



FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.

**Industrial Hygiene Review
Regulatory Audit
Resulting in
Findings of Noncompliance
And Regulatory Misconduct
at an
Identified Illegal Drug Laboratory**

Located at:

**9210 Race Street
Thornton, CO 80229**

Prepared by:

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EXECUTIVE SUMMARY

Forensic Applications Consulting Technologies, Inc. (FACTs) was asked by a confidential property broker to review a document package prepared by Meth Lab Cleanup LLC. The confidential broker provided FACTs with the document and asked us to review the material for regulatory compliance and completeness. Specifically, the investigator asked FACTs to review the following:

FINAL REPORT METHAMPHETAMINE DECONTAMINATION, 9210 Race Street, Thornton, CO 80229, MLCC Project # 0312-1062-UT Report Date: May 23, 2011 (*sic*)

Upon reviewing the documents FACTs finds the following:

General Findings

- The cited document entirely fails to meet State regulatory requirements and is fatally flawed.
- The authors of the report were not authorized to perform the work.
- The cited work references Century Environmental as performing the “Preliminary Assessment.” Documented reviews in the past have demonstrated that Century Environmental is not authorized to perform such work, and has conducted fraudulent work in the past.
- No valid Preliminary Assessment exists for this property.
- No valid or lawful cleaning has been documented for this property.
- No valid final verification sampling has been performed for this property.
- FACTs identified and documented no fewer than 51 violations of State regulations regarding the compliance activities required for this property. Since we know there is no legitimate Preliminary Assessment for the property, we may presume that there is a violation of each of the Section Provisions of the Regulations as well.
- Based on the documents provided, FACTs has identified the following violations of State regulation:
 - Failure to Provide Authorized Personnel
 - Failure to Provide Statement of Qualifications
 - Violation of State Regulatory Definition of a Consultant
 - Failure to Comply with Appendix A Sampling Theory
 - Failure to comply with 6 CCR 1014-3 6.0.3
 - Failure to comply with 6 CCR 1014-3 6.1



- Failure to comply with 6 CCR 1014-3 6.1
- Failure to comply with 6 CCR 1014-3 6.1.1.
- Failure to comply with 6 CCR 1014-3 6.1.2.
- Failure to comply with 6 CCR 1014-3 6.2.1.
- Failure to comply with 6 CCR 1014-3 6.2.2.
- Failure to Comply with Appendix A – Prohibited Surfaces
- Failure to Comply with Appendix A – Insufficient Surface Areas
- Failure to Collect Samples from Mandatory Locations
- Violation of Composite Collection Rules – Mixed Substrates
- Failure to comply with 6 CCR 1014-3 Appendix A Methamphetamine Laboratories Sampling Methods And Procedures – Submission of Blanks
- Failure to comply with 6 CCR 1014-3 6.6
- Failure to comply with 6 CCR 1014-3 6.6
- Failure to comply with 6 CCR 1014-3 7.0
- Failure to comply with 6 CCR 1014-3 7.1
- Failure to comply with 6 CCR 1014-3 7.2
- Failure to comply with 6 CCR 1014-3 7.3
- Failure to comply with 6 CCR 1014-3 7.4
- Failure to comply with 6 CCR 1014-3 8.0 Reporting
- Failure to comply with 6 CCR 1014-3 8.1
- Failure to provide legal description
- Failure to identify ownership
- Failure to identify number of structures
- Failure to identify type of structures
- Failure to identify adjacent properties
- Failure to identify surrounding properties
- Failure to comply with 6 CCR 1014-3 8.2
- Failure to comply with 6 CCR 1014-3 8.3
- Failure to comply with 6 CCR 1014-3 8.4
- Failure to comply with 6 CCR 1014-3 8.5
- Failure to comply with 6 CCR 1014-3 8.6
- Failure to comply with 6 CCR 1014-3 8.7
- Failure to comply with 6 CCR 1014-3 8.8
- Failure to comply with 6 CCR 1014-3 8.9
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- Failure to comply with 6 CCR 1014-3 8.19
- Failure to comply with 6 CCR 1014-3 8.20 Pre-Decontamination Photography
- Failure to comply with 6 CCR 1014-3 8.20 Post-Decontamination Photography
- Failure to comply with 6 CCR 1014-3 8.21
- Failure to comply with 6 CCR 1014-3 8.22
- Failure to comply with 6 CCR 1014-3 8.21
- Possible Violation of CRS §18-5-114 Offering a false instrument for recording



- The property located at 9210 Race Street, Thornton, CO 80229, remains a noncompliant illegal drug laboratory as defined by State statutes and State regulations.
- Entry into the subject property has been prohibited since at least February 14, 2012 and entry remains prohibited except as permitted by CRS §25-18.5-104; such restriction on entry extends to the seller, the buyer, perspective buyers, maintenance personnel, and others.
- Therefore, the property was required to be disclosed as an illegal drug laboratory pursuant to CRS §38-35.7-103 (3)(a). Since the regulations were not followed, (the seller did not have a legitimate Preliminary Assessment performed, did not have the property remediated pursuant to State regulations, and did not have legitimate post mitigation sampling performed, and hired a consultant known to provide false information), the seller cannot avail of the nondisclosure permitted by CRS §38-35.7-103 (4)
- As of the date of this discussion, the residential structure located at 9210 Race Street, Thornton,, Colorado is a public health nuisance as defined by CRS §25-18.5-105 and pursuant to CRS §16-13-303 is a Class 1 public health nuisance.

INTRODUCTION

Following discovery of an illegal drug laboratory, the building owner is required by State regulation as well as by State statutes to follow specific actions, using specified personnel. In addition to the mandatory specified actions, State statutes and State regulations also identify prohibited actions.

