

# Air Enforcement: Conservation Law Foundation Notice of Intent to Sue Transportation Provider for Alleged Violations of Massachusetts State Implementation Plan Idling Limits



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The Conservation Law Foundation (“CLF”) has sent a May 7th Notice of Violations and Intent to File Suit under the Clean Air Act (“NOV”) to Transdev Service, Inc. and Transdev North America, Inc. (collectively “TSI”) for alleged violations of the Clean Air Act.

The NOV states that suit will be filed pursuant to the citizen suit provisions of the Clean Air Act for alleged violations of the Massachusetts State Implementation Plan (“SIP”) Motor Vehicle Idling Limits.

TSI is described as the largest provider of multiple modes of transport, including school buses, in North America. The company is stated to have been hired by Boston Public Schools to maintain public transportation for its public school system. As a result, it is stated to own and operate a fleet of school buses that are housed at locations across Massachusetts.

CLF states that on several days in March and April, 2019, it conducted observation of buses owned or operated by TSI at three school bus lots in Boston, Massachusetts which are described in a table. The organization states it has a good-faith belief that:

The company has, on numerous occasions, caused, suffered, allowed, or permitted the idling of motor vehicles in excess of the five-minute time period allowed by 310 C.M.R. § 7.11(1)(b) and not in accordance with any exceptions listed in 310 C.M.R. § 7.11(1)(b)(1), (2), or (3). Accordingly, CLF alleges that Transdev has violated, is violating, and will continue to violate the Massachusetts idling regulation found at 310 C.M.R. § 7.11(1)(b).

CLF states that it will seek declaratory relief and injunctive relief along with penalties for the alleged violations.

A copy of the NOV can be downloaded [here](#).