



August 27, 2024

Submitted electronically via this portal: <https://nw.ecology.commentinput.com/?id=dA7gsJ8ZM>

RE: Public Comment Period for Proposed Holistic Settlement Agreement

Dear Tri-Party Agencies,

Thank you for the opportunity to submit comments on the 2024 Holistic Settlement Agreement.

Hanford Challenge is a non-profit, public interest, environmental, and worker advocacy organization headquartered in Seattle, WA. We are an independent 501(c)(3) organization incorporated in the State of Washington since 2008 and registered in Oregon. Our mission is to create a future for the Hanford Nuclear Site that secures human health and safety, advances accountability, and promotes a sustainable environmental legacy.

Hanford Challenge has members who work at the Hanford Site. Other members of Hanford Challenge work and/or recreate near Hanford, where they may also be affected by hazardous materials emitted into the environment by Hanford. All members have a strong interest in ensuring the safe and effective cleanup of the nation's most toxic nuclear site for current and future generations, and who are therefore affected by conditions that endanger human health and the environment.

The story of Hanford's tank waste cleanup has been decades of delays and cost overruns. Hanford Challenge appreciates the effort to change this story through the Holistic Negotiations. However, we hope it is becoming clear that you, the Tri-Party Agencies, can't do this work alone. You need all of the players involved in the complex multigenerational task of Hanford cleanup and not just in a check-the-box sort of way. We believe it was a grave mistake to ignore the early and frequent requests to seek input and guidance from the broader Hanford community and Tribal Nations as you were hashing out a renewed path forward for tank waste cleanup during the four years of closed-door Holistic Negotiations. We all have a role to play in getting the Hanford cleanup story back on track and it is going to have a better ending if the Tri-Party Agencies embrace a more collaborative mentality.

Please sit with the comments that come to you during this public comment period and resist the pull to quickly finalize the settlement agreement. Let the comments shape the final agreement even if it takes longer, even if you have to come back out for another round of public engagement and comment. After four years of negotiations, continue to take your time and fully consider the feedback and comments on your proposed changes to the scope and timeline of tank waste cleanup. When cleanup plans change in response to public, agency and Tribal Nation recommendations, there is often broader acceptance and willingness to actively support cleanup decisions.

Comments on Public Involvement

Hanford Challenge is extremely disappointed that after four years of closed-door negotiations, the Tri-Party Agencies did not develop a robust public involvement plan with input from groups and entities working on Hanford. The legal agreements that map out the scope and timeline of Hanford cleanup are

not written in a way that is easy to understand. Great care and effort should always be made to develop materials related to TPA and Consent Decree proposed changes that are transparent and easy to understand and reflect input from groups like Hanford Challenge, other public interest organizations, and the Hanford Advisory Board, all of which have repeatedly offered to review draft public involvement related documents and provide input to increase accessibility.

We appreciate that the documents were released prior to the official public comment period start date and we greatly appreciate the Washington State Department of Ecology's willingness and patience in meetings to discuss the documents and answer questions. However, there are many things that could have been handled differently that would have resulted in a better informed public and more effective public comment period. Going forward, please:

Get Input Early and Often:

- **Hold Listening Sessions During Negotiations:** During milestone related negotiations, take time to step out of the negotiations and hold listening sessions as a way to bring public concerns back to the closed door sessions.
- **Hold Document "Walk Through" Sessions:** Gather interested groups and individuals to walk them through the milestone-related documents page-by-page and answer questions along the way. Although it will take additional time, it will greatly benefit the public engagement process and could have an accelerating power as those who would participate in sessions like that are also the ones who are sharing the information with their members and networks.
- **Get Input on Public Involvement:** Consult with groups, organizations, and Tribal Nations on your public involvement plans for materials, public meeting design/timing/location, and presentations. Use that input to improve the plan and increase public engagement.

