



Skagit County Public Health

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

Staff Report

To: Dr. Howard Leibrand, Skagit County Health Officer

From: Britt Pfaff Dunton, Environmental Health Manager
Charese Gainor, Drinking Water & On-Site Septic Lead

Subject: Staff Report – Request for appeal before Health Office. Notice of Fines

Appellant: Tulip Time LLC. Attn Larry Jensen

Property Address: 12637 Pulver Rd (P23643)

Date: August 26, 2025

Larry Jensen, on the behalf of Tulip Time LLC, has filed an appeal of the fines assed by Skagit County Public Health (SCPH) on May 2, 2025, to the Skagit County Health Officer on May 27, 2025. The fines were assessed following an initial Notification of Failure dated September 10, 2024, and Notice of Violation dated February 26, 2025.

The existing system(s) on the parcel are undocumented to serve two mobile homes. Based on the pumping reports submitted from Johnny's Septic Service, the presumed 1000-gallon single compartment septic tank actually appears to be acting as cesspool pit with multiple inputs. The tank area was reported to be flooded. This information indicates a failure of the existing system. There is no inspection or pumping records for this site before June of 2022.

Background:

Tulip time LLC purchased the property in June 2022. A property transfer septic inspection was completed on June 6, 2022. At that time no deficiencies or potential failure was noted.

The next site visit from a certified provided was in May 2024 and August 2024, when pumping out the solids was completed. Each pumping report from these two visits indicate that deficiencies noted. One month following the May 2024 deficient report, a Notice of Deficiency letter was sent to notify the owner deficiency identified and prompted to address the deficiency. This is standard practice for all deficiencies. The deficiencies identified in this report include system being flooded upon arrival, tank not being in good conditions, and baffles not being in good conditions. The provider recommended the owner contact a septic designer with this pumping report.

The August 2024 pumping report reiterated the previously identified issues along with expanded information on the system present which led to the Notification of Failure to be issued. This letter required action by November 12, 2024, to address the system malfunction/failure.

A follow-up inspection report was submitted to Johnny's Septic Service. This inspection report indicated that the original cause of the failure was related to underground utility being installed through the transport line. The report also indicated "property owner had added a pump tank of unknown size and has plumbed discharge of pump tank back into the existing drainfield."

Installation of a pump tank is a violation of Washington Administrative Code and Skagit County Code as referenced in the Notification of Violation letter sent February 26, 2025. This letter required action by March 28, 2025, to submit an on-site sewage permit for the work that was completed.

The appellant provided a printout of an email sent April 8, 2025, intended to be sent to Public Health and was sent to Commissioner Browning. The email used for the Public Health staff is incorrect thus, Public Health did not receive the email sent. Public Health has no record of other contact being attempted.

Lack of contact and lack of permit application led to the Notice of Fine Accumulation being drafted and sent May 2, 2025. The appeal form completed by the appellant indicates the date enforcement action issued by Skagit County Public Health as May 16, 2025. This is the date the certified mail was signed for.

Request by Appellant:

The appellant's appeal application is requesting the Notice of Fine Accumulation stating that they were not in violation of Washington Administrative Code or Skagit County Code. An additional letter was provided with the appeal form indicating the appeal form is being submitted to appeal the "excessive fines when there was not effluent present." The letter also states that the appellant has contracted with Tiger Tank Pumping to remedy the situation.

Discussion:

Skagit County Public Health staff have followed our failure procedure and violation for illegal installation of septic components that require permitting. Tiger Tank Pumping has contact Skagit County Public Health, on May 29, 2025, indicating they are in contract with Tulip Time LLC to review what was installed and submit a permit for the work completed and any upgrades necessary to make the system conforming.

Larry Jensen of Tulip Time LLC was also issued a Notification of Failure, Notice of Violation, and Notice of Fine Accumulation for a different property. Larry came into Skagit County Public Health on February 6, 2025, regarding this failure where Public Health staff explained that work completed on the septic system required a permit. It was also discussed that the fines may be reduced or removed (waived) if a permit is submitted and the system be repaired in a timely manner. The Notice of Fine Accumulation for the parcel in question indicates this as well.

Recommended Actions:

Deny the appeal as the failure identified in September 2024 which was not addressed with the necessary permitting and professional repair leading to the Notice of Violation.

Conditionally approve the appeal of the fines by reducing the fines to 7 days if the following conditions are met:

- A septic design developed by a licensed septic designer be developed.
- The design developed be submitted as a SEPTIC permit and permit fees be paid for by September 19, 2025.
- Any upgrades identified in the approved septic design be installed within 30 days of permit issuance.
- An as-built record drawing for the completed, permitted installation be submitted within 30 days of the final construction inspection.

Attachments:

Pumping Report – May 2024

Notice of Deficiency letter – July 2024

Pumping Report – August 2024

Notification of Failure – September 2024

Follow-up Report – October 2024

Notification of Violation – February 2025

Notification of Fine Accumulation – May 2025

Appeal Fine for Violation of Skagit County Code – May 2025