



# Toxics Cleanup Program

## Procedure 550B

*Resource Contact:* Policy and Technical Support Staff

*Effective:* July 31, 2012

*References:* RCW 70.105D.055

## **Procedure 550B: Property Liens under RCW 70.105D.055**

### **Background**

Property lien authority was added to the Model Toxics Control Act (MTCA) in 2005 to facilitate cost recovery. A property lien is a legal interest in a property recorded in county records as an attachment to the title of the property until the debt secured by that interest is satisfied. A lien allows Ecology to recover agency remedial action costs incurred when the subject property is sold or refinanced or through a property foreclosure action.

Costs that Ecology can claim in the lien amount include administrative oversight costs as well as contractor costs incurred by Ecology for site assessment and cleanup. The amount of the lien cannot exceed the actual costs incurred by the state. Additionally, a lien cannot be filed in anticipation of future costs.

Generally Ecology will file one lien at the completion of the majority of cleanup work for the entire amount Ecology is entitled to recover. However, if it is anticipated that a major site transition will occur (such as bankruptcy, death of an owner, or sale of the property), it may be more appropriate to file a lien immediately, before the settlement of the bankruptcy or estate, or sale of the property, as these events could extinguish an opportunity to have the lien satisfied. This is only worthwhile if significant costs have been incurred (that is, the remedial investigation and feasibility study or cleanup construction is well underway).

Not every property for which Ecology incurs remedial action costs has to have a lien filed. In general, a lien should only be used as a last resort, after all other cost-recovery options have been considered. And, liens should be used primarily on property that likely has market value after cleanup. An exception is where Ecology is expending significant contract funds on the cleanup of abandoned property. In these cases, a lien should be used to preserve Ecology's priority position for recovering funds.

### **Priority Liens (RCW 70.105D.055 (2)(a))**

Often multiple liens are filed against a property, especially distressed properties. Liens filed first take priority over other liens filed later (subordinate claims of lien). If the property is foreclosed on, subordinate claims for money owed may receive only a fraction of the lien amount or nothing at all. RCW 70.105D.055 is an exception to this and, if specific procedures are followed, allows Ecology's lien to take priority over all other liens except tax liens and mortgage liens. For the purpose of this procedure, these liens are called a "priority lien."

### **Windfall Liens (RCW 70.105D.055 (2)(c))**

Ecology's lien can take a priority position over even tax and mortgage liens in certain cases when Ecology pays for the cleanup of a property that is "abandoned." Under the law, a property is considered abandoned if there has been no significant business activity or property taxes are in arrears for three years. If Ecology limits the amount of the lien to the increase in property value resulting from the remedial actions, these liens can take priority over all other liens. For the purpose of this procedure, these liens are called a "windfall lien." See Section A.7 below for additional required procedures for windfall liens.

### **Common Law Liens (RCW 60.04)**

Prior to filing a priority or windfall lien, the law requires that specific procedures be followed. Failure to follow these procedures could result in the lien not taking priority position. Also, priority and windfall liens cannot be used on property owned by a local government or special purpose district (such as a Port District) or on property used solely for residential purposes and consisting of four residential units or less at the time the lien is recorded. (This limitation does not apply to illegal drug manufacturing or storage sites under Chapter 64.44 RCW.) In these cases a common law lien, typically called a "mechanics lien" can likely still be filed under Chapter 60.04 RCW but it would not take priority over other previously filed liens. This procedure does not address common law liens. If it is anticipated that a common law lien will be used, consult with the Assistant Attorney General assigned to the site for advice.

### **Lien Procedure**

The lien procedure under MTCA has three separate steps requiring issuance of a notice to the owner and mortgage and/or lien holders already on record for the property and/or recording a document on the property record. Those steps are:

1. Sending and recording of a Notice of Intent to Incur Remedial Action Costs
2. Sending a Notice of Intent to File a Lien
3. Recording of the Lien itself.

Once a lien is placed on a property, it takes affirmative action by Ecology to remove that lien. This will occur when the amount owed (or some negotiated settlement) is paid to Ecology.

The following provides a detailed description of these procedures. Also refer to the decision tree diagrams at the end of this procedure.

## **A. Procedure Prior to Beginning Contracted Remedial Actions**

The following steps must be followed for a priority lien or windfall lien to take priority under RCW 70.105D.055. Liens are filed on a specific parcel or parcels, not for a facility as that term is defined under MTCA. For many facilities it may not be obvious that they are actually comprised of multiple parcels. Property tax records and the title search in 2. below should be consulted to determine the appropriate parcels a lien should be attached to. A MTCA lien should only be recorded against a parcel on which remedial action has occurred, not every parcel that may make up the site or is owned by the same potentially liable person.

1. **Preliminary PLP Status Letter:** The preliminary potentially liable person (PLP) status letter must state that if Ecology incurs remedial action costs relating to the remediation of real property and the costs are not recovered by Ecology, Ecology may file a lien against the real property. *This notice is already included in the boilerplate PLP notice letters attached to TCP Procedure 500 B.*
2. **Notice of Intent to Incur Remedial Action Costs:** If the remedial action costs Ecology is expecting to recover include expenses for contract work on a property, notice is required. Exceptions to the notice requirement are listed below. Ecology must send the persons found in a. through e. below a Notice of Intent to Incur Remedial Action Costs before initiating remedial actions through the contractor. A title search should be conducted to identify a. through c..
  - a. The real property owner,
  - b. Mortgagees,
  - c. Lien holders of record,
  - d. Persons known to Ecology to be conducting remedial action at the facility at the time of the notice, and,
  - e. Persons known to Ecology to be under contract to conduct remedial actions at the facility at the time of such notice.

