

Return address:

Skagit County Department of Public Health and Community Services
Environmental Public Health Division
1800 Continental Place
Mount Vernon, WA 98273



Skagit County Auditor \$75.00
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Skagit County Department of Public Health and Community Services

Jennifer Johnson, Director
Howard Leibrand, M.D., Health Officer

Order Prohibiting Use Per WAC 246-205-560

July 28, 2015

Terry and Suwanee Arnes
2729 Bidwell Court
Atwater, CA 95301

RE: Property located at 10531 Sterling Road, Sedro Woolley, Washington
Skagit County Parcel #, Tax ID : P37787
Legal Description: TAX 45 PTN GV LT 1 BEG ON E LI CO RD WH RUNS ALG W LI
SD SUB WH IS 849.5FT N OF S LI LT 1 TH E 185FT TPOB TH E 35FT M/L TO W BNK
OF OLD SLO TH NLY ALG SD W BNK TAP WH IS 108.40FT S OF SE C TR 11 METC -
ALFS ADD TH S 89-42-10 W 160.9FT TH N 0 -17-40 W 12FT TH S 89-42-20 W 178.8FT
TO E LI CO RD TH S ALG E LI SD RD WH RUNS ALG W LI GV LT 1 TAP WH IS
1150.5FT N O OF S LI LT 1 TH E 185FT TH S 301FT M/L TPB

Dear Mr. and Mrs. Arnes:

On February 18, 2015 I was contacted by Tracy Erickson, property manager for a rental house located at 10531 Sterling Road, Sedro Woolley. Tracy had information that the house had been occupied by methamphetamine users and possibly had some storage of the drug on site. The house was vacant at the time, the tenants having been evicted from the house.

On February 19, 2015 BioClean LLC conducted surface swab sampling throughout the residence for methamphetamine. BioClean received results on February 24 from Analytical Chemistry, Inc. showing methamphetamine contamination exceeding the Washington State Clean Up standard of 1.5 ug/100 cm² in 9 of 9 locations swabbed in the house, one of one locations swabbed in the garage, and one of two locations swabbed in the shed. Levels in samples from the house ranged between 37 and over 300 ug/100 cm². I received verbal notice on significant methamphetamine contamination from Theresa Borst of BioClean LLC and on February 26, 2015 issued

you a letter stating that the property must remain secure and vacant pending cleaning up post clean up sampling by certified methamphetamine clean up contractors. I spoke with Mr. Arnes and exchanged e-mails and was informed that the property was secured and clean-up was pending insurance review and approval. As of July 28 the property remains vacant and secured.

On July 27, 2015 I spoke with Mr. Arnes and was informed that the insurance claim for methamphetamine remediation on the property has been denied due to a clause specific to methamphetamine in the claim. As this property has not progressed through complete remediation for methamphetamine contamination I am declaring the property Unfit for Use due to continued contamination and lack of progress in the clean-up of the site.

Use of all or portions of the house, garage, and shed located at 10531 Sterling Road is prohibited.

Penalties for Noncompliance.

Noncompliance with this order can result in civil penalties levied against responsible parties by the Skagit County Department of Public Health and Community Services (Skagit County Department of Public Health) and any other legal action necessary to ensure compliance.

Potential Health Risks:

Potential health hazards from exposure to methamphetamine over the clean-up standard include shortness of breath, cough, chest pain, dizziness, lack of coordination, and other long and short term neurological effects. Children, particularly toddlers, are at highest risk from exposure to this contamination.

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

The Skagit County Department of Public Health is required to notify all interested parties of the Determination of Unfit for Use and that the property will require decontamination and follow up sampling or removal of the structure. Decontamination sufficient to remediate the levels found in the house will involve complete removal and disposal of all materials in the house down to the studs and triple washing of the remaining windows. 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 is designated unfit for use by the Skagit County Department of Public Health as of July 28, 2015 per WAC 246-205-560. The Skagit County Department of Public Health will submit a contaminated property report to the Washington State Department of Health as per WAC 246-205-550.

The Skagit County Department of Public Health shall:

- File a copy of this Order Prohibiting Use with the Skagit County Auditor
- Provide a copy of the Order Prohibiting Use to the Skagit County Department of Planning and Development Services
- Provide a copy of the Order Prohibiting Use to the Skagit County Sheriff's Department

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

- 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 supervised 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 Department of Public Health.

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 Department of Public Health.

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;
- Responsible for keeping records documenting contamination reduction procedures and submitting notarized copies of all records to the Skagit County Department of Public Health;
- Responsible for requesting the Skagit County Department of Public Health 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 Department of Public Health:

- Shall review the documentation to verify reduction of contamination to acceptable levels for reuse as stated in WAC 246-205.
- 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 Department of Public Health determines the property had been decontaminated, the Skagit County Department of Public Health 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 Skagit County Department of Planning and Development Services.

Hearing

Be advised that:

- A hearing before the Skagit County Board of Health 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;
- 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 Department of Public Health.

Sincerely,



Polly Dubbel
Environmental Health Specialist

cc: Washing State Department of Health
 Skagit County Auditor
 Skagit County Department of Planning and Development Services
 Skagit County Sheriff's Department