Alexandra Johnson

We are submitting comments in collaboration with Duwamish Tribal Services. Thank you.

(DRCC) Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. We promote place-keeping and prioritize community capacity and resilience.

November 3rd, 2026

Letter to: the Department of Ecology
Re: Dawn Food Products Remedial Investigation, Feasibility Study, Cleanup Action Plan, and Consent Decree Public Comment Period
On behalf of: the Duwamish Tribe and the Duwamish River Community Coalition (DRCC)

Dear Department of Ecology,

Thank you for the opportunity to submit public comments on the Remedial Investigation/Feasibility Study (RI/FS), the draft Cleanup Action Plan (dCAP), and the consent decree for the Dawn Food Products Site.

The Duwamish Tribe originated along the shores of the Black and Duwamish Rivers near the modern-day cities of Renton, Tukwila and Seattle. This location is the home of our ancestral village and our people, dxʷdəwʔabš, The People of the Inside. The Black and Duwamish Rivers hold numerous Duwamish ancestral and historical place names including the location of our creation story at North Wind's Weir. The Duwamish and other Tribes including the sc̓ababš (Sammamish), the x̌ačuabš, (the Lake People, a part of the Duwamish Tribe), sdukʷalbixʷ (the Snoqualmie Tribe), xʷsəqʷəb (the Suquamish Tribe) and the sduhubš (the Snohomish Tribe). We all partook of water and land resources in and around Lake Washington, x̌ačʊ (the Big Lake), including the City of Kirkland. The Duwamish and our sister Tribes have been here since at least the end of the Vashon Stade of the Fraser Glaciation which was about 10 to 12 thousand years ago.

After European contact, the area we once knew was artificially divided and most of our people were forced to leave our ancestral lands and waterways. At the turn of the 20th century, our last traditional longhouses and gathering places (potlatch homes) were burned and the land regraded

to make a port in downtown Seattle, and the Duwamish River armored and straightened to create a waterway for industrial traffic. In addition the Montlake Cut was created to make ship passage from Shilshole Bay (šilšulucid) via the newly created Ballard (Hiram M. Chittenden) Locks into Lake Washington. The cut and waterways through Lake Union (x̌ax̌čuʔ) were not a permanent passageway during our ancestors' time. It was a seasonal place to put our canoes as well as a burial place for our ancestors. These changes effectively cut us off from our access to water, our food sources, transportation and trade, and our way of life by lowering Lake Washington and drying up the Black River, a river which helped mitigate seasonal tides coming up from Elliott Bay through the Duwamish River. The Duwamish Tribe and our sister Tribes have experienced the same adverse effects of climate change on our ancestral lands many years before the documentation of global warming.

When reading through this report, DRCC's priorities lie with our neighbors. As a community-based organization rooted in the Duwamish Valley, we bring forward the lived experiences, technical knowledge, and long-standing advocacy of the community most impacted by contamination in the Lower Duwamish Waterway. People who live/work in the Valley have some of the most severe health inequities in our region. Childhood asthma hospitalization rates are among the highest in the City of Seattle, and life expectancy is approximately 10 years shorter when compared to wealthier neighborhoods and seven years shorter when compared to the King County average (*Public Health - Seattle & King County Assessment, Policy Development & Evaluation, 2023*).

Our community also lives in close proximity to several contaminated waste sites and suffers from air pollution caused by both King County International and Seattle-Tacoma International airports, over 1400 industrial facilities operating in the Valley, drayage truck and traffic congestion, and three highways blanketing our neighborhoods. The straightening, widening, and deepening of the River to accommodate industry in the early 1900s, alongside policies that prioritized economic benefits over community health, transformed the Duwamish valley and sanctioned decades of pollution. Toxic contaminants heavily diminished wildlife, habitats, and recreational uses, and approximately 97 percent of the original aquatic and shoreline habitat is destroyed (*National Oceanic and Atmospheric Administration, 2026*). The continued settler occupation of the land, and zoning decisions thereafter, changed the landscape so severely and legalized dumping of waste into the River for so many decades that this cleanup effort is one of myriad reparations required to heal our lands and waters. For our community, this cleanup is not an endpoint but the beginning of a much longer process of healing.

