FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 30, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Plaintiff, v. CHRIS WRIGHT, Secretary of the United States Department of Energy, and the UNITED STATES DEPARTMENT OF ENERGY, Defendants.	No. 2:08-CV-05085-SAB **ORDER MODIFYING AMENDED CONSENT DECREE**

WHEREAS, on October 25, 2010, the Court entered a Consent Decree between the United States Department of Energy ("DOE") and the State of Washington, ECF No. 59;

WHEREAS, after contested proceedings regarding modification of certain aspects of the Consent Decree, the Court on March 11, 2016, issued an Amended Consent Decree, ECF No. 222, including amendments to the Decree's milestones for tank waste retrievals and construction of the Hanford Waste Treatment and Immobilization Plant;

WHEREAS, beginning in March 2020, DOE's Hanford Site experienced various impacts from the coronavirus pandemic, a force majeure event that

affected DOE's ability to meet certain Amended Consent Decree milestones;

WHEREAS, on July 19, 2022, the Court entered the Parties' agreed request for 579-day extensions of five milestones, including an extension of interim milestone A-9 for DOE to complete hot commissioning of the Low-Activity Waste Facility, extended from December 31, 2023, to August 1, 2025;

WHEREAS, on July 30, 2024, the Court entered the Parties' agreed request for a four month extension of the Low-Activity Waste Facility cold commissioning milestone from August 1, 2024, to November 29, 2024. ECF No. 264;

WHEREAS, DOE has continued to make significant progress towards initial operation of the Low-Activity Waste Facility over the past year, including successfully starting cold commissioning, simultaneous heatup of two melters and pouring of the first nonradioactive test glass;

WHEREAS, DOE has encountered and successfully resolved numerous technical challenges as part of its rigorous system integration and testing processes in the leadup to the completion of Low-Activity Waste Facility hot commissioning;

WHEREAS, the State of Washington has been supporting multiple regulatory actions leading up to completion of the commissioning process at the Low-Activity Waste Facility;

WHEREAS, notwithstanding such progress, DOE and the State of Washington need additional time to execute remaining actions, respectively, to complete commissioning of the Low-Activity Waste Facility; and

WHEREAS, following good faith discussions in accord with Section VII of the Amended Consent Decree, the Parties have agreed that there is good cause to extend the A-9 interim milestone by 75-days due to the ongoing resolution of remaining technical issues and subsequent State regulatory actions described more fully in the Parties' joint motion to modify the milestone.

Accordingly, **IT IS HEREBY ORDERED**:

1. Pursuant to the parties' Stipulation, in Appendix A to the Consent

Decree between the U.S. Department of Energy and the State of Washington, as amended, the row for interim milestone A-9 ("LAW Facility Hot Commissioning Complete") in the table specifying Waste Treatment Plant construction and startup milestones is hereby VACATED and SUPERSEDED by the following:

A-9 Interim	LAW Facility Hot Commissioning Complete	10/15/2025

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED this 30th day of July 2025.

Stan Bastian
Chief United States District Judge