



**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.**

November 18, 2015

Colleen Brisnehan  
Hazardous Waste Corrective Action Unit  
Hazardous Waste Program  
4300 Cherry Creek Drive S., Denver, CO 80246-1530

Via: email: [ctbrisne@smtpgate.dphe.state.co.us](mailto:ctbrisne@smtpgate.dphe.state.co.us), [colleen.brisnehan@state.co.us](mailto:colleen.brisnehan@state.co.us)

RE: Regulatory Violations at 4383 Tennyson Street, Denver, Colorado 80212

Dear Ms. Brisnehan:

Forensic Applications Consulting Technologies, Inc. (FACTs) has begun a series of regulatory audits of reports submitted to the Colorado Department of Public Health and Environment (CDPHE) pursuant to 6 CCR 1014-3 "*Regulations Pertaining To The Cleanup Of Methamphetamine-Affected Properties.*"

Thus far, FACTs has identified a total of five thousand eight hundred and fifty five (5,855) violations of 6 CCR 1014-3 that have been ignored by your office.

As you know, Section 3.1 of Part 3, of 6 CCR 1014-3 requires enforcement actions on the part of the CDPHE whenever the CDPHE has reason to believe that a person has violated any requirement of the regulations.

Earlier this week, we provided Mr. Daniel Miller (Senior Assistant Attorney General) a synopsis of seven hundred and sixty nine (769) regulatory violations for 690 S. Lincoln Street in Denver, CO 80203 (performed by a member of the organization, CAMMP, that identifies you as serving as Director on the Board of Directors. Our legal counsel informed us that we should direct these précis to you directly and just "CC" Mr. Miller.

Below is the second summary of review of violations for a report prepared by a consultant on behalf of your fellow CAMMP Director, Ms. M. Granberg. In our detailed review, FACTs has identified no fewer than three hundred and forty three (343) regulatory violations at this property by Ms. Granberg's consultant.

To refresh your recollection, this is the project for which you issued your April 13, 2015, Letter of Variance which contained falsified information. In that letter you granted your fellow CAMMP Board member a variance for the use of "Preliminary Assessment" samples to be used as clearance samples, even though you were aware of the fact that no such Preliminary Assessment samples existed since no Preliminary Assessment had ever been performed at the property (and indeed, the consultant never even claimed to have performed a Preliminary Assessment as required).

This synopsis of our review pertains to the document identified as:

METHAMPHETAMINE POST REMEDIATION ASSESSMENT

Prepared for:  
Ed & Ann McCue  
4383 Tennyson Street, Unit 1A  
Denver, CO 80212  
Project Location:  
4383 Tennyson Street, Unit 3A  
Denver, CO 80212  
Report Date:  
April 21, 2015  
Foothills Environmental Project Number:  
ME15003

That report contained two Appendices titled:

SCREENING LEVEL ASSESSMENT REPORT

Property Location  
4383 Tennyson Street, Unit 3A  
Denver, Colorado 80212  
Prepared For  
Ed McCue  
4383 Tennyson Street, Unit 1A  
Denver, CO 80212  
Prepared By  
Foothills Environmental, Inc.  
1320 Simms Street, Suite 102  
Golden, CO 80401  
January 12, 2015

COMMON AREA ASSESSMENT REPORT

Property Location  
4383 Tennyson Street  
Denver, Colorado 80212  
Prepared For  
Gablehouse Granberg, LLC  
C/O Berkeley Park Home Owner's Association  
4383 Tennyson Street  
Denver, CO 80212  
Prepared By  
Foothills Environmental, Inc.  
1320 Simms Street, Suite 102  
Golden, CO 80401  
January 25, 2015

The section below summarizes the three hundred and forty three (343) regulatory violations that have been identified by FACTs (and ignored by the CDPHE) in our regulatory audit of the public domain document.

- SCREENING LEVEL DOCUMENT
  - Failure to Comply with Paragraph 3.0
  - Failure to Comply with Paragraph 3.5