The process begins with the completion of a mandatory “Preliminary Assessment” performed by authorized personnel. In this case, Methlab Cleanup Company states in its document dated May 23, 2011 (also dated May 23, 2012):

Century Environmental Hygiene (CIH) conducted a preliminary assessment of a potential clandestine methamphetamine laboratory at the residential property located at 9210 Race Street, Thornton, CO. The preliminary assessment was performed by Paul Jaeckel on February 14, 2012 and February 29, 2012.

Century Environmental Hygiene, LLC, has an extended documented history of fraudulent statements, gross technical incompetence, botched illegal drug laboratory assessments and regulatory violations.^{1, 2,3,4,5,6,7} Indeed, recently, due in large part because of Mr.

¹ 2745 S Hooker Street, Denver, CO http://www.forensic-applications.com/meth/Critical_review_Hooker.pdf

² 3509 Montrose Street, Evans CO (4/5/06) <http://forensic-applications.com/meth/Initial-review.pdf>

³ 1812 164th Place, Thornton CO (4/23/09) <http://forensic-applications.com/meth/164thCriticalReview.pdf>



James Dennison and Century Environmental Hygiene, LLC, and the proliferation of fraudulent and incompetent consultants, the Colorado State legislature considered a bill (SB12-162, LLS NO. 12-0798.01) that could discipline Industrial Hygienists such as those with Century Environmental and other fraudulent consultants with a \$15,000 per day fine.

During the cited reviews, FACTs has identified the fact that the Century Environmental asbestos technician, Mr. Paul Jaeckel is not an Industrial Hygienist, and otherwise has no documented ability or training to perform the stated work, and is unauthorized to perform any regulatory methlab related work.

Since the decontamination process and the final clearance activities must be based on the Preliminary Assessment, and no Preliminary Assessment exists for this property, any cleaning, and other activities would be unlawful, all other considerations notwithstanding.

REVIEW OF THE METH LAB CLEANUP LLC DOCUMENT

Failure to Provide Authorized Personnel

One of the mandatory provisions, pursuant to state regulations promulgated by the Colorado State Board of Health and designated as “6 CCR 1014-3, Regulations Pertaining To The Cleanup Of Methamphetamine Laboratories” states that assessments of properties within the scope of the regulation can only be performed by authorized Industrial Hygienists meeting the definition of Section 24-30-1402 of the Colorado Revised Statutes. According to the regulations, during the assessment, the Industrial Hygienist must perform hypothesis testing wherein:

The strength of evidence needed to reject the hypothesis is low, and is only that which would lead a reasonable person, **trained in aspects of methamphetamine laboratories**, to conclude the presence of methamphetamine, its precursors as related to processing, or waste products.

To our knowledge, the author of the report, (Ms. Julie A. Mazzuca) has no legitimate knowledge, training or experience in the assessment of methamphetamine laboratories. The documentation provided by Methlab Cleanup LLC (MLCC) entirely failed to include the mandatory Statement of Qualifications as required by 6 CCR 1014-3 (§8.21) to document and demonstrate the necessary training and experience.

⁴ Property address sealed by court order (9/23/09)

⁵ 24018 Deer Valley Road, Golden, CO (8/25/10) <http://forensic-applications.com/meth/DVRCriticalReview.pdf>

⁶ Columbine Apartments, Unit A107 605 Wickes Ave. Craig, CO 81625 (12/30/07) <http://forensic-applications.com/meth/columbinepreliminaryassessment.pdf>

⁷ 19042 E 53rd Ave., Denver, CO (12/10/08) <http://forensic-applications.com/meth/gollaspa.pdf>



Ms. Mazzuca identifies herself as a “Registered Professional Industrial Hygienist.” The Association of Professional Industrial Hygienists, Inc. (APIH) was established in 1994 to offer credentialing to industrial hygienists who meet the education and experience requirements found in Tennessee Code Annotated, Title 62, Chapter 40, and do not carry any particular credibility in Colorado (or anywhere else, for that matter).

Nothing within the provided documentation demonstrates that the MLCC personnel involved with the assessment work are authorized to perform assessments of clandestine drug laboratories, pursuant to pertinent regulations. Considering the gross lack of technical competency exhibited by the author of the report in question, one may reasonably conclude that the author has no knowledge whatsoever of the State of Colorado regulations and received no training in the same. As discussed below, the author has made numerous gross technical errors and omissions, and has exhibited a gross lack of technical competency in the realm of clandestine drug laboratory assessment.

Statements of Qualifications

Section 8.21 of the Colorado Regulations explicitly requires the consultant to provide:

8.21 Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

In violation of this mandatory provision, the MLCC documentation entirely failed to include any information which could be construed as the mandatory Statement of Qualifications for Ms. Mazzuca.

Based on the information in the report, it would appear that Ms. Mazzuca did not in fact even collect the samples herself, but rather, the samples were collected by an unknown technician whose authorization to perform the sampling is entirely undocumented. According to the MLCC report:

For any given functional space identified **by the technician**, at least 300 cm² of surface was sampled.

Therefore, according to the information in the MLCC report, it would appear that the work was never performed by an Industrial Hygienist as required by State regulation.

Violation of State Regulatory Definition of a Consultant

In any event, the issue of whether Ms. Mazzuca is actually a legitimate Industrial Hygienist or not is a moot point, since according to Colorado Regulations – CCR 1014-3:

“Consultant” means a Certified Industrial Hygienist or Industrial Hygienist who is not an employee, agent, representative, partner, joint venture participant, shareholder, parent or subsidiary company of the contractor.



In this case, in violation of State regulations, the individual used to perform “clearance sampling” appears to be an employee of the same company as the contractor used to unlawfully decontaminate the property. In fact, it would appear that “Methlab Cleanup Company LLC” is the same as the cleanup contractor.