This notice should be sent certified mail, with a return receipt requested to all of the above persons.

For **emergency remedial actions**, the same parties must be sent notice within 30 days after initiation of the remedial action.

If the remedial action costs incurred are **Ecology staff time alone** (no contractors), this notice is not required.<sup>1</sup>

If the **property owner has already been notified through the access agreement or otherwise consented to the filing of a lien**, then only the persons in (b)-(e) need to receive the Notice of Intent to Incur Remedial Action Costs. In these cases, a signature block for the owner should be included in the document, and the owner's signature should be obtained and notarized and the document recorded with the county auditor.

3. **Recording the Notice:** A copy of the Notice of Intent to Incur Remedial Action Costs must also be recorded on the property record maintained by the County Auditor. This

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<sup>1</sup> While not required, it may be appropriate to record such a notice in these cases to establish an earlier priority date for the lien, should it be anticipated cost recovery of staff time will be contentious.

establishes the priority date for the lien. All of the above notice letters do not need to be recorded. Best practice is to record the owner's notice and one copy of the notice sent to the other interest holders, with a name and address list of everyone who received that notice. This can all be recorded as one document.

4. **Filing Procedures:** The original recorded notice, with the county's recording number, (if the county auditor allows the recorded notice to be retained by Ecology) must be sent to the HQ-TCP Policy Unit Administrative Assistant, with a copy placed in the site file. HQ-TCP will retain a copy and forward the original to Ecology's Fiscal Office for safe-keeping.

*An example notice letter and recorded notice are attached to this procedure.*

**NOTE:** HQ contract staff should not approve of a work assignment until checking with the site manager to confirm that the "Notice of Intent to Incur Remedial Action Costs" has been recorded and a copy sent to HQ-TCP.

5. **Add the Notice of Intent To Incur Remedial Action Costs to ISIS:** The Toxics Cleanup Program's Integrated Site Information System (ISIS) needs to be updated to reflect this notice has been issued. This is under "site administration" activities in ISIS.
6. **Place the recorded Notice of Intent to Incur Remedial Action Costs on DSARS:** The property owner(s) notice(s) and recording documents, showing the final recording number, should be scanned and loaded into the Toxic Cleanup Program's Document Storage and Retrieval System (DSARS).
7. **Additional steps for Windfall Liens:** If it is anticipated that a windfall lien will be used, additional steps are required to establish the value of the lien. The property will need to be appraised before beginning remedial actions. The appraisal should be done by an appraiser familiar with valuing contaminated property. The appraiser should be instructed to take into account the reduced value of the property resulting from contamination. At the completion of the remedial actions, the property should be reappraised to estimate the increase in value of the property as a result of the remedial actions. The value of the windfall lien will be the difference between these two appraisals. A windfall lien should be used when it is anticipated the remedial actions will result in a significant increase in the value of the property and there are significant tax and mortgage liens already in place.

An alternative to a windfall lien is to reach an agreement with mortgage lenders and taxing districts on allocation of revenues from future lien foreclosure actions. Note that there can be multiple government entities with taxing authority, not just the city or county in which the property is located. So, an agreement for an Ecology lien to take priority over taxes should probably include at least the principal taxing entities (typically the state treasurer, county, city, school district, fire district and port district).

## **B. Lien Filing Procedure**

1. **Notice of Intent to File a Lien:**
  - a. **Notice Letter:** Except in certain circumstances discussed in 3. on page 5 below, before filing a lien, Ecology must give the owner of the real property on which the lien is to be filed, and mortgage and lien holders of record, a notice of its intent to

file a lien (persons in A. 2. a. through c.). If more than six months has elapsed since the previous title search, a new title search should be conducted to update the list of owners with an interest in the property, and mortgage and lien holders. If a title search is not conducted because of cost or for other reasons, at a minimum, check with the County Auditor for recently recorded transactions related to the parcels making up the facility.

This notice should be sent certified mail, return receipt requested. This notice does NOT need to be recorded on the property record maintained by the county auditor.

- b. **Legal Notice:** If the real property owner is unknown or if the above mailed notice is returned as undeliverable, a legal notice must be published in the newspaper of largest circulation in the county in which the site is located.
- c. **Notice Content:** Both the letter and legal notice must contain the following information:
  - i. A statement of the purpose of the lien;
  - ii. A brief description of the real property to be affected by the lien;
  - iii. A statement of the remedial action costs incurred by the state related to the real property affected by the lien;
  - iv. A brief statement of the facts showing probable cause that the real property is the subject of the remedial actions costs incurred by the department; and
  - v. The time period following service or other notice during which any recipient of the notice whose legal rights may be affected by the lien may comment on the notice (at least 30 days).
- d. **Comment Period:** The notices should state that comments must be received on or before thirty days following receipt or publication.

*An example notice letter and newspaper legal notice are attached to this procedure.*

**NOTE:** ISIS does NOT need to be updated to reflect this notice has been issued. These documents do NOT need to be scanned and loaded into DSARS.

2. **Determination of Probable Cause Required if Adverse Comments Received:** If no comments are received, the lien may be filed immediately. If comments are received, Ecology is required to determine if there is probable cause for filing the lien. If after review of the comments, Ecology determines there still is probable cause for filing the lien, then the lien can be filed.<sup>2</sup>

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<sup>2</sup> "Probable cause" is a relatively low legal threshold and requires that a real question of fact exists so that a lien is not justified. Should a landowner challenge the validity of filing a lien, ask yourself the following questions:

- Is the parcel number correct?
- Was the work included in the lien amount actually completed?
- Do Ecology's cost recovery records substantiate the costs subject to the lien?
- Has the lien amount been adjusted for costs that have already been paid?
- Were the correct procedures for filing a lien followed?