We appreciate the work Bridge Point and Ecology have done to date, but we cannot fully support the selected remedy, Alternative 4, or the consent decree as drafted. Taken together, the documents leave a shoreline source of dioxins and furans unaddressed. They allow the compliance point to move away from that source, rely on a contingency trigger that will not fire

on a steady exceedance, and neglect to evaluate rising groundwater. Additionally, there needs to be further commitment to conducting archaeological monitoring, creating an inadvertent discovery plan, and maintaining consultation with the Duwamish Tribe. We therefore ask Ecology to revise the CAP and the decree to strengthen this proposal.

Firstly, we want to recognize the work that reflects real care for our communities and sets a standard that we request Ecology carries through to the final cleanup decision. We appreciate the 2024 interim action that dissolved zinc at shoreline well MW-1, falling from a peak of 956 µg/L to 87.4 µg/L. Vinyl chloride at MW-5 also fell from 8.2 to 0.16 µg/L. The RI/FS applies Ecology's Implementation Memorandum No. 25 and finds the site lies within a likely vulnerable population or overburdened community. It also builds the 2024 MTCA rule's language on these communities into its evaluation criteria. We also appreciate the screening and cleanup levels derived from Ecology's LDW preliminary cleanup level workbook, which protects sediment and the people who eat fish and shellfish from the waterway. Indoor-air cleanup levels were set preventatively and vapor intrusion was continuously monitored. We agree with the decision to include truck traffic, emissions and construction risk as costs in the FS, especially because Georgetown already carries a heavy freight and diesel burden. The draft decree accurately defines the Site by where contamination "has come to be located," not the property line. Lastly, each comment period has had translated fact sheets and extensive community outreach and engagement, including preparing a separate Tribal Engagement Plan.

Remedial Investigation/Feasibility Study

I. Dioxins and furans must be retained as a chemical of concern.
   A. The RI found a charred debris layer 12.5-14.5 ft below ground, about 4 ft from shoreline well MW-3. It contains 725 pg/g TEQ dioxins/furans, about 140 times the 5.2 pg/g sediment-protective cleanup level (Section 3.4.2.6, Table 4b). With the ground surface near 15.5 ft NAVD88, this layer lies within the tidal range of the groundwater.
   B. Groundwater at MW-3 has measured 12-24 pg/L TEQ. Washington's human-health water quality criterion for 2,3,7,8-TCDD is 0.064 pg/L (WAC 173-201A-240). These concentrations pass only because the groundwater cleanup level was raised to a 65 pg/L practical quantitation limit (PQL), and that PQL was then used in a WAC 173-340-747 empirical demonstration to drop dioxins/furans as a chemical of concern. We do not dispute that WAC 173-340-720(7)(c) bars cleanup levels below the PQL; however, concentrations are reported well below 65 pg/L at this exact well, and a PQL that sits above the measured values should not decide whether a known source at the point of discharge is managed at all.
      1. Require the lowest achievable quantitation limit for dioxins/furans and explain further the basis for the 65 pg/L PQL.

C. The RI/FS also contradicts itself: Section 6.2 states that dioxins and furans "have been detected in monitoring wells above CULs" and "have the potential to migrate and impact the LDW," while Section 3.4.3.2.6 reports no exceedance.
    1. Dioxins/furans are one of the four human-health risk drivers for the LDW, along with PCBs, arsenic, and cPAHs, and they are a central reason fishers on the River face consumption advisories. Retain dioxins/furans as a chemical of concern for soil and groundwater, and monitor them at both MW-3 and at the nearby seep.
D. Additionally, require additional borings to delineate the debris layer. One boring drilled six weeks before the RI/FS does not characterize its extent under WAC 173-340-350(7). Depending on results, evaluate the potential for removing or isolating the debris layer as part of the final cleanup alternative.

