



200306190162  
Skagit County Auditor

6/19/2003 Page 1 of 4 3:00PM



PETER BROWNING, DIRECTOR  
BOWARD LEIBRAND, HEALTH OFFICER

700 SOUTH SECOND STREET #301, P.O. BOX 91071, MOUNT VERNON, WA 98273-1071, TEL. (360) 336-9380  
FAX (360) 336-9401

**Certified Mail Number – 7001 2510 0005 7183 3094**

June 19, 2003

Dane Foley  
Home Steps/ Federal Home Loan Mortgage Corporation  
5000 Plano Parkway  
Carrollton, TX 75010

RE: Property located at 4211 Tyler Circle, Anacortes, WA 98221  
Skagit County Parcel #, Tax ID: P59984  
Legal Description:  
SKYLINE NO 10 LOT 74

**Order Prohibiting Use Per WAC 246-205-560**

Dear Mr. Foley:

On May 14, 2003 the Skagit County Interlocal Drug Task Force and the Washington State Patrol inventoried and removed a red phosphorus methamphetamine lab from a 1986 Ford Van. The driver of the van was Richard Douglas Ward. Mr. Ward's address was listed as 4211 Tyler Circle, Anacortes, WA. The Health Department received information that a neighbor who works for the Anacortes Fire Department has suspected the house at 4211 Tyler Circle of being used as a methamphetamine lab for some months.

On May 29, 2003 Georgie Bell of RE/MAX Realty contacted Britt Pfaff of the Health Department and notified her that she was representing the owners of 4211 Tyler Circle, the Federal Home Loan Mortgage Corporation, and she requested our assistance in determining if the house had been contaminated by a drug lab. Neighbors had made her aware of their suspicions that the house was a lab. On June 2, 2003 Georgie Bell signed a consent form authorizing the Skagit County Health Department to take surface swab samples inside the house and have them analyzed for methamphetamine.

Order of Unfit for Use, 4211 Tyler Circle

1

The house has been repossessed by the mortgage company and is currently vacant. On June 10, 2003 Polly Dubbel and Joanne Lynn of Skagit County Health Department visited the house and took surface swab samples. The interior was empty of furnishings but in a state of disrepair and very dirty. The basement appeared to have had some repair work started with new sheet rock in place on some walls. The north side of the exterior of the house had an accumulation of garbage in bags and containers. Three composite swab samples were taken from the house. Results were as follows: Kitchen/dining room composite – 0.15 ug/100cm<sup>2</sup>, Bathrooms/Bedrooms composite – 1.98 ug/100cm<sup>2</sup>, Basement composite – 0.32 ug/100cm<sup>2</sup>. Sample results are attached. All samples exceeded the decontamination standard listed in WAC 246-205-541 of 0.10ug/100cm<sup>2</sup>. The Skagit County Health Department has determined that the property is contaminated according to WAC 246-205-540. Due to the chemical processes involved in the manufacture of methamphetamine, the information that the former property owner was involved in a red phosphorous methamphetamine lab in a vehicle, the information from neighbors stating that they suspected a lab at the house, and swab sample results, contamination presents a potential immediate or long-term health hazard. The property at the above address is therefore designated unfit for use as of June 19, 2003.

**Use of all or portions of the property located at the address above is prohibited.**

**Penalties for Noncompliance:**

Noncompliance with this order can result in civil penalties levied against responsible parties, and any other measures deemed necessary under law, including but not limited to forcible eviction or destruction of property.

**Potential Health Risks:**

Potential immediate health hazards from exposure to an illegal drug lab include shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation and burns to the skin, eyes, mouth, and nose, and in severe cases, even death. Less severe immediate health hazards from an exposure may include headache, nausea, dizziness, and fatigue or lethargy. Potential long-term health hazards include cancer, damage to the brain, liver, and kidneys, birth defects, and reproductive problems (such as miscarriages).

