



August 30, 2024

*For Electronic Transmission to:*

Hanford Site Tri-Party Agencies

- United States Department of Energy
- United States Environmental Protection Agency
- Washington State Department of Ecology

**Subject: Comments to the proposed changes to the Tri-Party Agreement and consent decree on Hanford Site tank waste**

To Whom It May Concern:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) appreciates the opportunity to review and comment on the proposed changes to the Tri-Party Agreement between the United States Environmental Protection Agency (EPA), the United States Department of Energy (DOE), and the Washington State Department of Ecology (ECY).

After being excluded from these negotiations for years, one area that is clear to the CTUIR from the work completed by DOE, EPA, and ECY is that the Tribal voice and perspective in these negotiations were overlooked. There is no evidence that the interests of the CTUIR, long-term stewards of the lands at the Hanford Site, were considered in these changes and amendments.

It is also concerning that large-scale changes such as these would be released without any side-by-side information related to analysis of the environmental impacts associated with the changes, as required by federal law.

The involvement of Affected Tribes is essential in consideration of changes to the Tri-Party Agreement. In failing to involve the CTUIR in the revision process, the Tri-Parties failed to meet their trust obligations to the CTUIR. This failure has left the CTUIR unable to fully advocate for our interests in relation to the land and First Foods and to protect them from additional harm. The CTUIR is concerned that the Tri-Parties seem to have focused on checking regulatory boxes rather than addressing the systematic environmental damage caused by the United States at the Hanford Site.

The following comments on the proposed changes to the Tri-Party Agreement and consent decree on Hanford Site tank waste reference the Attachment Letter and Change Number DRAFT form organization outlined in the attachments of the Holistic Negotiations:

**Attachment B: M-42-24-01 – Establish New TPA Milestones to Activate Cross-Site Transfer Lines Connecting Double-Shell Tanks**

Language should be added to the conditions of these milestones to:

1. Remove carbon steel transfer line sections in their entirety and replace them with non-corroding stainless steel.

2. Require removal and disposal of SNL-3150 and SLL-3160 cross-site transfer lines and associated infrastructure after mission completion or service life, whichever comes first.
3. Require remediation and restoration of the affected lands after removal of transfer lines.

It is the policy of the CTUIR that:

- *Infrastructure must be removed from the Hanford Site. This includes, but is not limited to, buildings, pipelines, waste storage tanks, and most (but not all) roads.*
- *Hanford lands and resources should be restored to their pre-Hanford environmental conditions, or equivalent to those that existed at the time of the Treaty of 1855.*
- *Work with the USDOE, and other state and federal agencies to proactively be prepared for accidental release of hazardous radioactive materials or chemicals and to be a partner in the safe transportation to a final destination.*

**Attachment C: M-45-24-08 – Establish New TPA Milestones to Build One Million Gallons of Multi-Purpose Tank Waste Storage Capacity in 200 West Area**

Language should be added to the conditions of these milestones to:

1. Investigate the true need for double-shell tank capacity, specifically as related to the timing of pretreating, grouting, and offsite shipment BEFORE building additional tank capacity.
2. Require the additional one million gallons of storage capacity to be removable.
3. Include an additional milestone for removing and disposing of this storage capacity and all related infrastructure.
4. Include a milestone for the complete restoration of the lands after removal.

DOE has a long-standing tradition of installing and contaminating infrastructure at the Hanford site and then leaving this infrastructure in place as landfill disposal units. Care and purpose should be taken in advance to ensure that this new storage capacity in the 200-area does not become another landfill project.

It is the policy of the CTUIR that:

- *Infrastructure must be removed from the Hanford Site. This includes, but is not limited to, buildings, pipelines, waste storage tanks, and most (but not all) roads.*
- *Hanford lands and resources should be restored to their pre-Hanford environmental conditions, or equivalent to those that existed at the time of the Treaty of 1855.*

**Attachment D: M-45-24-05 – Update to TPA Major Milestone M-045-00, Complete Single-Shell Tank System Closure**

**Attachment E: M-45-24-03 – Extend Due Date of TPA Milestone M-045-15 for Completion of Tank A-103 Single-Shell Tank Waste Retrieval Project**

**Attachment F: M-45-24-04 – Establish New TPA Milestones for Closure of SST WMAs A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U, and the 241-C-301 Catch Tank and 244-CR Vault**

