

Los Alamos
 NATIONAL LABORATORY
memorandum
Earth and Environmental Science

EES-15, Environmental Science Group
 Los Alamos, New Mexico 87545

To/MS: M. Cash, ESH-19, MS K490
 From/MS: E. Springer, EES-15 *ESP*
 Phone/FAX: 7-3331/5-3866
 Symbol: EES15-94-497
 Date: October 18, 1994

SUBJECT: Response to Apparent Finding from the Annual RCRA Inspection

The New Mexico Environment Department conducted a RCRA inspection in September 1994. An apparent finding at TA-51 (EES-15) indicated "15 gallons of waste gasoline was found not to be under the control of the generator at this satellite accumulation point."

40 CFR 262.34(c)(1) states that "A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in Section 261.33(c) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste,...." The waste gasoline is stored at the field site because it is at the point of generation (the gasoline was drained from machinery that was stored at that site).

We tried to find information on what "under the control" meant. There is no written guidance defining "under control of the operator." We contacted Geri Rodriguez in ESH-19 for instruction on what "under the control" means. She could not provide further information, either.

We have a gate to the main technical area, TA-51, with a sign stating "Authorized Personnel Only." We also have a gate spanning the road to the field site (where the waste is stored) with a sign requiring visitors to sign in at the main office. Both gates are locked after hours.

Therefore, we do have control of the site and the waste.

Cy: C. W. Myers, EES-DO, MS D446
 D. Thomas, ESH-5, MS D446
 EES-15 ES&H File

10/26/94

Discussion with E. Springer

- (1) He is processing the paperwork to get this off site.*
- (2) During the interim he will place the waste in a locked cabinet under his control.*



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