The MLCC report identifies the decontamination contractor as “Environmental Reclamation Services” (and mysteriously, elsewhere in the report, MLCC identifies the cleanup contractor as “Emergency Reclamation Services.”) The report identifies Mr. Chris Zundell as the contact for the cleanup contractor.

This creates a problem since other public documents, such as the official State of Montana (as of July 12, 2012) associates the contractor as working for the same company as Ms. Mazzuca and documents the following information:⁸

Chris Zundel
Meth Lab Cleanup LLC
26 W 6th Ave
Helena, MT 59601
(206) 406-4085
E-Mail: info@methlabcleanup.com

Julie Mazzuca
Meth Lab Cleanup LLC
26 W 6th Ave
Helena, MT 59601
(206) 406-4085
E-Mail: info@methlabcleanup.com

Therefore, in violation of Section 3 of 6 CCR 1014-3, Ms. Mazzuca is an employee, agent, representative, partner, joint venture participant, shareholder, parent or subsidiary company of the contractor.

Similarly, according to Colorado regulations:

6.7. To prevent any real or potential conflicts of interest, consultants conducting preliminary assessments and post-cleanup assessments must be independent of the company or entity that will subsequently conduct the drug lab cleanup, except as provided in 6.7.1

And the regulations indicate that “independent” means:

“Independent” means that a person is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of another person.

In violation of State regulations, the individual performing the post-remediation sampling was not independent of the cleaning contractor.

⁸ <http://deq.mt.gov/Meth/MethContractors.mcp#Z>



Failure to Comply with Appendix A Sampling Theory

According to Colorado regulations:

*In post-decontamination sampling, the hypothesis is made that the area is non-compliant, and data is collected to test the hypothesis. The role of the consultant in post decontamination sampling is **not** to demonstrate that the area is “clean,” but rather, using biased sampling, to diligently attempt to prove that the area is not clean. The lack of data supporting the hypothesis leads the consultant to accept the null hypothesis and conclude that the area is compliant.*

Pursuant to this requirement, MLCC was obligated to diligently attempt to “prove” that the remediation was not successful. MLCC entirely failed to comply with mandatory hypothesis testing by intentionally collecting:

- 1) Samples from prohibited surfaces
- 2) Insufficient surface sample areas
- 3) Samples from surfaces that would be known to have the lowest levels of contamination
- 4) Insufficient number of samples

The identification of each category of violation is presented below.

Failure to comply with 6 CCR 1014-3 6.0.3

According to State Regulations,

Post-decontamination clearance sampling **shall** be conducted to verify that cleanup standards have been met. Sample collection and laboratory analysis **shall** be conducted in accordance with the procedures set forth in Appendices A, B and D of these regulations.

MLCC entirely failed to comply with this mandatory State regulation, and falsely “cleared” an otherwise noncompliant property, thus potentially exposing the newly entering occupants and their children to a potentially hazardous environment.

Failure to comply with 6 CCR 1014-3 6.1

State regulations explicitly require:

6.1. Locations of samples shall be based on information gathered during the preliminary assessment. ...

As described above, no legitimate Preliminary Assessment was performed for this property. Particularly, in violation of State regulations, MLCC entirely failed to identify Functional Spaces and also failed to identify or even address the possibility of other compounds that may have been present. Nowhere in the provided documentation do we find where MLCC has identified any functional spaces; therefore, it would be impossible to confirm if the mandatory sampling was performed within each Functional Space.



Failure to comply with 6 CCR 1014-3 6.1

State regulations explicitly require:

6.1. ... Samples **shall** be collected from:

This language specifically indicates that the sample collection in the following sections is not elective, but rather is mandatory. As will be demonstrated, MLCC failed to meet the following requirements.

Failure to comply with 6 CCR 1014-3 6.1.1.

Colorado Regulations explicitly require the consultant to collect samples from

6.1.1. Areas expected to have the highest levels of contamination, such as cooking areas, chemical storage areas, and waste disposal areas.

Collection of samples from the areas of highest anticipated contamination is a mandatory requirement and is heavily based on the training of the Industrial Hygienist. Given the profoundly incompetence exhibited by the consultant, it is clear that she had no legitimate training or knowledge of such assessments. Virtually all of the samples collected by MLCC were collected from areas that would be expected to have the LOWEST concentrations of methamphetamine, even when more suitable locations were clearly available.

For example, if we look at page 14 of the MLCC report, and we see the top right photograph. In that photograph, we see that the fan blades in the radial fan in the photograph clearly contain residual dust, and appears to have never been cleaned at all. And yet, in violation of mandatory State regulations, the fan wasn't sampled – instead, a sample was collected from a clean surface which would be extremely unlikely to have been contaminated in the first place.

Similarly on Page 14, in the photographs in the left column, we see a dirty metal duct. Instead of collecting a sample from the dirty metal duct (which would be compliant with the regulations), MLCC instead elected to collect a sample from a surface that is explicitly prohibited by State regulations – that is, MLCC collected a sample from the rough wooden timber in spite of the State regulations which clearly state:

Wipe sampling shall not be used to demonstrate that cleanup levels have been met on porous surfaces.

In violation of State regulations, MLCC collected samples from locations not anticipated to have elevated contamination levels and similarly collected samples from prohibited surfaces.

Failure to comply with 6 CCR 1014-3 6.1.2.

According to State regulations, samples must be collected from



6.1.2. Areas where contamination may have migrated, such as adjacent rooms or units, common areas, and ventilation systems.

Since the documentation entirely failed to identify Functional Spaces, there is no documentation that this provision has been met.

Failure to comply with 6 CCR 1014-3 6.2.1.

According to State regulations:

6.2.1. Discrete sampling is required in all cases, except as provided in 6.2.2 of these regulations.

For this property, MLCC failed to attempt to clear any area based on discrete sampling.

Failure to comply with 6 CCR 1014-3 6.2.2.

