



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

August 21, 2015

Don Roybal
Maintenance Supervisor
Boulder County Housing Authority
PO Box 471
Boulder, CO 80306

RE: 401 East Street, Unit B1, Louisville, CO 80027-2000

Dear Mr. Roybal:

We have reviewed the August 7, 2015 letter from Mr. Michael Richen (Boulder County Public Health Department) regarding the property located at 401 East Street, Unit B1, Louisville, CO 80027-2000 (the subject property). In his letter, Mr. Richen has referenced several “issues” he has questioned in order to reject the work that personnel from Forensic Applications Consulting Technologies, Inc. (FACTs) performed for the Boulder County Housing Authority at the above mentioned subject property.

This letter will address each of the issues raised by Mr. Richen, and demonstrate that, in an apparent attempt to maliciously impugn our work, Mr. Richen has merely invented his own imaginary “regulations” that otherwise do not exist anywhere in State statute or State regulations regarding the sampling of methamphetamine affected properties. All of our work for the Boulder County Housing Authority has been completely and unequivocally compliant with State regulations, and no further action is required by BCHA for this subject property.

In our detailed August 14, 2015, letter to you¹ regarding 2330 Wedgewood Ave., Building 5, Longmont, CO 80503-1725, it was shown that Mr. Richen has previously been found attempting to hide contaminated properties by approving invalid assessments by fraudulent consultants. We realize that Mr. Richen is concerned that the public may learn of his actions, and we realize Mr. Richen’s activities may very well constitute criminal behavior and expose Boulder County to significant civil liability if it is learned that Mr. Richen’s unethical actions were willful.

For example, it is very likely that if Mr. Tim M^cWilliams,² the owner of 767 West Cleveland Circle, Lafayette, Colorado learns that Mr. Richen intentionally overlooked 110 (one *hundred* and ten) regulatory violations in an invalid Screening Level Assessment performed by Foothills Environmental (one of Mr. Richen’s “preferred” consultants),³ Mr. Williams may be rather upset

¹ http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_Wedgewood.pdf

² Mr. Williams’ mailing address is 1502 South Vona Court, Superior, CO 80027

³ A copy of the regulatory audit for that property, may be found here: http://forensic-applications.com/meth/FEH_Screening_Cleveland_RA.pdf

if he gets sued by an occupant of his property, and may seek to subrogate those damages to Mr. Richen and/or the County of Boulder.

Similarly, if the occupants of 100 W. Spaulding Street, Lafayette, CO, 80026 become ill, and learn that Mr. Richen knowingly and willfully approved a noncompliant, contaminated and illegal drug laboratory as compliant, they may very well consider a toxic tort action against the County of Boulder for purposely overlooking 143 (one *hundred* and forty three) known and documented regulatory violations at that property.⁴

Similarly, the Boulder County Housing Authority may legitimately ask Mr. Richen why he invented six imaginary “regulatory” violations regarding FACTs’ work at 401 East Street, Unit B1, Louisville, CO, whilst simultaneously and knowingly overlooking an invalid assessment performed for the Boulder County Housing Authority with 355 actual regulatory violations (that’s **three hundred** and fifty five violations) at the property located at 502C West South Boulder Road, Louisville, CO by the consultant called Quality Environmental Services.⁵

Certainly these are questions that our legal staff may be putting to Mr. Richen in the near future.

Since Mr. Richen has raised the issue, over the course of the next several weeks, FACTs will be performing additional audits on public domain reports for properties in Boulder County identified as methamphetamine affected properties, and pursuant to the provisions of C.R.S. 18-8-115 *Duty to report a crime - liability for disclosure*, we will, in good faith, notify the owners of the properties of any regulatory violations identified.

RESPONSE TO MR. RICHEN’S AUGUST 7, 2015 LETTER

We have actually addressed each of these issues in our other letters;^{6,7} however, since we have had no response from Mr. Richen, and he apparently did not retract his letter regarding this subject property, we will again address the issues he has raised.

