

### **Washington State sues DOE over TRU waste shipments**

Gov. Gary Locke, Attorney General Christine Gregoire and Washington State Department of Ecology director Tom Fitzsimmons announced last week that the state has taken legal action to stop the U.S. Department of Energy from shipping additional quantities of radioactive waste to the Hanford Site. In its statement to the media, the state said the suit results from the Department of Energy's failure to develop a plan for the eventual removal of the waste from the state.

The attorney general filed the suit March 4 in U.S. District Court in Spokane on behalf of the Department of Ecology, saying the Department of Energy had failed to meet a commitment by a March 1 deadline to provide assurances that transuranic waste — both the TRU waste currently at Hanford and future shipments to the site — would ultimately be disposed of at the Waste Isolation Pilot Plant in New Mexico.

“The Department of Energy's blatant disregard of our previous agreement is indefensible,” said Locke. “On behalf of the people of Washington, we will do whatever it takes to ensure that a timeline is developed for Hanford, a cleanup plan is put in place and the Department of Energy follows through on it.”

The suit requests a federal court to enjoin DOE from shipping additional quantities of TRU waste to Hanford. It also asked the court to declare that shipments of such waste are a violation of the National Environmental Policy Act and other environmental laws and regulations.

The state was poised to sue over the TRU waste issue in December, but put legal action on hold after DOE pledged to negotiate with the state to develop milestones for digging up the waste, putting it in safe storage and readying it for shipment to New Mexico. Based on those assurances, the state did not file a lawsuit to block DOE from shipping drums of TRU waste to Hanford from energy facilities in Ohio and California before March 1.

“We received assurances that the federal government would prepare to ship approximately 78,000 barrels of radioactive waste out of Hanford if we let another 170 barrels in,” Gregoire said. “But the Department of Energy has not lived up to its end of the bargain, and now they have left us with no choice but to file suit.”

Approximately 40 drums of TRU waste have arrived at Hanford since December. One shipment is currently en route, and the next is scheduled to be shipped on March 18. Negotiations on a schedule for certifying the TRU waste fell apart in late February.

Some TRU waste contains highly radioactive materials that are long-lived. Mixed TRU waste is radioactive and contains additional hazardous substances that are regulated by federal law.

The 1989 Tri-Party Agreement between the Department of Energy, the U.S. Environmental Protection Agency and the state of Washington established a timetable for cleaning up much of the dangerous waste at Hanford, but TRU waste was not part of that agreement. The agreement reached in December called for incorporating the new TRU waste milestones into the Tri-Party Agreement. ■