



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

February 9, 2015

Mr. Michael J. Richen CIH
Industrial Hygienist
Boulder County Public Health
Air Quality Program/Environmental Health
3450 Broadway
Boulder, Colorado 80304

RE: January 17 Report by Forensic Applications Consulting Technologies, Inc.
100 West Spaulding Street
Lafayette, Colorado

Dear Mr. Richen:

At the request of the Boulder County Public Health, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the "Department") has reviewed the document titled *Report on Violations of Colorado Regulation 6 CCR 1014-3 By Quality Environmental Services Technologies Associated with an Illegal Drug Laboratory*, dated January 17, 2015 (the "January 17 Report") for the property located at 100 West Spaulding Street, Lafayette, Colorado (the "subject property"). The January 17 Report provides the opinions of Mr. Caoimhin Connell, of Forensic Applications Consulting Technologies, Inc. (FACTs), regarding a report prepared by Quality Environmental Services Technologies, Inc. (QUEST) for the subject property.

In addition to the January 17 Report, the Department reviewed the following documents:

1. *Residence at 100 West Spaulding Street in Lafayette, CO 80026, Methamphetamine Clearance Inspections & Sampling Assessments*, dated June 6, 2014, prepared by QUEST (the "Clearance Report")
2. *Preliminary Assessment of an Identified Illegal Drug Laboratory at: 100 Spaulding Street, Lafayette, CO*, dated June 13, 2011, prepared by FACTs (the "Preliminary Assessment Report")

Based on this review, we conclude that QUEST's clearance sampling provides adequate evidence demonstrating that the property does not pose a risk to persons entering or occupying the property. Nothing in the FACTs January 17 Report changes our conclusions.

The January 17 Report prepared by FACTs includes numerous incorrect interpretations of Colorado statute and regulations. For example, the existence of a preliminary assessment conducted by one industrial hygienist does not prohibit a second industrial hygienist from conducting a subsequent preliminary assessment. The January 17 Report also appears to include numerous inaccurate characterizations of the Clearance Report prepared by QUEST. For example, FACTs claims in the January 17 Report that "the mandatory Preliminary Assessment information that is required to be included in the final report is missing and is not included in the final report as required." To the contrary, Sections 8.1 through 8.10 of the Clearance Report include information gathered during QUEST's preliminary assessment of the property. Further, the Jan 17 report takes isolated phrases



from the QUEST report out of context to create the appearance of regulatory violations. Based on a review of both documents, the Department finds the criticisms and accusations contained in the January 17 Report to be without merit. Further, the Department finds no merit regarding FACTs' allegations of regulatory or criminal violations by QUEST or Mr. Robert Woellner. The Department has consulted with its counsel at the Attorney General's Office regarding this review of the January 17 Report.

Throughout the January 17 Report, FACTs disparages the qualifications and competence of QUEST and Mr. Woellner, and alleges that Mr. Woellner is not an industrial hygienist. FACTs is mistaken. Mr. Woellner has provided sufficient information to the Department to demonstrate that he is in fact an industrial hygienist as defined by § 24-30-1402, C.R.S. Further, based on a review of the Clearance Report, the Department finds that Mr. Woellner and QUEST competently conducted the clearance assessment.

In the January 17 Report, Mr. Connell rehashes false and inflammatory allegations regarding the conduct of Department personnel. The Department has refuted these allegations in the past. An independent review of Mr. Connell's allegations against Department personnel found them to be wholly unsubstantiated.

Based our review of the January 17 Report prepared by FACTs and the Clearance Report prepared by QUEST, the Department finds no evidence to support a claim that the subject property remains contaminated above Colorado's cleanup standards for methamphetamine. Therefore, there is no evidence that the property poses a risk to individuals entering or occupying the property. To the extent that there may have been minor deviations from the requirements of 6 CCR 1014-3, these deviations do not appear to rise to a level that would invalidate the adequacy of the cleanup.

In closing, while Mr. Connell is free to express his opinions about work performed by his competitors, those opinions are of no legal or regulatory consequence.

If you have any questions regarding this letter, please contact me at (303) 692-3356.

Sincerely,



Joe Schieffelin, Manager
Hazardous Waste Program
Hazardous Materials and Waste Management Division

ec: Colleen Brisnehan - CDPHE/HMWMD
Dan Miller - Colorado Attorney General's Office
John Wyss - City of Longmont Chief Building Inspector
Pam Milmoie - Boulder County Public Health
Robert Woellner - QUEST
Melanie Del Hierro - Denver Investment Group, Inc.
Caoimhin P. Connell - FACTs

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