**Attachment G: M-45-24-02 – Update to TPA Milestone M-045-70, Complete Retrieval of all Single-Shell Tanks**

**Attachment H: M-45-24-07 – Update TPA Milestone M-045-85 to Complete Negotiations and Establish TPA Milestones for Closure of the Remaining SST WMAs**

**Attachment J: M-45-24-01 – Establish New TPA Milestone to Complete Retrieval of 22 Single Shell Tanks in S, SX, and U Farms**

For the above M-45-24-01/02/03/04/05/07:

Language should be added to the conditions of these milestones, and/or milestones added to:

1. Fully remove and dispose of the tanks, vaults, and associated infrastructure.
2. Fully remediate contaminated soils around the tanks.
3. Backfill the voids left by the tanks and restore the land.
4. Specific to Attachment J: M-45-24-01 – waste retrieval from the 22 tanks should be a requirement with no contingencies associated with grout disposal pathways.

DOE continues to advocate for leaving radioactive tanks with residual dangerous waste in the ground and administratively closing these disposal units as landfills. This is not acceptable to the CTUIR.

Waste tanks and their residual contamination, which are the sole property of DOE, need to be removed from CTUIR treaty-protected lands and disposed of. The contaminated tanks and soils should be replaced with clean fill of acceptable quality to support vibrant native plant and animal communities and the area restored.

The CTUIR has been stewards of the lands that now comprise the Hanford Site since time immemorial, and will continue to be stewards of the land in perpetuity. Although it is understood that some level of contamination will remain at the Site at the completion of the cleanup mission, this large-scale dumping in place is not an acceptable form of remediation and is a direct violation of the federal government's treaty commitments.

It is the policy of the CTUIR that:

- *Infrastructure must be removed from the Hanford Site. This includes, but is not limited to, buildings, pipelines, waste storage tanks, and most (but not all) roads.*
- *All sources of contamination that will impact groundwater will be removed and all groundwater contamination will be removed.*
- *Irreversible actions must not be used as interim solutions such the further remediation in the future would be made more difficult.*
- *The US DOE must use the CTUIR subsistence exposure scenario in all risk assessments and in setting all clean-up goals. This scenario is consistent with the Treaty of 1855, and with U.S. v. Washington and U.S. v. Oregon.*
- *Hanford lands and resources should be restored to their pre-Hanford environmental conditions, or equivalent to those that existed at the time of the Treaty of 1855.*

## **Attachment I: M-45-24-06 – Establish New TPA Milestones for Retrieval Technology Work Plan and Implementation of Work Plan**

The milestone stipulations must be changed to include:

1. Members of the expert advisory panel should not be chosen by DOE. Panel oversight should also not be administered by DOE. The panel should be established, members chosen, and the panel overseen by an independent and credible outside entity (e.g., the National Academy of Sciences).

Language should be added to the conditions of these milestones to include:

1. In addition to a one-time advisory panel, establish ongoing research capacity to continually innovate and deploy better methods of tank waste treatment and disposal.
2. Establish ongoing research capacity to continually innovate and deploy more effective soil remediation treatments.
3. State specifically that pump and treat is not a retrieval technology but a last-ditch effort to clean up a leak that should have been addressed earlier.

As written, the expert advisory panel work proposed in this milestone appears to be controlled by DOE. The panel must be truly independent if its findings and recommendations are to be deemed credible.

In addition to the expert panel, DOE must move quickly and purposefully to address leaking tanks and retrieval challenges by establishing ongoing funding of a workgroup to lead iterative and continual research to find innovative cleanup solutions. Furthermore, this group should not be established or chosen by DOE. .

## **Attachment K: M-62-24-02 – Update to TPA Major Milestone M-062-00, Complete Pretreatment Processing and Vitrification of Hanford High Level and Low Activity Tank Wastes**

The CTUIR supports the need to adjust this milestone to reflect schedule challenges.

## **Attachment L: M-62-24-03 – Update TPA Milestone M-062-45, Requiring System Plan Negotiations and Establish Two New Milestones**

Requirements should be added within the M-065-45/46/47 negotiations to:

1. Include representatives of Affected Tribes and members of the general public.

The CTUIR is concerned by the Tri-Parties proceeding with additional closed-door negotiations as was done during the recent ‘Holistic’ Negotiations.

In addition, CTUIR does NOT support further revisions to the 2047 date in Milestone M-062-00.

