



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

March 29, 2011

Mr. Todd Franssen
President
Franssen Enterprises
P.O. Box 386
Dacono, Colorado 80514-0386

Dear Mr. Franssen:

According to federal US EPA and State hazardous waste regulations, when a business discards anything by any means, those items thus discarded are considered to be part of the commercial operation's "waste stream." A business that has a waste stream is known as a "generator." When a generator purchases or uses other products that are ultimately discarded, those products become part of the total waste stream.

Under hazardous waste regulations, a discarded material is considered an hazardous waste if that material exhibits the "characteristic" of toxicity. Generators must determine whether or not their total waste stream exhibits the characteristic of toxicity by using the EPA *Toxicity Characteristic Leaching Procedure* (TCLP) to test the material. This test measures the leachability of certain metals and organic constituents. Under this procedure, the waste leachate must contain less than specified concentrations in order to pass the test.

American Cleaning Technologies Inc. (ACT) manufactures several products including *Terra Firma*, *Absorban*, *Container Cleaner*, *Asphalt Cleaner*, *Corral Cleaner*, and *ACT Concrete Cleaner*. According to federal and state regulations, ACT is not a "generator" with regard to these products and is not required to perform the TCLP test on its products. Rather, the customers of ACT who purchase ACT products must consider how the inclusion of ACT products into their waste stream effects their regulatory compliance. The ultimate responsibility for determining whether a product manufactured by ACT as part of the customer's waste stream is or is not hazardous lies with the waste generator, not with ACT.

However, as a service to its customers, ACT has elected to perform the TCLP leach procedure as a courtesy to help its customers determine how the products *might* impact the customer's waste stream. This information aids ACT customers since a generator (an ACT customer) is permitted to use general knowledge to determine whether or not a material is hazardous.

General knowledge may be derived from a variety of sources. For example, since ACT has direct knowledge that several of the TCLP parameters (such as chloroform, trichloroethylene, Silvex, etc) are not present in the ACT products and therefore cannot reasonably be found in a TCLP, ACT can convey this information to its customers as a courtesy. However, since ACT has no control or knowledge of that customer's total waste stream and has no knowledge of other materials that customer may be mixing into their

waste stream, ACT cannot ever state that inclusion of any ACT product will not result in a hazardous waste.

Although ACT can state with confidence that some TCLP parameters such as hexachloro-1, 3-butadiene, pentachlorophenol, 2, 4-dinitrotoluene and other substances are not present in their products, the leachability of some of the D-Listed metals was less certain.

Therefore, a sample representative of the *Terra Firma*, *Absorban*, *Corral Cleaner*, *Asphalt Cleaner*, *Container Cleaner*, and *ACT Concrete Cleaner* product line was submitted for SW846 1311 TCLP leach and metals were analyzed by methods SW846 6010B and SW846 7470A.

The sample results indicated that the ACT products, if discarded as its own waste stream would not be exhibit toxicity characteristic for the following D-Listed metals:

Arsenic (D004)
Barium (D005)
Cadmium (D006)
Chromium (D007)
Lead (D008)
Mercury (D009)
Selenium (D010)
Silver (D011)

Although ACT can continue to provide general knowledge about the constituents of its products as a courtesy to its customers, ultimately the ACT commercial customer alone must demonstrate its own compliance with state and federal hazardous waste regulations, since ACT cannot ever perform this function for its customers.

Attached to this letter are the laboratory results for the TCLP metals analysis. We recommend that you keep this on file so that you may distribute this information to your customers if requested.

Regards,



Caoimhín P. Connell
Forensic Industrial Hygienist

