



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

December 1, 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, colleen.brisnehan@state.co.us

RE: 179 Regulatory Violations: 3324 S Field Street, Building 10, Unit 183, Lakewood, Colorado

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.*"

Using a degree of scrutiny for reviews developed and deployed by the CDPHE, FACTs has thus far identified a total of six *thousand* four hundred and seventy five (6,475) violations of 6 CCR 1014-3.

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.

FACTs performed a detailed regulatory audit for the report titled:

POTENTIAL METHAMPHETAMINE-AFFECTED PROPERTY
PRELIMINARY ASSESSMENT REPORT
PREPARED FOR:
RANCH AT BEAR CREEK
3324 S. FIELD STREET
LAKEWOOD, COLORADO
PROJECT:
RANCH AT BEAR CREEK APARTMENTS
BUILDING 10, UNIT 183
3324 S. FIELD STREET LAKEWOOD, COLORADO
KEH PROJECT NUMBER 07006-013
JANUARY 21, 2015

As you know, the author of the report, Thomas D. Koch, has an extended history of regulatory violations and performing invalid assessments.^{1,2,3,4} FACTs has reviewed

¹ See for example: 4182 Woodglen Blvd, Thornton, CO

² 1812 164th Place, Thornton CO, <http://forensic-applications.com/meth/164thCriticalReview.pdf>

only two of his reports since December 15, 2015, wherein we have identified no fewer than 677 (six hundred and seventy seven) regulatory violations. In spite of Mr. Koch's history of regulatory violations, The Department nevertheless awarded Mr. Koch Certification of Qualified Instructor.

The section below summarizes the 179 regulatory violations that have been identified by FACTs in our regulatory audit of the public domain document.

- Failure to Comply with Section 4
- Violation of Paragraph 4.1
- Violation of Paragraph 4.2
- Violation of Paragraph 4.3 (Four violations)
- Violation of Paragraph 4.3.2
- Violation of Paragraph 4.5
- Violation of Paragraph 4.11 Common Areas (Two Violations)
- Violation of Paragraph 4.11.1 Shared Attic
- Violation of Paragraph 4.15
- Violation of Paragraph 4.15.1 via 6.3.1 (Two violations)
- Violation of Paragraph 4.15.3
- Violation of Paragraph 4.16
- Violation of Paragraph 4.17
- Violation of Paragraph 4.17.1
- Violation of Paragraph 4.17.4
- Violation of Section 6
- Failure to Comply with Paragraph 6.2.3 (20 violations)
- Failure to Comply with Paragraph 6.2.5 (25 violations)
- Violation of Paragraph 6.2.7, 6.2.9, 6.2.10 (24 Violations)
- Violation of Paragraph 6.2.12.5
- Violation of Paragraph 6.2.14
- Violation of Paragraph 6.2.14.2
- Violation of Paragraph 6.2.14.2
- Violation of Paragraph 6.2.14.6 (7 violations)
- Violation of Paragraph 6.2.14.9 (7 violations)
- Violation of Paragraph 6.2.14.11
- Violation of Paragraph 6.3.2 (18 violations)
- Violation of Paragraph 6.3.6 (3 violations)
- Violation of Paragraph 6.5
- Violation of Paragraph 6.8
- Violation of Paragraph 6.9
- Violation of Paragraph 6.9.1
- Violation of Paragraph 6.9.4 (3 Violations)
- Violation of Paragraph 6.9.4 Photo-documentation not provided
- Violation of Paragraph 6.9.7 (Six violations)
- Violation of Paragraph 6.9.11 (33 Violations)
- Violation of Paragraph 7.2
- Violation of Paragraph 7.3

³ 1533 N. Monroe Street, Loveland, CO, http://www.forensic-applications.com/meth/KEH_Rpt_review_M.pdf

⁴ 3324 S Field Street Lakewood, Colorado, http://forensic-applications.com/meth/KEH_Field_PA_RA.pdf

Although Mr. Koch did not collect any clearance samples from this property in accordance with the State regulations, he nevertheless declared the property compliant. Naturally, we are concerned for the public safety of the innocent occupants, and the construction personnel , who may now be exposed to potentially toxic materials.

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.