Design for Meaningful Involvement

- **Schedule Major Comment Periods in the Spring and Fall:** The timing of the comment period was a mistake. The summer is a notoriously terrible time to solicit engagement on Hanford cleanup, as the low attendance at Settlement Agreement public meetings shows. Major comment periods need to be scheduled in the spring and fall.
- **Allow Tabling at Agency-Led Public Meetings:** Create space for information-sharing by allowing various groups to table during an open house. Inviting groups involved in Hanford cleanup to the table is a way to embrace diverse perspectives and often helps the public understand the issues that will be discussed in the public meeting.
- **Include a Local Perspective Presentation:** Invite and coordinate with local groups to provide a local perspective at the start of major topic agency-led public meetings.
- **Hold Public Meetings in Major Cities:** Hold public meetings in major cities around the region to increase participation and ease of attendance. The decision to not hold Settlement Agreement public meetings in Portland or Seattle was baffling and the reasoning did not pass muster. Some of the reasoning shared at the public meetings to hold a meeting in Olympia instead of Seattle and/or Portland included: "1) Olympia is in between Portland and Seattle; and 2) Parking is difficult in Seattle and Portland." This doesn't make any sense. Anyone who has ever been on I-5 between the hours of 4pm and 6pm knows that residents of Seattle and Portland would rather spend 5-10 minutes to find parking than spend hours in traffic on I-5. It is also important to get

input from groups around the region on meeting locations and timing, which did not happen for these meetings. Groups, organizations, the State of Oregon, and Tribal Nations should have been consulted and their input used to improve the public involvement plans.

Use Plain Language Please

- **Big Picture First:** Start with the big picture and then move into the details. Anyone who isn't working on Hanford full time can benefit from a review of what is being discussed from a bigger picture standpoint. From that big picture baseline overview, it is much easier to create conditions for understanding the proposal.
- **Focus on the Work the Administrative Tool Covers:** Use plain language in your presentations and materials to provide a high-level overview of the cleanup work the administrative tool (in this case, the Consent Decree & Tri-Party Agreement) covers, instead of overly focusing on the intricacies of the administrative tool itself. Get input from public interest groups and individuals on your presentations ahead of time.

Be Transparent

- **Share Important Information Up Front:** If there is important information buried in your materials and presentations, then bring it forward and make it transparent. For example, a few major things that should have been plainly stated in your materials and presentations for Holistic Negotiations include:
 - The amount of liquid tank waste you are planning to grout (it took many rounds of questioning over multiple presentations to get an answer that it is tens of millions of gallons of waste);
 - instead of delaying cleanup now, cleanup milestones will be delayed in the future;
 - when those decisions about future delays are anticipated;
 - what the public process will look like that accompanies those decisions.

Stop Pushing Your Critics Away

- **Learn from Critical Feedback:** Instead of running from critical feedback and responding with defensive and avoidant behavior, invite your critics to the table and make time to learn from their feedback.
- **Look to Past Processes like the Tank Waste Task Force:** Consider embracing processes that are similar in design and scope to the Tank Waste Task Force to build trust and buy in with non-TPA entities.

Milestone Cheat Sheets of the Future

- For TPA change packages and Consent Decree changes, please create a cheat sheet that summarizes the changes in chronological order to assist with public understanding of the documents that are out for review and comment.

Share Cost Implications

- Be transparent about the budget implications of proposed changes to Hanford work scope and deadlines. Please provide this information during public comment periods.