ISSUE 1

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|---|
| <p>Issue 1: The 4 part attic composite sample (EM022515-09) was collected on the flue stack with a sample area of 400 centimeters squared (cm²). This was non-compliant in 2 ways. The area sampled was not in line with the regulatory requirement to sample in 100 cm² increments. Second the composite sample appears to be taken on the flue stack alone and not spread throughout the attic space in 4 different locations as required. [Reference Part 1 Sections 6.2.2, 6.3.6, 6.9.1]</p> |
|---|

⁴ http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁵ A copy of that review is currently in the secure folder we prepared for you at http://forensic-applications.com/meth/BCDH_Secure/Boatman_502C_PA_RA.pdf; for the moment, that audit has not been placed in the public domain, and you will need Username BCHA_01 and Password BCHealth_01 to access that file.

⁶Secure file located at: http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection.pdf

⁷ Secure file located at http://forensic-applications.com/meth/BCDH_Secure/Response_to_Richens_rejection_Wedgewood.pdf



6.3.6 Collect all individual aliquots from 100 cm² sampling areas.

This is exactly what FACTs did to collect the sample in question.

6.9.1 Except as provided in Section 6.9.1.1, at least 400 cm² of surface area shall be sampled from every room, attic, and crawl space.

This is exactly what FACTs did to collect the sample in question.

In the past, in a telephone conversation with FACTs personnel, Mr. Richen has admitted that he hasn't actually read the regulations and didn't know what the regulations really contained. We suggest Mr. Richen read the regulations.

ISSUE 2

Issue 2: The 4 part composite sample (EM042915-05) was collected on a radon ventilation duct. The area of this sample was calculated [2.5 centimeters (cm) x 40 cm x 4 times]. This was not in compliance with the regulation in 2 ways. The area sampled was not in 100 cm² increments and the composite was not representative of the entire crawl space by collection in 4 different locations. [Part 1 Sections 6.2.2, 6.3.6, 6.9.1]

Response 2

Apparently, Mr. Richen did not apply grade-school mathematics when he developed the basis for Issue #2.

If one has an area that 2.5 centimeters on one side and 40 centimeters on the other side, that area totals 100cm².

If one collects four separate aliquots; each of 2.5 centimeters by 40 centimeters, that is 100cm² times four, the result is 400 cm². This is basic math..

Mr. Richen falsely states:

The area sampled was not in 100 cm² increments and the composite was not representative of the entire crawl space by collection in 4 different locations.

Mr. Richen would have had to ignore the documentation in the FACTs report to make this blatantly erroneous statement. On page 47 of our report, FACTs unequivocally documented the following:

| Sample ID | Type | Location | Time | Dimensions | Substrate |
|-------------|------|---|-------|------------|-----------|
| EM042915-01 | W | LR/KITCHEN Complex, Top of Kitchen cabinets | 13:04 | 10x10x4 | PW |
| 02 | W | LR/KITCHEN complex, NID Wall | 13:07 | 10x10x4 | P(W) |
| 03 | W | UNDER STAIRS, LAM VINYL ASBESTOS TILE (FLOOR) | 13:11 | 10x10x4 | VAT |
| 04 | W | LAUNDRY RM, ELEC PANEL | 13:17 | 10x10x4 | PM |
| 05 | W | CRAWLSPACE, RADON MITIGATION DUCT | 13:59 | 2.5x40x4 | PVC |

Similarly, Page 52 of our report explicitly and clearly documents the four aliquot sample thusly:



| Mold | | RUSH | | 24 Hr | 48 Hr | 3 Day | 5 Day | ARCHIVE ONLY - Do Not | | Please report absolute # | | Number of aliquots | Sample Area (cm2) | Matrix Code | # Containers | Date Collected | Time Collected |
|-------------------------------|-------------|---------------------------------------|--|---------------------------|-------|---------------|-----------------|-----------------------|--|--------------------------|---|--------------------|-------------------|-------------|--------------|----------------|----------------|
| Standard REI Reporting Limits | | Please report all samples as total µg | | Please use entire sample. | | Not submitted | ORGANICS - METH | MICROBIOLOGY | | | | | | | | | |
| Client sample ID number | | (Sample ID's must be unique) | | | | | | | | | | | | | | | |
| 1 | EM042915-01 | | | | | | | | | x | X | 4 | 400 | W | 1 | 04/29/15 | 13 04 |
| 2 | EM042915-02 | | | | | | | | | x | X | 4 | 400 | W | 1 | 04/29/15 | 13 07 |
| 3 | EM042915-03 | | | | | | | | | x | X | 4 | 400 | W | 1 | 04/29/15 | 13 11 |
| 4 | EM042915-04 | | | | | | | | | x | X | 4 | 400 | W | 1 | 04/29/15 | 13 17 |
| 5 | EM042915-05 | | | | | | | | | x | X | 4 | 400 | W | 1 | 04/29/15 | 13 59 |

As already addressed above, the regulations cited by Mr. Richen simply do not contain the requirements he has attributed to them. In any event, the four aliquots were taken from four different locations, and there is nothing in our documents that demonstrate otherwise.