If the answer to these questions is "yes", then there should be "probable cause" to file a lien.

3. **Exigent Circumstances:** If Ecology has reason to believe that exigent (urgent) circumstances require filing of a lien prior to giving notice or prior to the 30 day comment period ends, Ecology can file the lien immediately. Examples of such circumstances are imminent bankruptcy, imminent transfer or sale of the property or death of the property owner (so the lien becomes part of the estate).
4. **Lien Content:** *The lien must contain the information specified in RCW 65.04.045. An example lien meeting these requirements under MTCA is attached to this procedure. Consult with an assistant attorney general for the proper format if a common law lien is being used.*

**BEFORE FILING A LIEN, CONTACT THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE SITE TO REVIEW FILING PROCEDURES AND LIEN CONTENT.**

5. **Recording of Lien:** The lien should be recorded in the property record with the county auditor. The lien for the full amount of Ecology's remediation costs should be recorded against each parcel on which remedial actions were conducted. The original recorded lien should be sent to the HQ-TCP Policy Unit Administrative Assistant, who will provide it to Fiscal. A copy of the recorded lien should be placed in the site file.
6. **Add the Lien to ISIS:** ISIS needs to be updated to show the lien has been filed. This is a separate activity under "site administration" activities in ISIS. This activity also includes fields for resolution of the lien. In general, "awaiting property sale" will initially be selected for this field when a lien is placed.

**C. Collecting on Liens/Release of Lien**

1. **Payment of Lien During Property Sale:** Filing a lien doesn't mean the amount claimed in the lien is automatically paid. Typically, a lien will only be paid off when the property is sold or refinanced.
2. **Foreclosure:** If neither occurs, the lien must be "foreclosed" on – an expensive and time intensive process. In a foreclosure, the lien holder in effect takes possession of the property and sells it to pay off any liens on the property. *Ecology will address foreclosure situations on a case by case basis.*
3. **Releasing the Lien:** Once the lien has been satisfied (i.e. the amount owed specified in the lien, or a negotiated settlement, has been paid to Ecology), a document stating that the lien has been released must be recorded. *An example lien release is attached to this procedure.*
4. **Update ISIS to show the Lien Resolution:** Update the existing "placement of lien" record in ISIS site administration activities to show how the lien was resolved and the recording number of the release document.

Approved:



Jim Pendowski  
Toxics Cleanup Program Manager

The following example documents are attached to this procedure to assist site managers:

- Notice of Intent to Incur Remedial Action Costs – Letter
- Notice of Intent to Incur Remedial Action Costs – Recorded Notice
- Notice of Intent to File a Lien – Letter
- Notice of Intent to File a Lien – Newspaper Legal Notice
- Example Lien
- Example Release of a Lien

**Flow charts**

- Pre-screening Criteria for Determining if a Lien is Appropriate
- Pre-Contracted Work Notification Procedure
- Lien Filing Procedure (in 2 parts)
- Lien Release Procedure

**EXAMPLE NOTICE OF INTENT TO INCUR REMEDIAL ACTION COSTS\***

**\*Must be sent Certified Mail prior to conducting contracted remedial actions to the site owner, mortgage holders, persons conducting or under contract to conduct remedial actions at the site, and lien holders of record - Return Receipt Requested**

**\*NOTE: This may be combined with the site access agreement\***

**[NAME (OF SITE OWNER, ETC.)]  
[ADDRESS (OF SITE OWNER, ETC.)]**

**RE: NOTICE OF THE DEPARTMENT OF ECOLOGY'S INTENT TO INCUR REMEDIAL ACTION COSTS AND ATTACH A PROPERTY LIEN IF THESE COSTS ARE NOT PAID.**

Dear **[SITE OWNER, MORTGAGEE, CONTRACTOR, OR LIEN HOLDER]:**

The Washington Department of Ecology has confirmed that contamination is present at the following site:

**[SITE NAME]  
[ES ID #]  
Located at [ADDRESS]**

To protect human health and the environment, the Department of Ecology intends to hire a contractor to conduct remedial action at the site identified above.

Under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, if the Department of Ecology incurs remedial action costs at a property and these costs are not recovered, then the department may file a lien against the property and this lien may take priority over certain other liens as specified in Chapter 70.105D.055 RCW.

This notification is being sent to you because you are on record as having financial interest in the property on which the Department of Ecology plans to incur costs and a resulting lien could affect your interest.

The Department of Ecology will provide further notice to you should we decide to proceed with a lien on the above property. At the time of such notification, interested parties will be given an opportunity to comment.

If you have any questions regarding this letter, the site in question, or if you would like additional information regarding the cleanup of hazardous waste sites in Washington State, please call me at **[PHONE NUMBER]**.

Sincerely,

**[SITE MANAGER]  
Department of Ecology  
[OFFICE ADDRESS]**



**EXAMPLE NOTICE FOR RECORDING ECOLOGY'S INTENT TO INCUR  
REMEDIAL ACTION COSTS\***

**\*To be filed for each parcel on the land records maintained by the County Auditor**

**NOTE: Different Counties have different required formats for recorded notices such as margins. Contact the County Auditors for their requirements.**

After Recording Return to:  
Washington State Department of Ecology  
[OFFICE ADDRESS]

**RE: NOTICE OF INTENT TO INITIATE REMEDIAL ACTION**

Landowner or Grantor: [CURRENT OWNER]  
Claimant or Grantee: State of Washington, Department of Ecology  
Abbreviated Legal Description of Property: [ABBREVIATED LEGAL DESCRIPTION]  
Tax Parcel Nos.: [TAX ASSESSOR'S PARCEL NUMBER(S)]