Holistic Settlement Agreement Comments

Settlement Agreement Terms

- **Forbearance Provision:** Please strengthen the language regarding the use of the high-level waste reinterpretation rule so that it can never be used at the Hanford Site. Currently, the forbearance provision reads: “Energy affirms that it intends to forbear from classifying or reclassifying reprocessing wastes located at or from the Hanford Site as non-High-Level Waste...” This section should instead read: “Energy shall not classify or reclassify reprocessing wastes located at or from the Hanford Site as non-High-Level Waste...”. The forbearance provision should also include a more formal notification system/plan if Energy believes changed circumstances might call for an end to this forbearance. This notification should also include notifying more than just Washington State and include Tribes, the public, etc. in a more formal method. For more information about our concerns see our press release from January 2019 titled Hanford Challenge Joins with Other National and Regional Non-profits to Submit Comments Calling on DOE to Withdraw Proposal to Re-label and Abandon High-Level Radioactive Waste here: <https://www.hanfordchallenge.org/press-releases>.
- **Compliance with Other Laws Section - Environmental Analyses:**
 - **Share Analyses with the Public Prior to Finalizing Agreement:** Please add a requirement that USDOE share its Supplement NEPA Analysis and other related required environmental NEPA and SEPA analyses with the public prior to finalizing the Settlement Agreement.
 - **Require a Full Supplemental EIS:** The Tank Closure and Waste Management Environmental Impact Statement does not provide adequate NEPA coverage for the changes proposed in the Holistic Settlement Agreement. Require a full Supplemental EIS. Because of the significant scope change, previously unassessed factors, and time elapsed since the last full EIS and NEPA evaluation, Hanford Challenge echoes Oregon Department of Energy’s expectation of an updated assessment with full public participation and comment, including route-specific analysis of potential transportation options.
- **Future Discussion of Grouted Tank Waste Treatment and Disposal:** Add a point in the paragraph about the June 2038 deadline for Ecology and Energy discussion of grouted tank waste treatment and disposal that this is a reference to the double asterisk delay negotiations in paragraph 7 of Milestone M-062-45 in Attachment K of New/Changed TPA Milestones.
- **Appendix H/Appendix I Updates:** Extend the date on this requirement beyond December 2024 to give the TPA Agencies more time to fully consider comments received on the Holistic Settlement Agreement, have ample time to discuss how to update the Settlement Agreement to reflect public concerns, write and share a response to public comments document, and go back out for another round of public comments with changes to the agreement as necessary.

Consent Decree Proposed Changes

- **Update Typos in Numbering in Section IV. A that Skips Section 8:** We found a typo in the numbering in the Consent Decree. The numbering is off as referenced in A-23 Interim and A-24

Interim. A-23 references IV.A.8, which doesn't exist in the document which jumps from IV.A.7 to IV.A.9.

- **A-23 Interim Milestone: Provide Ecology with a Critical Path Schedule for the HLW Facility, due 12/31/2028:** In the spirit of embracing an “early and often” approach to public involvement at Hanford, add a requirement in the Consent Decree for USDOE to share the critical path schedule for the HLW facility with Oregon DOE, the public, and Tribal Nations after sharing the schedule with Ecology. Create the space for open dialogue and discussion six months prior to negotiations that will conclude in June 2029 per A-24 Interim Milestone, so that broader input can be in the room during those negotiations as opposed to after the negotiations have concluded.
- **A-24 Interim Milestone: Per Section IV.A.8, Complete Negotiations re: Revisiting/Revising Asterisked HLW Facility, due June 30, 2029:** Add a requirement to consider agency, public, and Tribal Nation input that was collected per the recommended change to A-23 Interim Milestone during these negotiations. Also add a requirement for a robust and meaningful public involvement process following these negotiations that embraces the input above in the Comments on Public Involvement Section of these comments. Ensure that the public involvement process includes discussion of the bigger picture of tank waste treatment and where high-level waste vitrification fits into that bigger picture, instead of limiting discussion to the proposed changes to the consent decree.

New/Changed TPA Milestones

- **Attachment C: Establish New TPA Milestones to Build One Million Gallons of Multi-Purpose Tank Waste Storage Capacity in 200 West Area, M-045-138 and M-045-139:**
 - **Create New Milestone for Added Tank Capacity and Accelerating Schedule to Build New Tanks:** Add a new milestone due prior to M-045-138 that requires an assessment of the actual tank waste capacity needed on the Hanford Site and a competitive challenge to map out a faster way to build new tanks at Hanford. Hanford Challenge believes we will need significantly more capacity than 1 million gallons and that we will need the new tank space sooner than 2040. We recommend the following processes for your assessment and competitive challenge:
 - **New Tank Capacity:** Task Hanford's Tank Integrity Program Group to assess and predict the amount of safe storage space that will be needed over the next 40 years to safely store, blend, and move tank waste from leaking tanks. Use the recommendations from this group to establish the amount of space needed over the next 40 years, prime locations for additional tank waste storage, and order of new tank location, and update the TPA milestones to reflect the Tank Integrity Program Group's input.
 - **Updated Deadline:** Create a competitive challenge for the Hanford workforce to design a process to build tanks faster than the 16 years proposed in the New/Changed TPA Milestones, Attachment C.
 - **Contingency Space:** Ensure that new tanks may be used for contingency space for waste from leaking tanks.
- **Attachment D: Update to TPA Major Milestone M-045-00, Complete Single-Shell Tank System Closure**