According to State regulations:

6.2.2. Composite sampling may only be conducted in situations where contamination is expected to be relatively evenly dispersed throughout a given area, and composite sampling will provide an accurate representation of the area sampled, as described in Appendix A.

In this case, since, in violation of State regulations, no valid Preliminary Assessment was performed, and in violation of State regulations, the pre-remediation sampling results were not included in the final documentation, and there is no other contradicting information, there is no reason to expect that the contamination in the residence is anything other than lognormally distributed. As such, the collection of composite samples for this property would have been prohibited.

Failure to Comply with Appendix A – Prohibited Surfaces

In any event, even if the rationale for the collection of composite was justified, as described in the next sections MLCC *entirely* failed to collect the samples in a manner required by State regulations, and indeed, violated several sections by performing prohibited actions. According to the Mandatory Appendix A of the State regulations:

Wipe sampling shall **not** be used to demonstrate that cleanup levels have been met on porous surfaces.

For this property, in violation of State regulations, no fewer than 12 of the samples collected by MLCC were collected from porous surfaces. Since MLCC Failed to properly document all of the samples collected, the actual number of samples collected from porous surfaces may be higher.

At a minimum, in violation of State regulations, the following samples were collected from porous materials:

Sample ID	Substrate
-----------	-----------



9210-1.3	Concrete
9210-3 .3	Concrete
9210-4 .3	Concrete
9210-5 .3	Tile grout
9210-8.1	Bare Wood
9210-8.2	Bare Wood
9210-8.3	Bare Wood
9210-8.4	Bare Wood
9210-8.5	Bare Wood
9210-9 .3	Concrete
9210-9.4	Particle board
9210-9.5	Bare drywall

None of these samples can be used for final verification, and if the sample is from a Functional Space, the inclusion of the porous sample into the sampling suit invalidates the sampling for that entire Functional Space. In fact, NONE of the sampling performed at the property was performed pursuant to State regulations, and therefore, NONE of the Functional Spaces were cleared.

Failure to Comply with Appendix A – Insufficient Surface Areas

According to State regulations:

For any given functional space, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

In this case, MLCC not only ignored the requirement to assign Functional Spaces, but MLCC explicitly admits they did not follow State regulations. According to their report

For any given functional space identified by the technician, at least 300 cm² of surface was sampled.

In their report, MLCC explicitly has documented that they entirely failed to comply with State regulations and have listed the following in their report:

Sample Suite	Location	Total Surface Area
9210-1	Master Bed/Master Bath	300 cm ²
9210-2	Bathroom 2	300 cm ²
9210-3	Bedroom 2	300 cm ²
9210-4	Bedroom 3	300 cm ²
9210-5	Living/Dining	300 cm ²
9210-6	Utility	300 cm ²
9210-7	HVAC	300 cm ²
9210-8	Attic	300 cm ²
9210-9	Storage/Garage	300 cm ²
9210-10	Kitchen	300 cm ²



Therefore, based on the information in the MLCC report, NONE of the areas were cleared pursuant to mandatory State regulations.

As one takes fewer and fewer samples from a property, the probability of finding a non-compliant sample in a contaminated property goes down, and therefore, the probability of clearing an otherwise contaminated structure goes up.

Failure to Collect Samples from Mandatory Locations

According to State regulations:

For any given functional space, at least 500 cm² of surface shall be sampled, unless the area is assumed to be non-compliant.

Based on the information in their report, MLCC only collected 300 cm² from each area, and therefore, none of the mandatory locations were properly cleared.

Violation of Composite Collection Rules – Mixed Substrates

Colorado State Regulations explicitly prohibit the mixing of substrates during composite sampling. According to State regulations:

Any composite sampling must consist of like media, matrices or substrates. The mixing of media, matrices or substrates is not permitted.

Yet, in violation of the regulations, every composite sample suit collected by MLCC contained mixed substrates, except one. The only sample suit that did not contain mixed substrates was Sample Suite 8, which exclusively consisted of prohibited porous surfaces.

In the Table below, we have documented the mixed substrates used in the composite sampling.

Sample Suite	Mixed Substrates
9210-1	Concrete and Drywall
9210-2	Drywall and Ceramic Tile
9210-3	Concrete and Drywall
9210-4	Concrete and Drywall
9210-5	Drywall and Ceramic Tile
9210-6	Drywall and Ceramic Tile
9210-7	Bare Metal and Painted Metal
9210-9	Concrete, Painted Drywall, Particle Board, Bare Drywall
9210-10	Drywall and Ceramic Tile

Therefore,

- In violation of State regulations, MLCC failed to collect samples from each of the mandatory locations
- In violation of State regulations, MLCC failed to collect the minimum required surface area for each functional space



- In violation of State regulations, MLCC collected samples from prohibited areas
- In violation of State regulations, MLCC collected composites when prohibited
- In violation of State regulations, MLCC mixed composite substrates

Failure to comply with 6 CCR 1014-3 Appendix A Methamphetamine Laboratories Sampling Methods And Procedures – Submission of Blanks

According to mandatory State regulations:

Wipe Samples

10. At least one sample media blank, treated in the same fashion but without wiping, should be submitted for every 10 samples collected.

In their report, MLCC has reported results for 29 samples, and yet, in violation of mandatory regulations, only one blank was submitted.

Failure to comply with 6 CCR 1014-3 6.6

According to State regulations,

6.6. Quality Control/Quality Assurance (QA/QC) samples, including sample blanks, field duplicates, matrix spike and matrix spike duplicates, shall be collected and/or analyzed as specified in the sampling and analysis protocols presented in Appendices A, B and D of these regulations. Laboratory QA/QC shall be conducted in accordance with method requirements as specified in Appendix B of these regulations.

As documented above, field blanks as required by regulation were not included.

