)(3)(i)
- Inadequate or no discharge prevention measures- 112.7(a)(3)(ii)
- Inadequate or no description of drainage controls- 112.7(a)(3)(iii)
- Inadequate or no description of countermeasures for discharge discovery, response and cleanup- 112.7(a)(3)(iv)
- Recovered materials not disposed of in accordance with legal requirements- 112.7(a)(3)(v)
- No contact list & phone numbers for response & reporting discharges- 112.7(a)(3)(vi)
- Plan has inadequate or no information and procedures for reporting a discharge- 112.7(a)(4)
- Plan has inadequate or no description and procedures to use when a discharge may occur- 112.7(a)(5)
- Inadequate or no prediction of equipment failure which could result in discharges- 112.7(b)
- Plan does not discuss and facility does not implement appropriate containment/diversionary structures/equipment- 112.7(c)

- If claiming impracticability of appropriate containment/diversionary structures:

- Impracticability has not been clearly denoted and demonstrated in plan- 112.7(d)
- No contingency plan- 112.7(d)(1)
- No written commitment of manpower, equipment, and materials- 112.7(d)(2)
- No periodic integrity and leak testing, if impracticability is claimed - 112.7(d)
- Plan has no or inadequate discussion of general requirements not already specified-112.7(j)

**QUALIFIED FACILITY REQUIREMENTS: 112.6**

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- Qualified Facility: No Self certification- 112.6(a)(1)(Tier I) or (b)(1)(Tier II)
- Qualified Facility: Self certification lacks required elements- 112.6(a)(1)(Tier I) or (b)(1)(Tier II)
- Qualified Facility: Technical amendments not certified- 112.6(a)(2)(Tier I) or (b)(2)(Tier II)
- Qualified Facility: Un-allowed deviations from requirements- 112.6(a)(Tier I) or (b)(Tier II)
- Qualified Facility: Environmental Equivalence or Impracticability not certified by PE- 112.6(b)(3)(Tier II)

**WRITTEN PROCEDURES AND INSPECTION RECORDS 112.7(e)**

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- Plan does not include inspections and test procedures in accordance with 40 CFR Part 112 - 112.7(e)
- Inspections and tests required are not in accordance with written procedures developed for the facility- 112.7(e)

No Inspection records were available for review - 112.7(e)

- Written procedures and/or a record of inspections and/or customary business records:

- Are not signed by appropriate supervisor or inspector- 112.7(e)
- Are not maintained for three years- 112.7(e)

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**PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES 112.7(f)**

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- No training on the operation and maintenance of equipment to prevent discharges and or facility operations - 112.7(f)(1)
- No training on discharge procedure protocols- 112.7(f)(1)
- No training on the applicable pollution control laws, rules, and regulations and/or SPCC plan- 112.7(f)(1)
- Training records not maintained for 3 years- 112.7(f)(1)
- No designated person accountable for spill prevention- 112.7(f)(2)
- Spill prevention briefings are not scheduled and conducted at least annually- 112.7(f)(3)
- Plan has inadequate or no discussion of personnel and spill prevention procedures-112.7(a)(1)

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**SECURITY (excluding Production Facilities) 112.7(g)**

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- Master flow and drain valves that permit direct outward flow to the surface are not secured in closed position when in a non-operating or standby status- 112.7(g).
- Starter controls on pumps are not locked in the "off" position or located at a site accessible only to authorized personnel when pumps are not in a non-operating or standby status- 112.7(g)
- Loading and unloading connection(s) of piping/pipelines are not capped or blank-flanged when not in service or standby status- 112.7(g)
- Facility lighting not adequate to facilitate the discovery of spills during hours of darkness and to deter vandalism- 112.7(g)
- Plan has inadequate or no discussion of facility security-112.7(a)(1), (g)

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**FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING 112.7(c) and/or (h-j)**

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- Inadequate containment for Loading Area (not consistent with 112.7(c)) - 112.7(c)
- Inadequate secondary containment, and/or rack drainage does not flow to catchment basin, treatment system, or quick drainage system- 112.7(h)(1)
- Containment system does not hold at least the maximum capacity of the largest single compartment of any tank car or tank truck- 112.7(h)(1)

- There are no interlocked warning lights, or physical barrier system, or warning signs, or vehicle brake interlock system to prevent vehicular departure before complete disconnect from transfer lines- 112.7(h)(2)
- There is no inspection of lowermost drains and all outlets prior to filling and departure of any tank car or tank truck- 112.7(h)(3)
- Plan has inadequate or no discussion of facility tank car and tank truck loading/unloading rack-112.7(a)(1)

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**QUALIFIED OIL OPERATIONAL EQUIPMENT 112.7(k)**

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- Failure to establish and document procedures for inspections or a monitoring program to detect equipment failure and/or a discharge- 112.7(k)(2)(i)
- Failure to provide an oil spill contingency plan- 112.7(k)(2)(ii)(A)
- No written commitment of manpower, equipment, and materials- 112.7(k)(2)(ii)(B)

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**FACILITY DRAINAGE 112.8(b) & (c)**

