



TINA KOTEK
GOVERNOR

July 11, 2024

The Honorable David Turk
Deputy Secretary
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585

The Honorable Casey Sixkiller
Regional Administrator, Region 10
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155
Seattle, WA 98102

The Honorable Jay Inslee
Governor
State of Washington
PO Box 40002
Olympia, WA 98504

Dear Deputy Secretary Turk, Governor Inslee, and Regional Administrator Sixkiller:

I am writing today to both support and express concerns regarding what is known as the “Holistic Negotiations Agreement” (hereafter “Draft Agreement”) modifying the Hanford Nuclear Waste Site Tri-Party Agreement and Consent Decree. The scope and consequence of the Draft Agreement is one of the most anticipated and potentially significant risk reduction actions at the Hanford waste site in recent memory. That said, the ongoing process for receiving and accounting for input from the State of Oregon, Tribal governments, and the public on substantive issues relating to the solidification and transport of liquid tank waste is insufficient and risks undercutting support for the accelerated reduction of radioactive waste at the Hanford site that is in everyone’s interest.

After nearly four years of confidential negotiations between the U.S. Department of Energy, the U.S. Environmental Protection Agency, and the Washington Department of Ecology, the Draft Agreement has been released for review and comment by early September in anticipation of completing final terms in late fall. Terms of the Draft Agreement, however, appear to leave at least three critical issues open for future decision by the U.S. Department of Energy without assurance of further notice or comment by the general public, Tribes, or the State of Oregon. These issues are as follow:

1. Treatment of Waste Prior to Transport. Terms of the current Draft Agreement leave as an open question whether liquid tank waste will be solidified into a “cake” form prior to transport to a final disposal site in Texas or Utah, or if that solidification process will occur after transport. Our understanding is that the U.S. Department of

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Energy will be studying this issue and reaching a determination later this year without any obligation for further input or concurrence. Oregon has significant concerns about the inherent risk of transport of liquid waste, and I encourage you to commit now to an open and transparent process while considering and making this critical decision for implementing the pending Draft Agreement without materially altering the contemplated timelines.

2. Means of Transport. While we understand that transport of waste from the Hanford site is a necessary component of any agreement aimed at accelerating disposal, the plan for transporting the waste is not specified in the current draft and is left as an open decision for the U.S. Department of Energy to make without any clear commitment for further consultation or public engagement. This is problematic regardless of whether the waste is being transported in solid or liquid form, as it necessarily requires transport by either truck or rail through populated corridors in both Washington and Oregon (and quite possibly through lands of sovereign tribal governments) over multiple years. While we agree with the approach of the Draft Agreement to provide time for further study and refinement of a transportation plan, there needs to be assurance of a public process on this important decision before proceeding.
3. NEPA. We need clarity on how the federal agencies intend to address NEPA requirements for assessing alternatives for transport of the waste to the final locations for disposal. Here again, while the Draft Agreement is addressing the essential goal of expediting disposal of waste on the Hanford site, a roadmap for incorporating input and consultation on important implementation decisions in the future is missing.

Again, I thank you for the important work that has been done to date, and I assure you that my staff and Oregon's Department of Energy are ready to partner with you to ensure communities of interest benefit from an open, transparent, and meaningful process to discuss the important substantive implementation decisions that the Draft Agreement anticipates. I look forward to future discussions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Kotek", is written over the word "Sincerely,". The signature is fluid and cursive.

Governor Tina Kotek