II. We request Ecology to require additional rounds for testing PCBs and cPAHs at MW-3, and to add vinyl chloride and PCBs to seep sampling. We also ask Ecology to revise Section 3.4.7 so it does not overstate what the sediment data show. Other contaminants of concern were screened out without robust evidence.
    A. PCBs (Aroclor 1254) and cPAHs detected at MW-3 in 2024 were dropped after a single non-detect resample. Hexavalent chromium in soil exceeds its cleanup level by more than 10 times at RI-SB-07 and RI-SB-08, and was screened out through the same empirical demonstration noted above.
        1. Seeps were sampled for zinc, hexavalent chromium and dioxins/furans, but never for vinyl chloride or PCBs, even though vinyl chloride underlies much of the site.
    B. The conclusion that the site "was not historically, and is not currently, a source" to the waterway (Section 3.4.7) is not fully accurate and should be revised. Nearby sediment samples falling below LDW remedial action levels is not a conclusion that this site contributes nothing to the River and should be stated so.

III. The exposed population has not been identified, and under state statute, the plan must make a site-specific determination how the overburdened community’s exposure shaped the chosen remedy.
    A. The receptor analysis only lists onsite workers currently, and should be expanded to include subsistence and recreational fishers, many of them from Asian and Pacific Islander, Latino and Native communities, and the Tribes that exercise treaty fishing rights in the LDW. Instead, the receptor analysis only lists onsite workers.
        1. Implementation Memorandum No. 25 requires the RI to assess all populations "reasonably likely to be exposed based on their land and resource uses," and to document separately how vulnerable populations and overburdened communities were considered.

B. Community health and environmental protection should be central considerations in determining the cleanup requirements and future use of the property.

IV. Climate resilience must account for rising groundwater using a 4-6 ft groundwater-rise analysis, empirical demonstrations against saturated-zone conditions must be retested, and resilience measures required by WAC 173-340-360(3)(a)(v) should be adopted.

A. The climate analysis (Section 8.1.5) compares the paved surface to mean higher high water plus about 2 ft of sea level rise, and concludes no measures are needed, but ignores the fact that at this site, the primary threat is rising groundwater. The aquifer is tidal, and the water table already reaches about 3 ft below ground at high tide (dCAP Section 3.1.3).

1. About 2 ft of rise would bring high-tide groundwater to about 1 ft below ground. Ecology's guidance recommends 4-6 ft for long-term containment remedies (Ecology Publication 17-09-052).
2. PCE and TCE at RI-SB-11 begin at 0.5-2 ft below ground. Saturated-zone cleanup levels are 16 to 18 times stricter than vadose-zone levels (dCAP Table 1).

B. The empirical demonstrations that removed chemicals of concern rely on WAC 173-340-747(9)(b)'s premise that site conditions will not change, which is not an accurate assumption.

C. A rising water table could also shorten the vapor pathway beneath the building and threaten the integrity of the asphalt cap.

The Draft Cleanup Action Plan

I. Use MW-3 as the compliance well, not “MW-3 or MW-3D”, and conduct updated CVOC analysis at MW-2 and MW-3, which haven’t been updated since 2024.

A. The dCAP names the compliance wells as "MW-1, MW-2 and MW-3 *or* MW-3D." MW-3D was installed in February 2026 outside the historical shoreline fill and upgradient of the dioxin debris layer. Its dioxin/furan results run from non-detect to 0.12 pg/L, against 12-24 pg/L at MW-3.

B. Monitoring at MW-3D would put the compliance point on the landward side of the source. WAC 173-340-720(8)(c) requires a conditional point of compliance "as close as practicable to the source" and a showing that "all practicable methods of treatment" are being used.

II. Rewrite the contingency trigger so that any exceedance at a compliance well that is not on track to meet its cleanup level by the end of the 3-6 year restoration time frame requires contingent action.

A. Under CMCRP Section 3.2, contingent action is triggered only when a cleanup level is exceeded for four consecutive quarters and the trend is "not decreasing or

stable." A well that stays steadily above its cleanup level would never trigger action; “stable” should not be an incentivized default.

B. The trigger also conflicts with dCAP Section 4.1.1, which requires a trend "that will achieve CULs within a reasonable restoration time frame."

