



PRESS ADVISORY

Immediate Release
June 4, 2019

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WASHINGTON STATE THREATENS LEGAL ACTION AGAINST ENERGY DEPARTMENT FOR ANTICIPATED BREACH OF CONSENT DECREE

Letter from State Asserts DOE is Unilaterally Canceling the Pre-Treatment Facility at Hanford's Waste Treatment Plant

Seattle, WA: A Washington State official is warning the federal government that the state will take the US Department of Energy ("DOE") back to federal court for failure to meet court-mandated cleanup deadlines and cautioning DOE for taking "unilateral actions" contrary to enforceable commitments at the Hanford nuclear site.

A 6-page letter, dated May 28, 2019, released by Hanford Challenge today spells out Washington State's Ecology Director, Maia Bellon, warnings to Anne White, Assistant Manager, Office of Environmental Management, US Department of Energy.¹

Bellon noted that "despite having two court orders that set forth the path forward for tank waste retrieval and treatment, USDOE once again already has, or is poised to take, unilateral actions to divert resources away from the path forward dictated by the Amended Consent Decree and TPA."

The letter recounts failed negotiation attempts with the DOE over past missed Hanford cleanup deadlines, ending with the State of Washington taking the DOE to federal court. In 2016, a US District Court judge mandated new deadlines for the cleanup mission at Hanford. Now, three years later, Bellon recounts numerous concerns with DOE's ability to meet several of those key deadlines, including:

- Hanford's Low Activity Waste plant opening in 2023, as required by the court;
- all but abandoning work on Hanford's High Level Waste and Pre-Treatment facilities: "it appears DOE unilaterally decided to place the HLW and PT facilities in an asset preservation and maintenance state while DFLAW is commissioned. . . . DOE is pursuing only limited design work for the HLW Facility at this time.";
- DOE's inability to meet upcoming tank retrieval milestones; and
- DOE's refusal to begin good-faith negotiations for the design and construction of new tanks.

IS THE PRE-TREATMENT FACILITY AT HANFORD'S WASTE TREATMENT PLANT DEAD?

One of the most interesting disclosures in Bellon's letter is a reference to recent DOE communications to the State of Washington that seems to indicate that the DOE is preparing to totally abandon the Pre-Treatment Facility at Hanford's Waste Treatment Plant (WTP). The letter states:

¹ (Note: The DOE announced Anne White's resignation on Friday, May 31, 2019, effective June 14.)

“In October 2018, given that the PT Facility is so far over budget and so far behind schedule US DOE came to the Nuclear Waste Program (NWP) to discuss the HLW treatment mission at Hanford. Technical staff from the USDOE-Office of River Protection (ORP) and NWP started weekly "HLW optimization" meetings to discuss how USDOE could begin vitrifying HLW by the current Consent Decree deadline, given the significant challenges with the PT Facility. Around the same time, USDOE initiated an internal Analysis of Alternatives (AoA) process under DOE Order 413.3B *to analyze alternatives to completing construction of the PT Facility.*” (emphasis added)

While DOE has not formally canceled the Pre-Treatment facility, no budget has been allocated nor a timetable advanced that evidences DOE’s intent to complete the facility. The PT facility is key to the operation of the WTP, which is set to vitrify high-level tank waste in the future.

To address all this, the State proposed “entering into a period of finite negotiations that will last no later than 6-9 months and put us on a holistic path forward that addresses all of Hanford’s tank waste through to completion of treatment.” These negotiations should include making progress on agreement to design and permit new tank storage capacity.

The State also made other demands:

1. The [Low Activity Waste] treatment facility must be completed and operational on the current timeframes set out in the Consent Decree.
2. High-level waste treatment must commence on a time frame as close to current Consent Decree deadlines as possible.
3. Single Shell Tank retrievals must continue without any significant breaks.
4. All tanks must undergo legally-compliant closure.
5. All tank waste disposed of at the Hanford Site must be treated to the previously-agreed upon "as good as glass" standard.
6. Interim measures must be established as needed to ensure safe storage/management of tank waste pending completion of retrievals and treatment.”

Finally, the letter ends with a warning from the State of Washington to the DOE:

“If USDOE chooses not to accept both parts of the State’s proposal, or if we get to the end of the negotiation period without a mutually acceptable path for Hanford’s tank waste cleanup mission, *we reserve our right to notify the Court of USDOE’s anticipated breaches of Amended Consent Decree milestones. We also reserve our right to take enforcement actions for missed TPA milestones, including imposing all milestones Ecology initially proposed pursuant to the current System Plan negotiations.*” (emphasis added)

Hanford Challenge has been warning that the federal government is planning to take shortcuts and walk away from the tank waste cleanup at Hanford since last year. Tom Carpenter, Executive Director, stated, “DOE clearly wants out of the cleanup, and is proposing to relabel high-level waste at Hanford as low-level waste and pour concrete in tanks in order to do so.” Carpenter went on, “Clearly, this letter sets the table for litigation. Since DOE has already had these deadlines imposed upon it by a federal judge, I don’t expect it will be pretty for the DOE. I applaud Washington State for standing its ground and insisting that the federal government honor its legally-binding commitments.”

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