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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Texarkana Railcar Repair Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and UTC Railcar Repair Services, LLC (“UTC”) entered into a January 22nd Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 24-015.

The CAO provides that UTC owns and operates a railcar repair facility (“Facility”) in Texarkana, Arkansas.

The Facility is stated to operate pursuant to an air permit.

DEQ personnel are stated to have performed a routine compliance inspection of the Facility on February 9, 2023. The reporting period for the inspection is stated to be January 1, 2018, through December 31, 2022.

The inspection is stated to have determined that records indicated emissions from SN-10a were above five percent of total painting/coating emissions in 2019 (14% of total) and in 2022 (8% of total). This allegedly violates Specific Condition 16 of the permit.

A review of the records also indicated that there was an error in the TLV calculations. Values were stated to have been calculated as micrograms instead of milligrams as required by Specific 17 of the permit. In addition, a conversion of the values to milligrams, preliminarily indicated that in Carboline Plasite 3073 Red B500, formaldehyde content failed to meet the permitted minimum TLV.

UTC responded to a DEQ query regarding the compliance issues and provided corrected paints applied records.

Further, the CAO states that:

A review of the records indicated that Carboline Plasite 3073 Red B500 contains 0.08lbs/gal of formaldehyde with a minimum TLV of 0.40 mg/m³. Calculations of the TLV for formaldehyde in Carboline Plasite 3073 Red B500 revealed a TLV of 4, 15 mg/m³ for formaldehyde. Respondent exceeded the lb/gal single HAP as total weight of paints used for Carboline Plasite 3073 Red B500 from November 27, 2018, through July 14, 2021. Additionally, during the records review of the TLV calculations, additional HAPs (Glycol Ethers) were identified in the final paints applied by weight; however, the associated TLVs were

not calculated. Such an act violates Specific Condition 17 of the Permit and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

UTC neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO provides that UTC can perform what are described as either “Option A” or “Option B” to demonstrate compliance with the permit. Those options include:

- Option A: Respondent shall immediately comply with Specific Conditions 16 and 17 of the Permit for the 5% of total painting/coating emissions and HAP emissions limits for given TL Vs.
- Option B: Within thirty (30) days of the effective date of this CAO, Respondent shall submit a permit modification to increase the total painting/coating emissions percentage for SN-JOA, and to address all HAP emissions from paint usage.

A civil penalty of \$9,520 is assessed which could have been reduced by one-half if the CAO was signed and returned to DEQ by January 18th.

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