C. Partner this action with fixed deadlines for design and implementation.

III. Ecology should re-run the analysis with criteria weighting that reflects the site’s status and community’s concerns, and to explain its weighting decisions.

A. Currently, this cleanup plan does not align with MTCA statutory intent for a site that is ranked 10 on the Environmental Health Disparities Map, assigning equal weights and giving no reason for that choice despite Ecology having the authority to change this decision (WAC 173-340-360(5)(c)). The dCAP also lists, but does not analyze, the restoration time frame factors for risks to these communities and for public and Tribal concerns (-360(4)).

B. The disproportionate cost analysis gives Alternative 4 a benefit score of 6.4, higher than 6.2 for targeted excavation (dCAP Table 3). That result comes from perfect scores on implementation risk and implementability for doing no new work, two criteria that together carry 40% of the weight.

C. Protectiveness must account for likely vulnerable populations and overburdened communities (-360(5)(d)).

IV. We request for Ecology to evaluate a targeted alternative: removal of the RI-SB-11 shoreline source (Alternative 2 scale), delineation and removal or isolation of the dioxin debris layer at MW-3, and the contingency and climate conditions requested here.

A. This would not be a full excavation. Alternative 1 would mean ~750 truckloads through Georgetown, compared with approximately 120 for Alternative 2. Any excavation should include enforceable truck-route, anti-idling and work-hour conditions, along with Tribal and archaeological monitoring.

V. **Any cleanup alternative must require an archaeology survey or a study with a monitoring and/or inadvertent discovery plan.** The Duwamish Tribe would also like to see water quality testing along with air pollution and particulate matter testing.

A. This is especially important if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers culturally significant and has a high probability to have unknown archaeological deposits. There are approximately 18 historical and ancestral Duwamish place names within 1.5 miles of the project location. The DAHP WISAARD predictive model indicates that an archaeological survey is highly advised with a very high risk for encountering cultural resources.

1. We request that when archaeological work or monitoring is performed, the Duwamish Tribe receives notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground

disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.

2. Any perimeter fencing, equipment security lights during active remediation, or any other area of potential use for lighting should be aligned with the International Dark-Sky Association standards. This will ensure protection for salmon migration behavior, nocturnal wildlife, and overall ecological health along the River corridor.
3. When the Engineering Design Report is drafted, require lighting to be downward-directed, shielded, LED with warm color temperature (3000K or lower), and motion-activated where possible.

B. The Tribe previously commented on the Interim Action Work Plan and there is history of engagement, which is appreciated and should be continued.

VI. We ask Ecology to require the Fox Avenue PLP, under Agreed Order DE 6486, to delineate its plume to the waterway. We also ask that the Dawn CAP state how vinyl chloride at the Dawn compliance wells will be addressed, and by whom.

A. Vinyl chloride reaches 47 µg/L at upgradient well MW-9, about 260 times the 0.18 µg/L cleanup level. The RI/FS attributes it to the Fox Avenue site, which "has not been required to assess the maximum downgradient extent of its impacts." The CMCRP then treats upgradient sources as a reason *not* to trigger contingent action at Dawn. Under this arrangement, no one is accountable for vinyl chloride reaching the river.

VII. Areas we request for revision

A. Section 4.1 says Alternative 4 works "by permanently removing source materials" when it does not remove any.
B. The cost estimate assumes 2 years of quarterly monitoring, while the CMCRP commits to 4. It also cites both a 9% interest rate and a 5% discount rate.
C. Table 2 marks "Consideration for Public Concerns and Tribal Rights and Interests" as "Yes" for every alternative before the public comment period opened. This is not possible and diminishes the purpose of these exact public comment opportunities.

Consent Decree

I. Our central concern is that, as drafted, the consent decree settles more than the CAP cleans up, and its reopeners cannot reach the problems already in the record.

A. Section XVIII.1 covers "the release or threatened release of hazardous substances at the Site." The Site is defined by where contamination has "come to be located." That reaches dioxins/furans, PCBs, cPAHs and hexavalent chromium, which the CAP does not address, as well as the Fox Avenue vinyl chloride beneath the property.