- Failure to Comply with Paragraph 3.6
- Failure to Comply with Paragraph 3.7
- Inability to Comply Paragraph 3.7.4
- Failure to Comply with Paragraph 3.7.6
- Failure to Comply with Paragraph 3.7.6.2 (2 violations)
- Failure to Comply with Paragraph 3.7.6.3 (1 violation)
- Violation of 6.0 Sampling and Analytical Procedures.
- Failure to comply with 6.1.3.2
- Failure to comply with 6.1.3.3
- Failure to comply with 6.1.3.5
- Failure to comply with 6.2 (35 violations)
- Failure to comply with 6.2 (1 violation)
- Failure to comply with 6.2.3 (11 violations)
- Failure to comply with 6.2.7 (33 violations)
- Failure to comply with 6.2.11 (5 violations)
- Failure to comply with 6.2.12.5 (3 violations)
- Failure to comply with 6.2.14
- Failure to comply with 6.2.14.3 (3 violations)
- Failure to comply with 6.2.14.6 (17 violations)
- Failure to comply with 6.2.14.7 (17 violations)
- Failure to comply with 6.2.14.8 (12 violations)
- Failure to comply with 6.2.14.8 (12 violations)
- Failure to comply with 6.2.14.9 (3 violations)
- Failure to comply with 6.2.15
- Failure to comply with 6.7.1.2 (3 violations)
- PRELIMINARY ASSESSMENT (None- therefore):
  - Violation of Section 4.0
  - Failure to Comply with Paragraph 4.1
  - Failure to Comply with Paragraph 4.2 (7 violations)
  - Failure to Comply with Paragraph 4.3 (1 violation)
  - Failure to Comply with Paragraph 4.3.2 (1 violation)
  - Failure to Comply with Paragraph 4.4 (1 violation)
  - Failure to Comply with Paragraph 4.4.1 (1 violation)
  - Failure to Comply with Paragraph 4.4.2 (1 violation)
  - Failure to Comply with Paragraph 4.5 (1 violation)
  - Failure to Comply with Paragraph 4.6 (4 violations)
  - Failure to Comply with Paragraph 4.7 (7 violations)
  - Failure to Comply with Paragraph 4.8 (4 violations)
  - Failure to Comply with Paragraph 4.9 (1 violation)
  - Failure to Comply with Paragraph 4.10 (2 violations)
  - Failure to Comply with Paragraph 4.11 (1 violation)
  - Failure to Comply with Paragraph 4.12 (1 violation)
  - Failure to Comply with Paragraph 4.13 (1 violation)
  - Failure to Comply with Paragraph 4.17.4 (1 violation)
  - Failure to Comply with Paragraph 4.20 (1 violation)
- REVIEW OF CLEARANCE REPORT
  - Failure to comply with 6.1.3.2
  - Failure to comply with 6.1.3.3
  - Failure to comply with 6.1.3.5
  - Failure to comply with 6.2 (21 violations)
  - Failure to comply with 6.2.3 (7 violations)
  - Failure to comply with 6.2.7 (20 violations)
  - Failure to comply with 6.2.11 (4 violations)
  - Failure to comply with 6.2.12.5 (1 violation)
  - Failure to comply with 6.2.14
  - Failure to comply with 6.2.14.3 (1 violation)

- Failure to comply with 6.2.14.6 (6 violations)
- Failure to comply with 6.2.14.7 (6 violations)
- Failure to comply with 6.2.14.8 (6 violations)
- Failure to comply with 6.2.14.8 (6 violations)
- Failure to comply with 6.2.14.9 (1 violation)
- Failure to comply with 6.2.15
- Failure to comply with 6.9
- Failure to Comply with 6.9.1 (3 Violations)
- Failure to Comply with 6.9.1 (3 Violations)
- Failure to Comply with 6.9.11 (21 Violations)
- Failure to Comply with 6.9.11.1 (12 Violations)
- Failure to Comply with Section 7
- Failure to Comply with 8
- Failure to Comply with Paragraph 8.1
- Failure to Comply with Paragraph 8.2 (1 Violation)
- Failure to Comply with Paragraph 8.5 (6 Violations)
- Colorado Criminal Code – Fraud; Offering a false instrument for recording
- Colorado Consumer Protection Act

As you are aware, contamination was identified in an adjoining unit (which the consultant failed to address), and the subject unit was never cleared as required by Regulation before being reoccupied.

Naturally, we are concerned for the public safety of the innocent occupants, and construction personnel who may have been exposed to potentially toxic materials.

As you know, in a letter dated October 16, 2012, your supervisor, Mr. Joe Schieffelin threatened to take “legal actions” against FACTs if we continued to review public domain documents and report on regulatory violations . Mr. Schieffelin can contact my attorney directly.

This communication is being sent to your office in good faith pursuant to pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*.

Kind regards,



Caoimhín P. Connell  
Forensic Industrial Hygienist

CC:

Daniel S. Miller, Senior Assistant Attorney General  
Howard Thigpen, Esq.