Pursuant to the lien authority granted in RCW 70.105D.055, and pursuant to RCW 70.105D.055(2)(e) and (f), the State of Washington Department of Ecology (Ecology) hereby gives official notice of Ecology's intent to initiate remedial action on the real property legally described in Exhibit A attached hereto. The lien notice sent to persons identified in RCW 70.105D.055(2)(e) is attached as Exhibit B. Questions relating to the proposed remedial action may be addressed to the Department of Ecology at the following address:

[OFFICE ADDRESS]  
PHONE

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

by: [SITE MANAGER]  
Title: [SITE MANAGER'S TITLE]

In reply refer to  
FS ID #: [FACILITY-SITE #]

**Attachments:**

- A. Full legal description of property
- B. Copy of lien notice sent to property owner and others identified in RCW 70.105D.055(2)

**ACKNOWLEDGEMENT**

Signed or attested before me,

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_,  
who personally appeared before me on behalf of  
the State of Washington, Department of Ecology.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_.

My appointment expires: \_\_\_\_\_

## EXAMPLE NOTICE OF INTENT TO FILE A LIEN\*

\*Must be sent Certified Mail prior to filing a lien to the site owner, mortgage holders, persons conducting or under contract to conduct remedial actions at the site, and lien holders of record - Return Receipt Requested

NOTE: While the Site Manager has authority to sign this Notice, this Notice should be sent only after concurrence from their Section Manager

[DATE]

[NAME (OF OWNER, ETC.)]

[STREET ADDRESS]

[CITY, ZIP CODE]

RE: NOTICE OF INTENT TO FILE A LIEN UNDER THE MODEL TOXICS CONTROL ACT

Dear [SITE OWNER, MORTGAGEE, CONTRACTOR, OR LIEN HOLDER]:

This is to notify you that the Washington State Department of Ecology (Ecology) intends to file a lien under the Model Toxics Control Act (RCW 70.105D.055) against the property described below for the purpose of recovering remedial action costs. Under this law, if Ecology incurs remedial action costs at a property and these costs are not recovered, then Ecology may file a lien against the property. This notification is being sent to you because you are on record as having financial interest in this property and this lien could affect your interest.

### Costs Incurred

Ecology has incurred remedial action costs at the following site:

Name: [SITE NAME]  
Address: [SITE ADDRESS]  
Facility/Site No.: [SITE NUMBER]

Current Remedial Action Costs owed to Ecology for this site are: [\$ AMOUNT DUE]<sup>3</sup>

These costs were incurred for the following reasons:

[Briefly list the facts showing probable cause that the property is the subject of remedial action costs incurred by Ecology]

Additional information on remedial actions taken to clean up this property can be found at:

[WEBPAGE]

### Comment Period

Ecology will accept comments regarding this notice through [DATE]. After reviewing any comments submitted, Ecology will make a final determination regarding the need to file this lien. Please submit your written comments to the following address: [NOTE: Provide for a comment period extending 30 days after receipt of this notice.]

<sup>3</sup> This should be the full amount owed at the site, and not divided between individual parcels.

[SITE MANAGER]  
[OFFICE ADDRESS]

**Identification of Other Potentially Liable Persons**

Ecology has notified the following others persons of Ecology's intent to file a lien to recover Remedial Action Costs at this Site:

1. [NAME 1]
2. [NAME 2, ETC.]

If you are aware of any other parties that may have a financial interest at the Site, Ecology encourages you to provide us with their contact information.

**Ecology Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the payment of Remedial Action Costs, please call [SITE MANAGER] at [PHONE NUMBER]. Thank you for your cooperation.

Sincerely,

[SITE MANAGER]

## LEGAL NOTICE OF INTENT TO FILE A LIEN\*

**\*This legal notice must be published in the newspaper of largest circulation in the county in which the site is located if the real property owner is unknown or the mailed notice letter is returned as undeliverable.**

NOTICE OF LIEN: Notice is given under RCW 70.105D that the Washington Department of Ecology intends to file a lien for **[S AMOUNT DUE]** for remedial action costs against the property at **[ADDRESS]**. These costs were incurred to clean up contamination found on this property. Additional information on the remedial actions taken to clean up this property can be found at:

**[WEBPAGE]**

Any comments on this proposed action must be received on or before **[DATE] - 30 days from publication of notice**. Comments should be sent to **[SITE MANAGER'S NAME, ADDRESS AND PHONE NUMBER]**.

**PROPERTY LIEN\***

\*Must be filed with the County Auditor for recording on the property record.

After Recording Return to:  
Washington State Department of Ecology  
[OFFICE ADDRESS]

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
MODEL TOXICS CONTROL ACT  
STATEMENT OF LIEN

Grantor or Debtor: [CURRENT PROPERTY OWNER]

Grantee or Creditor: Washington Department of Ecology

Legal Description of Property Subject to Lien: [INSERT OR ATTACH LEGAL DESCRIPTION OF PROPERTY]

Tax Assessor's Parcel Number(s): [TAX ASSESSOR'S PARCEL NUMBER(S)]

Cross Reference: 3

[RECORDING NUMBER] - (for the previously recorded "Notice of Intent to Incur Remedial Costs")

The Department of Ecology claims that the debtor named above owes past due payment for remedial action costs. Pursuant to RCW 70.105D.055, the Toxic Cleanup Program of the Department of Ecology hereby claims a lien in the amount of \$ [AMOUNT WRITTEN OUT] dollars, [\$XX.00], in [COUNTY] - (Insert the County the site is located in) County on the property described in the Legal Description section above. In support of this lien see also [RECORDING NUMBER - of the previously recorded "Notice of Intent to Incur Remedial Costs"]. Questions relating to this lien may be addressed to the Department of Ecology at the following address:

Washington State Department of Ecology  
[OFFICE ADDRESS]  
[PHONE]

Dated this [ ] day of [ ], 20 [ ]

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

by: [SECTION MANAGER]  
Title: [SECTION MANAGER'S TITLE]

In reply refer to  
FS ID #: [FACILITY - SITE #]

Attachments:  
Full legal description of property

**ACKNOWLEDGEMENT**

Signed or attested before me,

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

by \_\_\_\_\_,  
who personally appeared before me on behalf of  
the State of Washington, Department of Ecology.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_.

