

RCRA Compliance Branch INSPECTION REPORT

Inspection Date(s):	9/8/2023	Inspection Announced: No
Facility or Site Name:	Utleys	
Facility/Site Physical Location:	31-23 61 Street	
(City, state, zip code)	Woodside, NY 11377	
Mailing address (if different from above):		
Facility/Site Contact:	John Utley	Co-Owner
	john@utleys.com	
	(718) 956 – 1661	
RCRA ID Number:	NYR000066993	
Facility/Site Personnel Participating in Inspection:		
John Utley	See above	See above
Justin Baldwin	Facilities Manager	justin@utleys.com
George Utley	Co-Owner	george@utleys.com
Inspector:		
Areeba Khan	AREEBA KHAN	 Digitally signed by AREEBA KHAN Date: 2023.11.06 10:24:21 -05'00'
Supervisor:		
Derval Thomas	DERVAL THOMAS	 Digitally signed by Derval THOMAS Date: 2023.11.03 15:59:24 -04'00'

SECTION I – INTRODUCTION

Purpose of the Inspection Objective

The purpose of the inspection was to perform a Resource Conservation and Recovery Act (RCRA) comprehensive evaluation inspection (CEI) at this facility. The inspection was conducted by EPA RCRA inspector Areeba Khan.

Opening Conference

EPA Region 2 RCRA inspector Areeba Khan arrived at Utleys on September 8, 2023, for an unannounced inspection. I was greeted by John Utley the co-owner of Utleys and James Baldwin the facility's manager in the lobby. I presented my credentials to Mr. Utley and Mr. Baldwin and

informed them that this was an EPA inspection to determine the facility's compliance with RCRA regulations. The scope of the inspection was to conduct a compliance evaluation inspection (CEI).

Facility/Site Description

Utleys is a prototype design and manufacturing company located in Queens, NY. Utleys create and design prototypes of models and secondary packaging for its consumers. The facility generates hazardous and nonhazardous waste from the following: paints in various forms, aluminum chips, lubrication, and cleaning. The facility stores its hazardous and non-hazardous waste in two central storage areas, and two satellite accumulation areas. The facility used to have Veolia as its authorized waste handler. Recently, Utleys changed to ARCO to transport its waste to Clean Earth. The facility also has a consultant 2SAFE Consulting Inc. Mr. Utley stated that the facility is in the process of changing all the fluorescent lightbulbs to LED lightbulbs. Mr. Utley stated that they plan to hire a contractor on Monday September 11, 2023, to change the lightbulb. The contractor is to replace fluorescent bulbs with LED ones. After review of the manifest information and statements made by the facility representatives, the facility was determined to be a Small Quantity Generator (SQG) of hazardous waste at the time of the inspection. The hours of operation are Monday through Friday 8 am to 4:45 pm. Mr. Utley stated depending on demand of the consumer the facility sometime operates on the weekend. Utleys has 27 employees.

SECTION II – OBSERVATIONS

Spray Room Area

The facility representatives stated the spray room area is where the employees spray paint products. Hazardous waste is generated from the excess paint (D001) and acetone used to clean the paint from the machine. At the time of the inspection, there were two 1 gallon satellite accumulation containers of hazardous waste (acetone and toluene) that were closed and labeled. Near the bottom of the container there was dried paint residue. Mr. Baldwin explained the dried paint residue was from long ago. He explained the containers have been in use for a long time and the staff have been trained on how to deal with the paint properly.

Storage Room- Explosion Proof Room

Mr. Utley explained the storage room is an explosion proof room. The room contains equipment used by the employees and, also acts as one of their central storage areas. On the entrance of the storage room there was a hazardous waste sign, emergency contact list and a fire extinguisher nearby. At the time of the inspection, the following were observed:

- Two empty 55 gallon drums in secondary containment

- One 55 gallon drum of hazardous waste (paint waste) that was closed, labeled and dated.
- One 55 gallon drums of hazardous waste (paint waste) that was labeled, dated, and had a funnel with no gasket.

Postproduction Area

The facility representatives then showed me the post-production area. At the time of the inspection, there was one 75 gallon satellite accumulation container of hazardous waste (ink sponges) that was labeled and closed.

Garage Area (Central Storage Area)

Mr. Utley explained the garage area contains the facility's central storage area and general trash. Mr. Baldwin explained that each type of waste (hazardous, non-hazardous, trash, recyclable) has a different color. The facility representatives stated that the different color trash bags are so that all of the waste are correctly handled and disposed of. At the time of the inspection, the following were observed:

- One 55 gallon hazardous (filters) waste drum that was closed, labeled and dated.
- Two 55 gallon hazardous (paper containing paint) waste drums that was closed, labeled and dated.

Records Review

- Basic Plan

At the time of the inspection, there was a plan in place.

- Manifests and Land Disposal Restrictions

At the time of the inspection, there were manifests record on site.

- Personnel Training

At the time of the inspection, the facility representative stated that there was personnel training conducted annually.

- Arrangement with Local Authority

At the time of the inspection, the facility had made arrangement with local authorities.

SECTION III – AREAS OF CONCERN

Regulatory Concerns

1. Pursuant to 6 NYCRR § 373-3.9(d)(1), management of containers. (1) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, there was one 55 gallon drum containing hazardous waste (paint waste) located in the storage area that had a funnel but there was no gasket, therefore it was not closed. In an email on November 3, 2023, Mr. John Utley provided proof (picture) showing a funnel with gasket on the container.

General Concerns

There were no general concerns at the time of the inspection.

Closing Conference

The closing conference was conducted by EPA inspector Areeba Khan and the facility representatives George Utley the co-owner and James Baldwin the facilities manager. John Utley had to go to a meeting and, therefore was not present for the closing conference. Inspector Khan explained to the facility representatives the areas of concerns. The facility representatives stated that they will follow up and tend to the areas of concern immediately.