Failure to comply with 6 CCR 1014-3 6.6

According to State regulations,

6.7. To prevent any real or potential conflicts of interest, consultants conducting preliminary assessments and post-cleanup assessments must be independent of the company or entity that will subsequently conduct the drug lab cleanup, except as provided in 6.7.1.

As already documented, in violation of State regulations, the post mitigation sampling was performed by an organization or personnel who are associated with the decontamination contractor.

Failure to comply with 6 CCR 1014-3 7.0

State regulations require:

7.0 Cleanup Levels. The following cleanup levels shall be used to determine if a property has been adequately decontaminated. They may also be used during the preliminary assessment to demonstrate that a property, or portion of a property, is not



contaminated. All properties must meet the cleanup level for methamphetamine. Additional cleanup levels that may be applied to a property shall be based on information gained during the preliminary assessment.

Failure to comply with 6 CCR 1014-3 7.1

State regulations state:

7.1. Surface wipe samples and vacuum samples for methamphetamine shall not exceed a concentration of 0.5 µg /100 cm².

As described above, sampling was not performed at the property in a manner that permits documentation or verification that this section has been met.

Failure to comply with 6 CCR 1014-3 7.2

State regulations state:

7.2. If there is evidence of iodine contamination on materials or surfaces that will not be removed, surface wipe samples for iodine shall not exceed a concentration of 22 µg/100 cm².

Since, in violation of State regulations, no legitimate Preliminary Assessment has been performed at the property, there is no documentation that iodine contamination was ever a consideration during the compliance or mitigation of this property.

Failure to comply with 6 CCR 1014-3 7.3

State regulations state:

7.3. If the preliminary assessment indicates the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead shall not exceed a concentration of 40 µg /ft², and vapor samples for mercury shall not exceed a concentration of 1.0 µg /m³.

Since, in violation of State regulations, no legitimate Preliminary Assessment has been performed at the property, and since the individuals who performed the pre-mitigation sampling have a documented lack of technical competency in this field, there is no documentation that the presence of a P-2-P was ever a consideration during the compliance or mitigation of this property.

Failure to comply with 6 CCR 1014-3 7.4

State regulations state:

7.4. The investigation and cleanup of outdoor contamination, including soil, surface water and groundwater, shall be conducted in accordance with the Colorado Hazardous Waste Regulations, the Colorado Solid Waste Regulations, and Water Quality Control Commission Regulations 31 and 41.

Since, in violation of State regulations, no legitimate Preliminary Assessment has been performed at the property, and since the individuals who performed the pre-mitigation



sampling have a documented lack of technical competency in this field, and since, in violation of State regulations, post mitigation conditions of the surrounding soils was not documented, there is no documentation this provision has been met.

Failure to comply with 6 CCR 1014-3 8.0 Reporting

According to Colorado State regulations:

A final report shall be prepared by the consultant to document the decontamination process and demonstrate that the property has been decontaminated to the cleanup levels listed in Section 7.0 of these regulations. The final report shall include, but not be limited to, the following:

- 1) Property description
- 2) Physical address
- 3) Legal description
- 4) Ownership
- 5) Number of structures present
- 6) Type of structures present
- 7) Description of adjacent buildings
- 8) Description of surrounding properties
- 9) Description of manufacturing methods used at the property
- 10) Description of chemicals used
- 11) Copies of law enforcement reports, if available
- 12) A description of chemical storage areas
- 13) A figure of chemical storage areas
- 14) A description of waste disposal areas
- 15) A figure of waste disposal area(s).
- 16) A description of cooking areas
- 17) A figure of cooking areas
- 18) A description of areas with signs of contamination
- 19) A description of areas with signs of staining
- 20) A description of areas with signs of etching
- 21) A description of areas with signs of fire damage
- 22) A description of areas with signs of outdoor areas of dead vegetation
- 23) A figure documenting locations of the above
- 24) The results of inspection of plumbing system integrity
- 25) The identification of sewage disposal mechanism
- 26) A description of adjacent units and common areas where contamination may have spread or been tracked
- 27) Identification of common ventilation systems with adjacent units or common areas
- 28) A description of the sampling procedures used, including sample collection, handling, and QA/QC
- 29) A description of the analytical methods used and laboratory QA/QC requirements
- 30) A description of the location and results of initial sampling (if any)
- 31) A figure with initial sample locations and identification
- 32) A description of the health and safety procedures used in accordance with OSHA requirements



- 33) A description of the decontamination procedures used and a description of each area that was decontaminated
- 34) A description of the removal procedures used and a description of areas where removal was conducted, and the materials removed
- 35) A description of the encapsulation procedures used and a description of the areas and/or materials where encapsulation was performed
- 36) A description of the waste management procedures used, including handling and final disposition of wastes
- 37) A description of the location and results of post-decontamination samples
- 38) A figure showing location of post-decontamination sample locations and identification
- 39) Photographic documentation of pre-decontamination property conditions
- 40) Photographic documentation of pre-decontamination cooking areas
- 41) Photographic documentation of pre-decontamination chemical storage areas
- 42) Photographic documentation of pre-decontamination waste disposal areas
- 43) Photographic documentation of pre-decontamination contaminated area
- 44) Photographic documentation of pre-decontamination sampling areas
- 45) Photographic documentation of pre-decontamination site conditions
- 46) Photographic documentation of post-decontamination property conditions
- 47) Photographic documentation of post-decontamination cooking areas
- 48) Photographic documentation of post-decontamination chemical storage areas
- 49) Photographic documentation of post-decontamination waste disposal areas
- 50) Photographic documentation of post-decontamination contaminated area
- 51) Photographic documentation of post-decontamination sampling areas
- 52) Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S.
- 53) A description of experience in assessing contamination associated with methamphetamine lab.
- 54) Certification of procedures
- 55) Certification results
- 56) A description of variations from standard practices
- 57) A signed certification statement using explicit certification language
- 58) Signature of the consultant on the certification.