My appointment expires:  
\_\_\_\_\_

**LIEN RELEASE STATEMENT\***

**\*Must be filed with the County Auditor for recording on the property record.**

**Lienholder/Grantee:** State of Washington, Department of Ecology

**Lienee/Grantor:** [LANDOWNER]

**Legal Description:** [INSERT OR ATTACH LEGAL DESCRIPTION OF PROPERTY]

**Tax Assessor's Parcel Number(s):** [TAX ASSESSOR'S PARCEL NUMBER(S)]

**Cross-Reference:** [ORIGINAL RECORDING NUMBER FOR STATEMENT OF LIEN]

Brief statement of facts:

Including when Notice to Incur and Lien recorded (with their associated numbers)

In consideration of \$ [AMOUNT WRITTEN OUT] dollars, [SXX.00], receipt of which is hereby acknowledged, the State of Washington, Department of Ecology declares its costs secured by this lien under the Model Toxics Control Act have been satisfied and hereby releases the above-described property and its owner, [LANDOWNER] from the above referenced lien, and does hereby authorize and direct that the above-mentioned lien be discharged of record.

Questions relating to this lien may be addressed to Ecology at the following address:

[OFFICE ADDRESS]

[PHONE]

Dated this [ ] day of [ ],  
20 [ ]

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

by: [SECTION MANAGER]

Title: [SECTION MANAGER'S TITLE]

In reply refer to  
FS ID #: [FACILITY-SITE #]

Attachments:  
Full legal description of property

**ACKNOWLEDGEMENT**

Signed or attested before me,

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

by \_\_\_\_\_,  
who personally appeared before me on behalf of the  
State of Washington, Department of Ecology.

\_\_\_\_\_  
Notary Signature

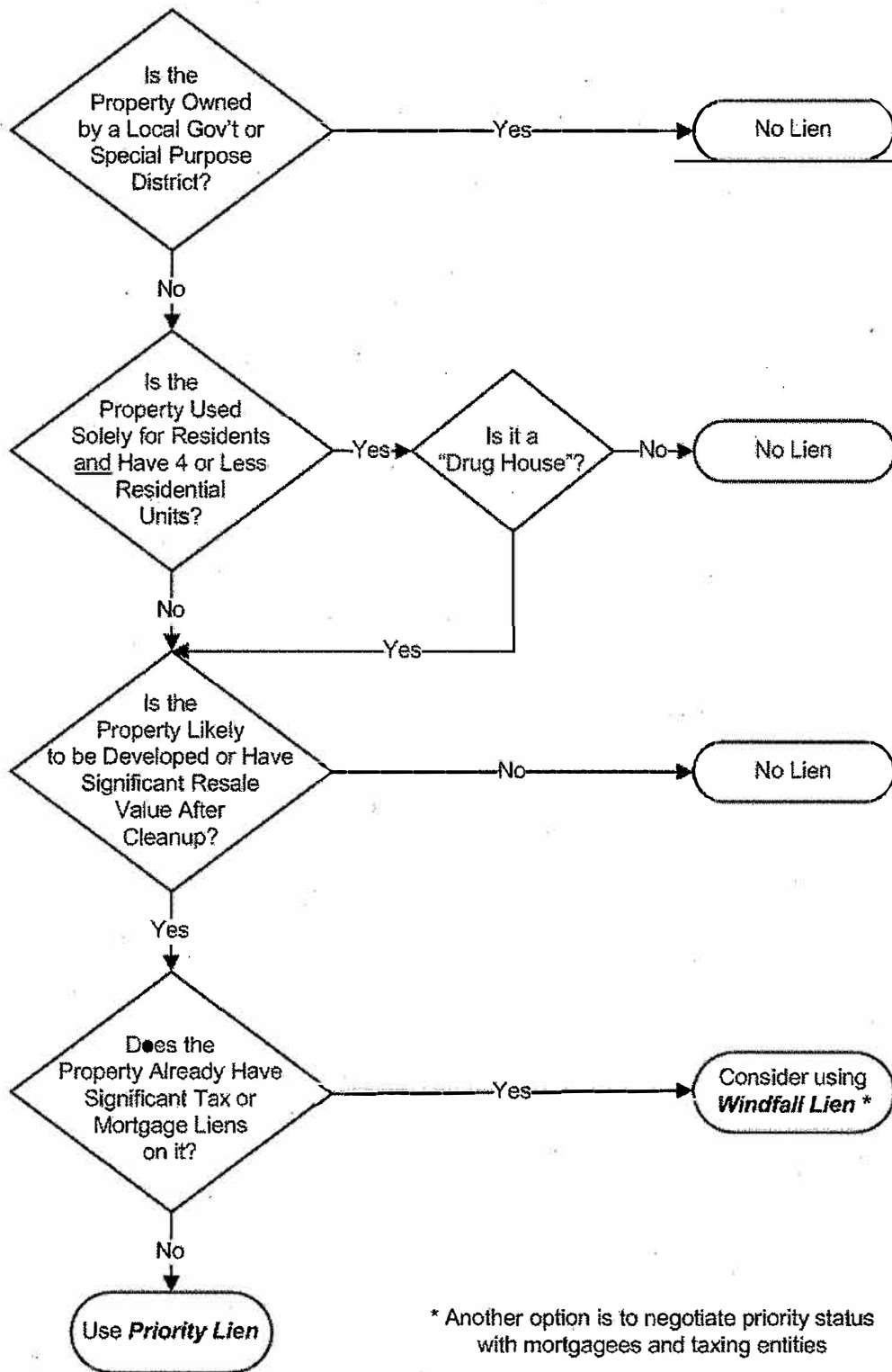
\_\_\_\_\_  
Printed Notary Name

Notary Public in and for the State of Washington,

residing at \_\_\_\_\_.