- **More Transparency, Please:** Be more transparent about the timeline for double asterisk milestones, including announcing delays to single-shell tank closure later, in 14 or so years. Even if a member of the public was able to follow the scavenger hunt ping-ponging them around the documents to figure out the meaning of the asterisks, the language is very hard to interpret. Do better!
- **Is this a Typo?:** We noticed that the date in the Holistic Settlement Agreement is not underlined despite being slightly different from the TPA Appendix D that is listed online [here](#), last updated 7/30/24. Online the date says 1/31/2043, the Holistic Settlement Agreement jumps the date forward a year to 12/31/2043, but it isn't underlined. Is this a typo?
- **Attachment E: Extend Due Date of TPA Milestone M-045-15 for Completion of Tank A-103 Single-Shell Tank Waste Retrieval Project**
 - **More Time = More Retrieval:** Hanford Challenge appreciates delays that allow for the use of new technologies that could result in removing more waste from Hanford's tanks. Assuming this is the intent of this milestone, we support this delay.
- **Attachment F: Establish New TPA Milestones for Closure of Single-Shell Tank Waste Management Areas A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U, and the 241-C-301 Catch Tank and 244-CR Vault**
 - **M-045-62 Make it Easier to Find Dates:** The date referenced for this updated milestone was very difficult to find. **M-045-62 is due (we think) by 8/31/2028.** We found this date in the [Tier 2 Waste Management Area C Closure Plan from 2017](#). This date is referenced in a table on the last page of the document. The milestone in the Holistic Settlement Agreement lists a date that references a date in the M-045-83 Tier 2 Closure Plan. We couldn't find M-045-83 referenced in the Tri-Party Agreement Appendix D, we're guessing that is because USDOE gave Ecology this document in 2017, so once the document was submitted they removed the milestone. But it was a wild goose chase to find the dates referenced. **Please make it easier to find dates that have a complicated reference.**
 - **General Comment - Delay Tank Closure:** Delay tank closure work and find ways to get more waste out of tanks before taking irreversible steps to fill tanks with grout, leave waste in the soil, cover the farms with a barrier, and declare the work done. According to the [Tier 2 Closure Plan for C-Farm](#), the updated date for finishing C-Farm Closure is 8/31/2031. WMA-C still contains 62,000 gallons of high-level waste unevenly distributed between the tanks. **Delay closure to allow site contractors to use recommendations from the independent panel about retrieval technologies to remove as much waste as possible from the tanks.**
 - **Add Milestones to Delay Tank Closure:** Add milestones that reference the independent panel on retrieval technologies from Attachment I and require that new technologies be implemented to remove more waste from all tank farms prior to closure, including WMA-C.
- **Attachment G: Update to TPA Milestone M-045-70, Complete Retrieval of all Single Shell Tanks**
 - **Support for Delays that Allow for More Tank Waste Removal:** Hanford Challenge supports delays that allow for as much waste as possible to be removed from Hanford's

tanks. We support these delays if the extra time allows the agencies to use expertise from the independent panel that will be looking at other retrieval technologies, to remove more waste from these tanks.