It is the policy of the CTUIR that:

- *CTUIR will work toward being long term partners and managers of all of the lands and resources at Hanford. CTUIR expects the federal government to fulfill its Trust responsibility to enable the CTUIR to fully participate in this long term multi-generational mission.*

**Attachment M: M-62-24-04 – Establish New TPA Milestones to Create Alternative Treatment Capacity for LAW for 200 West Area SSTs**

The CTUIR supports the need for this alternative treatment capacity.

Language should be adjusted/added to these milestones to:

1. Expressly disallow the shipment of waste in liquid form across the Columbia Basin.
  - As mentioned previously in the October 30, 2023 letter from CTUIR to Secretary Granholm and Senator Murray, CTUIR does NOT support shipping Hanford liquid waste of any hazard level within the Columbia River Basin.
2. Add a second treatment path option with a near-site contractor to grout pretreated low-activity waste and ship out of state for permanent disposal.
  - CTUIR views this near-site contractor treatment pathway as having a high value for near-term risk reduction to groundwater and the Columbia River. Having a greater capacity to speed up treatment and disposal is key to risk mitigation.

It is the policy of the CTUIR to:

- *Work with the USDOE, and other state and federal agencies to proactively be prepared for accidental release of hazardous radioactive materials or chemicals and to be a partner in the safe transportation to a final destination.*
- *The Columbia River including the Hanford Reach should be protected from all pollution associated from the historic operations of the Hanford Nuclear Reservation and wherever and for as long as those pollutants may pose a threat to the CTUIR.*

**Attachment N: M-90-24-01 – Update to TPA M-090 Milestone Series for Acquisition and Modification of Facilities for First 2 Years of Hanford Site IHLW from WTP Operations**

Language should be adjusted to include:

1. DOE should make every effort to use existing facilities to store Immobilized High Level Waste (IHLW). If DOE decides to build new or repurpose planned facilities, this plan to add additional infrastructure must be done in consultation with Hanford Tribes.
2. Storage of IHLW should only be allowed if a disposal pathway is defined and contracts are in place for final offsite disposal.
3. Disposal of IHLW should be at permitted facilities off the Hanford Site.

It is the policy of the CTUIR that:

- *Infrastructure must be removed from the Hanford Site. This includes, but is not limited to, buildings, pipelines, waste storage tanks, and most (but not all) roads.*

**Attachment O: M-47-24-01 – Update to TPA Major Milestone M-047-00 to Complete Work Necessary to Provide Facilities for Management of Secondary Waste from WTP**

The CTUIR supports the need to adjust this milestone to reflect schedule challenges.

**Attachment P: M-62-24-05 – Extend Due Date of TPA Interim Milestone M-062-56 in TPA Action Plan, Appendix D**

The CTUIR supports the need to adjust this milestone to reflect schedule challenges, but not a full year as proposed.

Language in the due date should be adjusted to:

1. 02/28/2026 at the latest

The additional Low Activity Waste Pretreatment Capability is key to supporting pre-treatment, grouting and offsite disposal; and most importantly decreasing the risk of leaking tanks to CTUIR treaty-protected resources. Strides should be taken by the Tri-Parties to move this project forward rather than hold it back.

**Attachment Q: M-62-24-06 – Extend Due Date of TPA Interim Milestone M-062-21 in TPA Action Plan, Appendix D**

CTUIR supports the need for adjusting the due date of M-062-21 to align with the start of operations of the WTP but does NOT support the underlying renegotiation or extension of the 2047 due date in M-062-00 to... “Complete pretreatment processing and vitrification of Hanford High Level (HLW) and Low activity (LAW) Tank Wastes.”

Further extension of due dates for completing waste treatment leaves leaking tanks in place and incrementally increases the risk to treaty-protected First Foods (water, flora, and fauna) and cultural resources.

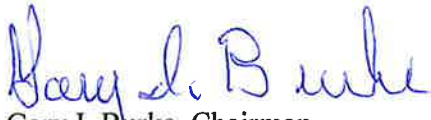
The addition of on-site grouting with off-site disposal should be leveraged to increase waste treatment and disposal to meet the 2047 due date outlined in M-062-00.

Language should be added:

1. DOE will make every effort to safely increase the rate of waste treatment to achieve treatment of all Hanford tank waste well before the M-062-00 milestone date as written of 12/31/2047.

Thank you for the opportunity to comment on the proposed changes to the Tri-Party Agreement. If you have any questions regarding this letter, please contact Mason Murphy at [MasonMurphy@ctuir.org](mailto:MasonMurphy@ctuir.org) or (541) 429-7766.

Respectfully,



Gary I. Burke, Chairman  
Board of Trustees