It is astonishing that while on the one hand, Mr. Richen has gone through such tortuous machinations to explain how our samples were not 100cm2, and yet, on another projects, without question, Mr. Richen has concluded that samples from another consultants were 100cm2 in spite of the fact, the many of the samples are mostly air – example, consider the following:



**40 cm2 Sample Falsely Represented as a 100 cm2 Sample
100 W Spaulding, Lafayette, CO⁹**

⁹ http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf





**50 cm² Sample Falsely Represented as 100 cm²
731 Excelsior Place, Lafayette, CO¹⁰**



**41 cm² Sample Falsely Represented as 100 cm²
767 West Cleveland Circle, Lafayette, CO¹¹**

¹⁰See http://forensic-applications.com/meth/BCDH_Secure/Boatman_Excelsior_PA_RA.pdf

¹¹ See http://forensic-applications.com/meth/FEH_Screening_Cleveland_RA.pdf





**54 cm² Sample Falsely Represented as 100 cm²
771 Cleveland Circle, Lafayette, CO¹²**

The Boulder County Housing Authority may legitimately ask Mr. Richen to explain why a sample collected by FACTs from an area of 2.5 centimeters by 40 centimeters is not 100 cm², but the above samples collected by other consultants are 100 cm²: the pictures and the math speak for themselves.

ISSUE 3

Issue 3: The Sample area indicated in sample (EM022515-03) was recorded as (2 X 200). This was not in compliance with the regulation to sample in 100 cm² increments. [Part 1 Section 6.3.6]

Response 3

We are not sure why Mr. Richen is addressing this sample since it was not used for compliance purposes. However, since Mr. Richen has raised the issue, we would like to point out that Mr. Richen is disingenuously referring to the raw field notes taken by a FACTs technician, and intentionally ignoring the signed documentation presented by the Industrial Hygienist; additionally Mr. Richen is ignoring the fact that the sample used to clear the room in question (Laundry Room) was clearly given as EM042915-04 as clearly given on Page 6 of our report as follows:

| Room # | Description of Area | Cleared with | Area | Result |
|--------|-----------------------------|--------------|------|--------|
| 1,2,3 | Kitchen/Living Room Complex | EM042915-01 | 400 | 0.04 |
| 1,2,3 | Kitchen/Living Room Complex | EM042915-02 | 400 | 0.02 |
| 4 | Room under stairs | EM042915-03 | 400 | <0.01 |
| 5 | Laundry room | EM042915-04 | 400 | <0.01 |

¹² See http://forensic-applications.com/meth/QUEST_771_Cleveland.pdf



Mr. Richen’s reference to “2X200” is from a FACTs Technician’s field note, but Mr. Richen is conveniently ignoring Page 39 of our report which clearly indicates the sample is a four parted composite totaling 400 cm2 (that is four 100cm2 aliquots):

| Client sample ID number | | (Sample ID's must be unique) | | Please report absolute m | ORGANICS - METH | MICROBIOLOGY | Number of aliquots | Sample Area (cm2) | Matrix Code | # Containers | Date Collected m/d/yyyy | Time Collected h:mm:ap |
|-------------------------|-------------|------------------------------|--|--------------------------|-----------------|--------------|--------------------|-------------------|-------------|--------------|-------------------------|------------------------|
| 1 | EM022515-01 | ARCHIVE ONLY | | | | | | | | | | |
| 2 | EM022515-02 | | | X | x | X | 4 | 400 | W | 1 | 02/25/15 | 15:59 |
| 3 | EM022515-03 | | | X | x | X | 4 | 400 | W | 1 | 02/25/15 | 16:49 |

Similarly, Mr. Richen has conveniently ignored Page 56 of the Preliminary Assessment report for this subject property for which this sample pertains and which clearly shows:

| Sample ID | Sample Location | Area (cm2) | Results µg/100cm2 |
|--------------|-------------------------------|------------|-------------------|
| EM022515-01A | Furnace supply in living room | 100 | 5.33 |
| EM022515-01B | Furnace return in living room | 100 | |
| EM022515-01C | Furnace return in living room | 100 | |
| EM022515-01D | Furnace heat exchanger | 100 | |
| EM022515-02 | Dining room, top of light | 100X4 | 1.41 |
| EM022515-03 | Laundry top of light fixture | 100X4 | 0.56 |

It is clear that Mr. Richen misread the information regarding the validity of this sample.