B. Reopeners. Section XVIII.3.D applies only to "information previously unknown to Ecology." Ecology already knows about the debris layer, the MW-3 dioxin results, rising groundwater and the upgradient plume. Sections XVIII.3.B and E tie further action to the cleanup standards "set forth in the CAP," and the CAP sets none for the dropped chemicals. Unless the decree changes, these issues will be effectively settled at entry.

C. Findings of fact. Section V.J. names chlorinated solvents, gasoline, and metals. It excludes dioxins/furans, cPAHs and diesel, and mentions PCBs only as a transformer that "may contain" them. Contribution protection (Section XIX) extends to "matters addressed in this Decree," so findings should match the RI/FS.

II. We ask that Ecology revise the decree before entry to:

A. Limit the covenant to the chemicals of concern and media the CAP actually addresses, or add the dropped chemicals to the CAP.

B. Add express reopeners for (a) dioxins/furans at MW-3, (b) climate-driven groundwater rise that affects the cap, leaching or vapor pathways, and (c) failure to meet the contingency trigger.

C. State the restoration time frame as a date. Six years from the November 2024 interim action would be the end of 2030. After that date, Section XVIII.3.E should apply automatically.

D. Conform the findings of fact to the RI/FS, and state explicitly that substances without cleanup standards in the CAP are not "matters addressed."

E. Move the revised contingency trigger and its deadlines into the body of the decree, and add accountability mechanisms for missed monitoring, reporting and contingency deadlines.

F. Treat as "substantial" under Section XV any change to compliance wells, the chemicals of concern, or contingency triggers, and give public notice of any reduction in monitoring.

G. Require the environmental covenant to be recorded within 90 days of entry, and make its restrictions available for public comment. Section VI.7 relies on a template exhibit, sets no deadline, and describes restrictions only "as agreed."

    1. At minimum, restrictions should prohibit groundwater use, require cap maintenance, require vapor mitigation for any new or remodeled building, and require a soil management plan for shoreline and utility work.

H. Require each periodic review under Section XXIV to update groundwater-rise projections and to re-make the overburdened-community determination on site-specific exposure.

I. Reconcile Section XXI, which states that "no federal, state, or local requirements have been identified as being applicable," with the requirements listed in dCAP Table 4.

J. Affirm the site's overburdened-community status, and incorporate the Public Participation Plan and the Tribal Engagement Plan as continuing commitments through the periodic reviews.

K. Acknowledge explicitly that Georgetown and South Park communities are located within an industrial corridor that has experienced longstanding environmental burdens, and that cleanup decisions should consider the cumulative effects of industrial pollution rather than evaluating this property in isolation.

III. Public participation and Tribal engagement

A. Public participation plan. The plan dates from July 2023. WAC 173-340-600(9) requires it to account for the needs of likely vulnerable populations and overburdened communities and to facilitate equitable participation. We ask Ecology to update it for the cleanup phase and the long monitoring period that follows, including public posting of annual monitoring reports and notice of any changes to the monitoring program. dCAP Section 4.8 currently addresses public participation in two sentences.

B. Tribal engagement. We welcome the 2026 Tribal Engagement Plan and its commitments. However, it was prepared after the remedial investigation, while WAC 173-340-620(3)(b) calls on Ecology to seek engagement before the RI begins. It records no engagement to date, and it does not include the Duwamish Tribe, whose ancestral lands include this site. Neither the RI/FS nor the dCAP refers to the plan. We ask Ecology to document Tribal engagement and any Tribal concerns before finalizing the CAP, to invite the Duwamish Tribe, and to explain how Tribal rights and interests were considered in selecting the remedy, as WAC 173-340-360(3)(d) requires.

The interim action shows what timely, good-faith work can accomplish at this site. We ask Ecology to complete this effort in a way that protects the river and the people who depend on it, and that does not leave known problems for our communities to inherit. We would welcome the chance to meet with you and Bridge Point to discuss these comments.

Sincerely,

Alexandra L Johnson

Alexandra Johnson (she/her)
Senior Climate & Environmental Policy Analyst
alexandra@drcc.org

Nancy Sackman
Cultural Preservation Officer,
Duwamish Tribal Services