My appointment expires: \_\_\_\_\_

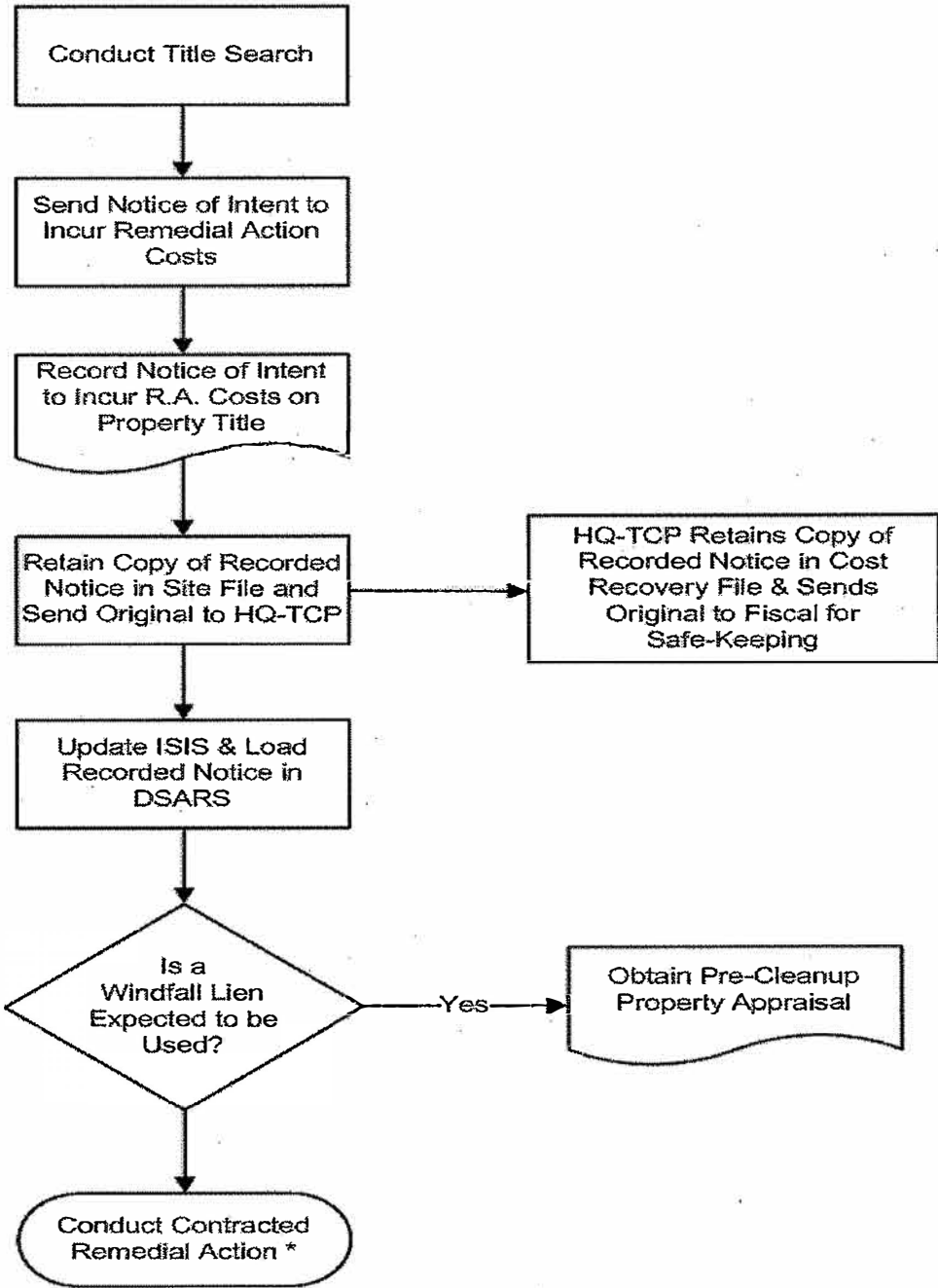
**Pre-screening Criteria for Determining if a Lien is Appropriate**



\* Another option is to negotiate priority status with mortgagees and taxing entities

This is a summary flowchart. Please read the procedure!