**Skagit County Health Department's Intended Course of Action:**

The Skagit County Health Department is required to notify all interested parties that the property has been found to be contaminated. The property cannot be inhabited, or rented until it is either properly decontaminated and released by the Skagit County Health Department as fit for reuse, or demolished and properly disposed.

The property listed above was designated unfit for use by the Skagit County Health Department on June 19, 2003 per WAC 246-205-530, 540. The Skagit County Health Department submitted a contaminated property report to the Washington State Department of Health as per WAC 246-205-550.

The Skagit County Health Department shall:

- File a copy of this Order Prohibiting Use with the Skagit County Auditor
- Provide a copy of the Order Prohibiting Use to the Anacortes Building Department
- Provide a copy of this notice to the Skagit County Interlocal Drug Task Force and Anacortes Police Department

This Order Prohibiting Use will be served, either personally or by certified mail, return receipt requested, to all known:

- Occupants
- Persons having an interest in the property as shown upon the records of the Skagit County Auditor's office.



A copy of this Order Prohibiting Use will be mailed to each person or party having a recorded right, title, estate, lien, or interest in the property.

**Decontamination Measures (per WAC 246-205-570, 580):**

Contamination reduction is required to be done by an authorized contractor.

Before starting contamination reduction, the property owner is required to have a written work plan to reduce contamination of the property prepared by the contractor and approved by the Skagit County Health Department.

The work plan shall outline the contamination reduction and waste disposal procedures the contractor intends to use. The property owner and the contractor shall follow the Washington State Department of Health contamination reduction guidelines or other more stringent procedures as deemed appropriate by the Skagit County Health Department. All contents and structures will require decontamination or destruction.

The property owner is:

- Financially responsible for any property testing required to demonstrate the presence or absence of hazardous chemicals;
- Financially responsible for the property's contamination reduction and disposal expenses, as well as costs incurred by the Skagit County Health Department resulting from the enforcement of WAC 246-205;
- Responsible for keeping records documenting contamination reduction procedures and submitting notarized copies of all records to the Skagit County Health Department;
- Responsible for requesting the Skagit County Health Department to review the decontamination reduction records and release the property for use.

Within ten working days of a request for review of contamination reduction records, the Skagit County Health Department:

- Shall review the documentation to verify reduction of contamination to acceptable levels for reuse as stated in Washington State Department of Health guidelines.
- May visit the property site to assess the thoroughness of the contractor's cleanup;
- May require the property owner to provide more extensive testing and assessment of the property site by an independent laboratory or firm qualified to perform such testing and assessment.

If, after review of the information in the preceding paragraph, the Skagit County Health Department determines the property had been decontaminated, the Skagit County Health Department shall within ten working days:

- Record a notice in the real property records of the Skagit County Auditor indicating that to the best of their knowledge, the basis upon which the property was originally declared unfit for use has been addressed by decontamination in accordance with Board of Health and Washington State Department of Health rules and guidelines.
- Send a copy of the notice to the property owner.
- Send a copy of the notice to the Washington State Department of Health.
- Send a copy of the notice to the City of Anacortes Building Department.

**Hearing**

Be advised that:

- A hearing before the Skagit County Health Officer shall be held upon the request of a person notified of this order as required under WAC 246-205-560;
- The Person's request for a hearing shall be made within ten days of the serving of this order;
- The hearing shall then be held within not less than 20 days or more than 30 days after the serving of this order;

Order of Unfit for Use, 4211 Tyler Circle

3



200306190162  
Skagit County Auditor

- In any hearing concerning whether property may be released for reuse, the property owner has the burden of showing that the property has been decontaminated in accordance with RCW 64.44 and WAC 246-205.

If you have any questions or need assistance, please contact the Skagit County Health Department.

Sincerely,



Polly Dubbel  
Environmental Health Specialist

Cc: Skagit County Auditor  
Skagit County Interlocal Drug Task Force  
City of Anacortes Police Department  
City of Anacortes Building Department  
Carolyn Comeau, Washington State Department of Health