ISSUE 4

Issue 4: The 4 part composite sample (EM042915-03) collected on the laundry room electrical panel with an area calculated [10 X 10 X 4] was not in compliance with the regulation. The areas sampled were not in 4 different locations throughout the room. [Part 1 Sections 6.3.6; 6.1.3.1; 6.9.1]

Response 4

As already addressed above, Mr. Richen’s imaginary requirement is nowhere within regulations. In any event, Mr. Richen has mis-stated, and there is no evidence in our report that the four composites were taken from the exact same location – this is an allegation Mr. Richen has simply fabricated out of thin air, and cannot support.

ISSUE 5

Issue 5: There should have been Post-Decontamination samples collected in the interior and exterior of large appliances if they were not disposed of. [Part 1 Section 6.9.7]

Response 5

This is another imaginary “requirement” that appears nowhere in regulations. It is also a “requirement” that Mr. Richen appears to apply exclusively to work performed by FACTs. For example, the public record is silent on Mr. Richen’s objections to other consultants who **entirely** fail to sample appliances. For example, when we look at the Clearance Sampling performed during a Preliminary Assessment at the Boulder County Housing Authority property located at 502C West South Boulder Road, Louisville, CO, 80027, we see that the consultant entirely failed



to collect **any** samples from **any** of the appliances. In our audit¹³ for that work, FACTs observes:

Violation of Paragraph 6.9.7

According to mandatory State regulations, the consultant is required to perform the sampling pursuant to specific protocols including:

6.9.7 The interior of major appliances (microwaves, refrigerators, freezers, ovens, and dryers) **must** be sampled using **discrete** samples.

Although the QES photographs clearly demonstrate the presence of major appliances, none of the appliances were addressed in the Preliminary Assessment.

The QES photographs include:

- 1) Clothes Washer
- 2) Clothes dryer
- 3) Stove
- 4) Microwave oven
- 5) Upstairs bedroom refrigerator
- 6) Kitchen refrigerator



Indeed, for the post remediation report for that property, the consultant shows the following:



**Photograph from the Clearance Report for
502C West South Boulder Road, Louisville, CO**

¹³ A copy of that review is currently in the secure folder we prepared for you at http://forensic-applications.com/meth/BCDH_Secure/Boatman_502C_PA_RA.pdf ; for the moment, that audit has not been placed in the public domain, and you will need Username BCHA_01 and Password BCHealth_01 to access that file.



And yet nowhere within the Screening Assessment, Preliminary Assessment, or Post Decontamination Assessment for the above property has the consultant indicated that he collected ANY samples from appliances as required. Since Mr. Richen has raised the issue, FACTs will perform a review of the June 29, 2015 Post Decontamination report for this property obtained from the State of Colorado through the Colorado Open Records Act.

ISSUE 6

Issue 6: Because of the report's confusing presentation of sample information in tables, sampling field forms and chain of custodies I cannot completely track the specifics of each sample and so cannot verify if enough different locations were sampled. At least 4 different locations must be sampled and found compliant in every room, attic and crawl space. [Part 1 Section 6.9.1]

ISSUE 6

Mr. Richen has indicated in his August 7, 2015 letter that he is very confused about what is in the regulations, and he is apparently equally confused as to how to read very simple data presented in very straightforward and easy to read tables and drawings.

However, we suggest that Mr. Richen is not confused at all, but has selective recognition of information submitted in reports from different consultants regarding the sampling of methamphetamine affected properties in Boulder County.

The high quality Industrial Hygiene work performed by personnel with Forensic Applications Consulting Technologies, Inc (FACTs) for the Boulder County Housing Authority at 401 East Street, Unit B1, Louisville, CO 80027-2000, **is completely compliant with State regulations in every aspect.**

No further actions are required by the Boulder County Housing Authority, and no further actions are required by FACTs.