- **Attachment H: Update TPA Milestone M-045-85 to Complete Negotiations and Establish TPA Milestones for Closure of the Remaining Single-Shell Tank Waste Management Areas**
 - **Increase Transparency About Delays and Future Public Process:** Plainly state when announcements about delays for single-shell tank waste management area closure are anticipated as well as what the public process will look like that accompanies those decisions. Include this information as a part of the record.
- **Attachment I: Establish New TPA Milestones for Retrieval Technology Work Plan and Implementation of Work Plan**
 - **Support for Additional Tank Waste Retrievals:** Hanford Challenge supports having an independent team assess and provide recommendations on additional retrieval technologies.
 - **Include all Tank Farms:** Require that recommended new technologies be used for all of Hanford's tank farms, including WMA-C, prior to closing any of Hanford's tank farms.
- **Attachment J: Establish New TPA Milestone to Complete Retrieval of 22 Single-Shell Tanks in S, SX, and U Farms**
 - **Include Estimated Amount of Waste USDOE Intends to Grout:** Not stated in M-045-135 is USDOE's intention to grout tens of millions of gallons of waste as part of this retrieval plan. Please add this information to the paragraph starting "DOE's obligations under this milestone are expressly contingent on DOE having a regulatory pathway to grout and dispose of waste offsite..." Suggested language to add: It is USDOE's estimate that tens of millions of gallons of waste from these tanks could be grouted and transported offsite for disposal.
 - **Hanford Challenge Grout Concerns:** Hanford Challenge submits for the record its concern that plans to grout Hanford tank waste are premature, cost and schedule savings are exaggerated, and that past grout program failures should be heeded and analyzed more thoroughly prior to any tank waste grout endeavors. For more information about our concerns with grout see: www.hanfordchallenge.org/grout
 - **Wait for Actual Data:** No plans should be finalized or made prior to a robust public involvement and input process that includes all relevant information from the 2,000 gallon Test Bed Initiative, including; the time it takes to find a grout recipe that works and hardens tailored to this specific tank waste, grout-to-waste ratios, grout setting time, performance of in-tank pretreatment system, transportation reports, cost reports, and vendor quality of work from both commercial treatment and disposal sites in Texas and Utah.
 - **Create a New Milestone for Independent Panel Comparison of SY-101 to 22 Tanks Chosen in 200 West:** Include a new milestone that requires USDOE to hire an independent panel to assess information from the 2,000 gallon Test Bed Initiative, compare the waste from SY-101 to the waste in the 22 tanks after they are selected from 200-West Area, and write a report summarizing how this information impacts any plans to grout waste from these tanks. Because the tank waste is so different between tanks, it is important that the panel assess how the difference in tank waste profiles

impacts whether or not USDOE can apply any of the conclusions from the 2,000 gallon test to the waste in the 22 tanks, or if more information is needed.

- **Create a New Milestone for Public Process:** Create a new milestone to require a robust public process to review findings from Independent Panel report and solicit input from the public prior to making any grouting decisions related to the 22 tanks from 200 West Area.
- **Attachment K: Update to TPA Major Milestone M-062-00, Complete Pretreatment Processing and Vitrification of Hanford High Level and Low Activity Tank Wastes**
 - **Increase Transparency about Delay Timeline and Public Process:** Please increase transparency about the timeline for pushing delays to the future. Plainly state when announcements about decisions related to future delays are anticipated as well as what the public process will look like that accompanies those decisions. Include this information as a part of the record.
- **Attachment L: Update TPA Milestone M-062-45, Requiring System Plan Negotiations and Establish Two New Milestones**
 - **Rewrite these Milestones:** We found this section to be incredibly confusing. Please rewrite these milestones in plain language to make them easier to understand.
- **Attachment M: Establish New TPA Milestones to Create Alternative Treatment Capacity for Low Activity Waste for 200 West Area Single-Shell Tanks**
 - **Change the M-062-64 Deadline to be Data-Informed:** Wait to start the decision-making process for New Interim Milestone M-062-64 regarding grouting tens of millions of gallons of tank waste from 200 West Area until all relevant information is received from the 2,000 gallon Test Bed Initiative. Change the date for this milestone from December 2024 to *Within 12 months of receiving all relevant information from the 2,000 gallon Test Bed Initiative, including; grout-to-waste ratios, grout setting time, performance of in-tank pretreatment system, transportation reports, cost reports, and vendor quality of work from both commercial treatment and disposal sites in Texas and Utah.
 - **Push Back Other Dates:** Please push back the other dates in Attachment M to reflect this slower, more thoughtful, data-informed, and deliberative process.
 - **Assess Grout Shipment Transportation Impacts:** Going forward, please create and share a transparent plan to assess the transportation impacts and options for potentially shipping millions of gallons of tank waste through communities as part of your proposed grout plan. Consult with communities and stakeholders along potential routes and get public input before making your decision.

Thank you for considering our comments,



Nikolas Peterson, Executive Director, Hanford Challenge