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RCRA/Superfund/OUST Hotline Monthly Report Question

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3. Lab Sample

A generator sends a sample of waste to a laboratory to determine whether the waste is hazardous under RCRA. One of the tests requires that the laboratory add solvent to the sample. Does this action cause the laboratory to become a generator of a listed solvent waste (due to the solvent they added), and how should the laboratory send this contaminated sample back to the original generator?

§261.4(d) excludes lab samples 3010 notification under Section 3010 of RCRA, Parts 262 through 267, Part 270, and Part 124 as long as certain storage and transportation standards are met. The addition of hazardous chemicals (e.g., solvents) to the sample by the laboratory which are standard test procedures is allowable and does not affect this exclusion. Hence, the lab is not regulated as a generator of spent solvent. The laboratory may send the sample back without manifest if other applicable transportation standards are followed per §261.4(d) (i.e., DOT, USPS).