**Pre-Contract Work Notification Procedure**

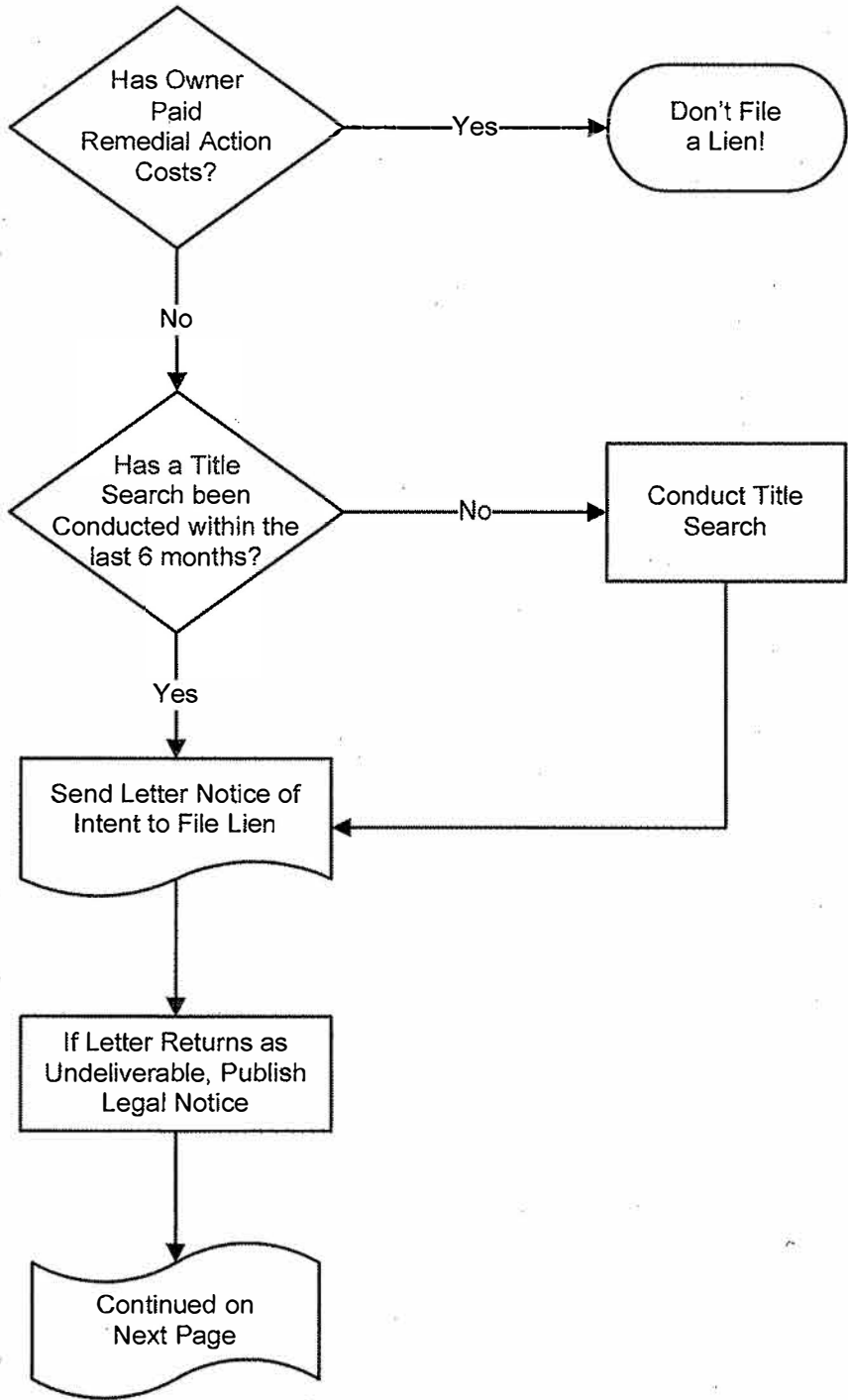


\* HQ Contract Staff Check to Confirm Recorded Notice has been Received before Approving of Contracted Work

This is a summary flowchart. Please read the procedure!