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- Secondary Containment circumvented due to containment bypass valves left open and/or pumps and ejectors not manually activated to prevent a discharge- 112.8(b)(1)&(2) and 112.8(c)(3)(i)
- Dike water is not inspected prior to discharge and/or valves not open & resealed under responsible supervision- 112.8(c)(3)(ii)&(iii)
- Adequate records (or NPDES permit records) of drainage from diked areas not maintained- 112.8(c)(3)(iv)
- Drainage from undiked areas do not flow into catchment basins ponds, or lagoons, or no diversion systems to retain or return a discharge to the facility- 112.8(b)(3)&(4)
- Two "lift" pumps are not provided for more that one treatment unit- 112.8(b)(5)
- Plan has inadequate or no discussion of facility drainage-112.7(a)(1)

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**BULK STORAGE CONTAINERS 112.8(c)**

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- Plan has inadequate or no risk analysis and/or evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i)
- Failure to conduct evaluation of field-constructed aboveground tanks for brittle fracture- 112.7(i)
- Material and construction of tanks not compatible to the oil stored and the conditions of storage such as pressure and temperature- 112.8(c)(1)
- Secondary containment appears to be inadequate- 112.8(c)(2)
- Containment systems, including walls and floors are not sufficiently impervious to contain oil- 112.8(c)(2)
- Excessive vegetation which affects the integrity
- Walls of containment system slightly eroded or have low areas
- Completely buried tanks are not protected from corrosion or are not subjected to

regular pressure testing- 112.8(c)(4)

- Partially buried tanks do not have buried sections protected from corrosion- 112.8(c)(5)
- Aboveground tanks are not subject to visual inspections- 112.8(c)(6)
- Aboveground tanks are not subject to periodic integrity testing, such as hydrostatic, nondestructive methods, etc.- 112.8(c)(6)
- Records of inspections (or customary business records) do not include inspections of tank supports/foundation, deterioration, discharges and/or accumulations of oil inside diked areas- 112.8(c)(6)
- Steam return /exhaust of internal heating coils which discharge into an open water course are not monitored, passed through a settling tank, skimmer, or other separation system- 112.8(c)(7)
- Tank battery installations are not in accordance with good engineering practice because none of the following are present- 112.8(c)(8)
- No testing of liquid level sensing devices to ensure proper operation- 112.8(c)(8)(v)
- Effluent treatment facilities which discharge directly to navigable waters are not observed frequently to detect oil spills- 112.8(c)(9)
- Causes of leaks resulting in accumulations of oil in diked areas are not promptly corrected- 112.8(c)(10)
- Mobile or portable storage containers are not positioned to prevent discharged oil from reaching navigable water- 112.8(c)(11)
- Secondary containment inadequate for mobile or portable storage tanks- 112.8(c)(11)
- Plan has inadequate or no discussion of bulk storage tanks-112.7(a)(1)

**FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESS 112.8(d)**

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- Buried piping is not corrosion protected with protective wrapping, coating, or cathodic protection -112.8(d)(1)
- Corrective action is not taken on exposed sections of buried piping when deterioration is found- 112.8(d)(1)
- Not-in-service or standby piping are not capped or blank-flanged and marked as to origin- 112.8(d)(2)
- Pipe supports are not properly designed to minimize abrasion and corrosion, and allow for expansion and contraction- 112.8(d)(3)
- Aboveground valves, piping and appurtenances are not inspected regularly- 112.8(d)(4)
- Periodic integrity and leak testing of buried piping is not conducted- 112.8(d)(4)
- Vehicle traffic is not warned of aboveground piping or other oil transfer operations- 112.8(d)(5)
- Plan has inadequate or no discussion of facility transfer operations, pumping, and facility process-112.7(a)(1)
- Plan does not include a signed copy of the Certification of the Applicability of the Substantial Harm Criteria per 40 CFR Part 112.20(e)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1  
5 Post Office Square, Suite 100  
BOSTON, MA 02109-3912

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2012 MAR 33 P 12: 46

March 30, 2012

LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

By Hand

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

RECEIVED

APR 02 2012

EPA ORC  
Office of Regional Hearing Clerk

Re: In the Matter of: First Student, Inc.  
Docket No. CWA-01-2012-0034 (Trumbull, CT)  
Docket No. CWA-01-2012-0035 (Charlton, MA)

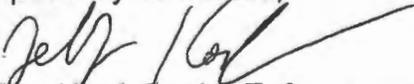
Dear Ms. Jensen:

In accordance with 40 C.F.R. § 22.18(b), enclosed please find two Clean Water Act ("CWA") Section 311 Expedited Settlement Agreements ("ESAs") that have been signed by the parties and are now being submitted to you for approval. Please note that consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b) these ESAs both commence and conclude the matter referenced above.

The proposed penalty of \$3,000 for each facility is consistent with EPA's Civil Penalty Policy for Violations of Section 311(b)(3) and Section 311(j) of the CWA.

Because these are Class I CWA actions, no public notice is required. Once the ESAs have been signed, I will file the fully executed ESAs with the Regional Hearing Clerk thereby resolving these cases. If you have any questions related to this matter please call me at 617-918-1796.

Respectfully submitted,

  
Jeffrey Kopf, Senior Enforcement Counsel  
U.S. EPA, Region 1

Enclosure (ESAs)

cc: Michael Last, Esq., RS&B (w/o enclosure)  
Wanda Santiago, Regional Hearing Clerk (w/o enclosure)