As documented below, virtually none of this information was included in the final report prepared by MLCC as required by regulation.

Failure to comply with 6 CCR 1014-3 8.1

According to the State regulations the final documentation is required to contain:

- 8.1 Property description including physical address, legal description, ownership, number and type of structures present, description of adjacent and/or surrounding properties, and any other observations made.



Failure to provide legal description

In the documentation provided to us, we do not find any documentation identifying a legal description for the property (we only find a Parcel number for the property, which is not a legal description).

Failure to identify ownership

In the documentation provided to us, we do not find any documentation identifying ownership.

Failure to identify number of structures

In the documentation provided to us, we do not find any documentation identifying the number of structures at the property.

Failure to identify type of structures

In the documentation provided to us, we do not find any documentation identifying the type of structures present.

Failure to identify adjacent properties

In the documentation provided to us, we do not find any documentation describing adjacent properties.

Failure to identify surrounding properties

In the documentation provided to us, we do not find any documentation describing surrounding properties.

Failure to comply with 6 CCR 1014-3 8.2

According to the State regulations the final documentation is required to contain:

8.2. Description of manufacturing methods and chemicals used, based on observations, law enforcement reports and knowledge of manufacturing method.

In the documentation provided to us, we do not find any documentation describing the manufacturing process at the property. In their report, MLCC states:

During the final post-remediation assessment conducted there was no staining, burning, etching or other signs of chemical use or spillage observed at the site. Visual inspection indicated no evidence of chemicals or containers typically associated with clandestine drug manufacturing. No chemical or waste containers considered to be used during methamphetamine "cooking" operations were observed at the site. No exterior areas of stained soils or vegetation were observed on the exterior of the premises.

State regulations do not exclusively require a description of extant conditions during post remediation sampling, rather, State regulations require a description of "...manufacturing methods and chemicals used, based on observations, law enforcement reports and knowledge of manufacturing method."



In this case, the consultant has not only failed to comply with the regulation, but as documented here, the consultant entirely failed to provide any of the mandatory documentation demonstrating proficiency for meth lab assessments, and her work exhibits such profound technical incompetence there is no confidence the consultant would be capable of recognizing or having any knowledge of manufacturing methods.

Failure to comply with 6 CCR 1014-3 8.3

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.3. If available, copies of law enforcement reports that provide information regarding the manufacturing method, chemicals present, cooking areas, chemical storage areas, and observed areas of contamination or waste disposal.

In the documentation provided to us, we do not see where MLCC met their regulatory obligation or even mention any law enforcement documentation.

Failure to comply with 6 CCR 1014-3 8.4

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.4. A description of chemical storage areas, with a figure documenting location(s).

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.5

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.5. A description of waste disposal areas, with a figure documenting location(s).

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.6

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.6. A description of cooking areas, with a figure documenting location(s).

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.7

According to the State regulations the consultant is required to provide the following information in the final documentation:



8.7. A description of areas with signs of contamination such as staining, etching, fire damage, or outdoor areas of dead vegetation, with a figure documenting location(s).

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation. Since there was no photographic documentation of the indoor or outdoor conditions as required by regulation, there is no independent verification of compliance with this requirement.

Failure to comply with 6 CCR 1014-3 8.8

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.8. The results of inspection of plumbing system integrity and identification of sewage disposal mechanism.

In the documentation provided to us, we do not see where MLCC has described any plumbing inspection or otherwise met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.9

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.9. A description of adjacent units and common areas where contamination may have spread or been tracked.

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.10

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.10. Identification of common ventilation systems with adjacent units or common areas.

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.13

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.13. A description of the location and results of initial sampling (if any), including a description of sample locations and a figure with sample locations and identification.

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.



Failure to comply with 6 CCR 1014-3 8.14

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.14. A description of the health and safety procedures used in accordance with OSHA requirements.

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

Failure to comply with 6 CCR 1014-3 8.19

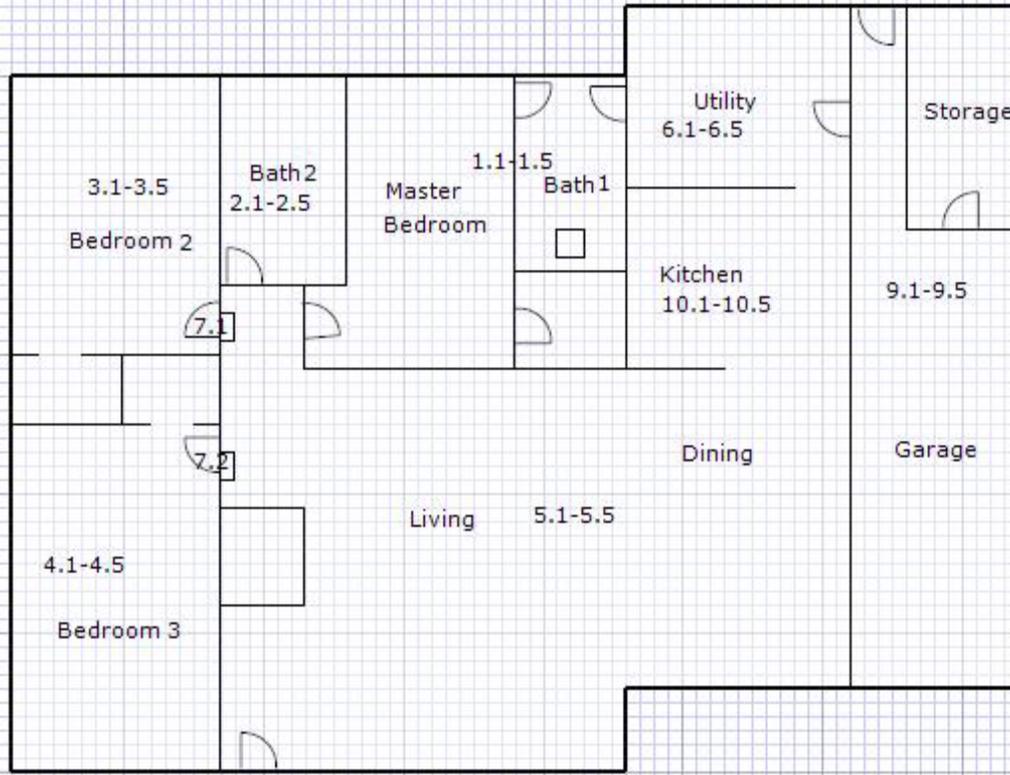
According to the State regulations the consultant is required to provide the following information in the final documentation:

