

**Return address:**

Skagit County Department of Public Health  
700 South Second Street  
Room 301  
Mount Vernon, WA 98273



201708240024

Skagit County Auditor

8/24/2017 Page

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\$76.00



**Skagit County Department of Public Health**

**Jennifer Johnson, Director**

**Howard Leibrand, M.D., Health Officer**

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

August 24, 2017

Nirmalaben M. Mungra  
Burlington LLC  
2611 Boulevard Park Ct SE  
Olympia, WA 98501

Burlington LLC  
909 Capitol S  
Olympia, WA 98501

RE: Property located at 854 – 866 South Burlington Boulevard, Burlington, Washington  
Skagit County Parcel #: P72728 ; XrefID: 4089-006-010-0001  
Legal Description:  
DK 12: LOT 5, EXCEPT THE NORTH 35 FEET THEREOF, AND ALL OF LOTS 6, 7, 8, 9, AND 10, BLOCK 6, KNUTZEN'S ADDITION TO THE TOWN OF BURLINGTON, AS PER PLAT RECORDED IN VOLUME 3 OF PLATS, PAGE 60, RECORDS OF SKAGIT COUNTY, WASHINGTON. EXCEPT THE SOUTH 12.4 FEET OF LOT 10, EXCEPT THAT PORTION THEREOF LYING WESTERLY OF A LINE 40 FEET OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M. SURVEY AF#201612050131

Dear Ms. Mungra:

On November 3, 2016 employees of Bio Clean Inc. conducted surface swab sampling in motel units within the north and south buildings that comprise the Sterling Motor Inn located at 866 S. Burlington Blvd, Burlington, Washington. BioClean Inc. submitted a Pre-Assessment Report dated November 16, 2016. Additional pre-assessment sampling was conducted by Bio Management Northwest Inc. on May 23, 2017 with laboratory results dated May 30, 2017. The pre assessment sampling listed above documented methamphetamine contamination exceeding the Washington State Clean Up standard of 1.5 ug/100 cm<sup>2</sup> in the following units:

- South Building (Building #1): rooms 10, 11, 12, 14, 15, 16, 17, 18, office, 30, 31, 32, 33, 34, 35, 36, 37, attic space; and

- North Building (Building #2): rooms 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, attic space.

On August 15, 2017, you advised that Burlington LLC intends to clean up and remodel the property for transient accommodations, including reapplying for a transient accommodations license from the Washington State Department of Health.

Due to the health risks associated with methamphetamine exposure, the motel units showing methamphetamine contamination exceeding the Washington State Clean Up Standard are being declared contaminated and Unfit for Use in compliance with chapter 64.44 RCW and WAC 246-205-560.

**Use of all or portions of the following units is prohibited until decontamination standards under chapter 205-246 WAC have been met and verified by the Department of Health:**

**South Building (Bldg. #1), rooms 10, 11, 12, 14, 15, 16, 17, 18, office, 30, 31, 32, 33, 34, 35, 36, 37, and**

**North Building (Bldg #2), rooms 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59.**

**Penalties for Noncompliance:**

Noncompliance with this order can result in civil penalties levied against responsible parties and legal action necessary to ensure compliance with the order prohibiting use of the contaminated rooms.

**Potential Health Risks:**

Potential health hazards from exposure to methamphetamine include shortness of breath, cough, chest pain, dizziness, lack of coordination, and other long and short term neurological effects. Children 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 submit a contaminated property report to the Washington State Department of Health, post a notice on the contaminated rooms, notify any occupants and persons with an interest in the property as shown by records recorded with the Skagit County Auditor, file a copy of this Order with the Skagit County Auditor, and determine whether a contractor is required for decontamination. It is the Skagit County Department of Public Health's understanding that Burlington LLC intends to hire a certified, qualified contractor to remediate the contamination. You should submit a work plan for decontamination to the Department for review and approval before beginning work. Department staff will review the work plan and then verify that the property has been decontaminated in accordance with chapter 246-205 WAC. Copies of appropriate documents may be submitted to the City of Burlington.

**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 chapter 246-205 WAC.
- 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 City of Burlington.

#### **Right to Appeal.**

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 Chapter 64.44 RCW and chapter 246-205 WAC.

Service occurs upon receipt of this order, either personally or via certified mail, or three days after mailing to the address listed for Burlington LLC's registered agent on the Secretary of State's website. If you have any questions or need assistance, please contact the Skagit County Department of Public Health at 360-416-1500.

Sincerely,



Britt Pfaff-Dunton  
Environmental Health Specialist

cc: Washington State Department of Health  
Skagit County Auditor  
City of Burlington