We are, however, going to require that the County of Boulder issue a letter apologizing to FACTs for the blatantly intentional false misrepresentations regarding the accuracy and professionalism of personnel associated with FACTs made by Mr. Richen of the Boulder County Department of Health in his letters of August 7, 2015, regarding:

- 1) 401 East Street, Unit B1, Louisville, CO 80027-2000
- 2) 769 Cleveland Cir, Lafayette, CO 80026
- 3) 2330 Wedgewood Ave. Building 5, Longmont, CO 80503-1725

If you have any questions, please feel free to contact me.

Thank you,



Caoimhín P. Connell
Forensic Industrial Hygienist



CC: Howard Thigpen, Esq.





Public Health

Air Quality Program

August 7, 2015

Don Roybal
Housing Maintenance Manager
Boulder County Housing & Human Services
1288 Alaska Avenue
Longmont, CO 80501

RE: 401 East Street, Unit B, Louisville, CO 80027 Methamphetamine (Meth) Affected Property Post-Decontamination Report

Dear Mr. Roybal:

This letter confirms that Boulder County Public Health received a Consultant Meth Post-Decontamination Report from Forensic Applications Consulting Technologies, Inc. (FACTs) and a Contractor Decontamination Summary Report from Crystal Clean Technologies, LLC for 401 East Street, Unit B, Louisville, CO 80027. Review of the Consultant report determined that it did not meet the following requirements of the Colorado Board of Health Regulation No. 6 CCR 1014-3 CLEANUP OF METHAMPHETAMINE-AFFECTED PROPERTIES, see specifics below. The Contractor Decontamination Summary met the requirements.

Issue 1: The 4 part attic composite sample (EM022515-09) was collected on the flue stack with a sample area of 400 centimeters squared (cm²). This was non-compliant in 2 ways. The area sampled was not in line with the regulatory requirement to sample in 100 cm² increments. Second the composite sample appears to be taken on the flue stack alone and not spread throughout the attic space in 4 different locations as required. [Reference Part 1 Sections 6.2.2, 6.3.6, 6.9.1]

Issue 2: The 4 part composite sample (EM042915-05) was collected on a radon ventilation duct. The area of this sample was calculated [2.5 centimeters (cm) x 40 cm x 4 times]. This was not in compliance with the regulation in 2 ways. The area sampled was not in 100 cm² increments and the composite was not representative of the entire crawl space by collection in 4 different locations. [Part 1 Sections 6.2.2, 6.3.6, 6.9.1]

Issue 3: The Sample area indicated in sample (EM022515-03) was recorded as (2 X 200). This was not in compliance with the regulation to sample in 100 cm² increments. [Part 1 Section 6.3.6]

Issue 4: The 4 part composite sample (EM042915-03) collected on the laundry room electrical panel with an area calculated [10 X 10 X 4] was not in compliance with the regulation. The areas sampled were not in 4 different locations throughout the room. [Part 1 Sections 6.3.6; 6.1.3.1; 6.9.1]

Issue 5: There should have been Post-Decontamination samples collected in the interior and exterior of large appliances if they were not disposed of. [Part 1 Section 6.9.7]

Issue 6: Because of the report's confusing presentation of sample information in tables, sampling field forms and chain of custodies I cannot completely track the specifics of each sample and so cannot verify if enough different locations were sampled. At least 4 different locations must be sampled and found compliant in every room, attic and crawl space. [Part 1 Section 6.9.1]

These issues can be resolved by some corrective actions and resubmittal of a clearer and easier to track Consultant Report.

For your reference the full updated regulation can be found at the following web link.
[http://www.sos.state.co.us/CCR/6%20CCR%201014-3.pdf?ruleVersionId=6014&fileName=6 CCR 1014-3](http://www.sos.state.co.us/CCR/6%20CCR%201014-3.pdf?ruleVersionId=6014&fileName=6%20CCR%201014-3)
If you have any questions please feel free to contact me at 303-441-1566 or e-mail at
mrichen@bouldercounty.org

Sincerely,

A handwritten signature in black ink that reads "Michael J. Richen". The signature is written in a cursive style with a large initial "M" and a distinct "J." before the last name.

Michael J. Richen CIH
Industrial Hygienist
Boulder County Public Health

CC electronically:

Ken Swanson, City of Louisville Chief Building Official
Colleen Brisnehan, CDPHE Hazardous Waste Division
Leslie Lacy, Boulder County Attorney's Office
Caoimhin Connell, FACTs