

WAC 246-205-560 Notification of contaminated property. (1)

Within ten working days after the local health officer's determination that a property is contaminated, the local health officer shall cause to be served, either personally or by certified mail, return receipt requested, an order prohibiting use to all known:

(a) Occupants; and

(b) Persons having an interest in the property as shown upon the records of the auditor's office of the county in which the property is located.

(2) If the whereabouts of persons described under subsection (1) of this section is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made by:

(a) Personal service; or

(b) Mailing a copy of the order by certified mail, postage pre-paid, return receipt requested:

(i) To each person at the address appearing on the last equalized tax assessment roll of the county where the property is located; or

(ii) At the address known to the county assessor.

(3) The local health officer shall also mail a copy of the order addressed to each person or party having a recorded right, title, estate, lien, or interest in the property.

(4) The local health officer's order shall:

(a) Describe the local health officer's intended course of action;

(b) Describe the penalties for noncompliance with the order;

(c) Prohibit use of all or portions of the property as long as the property is contaminated;

(d) Describe what measures a property owner must take to have the property decontaminated; and

(e) Indicate the potential health risks involved.

(5) The local health officer shall:

(a) File a copy of the order prohibiting use of the property with the county auditor;

(b) Provide a copy of the order to the local building or code enforcement department; and

(c) Post the order in a conspicuous place on the property within one working day of issuance of the order.

(6) The local health officer's order shall advise that:

(a) A hearing before the local health officer or local health board shall be held upon the request of a person required to be notified of the order;

(b) The person's request for a hearing shall be made within ten days of the local health officer's serving of the order;

(c) The hearing shall be held not less than twenty days nor more than thirty days after the serving of the order; and

(d) In any hearing concerning whether property is contaminated, the property owner has the burden of showing that the property is decontaminated and meets the decontamination standards of WAC 246-205-541.

[Statutory Authority: RCW 64.44.070. WSR 03-02-022, § 246-205-560, filed 12/23/02, effective 1/23/03. Statutory Authority: RCW 64.40.070 [64.44.070] and chapter 64.44 RCW. WSR 92-10-027 (Order 268B), § 246-205-560, filed 4/29/92, effective 5/30/92.]