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March 10, 2026

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Erik G. Snyder
Section Manager
Toxics Cleanup Program
HQ Cleanup Section
Washington Department of Ecology
PO Box 47600
Olympia WA, 98504-7600

Washington State Department of Ecology
Toxics Cleanup Program

Re: Response to Final Determination of Potential Liability

- **Site Name:** Jeld Wen
- **Site Address:** 300 W Marine View Dr, Everett, WA 98201
- **Cleanup Site ID:** 4402
- **Facility/Site ID:** 2757
- **County Assessor's Parcel Number(s):** 29050700101200

Dear Mr. Snyder:

On behalf of HM Pacific Northwest, LLC ("HM PNW"), I am responding to your letter of February 19, 2026, which finally determines that HM PNW may be potentially responsible for remediation of contamination on the above-referenced Jeld-Wen site under the Washington Model Toxics Control Act ("MTCA"), RCW Chapter 70A.305. HM PNW is actively participating in the process of site remediation because HM PNW has active operations on the Jeld-Wen site (under boundaries modified by Ecology in 2025) and is considering an expansion of those operations. HM PNW will continue to be involved in the remediation process to help ensure that remediation is completed expeditiously and efficiently so that HM PNW's operations at the site can proceed with minimal impediments.

While HM PNW is eager to see remediation operations at the Jeld-Wen site completed, we are submitting this letter so that our position regarding MTCA liability for this site is clear: HM PNW strongly disagrees with your statement that "credible evidence exists" that HM PNW "is liable for the release of hazardous substances at the Site as owner and operator." Ecology's conclusion is unsupported for the following reasons:

- All of the contamination identified on the Jeld-Wen site predates HM PNW's ownership of Parcel 29050700101200, the northernmost parcel on the peninsula that now constitutes most of the site.

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- Although characterization and remediation activities have been ongoing at the Jeld-Wen site since at least 2007, neither the northern-most parcel currently owned by HM PNW nor the adjacent parcel on which HM PNW is contemplating expanded operations were part of the site until June 12, 2025. At that time, Ecology sent a letter to Jeld-Wen stating that the site boundary had been expanded to include the entire peninsula based on soil testing results obtained in April 2025 that detected dioxins and furans (“D/Fs”) above CULs on areas adjacent to, but not on, HM PNW’s parcel.
- There is no evidence of contamination on the northern-most parcel currently owned by HM PNW above relevant CULs so there is no basis for asserting that HM PNW is liable as an “owner” under RCW 70A.305.040(1)(a).
- Nor is there any basis for concluding that HM PNW is responsible for “disposal or release” of the D/Fs that were identified in 2025, or that HM PNW was ever an arranger or transporter of these substances such that it might be liable under RCW 70A.305.040(1)(b)-(e). On the contrary, your August 6, 2025, letter asserts that the D/Fs “are believed to originate from atmospheric deposition of D/Fs due to historical combustion of salt-laden wood materials in the area,” but there is no suggestion that HM PNW or any of its predecessors is or was responsible for combustion of salt-laden wood.
- There is no reason to believe that HM PNW’s asphalt operations, or the operations of its predecessors (who were also engaged in asphalt operations), would contribute to the D/Fs detected on or around the Jeld Wen site since asphalt production is not associated with the production of D/Fs.

In short, there is no basis for assigning liability to HM PNW for the Jeld-Wen site under the “polluter pays principle” that governs MTCA liability for remediation costs. *See Pope Resources, LP v. Washington State Dept. of Natural Resources*, 190 Wn.2d 744, 751 (2018). Further, there is no basis for concluding that HM PNW is an “operator” of the Jeld-Wen site and Ecology’s determination of potential liability appears to conflate “owner or operator” liability even though, as the Washington Supreme Court has made clear, “owner” and “operator” are “distinct statutory terms” that are governed by “independent legal doctrines regarding real property ownership, statutory delegation, and business facilities operations.” *Id.* at 752.

HM PNW reserves the right to address any additional evidence that Ecology may produce suggesting a link between its ownership of or operations on Parcel 29050700101200, or that of its predecessor companies, that might suggest some linkage between ownership of or operations on that site and D/F contamination on or in the area around that Parcel.

Finally, HM PNW reiterates that it wishes to participate in the process of developing an acceptable remediation methodology for the D/Fs that have been detected on the Jeld Wen site. HM PNW therefore looks forward to participating in negotiation of a Consent Decree that implements

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the 2023 Cleanup Action Plan for the Jeld-Wen site, as supplemented by Ecology's November 4, 2025, letter to Jeld-Wen, as well as the facts laid out above.

Please contact me at your convenience if you have any questions or concerns.

Sincerely,



Eric L. Christensen
Principal

CC:

Luke Pischedda, HM Pacific Northwest
Coleman Hoyt, HM Pacific Northwest
Sophie Mullen, Heidelberg Materials
Matt Hanna, Cairncross & Hempelmann