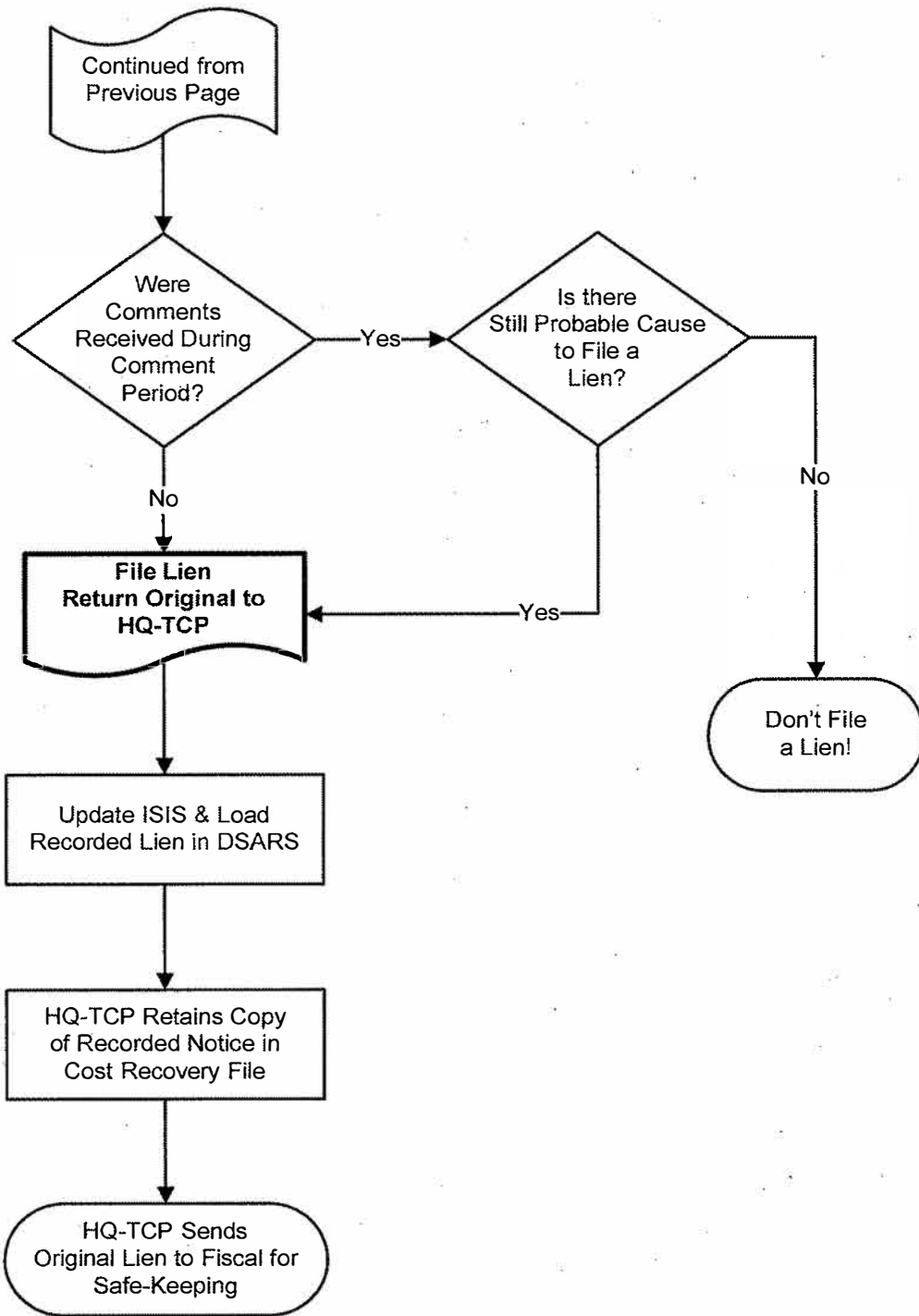


Lien Filing Procedure



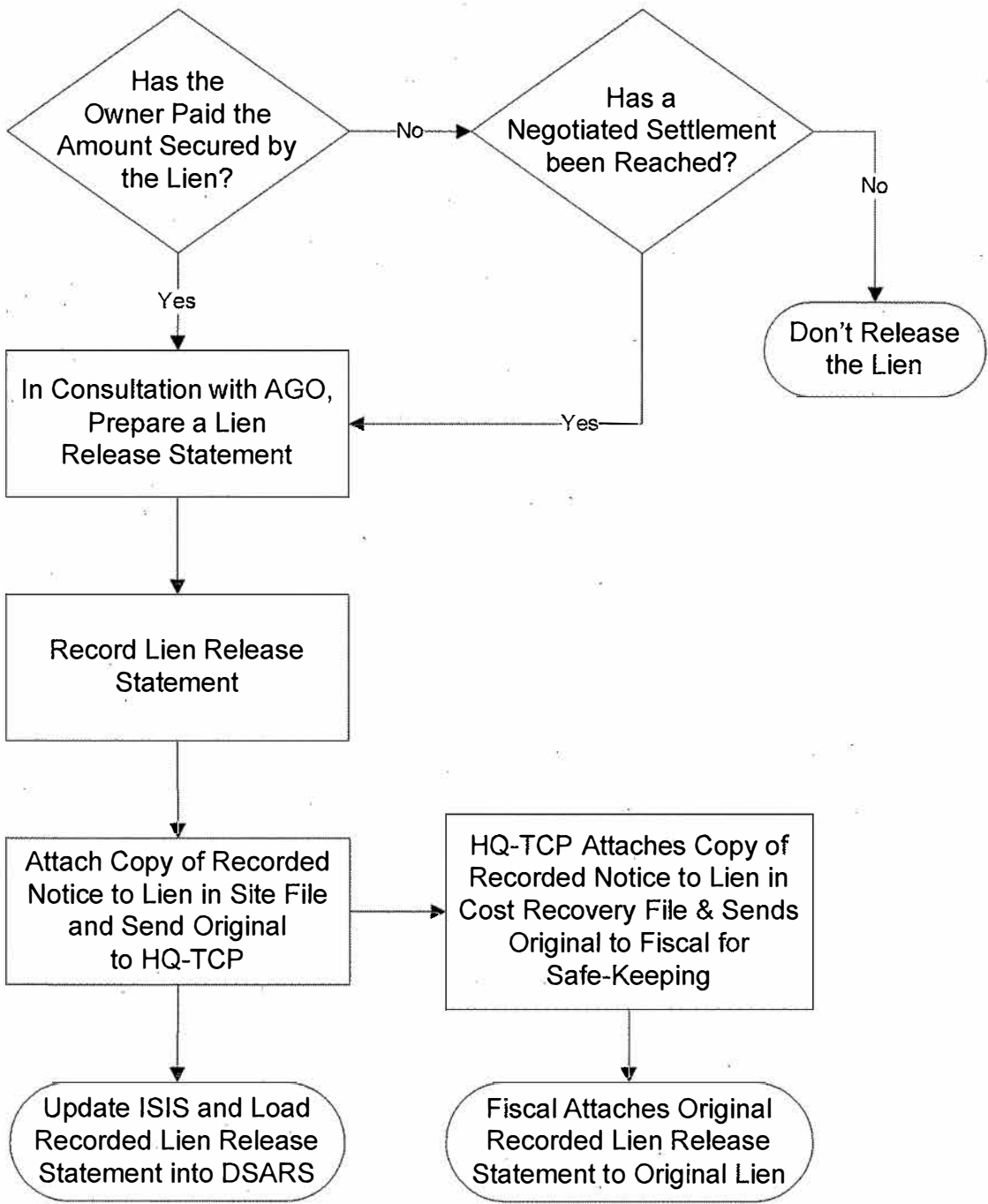
This is a summary flowchart. Please read the procedure!

**Lien Filing Procedure (continued)**



This is a summary flowchart. Please read the procedure!

# Lien Release Procedure



This is a summary flowchart. Please read the procedure!

**Accommodation Requests:** To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 800-826-7716. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.