8.19. A description of the location and results of post-decontamination samples, including a description of sample locations and a figure with sample locations and identification.

In the documentation provided to us, we do not see where MLCC met this regulatory obligation, and we do not find any such documentation.

In their report, MLCC provides figures that do not provide any pertinent information on sample location. For example, in the Figure below, (taken from the MLCC report), we see that Sample 1.1.-1.5 was collected somewhere in the Master bedroom, or perhaps in the Master bathroom. However, why wasn't the Master bedroom a different functional Space from the Master bathroom, and therefore, sampled according to State regulations? In the tables provided in the report, there are no descriptions of sample locations, only a room from which the sample was ostensibly collected. Furthermore, the photographs of sample locations were exclusively close-up shots that provide no information as to location.





Failure to comply with 6 CCR 1014-3 8.20 Pre-Decontamination Photography

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.20. Photographic documentation of pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.

In the documentation provided to us, we do not see where MLCC has provided ANY pre-remediation photographs at all or otherwise met this regulatory obligation.

Failure to comply with 6 CCR 1014-3 8.20 Post-Decontamination Photography

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.20. Photographic documentation of pre- and post-decontamination property conditions, including cooking areas, chemical storage areas, waste disposal areas, areas of obvious contamination, sampling and decontamination procedures, and post-decontamination conditions.



In the documentation provided to us, we do not see where MLCC has provided ANY post-remediation photographs of site conditions. Virtually all of the photographs provided are merely close-up photographs of claimed sampling locations.

Failure to comply with 6 CCR 1014-3 8.21

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.21. Consultant statement of qualifications, including professional certification or qualification as an industrial hygienist as defined in section 24-30-1402, C.R.S., and description of experience in assessing contamination associated with methamphetamine labs.

In the documentation provided to us, we do not see where MLCC has met this regulatory obligation. The documentation provided to us does not contain any Statement of Qualifications, and given the gross and profound technical incompetence displayed by the consultant, clearly the consultant has never received any kind of training in the assessment of illegal drug laboratories or the Colorado Regulations. As already addressed, there is no documentation provided that even indicates the consultant is a legitimate Industrial Hygienist.

Failure to comply with 6 CCR 1014-3 8.22

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.22. Certification of procedures and results, and variations from standard practices.

In this document, FACTs has identified over one hundred individual, and material, variations from State Regulation. Not only did MLCC fail to identify these variations as required, MLCC falsely stated in their report, that they followed State regulations.

Failure to comply with 6 CCR 1014-3 8.21

According to the State regulations the consultant is required to provide the following information in the final documentation:

8.23. A signed certification statement in one of the following forms, as appropriate:

"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4, and that I conducted post-decontamination clearance sampling in accordance with 6 CCR 1014-3, § 6. I further certify that the property has been decontaminated in accordance with the procedures set forth in 6 CCR 1014-3, § 5, and that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."

"I do hereby certify that I conducted a preliminary assessment of the subject property in accordance with 6 CCR 1014-3, § 4. I further certify that the cleanup standards established by 6 CCR 1014-3, § 7 have been met as evidenced by testing I conducted."



Nowhere in the documentation provided do we see where the consultant has made the mandatory certification of compliance.

On Page 16 of the report, the consultant states:

I hereby certify that the statements in this final report are true and accurate to the best of my knowledge.

I further certify that the decontamination of 9210 Race Street, Thornton, CO has been performed in compliance with the performance standards recognized in Colorado Department of Public Health & Environment 6 CCR 1014-3 Regulations Pertaining to the Cleanup of Methamphetamine Laboratories as applicable.

The property has been decontaminated in accordance with the best standards and practices of the industry and is Fit For Use.

The statement is abjectly false since, as demonstrated in this Critical Review, the purported Preliminary Assessment, was not performed. As demonstrated in the preceding discussion the sampling was not performed in accordance with the provisions of 6 CCR 1014-3 and the mandatory documentation is entirely missing.

Possible Violation of CRS §18-5-114 Offering a false instrument for recording

One of two mental states necessarily must have been present in the performance of the work by Ms. Julie A. Mazzuca: 1) Either Ms. Mazzuca knew that the work she was performing was grossly deviant from mandatory State requirements or, 2) Ms. Mazzuca was unaware of the fact that her work was grossly deviating from mandatory State requirements.

If Ms. Mazzuca did not know that her work was grossly deviating from mandatory State requirements, then that is sufficient to surmise that she lacked the technical competency and authority to perform the work in the first place since it would be her professional obligation to conform to those regulations and perform work pursuant to those regulations.

Or, Ms. Mazzuca is properly trained and is a legitimate Industrial Hygienist, and is aware of the mandatory regulations and intentionally and willfully ignored the regulations, and by so doing, has possibly committed criminal fraud.

According to Colorado Revised Statute CRS §18-5-114 (*Offering a false instrument for recording*), a person commits a class 5 felony when offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.



