



202412040047

12/04/2024 03:33 PM Pages: 1 of 4 Fees: \$306.50
Skagit County Auditor

Return address:

Skagit County Public Health
301 Valley Mall Way, Suite 110
Mount Vernon, WA 98273



Skagit County Public Health

Keith Higman, Director
Howard Leibrand, M.D., Health Officer

Order Prohibiting Use Per WAC 246-205-560 and Skagit County Code 12.16.360

December 4, 2024

Connie Kay Nims
P.O. Box 23
Sedro-Woolley, WA 98284

RE: Property located at 943 State Street Unit 5, Sedro-Woolley, Washington
Skagit County Tax Parcel P75744
Legal Description: LOTS 8, 9, 10 AND THE EAST 12 FEET OF LOT 7, BLOCK 37, FIRST
ADDITION TO THE TOWN OF SEDRO IN SKAGIT COUNTY, WASHINGTON, AS PER PLAT
RECORDED IN VOLUME 3 OF PLATS, PAGE 29, RECORDS OF SKAGIT COUNTY,
WASHINGTON.

Connie Kay Nims:

On February 15, 2024, Skagit County Interlocal Drug Enforcement Unit (SCIDEU) served a warrant on the subject property. During the search warrant execution at the subject property, law enforcement recovered large quantities of methamphetamine, fentanyl, cutting agents, personal protective equipment, and other items associated with illegal drug manufacturing and storage.

On February 26, 2024, the SCIDEU issued an abatement notice to the property owner above identifying the subject property as a Drug Nuisance.

October 16, 2024 Skagit County Public Health (Public Health) received the above information from SCIDEU.

On December 2, 2024 Public Health received a copy of the Work Plan for Methamphetamine and Fentanyl Decontamination dated November 29, 2024 prepared by Abatement & Decontamination Specialists LLC, a licensed Washington State clandestine lab clean up contractor. The work plan documents pre-assessment methamphetamine and fentanyl sampling procedures performed on October 11, 2024. The document reports that ten of ten analyzed samples collected during pre-assessment from the subject residence are contaminated with methamphetamine above the Washington State decontamination standards for methamphetamine set at 1.5 micrograms per 100 square centimeters (Washington Administrative Code WAC 246-205-541). In addition, one of one sample analyzed for fentanyl was contaminated, which is a hazardous substance.

Due to the health risks associated with methamphetamine and hazardous substance exposure, the Health Officer finds you are in violation of WAC 246-205-541 and Skagit County Code (SCC) 12.16.360.

As of December 4, 2024 Unit 5 at 943 State Street is declared contaminated and Unfit for Use in compliance with chapter 64.44 Revised Code of Washington (RCW) and WAC 246-205-560. Use of all or portions of Unit 5 of the subject property is prohibited until decontamination standards under WAC 205-246 have been met and verified by Skagit County Public Health and Public Health has declared the property decontaminated.

Corrective Actions Ordered:

You are hereby ordered to abate the above public health nuisance:

- (1) You are ordered to vacate the subject property until such time as contamination is remediated to achieve decontamination less or equal to 1.5 micrograms per 100 square centimeters for methamphetamine.
- (2) The Health Officer orders that the subject property is determined Unfit for Use and shall not be occupied, entered, or used in any other manner. Health Department approved Unfit for Use signs shall be placed on the referenced property, notifying the public of the health hazard within the premises.
- (3) All abatement work shall be performed by a licensed Washington State clandestine lab clean up contractor (WAC 246-205; Authorized Contractor) unless authorized by the Health Officer. All work must be pre-approved in writing by the Health Department and comply with the Health Officer's directives and order. The owner of the contaminated property shall comply with the decontamination process as outlined in WAC 246-205-570, decontamination.
- (4) The Unfit for Use signs are not to be removed from the subject property until such time as the Health Officer has approved and accepted written documentation that the property has been decontaminated to abate the public health threat and meets applicable decontamination standards in WAC 246-205-541.

Penalties for Noncompliance with this Order:

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 unit by Skagit County Public Health.

Potential Health Risks:

Potential health hazards from exposure to contamination due methamphetamine over clean-up standards include shortness of breath, cough, chest pain, dizziness, lack of coordination, and other long- and short-

term neurological effects. Children, particularly toddlers, are at high risk from exposure to this contamination.

Skagit County Public Health's Intended Course of Action:

Skagit County Public Health shall:

- Post a written notice declaring the subject property is contaminated and unfit for use
- File a copy of this Order Prohibiting Use with the Skagit County Auditor
- Provide a copy of the Order Prohibiting Use to the City of Sedro-Woolley
- 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.

Skagit County Public Health is required to notify all interested parties as shown upon the Skagit County Auditor records for the subject property of the Determination of Unfit for Use for contamination and that the property will require decontamination and follow up sampling or removal of structures. Decontamination sufficient to remediate the levels found in the unit will be determined by reports provided by the Authorized Contractor, which may include removal and disposal of all materials in the house down to the studs and decontamination of the interior. The unit cannot be occupied, entered, or used in any other manner until it is either properly decontaminated and released by the Health Department as fit for reuse, or demolished and properly disposed.

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

Contamination remediation is required to be supervised by an Authorized Contractor.

Before starting contamination reduction, the property owner is required to have an Authorized Contractor perform methamphetamine testing and provide a pre assessment report for approval by the Health Department. The authorized contractor shall then develop a written work plan to reduce contamination of the property. The authorized contractor shall submit the written work plan to the Health Department and the work plan must be approved by Skagit County Public Health before the beginning of any decontamination work.

The work plan shall outline the contamination reduction and waste disposal procedures the contractor intends to use. The property owner and the Authorized Contractor shall follow the Washington State Department of Health contamination reduction guidelines or other more stringent procedures as deemed appropriate by the Skagit County 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 Public Health;
- Responsible for requesting Skagit County 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, Skagit County 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 Authorized 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, Skagit County Public Health determines the property had been decontaminated, Skagit County 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 all interested parties including the property owner and the City of Sedro-Woolley.

Right to Appeal:

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 working days of the serving of this order unless mutually agreed upon in writing by Health Officer and Requestor;
- 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.
- This order may only be rescinded or modified in writing.

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

Sincerely,



Dale Patrick
Environmental Health Specialist

Cc: Skagit County Auditor
City of Sedro-Woolley
Whidbey Island Bank
U.S. Bank National Association, Trustee of the Marion E. Nicholas Revocable Trust