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Washington state fines feds more than \$1 million over Hanford cleanup documents

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Buildings on the Hanford Nuclear Reservation along the Columbia River are seen from the Hanford Reach National Monument near Richland, Wash. (Elaine Thompson / AP)

Washington state levied a more than \$1 million fine against the Department of Energy on Monday, claiming the federal government is restricting the state agency's access to Hanford nuclear reservation documents and data it needs to monitor and regulate cleanup efforts, including inspection reports.

The Hanford site, established in 1943, produced plutonium for the nation's nuclear weapons program until the end of the Cold War and is now one of the most contaminated in the nation.

Hanford hosts 177 underground storage tanks containing some 56 million gallons of radioactive and chemically hazardous waste. More than 1 million gallons have leaked there, according to the state Department of Ecology. Workers say they've been sickened by leaking chemical vapors

and fumes at Hanford. Total cleanup costs have ballooned and are [estimated in the hundreds of billions](#).

State regulators say restricting access to documents undermines an extra set of eyes on Hanford that helps keep workers safe, informs the public and prevents damaging contamination from seeping into Washington's soils and waterways.

"We can't ensure they're doing things safely if we can't look at their records," said John Price, the state's Tri-Party Agreement section manager. "We sometimes find problems they haven't identified."

The Tri-Party agreement (TPA) is a legal agreement between the U.S. Department of Energy, the federal Environmental Protection Agency and the state's Ecology Department. The agreement, brokered in 1989, provides a framework for the Hanford cleanup and outlines each agency's role.

Adam Palomarez, a data technology manager for the Ecology Department, said problems accessing information about the cleanup began in October 2017 and continued in the months afterward, as the state negotiated with the Energy Department over access.

The federal department has restricted data and information, Price said, including inspection reports, operating records and engineering plans for waste-management facilities.

"We haven't been getting access to the things we legally should," said Randy Bradbury, an Ecology spokesman. "This is data and information that is directly relevant to what we need to know to do our job."

The Department of Energy disputes the state's characterization of the dispute, and says it has provided Ecology appropriate information when asked.

"The state is asking for unfettered access to our data systems and the federal government has a duty to protect certain types information," said Geoff Tyree, an Energy Department spokesman. "We will continue to provide appropriate access to information in a way that allows us to continue to adhere to federal laws."

The Energy Department on Friday filed an appeal of the director of Ecology's determination over the matter with the state's Pollution Control Hearings Board. That determination is the underlying justification for the penalty announced Monday.

The fine could increase as the dispute lingers. TPA allows the state to seek penalties of \$5,000 per violation for the first week out of compliance and \$10,000 for each week after that.

Through November last year, Ecology had tallied penalties at \$1.065 million, but "in our mind, these penalties are still running," Price said.

Tom Carpenter, executive director of a watchdog group called Hanford Challenge and a longtime critic of the federal government's activities at Hanford, said the fines are part of long-standing "war" between the state and federal government over the state's regulatory role at Hanford.

"It's been pretty rocky. The state of Washington has repeatedly had to bring litigation against the Department of Energy to honor the cleanup agreement," Carpenter said, adding that inspection records and engineering reports are "the ball game" and provide key insight into the cleanup efforts.

"You can't do your job as a regulator without that information. It's obviously a necessary element to be able to do oversight," Carpenter said.

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