



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

December 3, 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: 200 Regulatory violations associated with Preliminary Assessment Report, for 410 Garfield Avenue, Carbondale, CO 81623

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 your office, FACTs has thus far identified a total of six *thousand* six hundred and forty nine (6,649) 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:

Robert Woellner
Quality Environmental Services Testing
Methamphetamine Preliminary Assessment Inspection, Sampling
& Recommended Scope of Work
Re: 410 Garfield Avenue in Carbondale, CO 81623
Prepared for
Ken Olson
410 Garfield Ave.
Carbondale, CO 81623
March 2, 2015

As you know, the author of the report, Mr. Woellner, is a geologist who has no documented training in illegal drug laboratories or their assessment and has openly stated that he is not an Industrial Hygienist (but was nevertheless granted Qualified Instructor status by you). As you also know Mr. Woellner was barred from giving testimony as an expert on Industrial Hygiene issues associated with illegal drug laboratories,¹ (although

¹ Binding Arbitration, July 17, 2008, in the matter of "913 Industrial Park / Colorado Casualty (Claim Number 902597160002)"

later, under oath on another matter,² Mr. Woellner, falsely testified he had never been barred from giving such testimony). Mr. Woellner has an extended history of regulatory violations, misleading information regarding his credentials and performing invalid drug laboratory assessments.^{3,4,5,6,7,8,9,10,11} As discussed in our detailed audits, FACTs, Inc. has thus far identified a total of 1,645 (one thousand six hundred and seventy five) regulatory violations by Mr. Woellner in just the first six months of the new regulations.

As discussed in detail in our actual audit, for this particular property, Mr. Woellner falsified the clearance sampling information in his Preliminary Assessment report, and the areas supposedly cleared by sampling were not actually cleared at all (indeed the samples demonstrated contamination levels in excess of regulatory clearance levels).

The section below summarizes the 200 regulatory violations that have been identified by FACTs in our regulatory audit of the public domain Preliminary Assessment for the Garfield Avenue property:

- Failure to Provide Qualified Personnel
- Violation of Section 4.0
- Failure to Comply with Section 4
- Violation of Section 4.2
- Failure to Comply with 4.3.2
- Failure to Comply with 4.4.2
- Violation of Paragraph 4.5
- Failure to Comply with Section 4.6
- Violation of Section 4.7 (Five violations)

² Transcript of the Testimony of Robert Woellner in the Matter of Fidelity and Deposit Company of Maryland v. White River Townhomes, LLC *et al*, November 19, 2009.

³ 131 South Benton Street Denver, CO <http://forensic-applications.com/meth/censoredcriticalreview.pdf>

⁴ 100 W. Spaulding Street, Lafayette, Colorado http://forensic-applications.com/meth/Spaulding_Regulatory_audit_Redacted.pdf

⁵ 4893 S Johnson Street, Denver http://www.forensic-applications.com/meth/Johnson_Critical_review.pdf

⁶ 788 W. Lois Ct., Louisville, CO 80027

⁷ 1138 West 32nd Street, Unit 201, Denver, CO

⁸ 48400 Routt County Road 56C, Steamboat Springs, CO 80487

⁹ 11767 Grant Street, Northglenn, Colorado 80233

¹⁰ 690 S. Lincoln Street, Denver, CO 80203

¹¹ 8347 S Reed Street, Unit 2, Littleton CO 80128

- Failure to Comply with Section 4.8
- Failure to Comply with Section 4.9
- Failure to Comply with Section 4.10
- Violation of Paragraph 4.11
- Violation of Paragraph 4.12 Failure to identify common ventilation
- Violation of Paragraph 4.12 Failure to investigate commonly ventilated areas
- Violation of Paragraph 4.12 Failure to document limited access
- Violation of Paragraph 4.14
- Violation of Paragraph 4.15
- Violation of Paragraph 4.15.2
- Violation of Paragraph 4.15.3 (Five Violations)
- Violation of Paragraph 4.16
- Violation of Paragraph 4.17
- Violation of Paragraph 4.17.1
- Violation of Paragraph 4.17.4
- Violation of Paragraph 4.17.5
- Violation of Section 6
- Violation of Section 6.1.3
- Violation of Section 6.2.2 (8 Violations Failure to Delineate 100cm2)
- Violation of Section 6.2.2 (15 Violations Re-use of templates)
- Violation of Paragraph 6.2.7, 6.2.9, 6.2.10 (20 Violations)
- Violation of Paragraph 6.2.14
- Violation of Paragraph 6.2.14.3 (Two Violations)
- Violation of Paragraph 6.2.14.5 (4 violations)
- Violation of Paragraph 6.2.14.6 (6 violations)
- Violation of Paragraph 6.2.14.7 (6 violations)
- Violation of Paragraph 6.2.14.8 – Date of collection (6 violations)
- Violation of Paragraph 6.2.14.8 – Time of collection (6 violations)
- Violation of Paragraph 6.2.14.9 (6 violations)
- Violation of Paragraph 6.2.14.11
- Violation of Paragraph 6.3.6 (10 violations)
- Violation of Paragraph 6.5
- Violation of Paragraph 6.8.1
- Violation of Paragraph 6.8.2
- Violation of Paragraph 6.9 (Five violations)
- Violation of Paragraph 6.9.1 (Nine Violations)
- Violation of Paragraph 6.9.4 (Four Violations)
- Violation of Paragraph 6.9.6 (three violations)
- Violation of Paragraph 6.9.7 (12 violations)
- Violation of Paragraph 6.9.9
- Violation of Paragraph 6.9.11 (16 Violations)
- Violation of Paragraph 6.9.11.2 (16 Violations)
- Violation of Section 7.1
- Violation of Section 7.1.1
- Failure to Comply with Paragraph 7.2
- Violation of Paragraph 7.3
- Colorado Criminal Code CRS 18-5-113. Criminal impersonation
- Colorado Criminal Code – Fraud; Offering a false instrument for recording

- Colorado Consumer Protection Act

(we anticipate completing an audit on the Post Remediation report for this property early next week, however a quick glance at the report revealed that none of the clearance samples were valid).

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.