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Department of Ecology  
NWP - Richland

June 16, 2024

Washington State Department of Ecology  
Attn: Daina McFadden  
3100 Port of Benton Blvd.  
Richland, WA 99354

Dear Ms. McFadden:

This letter provides comments on the Proposed Hanford Tri-Party Agreement (TPA) changes inspired by the recent Holistic Negotiations Settlement Agreement. The comment period ends August 2, 2024. I appreciate having the opportunity to write to you.

1. The public is not allowed to comment on the proposed settlement agreement, but rather is limited to commenting on how the agreement is implemented in the TPA. As a result, no fundamental changes to the agreement appear possible. The holistic negotiations took years, were completely obscured from public view, and were completely void of public perspective. The sad part is that these milestones have *already* been missed repeatedly. Milestones have been missed far more often than they have been met for WTP, so we should not expect anything different from the new TPA package. Commenting on due dates therefore is a waste of time. However, the order in which milestones are scheduled could still be important, to avoid fundamentally bad decisions.
2. For example, DOE flowsheets have been creating more and more secondary effluent, with plans to transfer it and its risk to Perma-Fix Northwest (PFNW) inside the Richland City Limits, just 10 feet above the water table, and upstream of groundwater beneath many homes and businesses, including mine. My greatest concern is in Attachment "O". Attachment O changes the due date for completing the work to manage secondary waste (tank waste treatment facility liquid effluents) from WTP. The original date would have been before the startup of the integrated LAW/HLW facilities. The new due date is not until the completion of commissioning of the **HLW** facility (at present, **12/31/2033**). The year 2033 is long after the DFLAW facility has started. I think this is way too late! Effluent facility capabilities should be available ONSITE, now, in advance of DFLAW startup. Offsite is an unacceptable risk for both public exposures and Hanford Site operability bottleneck prevention. Startup without any knowledge of future combined effluent volumes is a recipe for continued fraud.
3. Ecology can help by asking DOE for an annual integrated effluent flow sheet. ETF was originally supposed to service all WTP needs on a capacity of 150 gallons a minute (see the history of Interface Control Documents). How much effluent per minute will be produced now among all the new, planned, and existing effluent facilities? How much of that effluent plus other wastes (government and non-

government) will be sent to PFNW? How much will be vitrified in the “Geomelt” process for which the Benton Clean Air Agency is assisting?

4. It would also help a lot if Ecology can explain the timing and permitting plans for Perma-Fix Northwest, considering the “all roads lead to Perma-Fix” approach adopted by DOE in flow sheets, plans, and in the HLW AOA. What is the schedule for updating the expired PFNW EIS document in support of renewal of the PFNW DW Permit? When can the public comment on the consequences of the settlement agreement to Richland citizens in the SEPA draft? Why has the PFNW SEPA/EIS analysis been delayed 5 years from the planned 2019 public review?
5. Another example of an out-of-logical-order Milestone is M-062-21, which formerly required, per an integrated flow sheet, proof that WTP with supplemental treatment has the capacity to treat 100% of the waste. This proof was formerly required annually. The back-room negotiations now show that the capacity “proof” will not be assembled until three years after 18 months after the hot start of the HLW facility. That’s 4 ½ years. How silly. WTP was supposed to be designed to treat ALL HLW tank waste and to pretreat ALL LAW waste feed. That’s what the public and Congress were sold. Now we are to wait for years to find out that the capacity isn’t there. This is just more bait and switch. The plant does not meet its contractual definition, so DOE simply re-writes everything to avoid requiring a refund. Richland should not accept the dumping of effluent risks inside the city limits arising from DOE’s out-of-control plant designs.
6. Of note is that PFNW is very excited about receiving of lots of new waste from DOE. The most recent PFNW Quarterly Earnings Call transcript<sup>1</sup> (May 13, 2024) claims a current PFNW capacity to grout waste of 300,000 gallons per year. PFNW further expects to expand that capacity by a **factor of 10 to 3 million gallons per year** – for grouting low activity tank waste for supplemental treatment (apparently not including effluents and brines). This is three million unpermitted gallons of waste. PFNW also claims to be the apparent sole source to grout up to 8,000 cubic meters of DFLAW effluent per year. That’s an additional **2.1 million gallons per year**. How has this been analyzed? Will the City of Richland have a voice on this risk to our water table? DOE’s System Plan Revision 10 (ORP-11242, Rev 10) assumes tank supernatant waste is sent to PFNW in **Tank Truck Volumes** to be grouted. The recent LDR Report DOE/RL-2024-15, Rev 0, calls for multiple shipments of remote handled TRU Mixed waste and Contact Handled TRU Mixed waste to Perma-Fix. The transfer of risk to the City of Richland is more than unreasonable. DOE should treat all its waste on-site.

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<sup>1</sup> Perma-Fix Environmental Services, Inc. (NASDAQ:PESI) Q1 2024 Earnings Call Transcript, <https://finance.yahoo.com/news/perma-fix-environmental-services-inc-151533294.html>.