Pursuant to State statute, and state regulations, the mandatory “Preliminary Assessment” and the final report on post remediation sampling of an illegal drug lab is filed with the “Governing Body” with jurisdiction wherein the property is located. Ms. Mazzuca, in her report explicitly acknowledged that she is familiar with the State regulations, since she states she complied with those regulations and therefore, she acknowledges the fact that she is aware the documents will be filed.

We recommend that the situation be forwarded to the District Attorney for proper evaluation, and to determine if the case rises to the level of criminal conduct.

DISCUSSION

The work performed by Ms. Mazzuca exhibits a profound lack of technical competency. The work performed by MLCC contained multiple violations of State regulations.

CONCLUSIONS

The property remains a noncompliant illegal drug laboratory.

The owner of the property **MUST** comply with the mandatory provisions of State Regulations and Statutes.

The owner of the property **MUST** either commission a legitimate Preliminary Assessment, perform legitimate decontamination, and obtain a legitimate Decision Statement of confirmation, or demolish the property.

No legitimate Preliminary Assessment was conducted for this property, as required by regulation.

Decontamination procedures violated State regulations.

No valid post-remediation clearance has been conducted for this property, as required by regulation.

The property remains in a state of noncompliance.



Caoimhín P. Connell
Forensic Industrial Hygienist



APPENDIX A
FACTs SOQ





**FORENSIC APPLICATIONS CONSULTING TECHNOLOGIES, INC.
CONSULTANT STATEMENT OF QUALIFICATIONS**

(as required by State Board of Health Regulations 6 CCR 1014-3 Section 8.21)

FACTs project name:	Pioneer	Form # ML15
Date	November 19, 2012	
Reporting IH:	Caoimhín P. Connell, Forensic IH	

Caoimhín P. Connell, has been involved in clandestine drug lab investigations since 2002 and meets the Colorado Revised Statutes §24-30-1402 definition of an "Industrial Hygienist." He has been a practicing Industrial Hygienist in the State of Colorado since 1987 and is the contract Industrial Hygienist for the National Center for Atmospheric Research. Mr. Connell is a recognized authority in methlab operations and is a Certified Meth-Lab Safety Instructor through the Colorado Regional Community Policing Institute (Colorado Department of Public Safety, Division of Criminal Justice). Mr. Connell was the lead instructor for the Colorado Division of Criminal Justice and has provided over 260 hours of methlab training for officers of over 25 Colorado Police agencies, 20 Sheriff's Offices, federal agents and probation and parole officers throughout Colorado judicial districts. He has provided meth-lab lectures to prestigious organizations such as the County Sheriff's of Colorado, the American Industrial Hygiene Association, US Air Force, and the National Safety Council.

Mr. Connell is Colorado's only private consulting Industrial Hygienist certified by the Office of National Drug Control Policy High Intensity Drug Trafficking Area Clandestine Drug Lab Safety Program, and P.O.S.T. certified by the Colorado Department of Law; he is a member of the Colorado Drug Investigators Association, the American Industrial Hygiene Association (where he serves on the Clandestine Drug Lab Work Group), the American Conference of Governmental Industrial Hygienists and the Occupational Hygiene Society of Ireland. From 2009, as a law enforcement officer representing his agency, Mr. Connell served as the Industrial Hygiene Subject Matter Expert on the Federally funded Interagency Board (www.IAB.gov) Health, Medical, and Responder Safety SubGroup, and was elected full member of the IAB-HMRS in 2011, and he conducted the May, 2010, AIHA Clandestine Drug Lab Course.

He has received over 144 hours of highly specialized law-enforcement sensitive training in meth-labs and clan-labs (including manufacturing and identification of booby-traps commonly found at meth-labs) through the Iowa National Guard/Midwest Counterdrug Training Center and the Florida National Guard/Multijurisdictional Counterdrug Task Force, St. Petersburg College as well as through the US NHTSA, and the U.S. Bureau of Justice Assistance (US Dept. of Justice). Additionally, he received extensive training in the Colorado Revised Statutes, including Title 18, Article 18 "Uniform Controlled Substances Act of 1992" and is currently ARIDE Certified.

Mr. Connell is a current law enforcement officer in the State of Colorado, who has conducted clandestine laboratory investigations and performed risk, contamination, hazard and exposure assessments from both the law enforcement (criminal) perspective, and from the civil perspective in residences, apartments, motor vehicles, and condominiums. Mr. Connell has conducted over 314 assessments in illegal drug labs in Colorado, Nebraska and Oklahoma, and collected over 2,890 samples during assessments (a detailed list of drug lab experience is available on the web at):

<http://forensic-applications.com/meth/DrugLabExperience2.pdf>

He has extensive experience performing assessments pursuant to the Colorado meth-lab regulation, 6 CCR 1014-3, (State Board Of Health *Regulations Pertaining to the Cleanup of Methamphetamine Laboratories*) and was an original team member on two of the legislative working-groups which wrote the regulations for the State of Colorado. Mr. Connell was the primary contributing author of Appendix A (*Sampling Methods And Procedures*) and Attachment to Appendix A (*Sampling Methods And Procedures Sampling Theory*) of the Colorado regulations. He has provided expert witness testimony in criminal and civil cases for US Bureau of ATF and testified before the Colorado Board of Health and Colorado Legislature Judicial Committee regarding methlab issues. Mr. Connell has provided services to private consumers, Indian Nations, state officials and Federal Government representatives with forensic services and arguments against fraudulent industrial hygienists and other unauthorized consultants performing invalid methlab assessments.

Mr. Connell, who is a committee member of the ASTM International Forensic Sciences Committee, was the sole sponsor of the draft ASTM E50 *Standard Practice for the Assessment of Contamination at Suspected Clandestine Drug Laboratories*, and he is a coauthor of a 2007 AIHA Publication on methlab assessment and remediation.