ENVIRONMENTAL DATA & GOVERNANCE INITATIVE

ETM SBU 003

Transcript of an Interview

Conducted by

Christopher Sellers

(With Subsequent Corrections and Additions)

INTERVIEWEE: Not Disclosed

INTERVIEWER: Christopher Sellers

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INTERVIEWER: What is your age?

INTERVIEWEE: Almost 67, 66.

INTERVIEWER: Your racial and/or ethnic identification?

INTERVIEWEE: Caucasian.

INTERVIEWER: Gender?

INTERVIEWEE: Male.

INTERVIEWER: What is your formal education? Can you summarize that, years also when you got degrees?

INTERVIEWEE: Bachelor degree in Physics from St. Joseph's University, Master's Degree in Environmental Science from Drexel University and an MBA, also from Drexel University.

INTERVIEWER: What profession did you pursue in the process of getting your degrees?

INTERVIEWEE: I was going to be an aerospace engineer, hopefully working on rockets and the moon launch and that profession went into the tank once we landed on the moon. And the environmental field was just starting to blossom and first degree programs were just starting and I went into that field.

INTERVIEWER: What prior jobs did you have prior to the EPA? What part of the environmental field, how did you see yourself in terms of your professional background?

INTERVIEWEE: Primarily over the years in the water area. So EPA, the way it's organized, has an AA for water. In all the regional offices, it has a water division. So with a couple of exceptions, that's kind of where I've done most of my focus over the years.

INTERVIEWER: Would you describe your professional identification as more of a policy person, as a scientist, or engineer?

INTERVIEWEE: Much more of a policy person. Most of the time when you start out, you're a little more involved in engineering, science in a very loose way, but once you get into higher levels and you get into management, you depend on other people to do that.

INTERVIEWER: So that was your place.

INTERVIEWEE: Yes.

INTERVIEWER: Did you start out at the EPA or did you have other jobs before?

INTERVIEWEE: I spent about a year in the Department of Defense, initially when they were just getting involved in environmental protection, working in a program where they were concerned with all aspects of pollution at some of the government-owned contractor-operated plants they had around the country. So that was my first job.

INTERVIEWER: Was that out of Washington?

INTERVIEWEE: That was actually out of Philadelphia, at the Frankford Arsenal.

<T: 10 min>

INTERVIEWEE: Staying on the federal list, I got a job after that actually paid for by EPA, but working under the direct supervision of managers in the State Department of Environmental Resources at the time, actually working on air pollution issues in the five-county area, including Philadelphia. That lasted another year and then, because that was in theory a temporary job, temporary in the sense that what they were hoping was that this kind of employment would build up the state program and the state would eventually hire people. Unfortunately, it didn't work out that way because the federal government had higher salaries and a higher salary structure, most people noticed that and eventually went to EPA sometime in 1973, late '73.

INTERVIEWER: So you were there—

INTERVIEWEE: A long time.

INTERVIEWER: From the beginning almost.

INTERVIEWEE: Not exactly the beginning. The office was already established in the region. The quick history was when regional offices were established, the original office was in Charlottesville, Virginia.

INTERVIEWER: For the Philadelphia area?

INTERVIEWEE: Yes, for the Middle Atlantic Region. Then the government quickly realized that across all the departments of government and agencies of government, it might make sense to co-locate them in one city, so that original EPA regional office in Charlottesville, within about six months, moved up to Philadelphia.

INTERVIEWER: Is that about the time that you joined?

INTERVIEWEE: I joined approximately six-to-nine months later, so we actually have a list of the original employees. I was not an original.

INTERVIEWER: What was your thought when you joined the agency about what you might achieve or what did you aspire to in moving there?

INTERVIEWEE: My senior year of college I walked over to Belmont Plateau here in Philadelphia. I lived just off campus, and just past that I could walk to Belmont Plateau. It was the beginning of Earth Day, which has kind of instilled kind of the environmental spirit in me. At the time, I can remember how I felt. I said the nirvana of working in the environmental field is to work for the Environmental Protection Agency. That was literally what I was thinking at the time.

INTERVIEWER: In those kinds of terms too.

INTERVIEWEE: Absolutely, absolutely. DOD [Department of Defense] was a little different as you might imagine, especially back in 1971, but not that the DER [Department of Environmental Resources] job in Pennsylvania wasn't a good job, but it's just the Environmental Protection Agency, this is the top of the field.

INTERVIEWER: It was an exciting time, I imagine.

INTERVIEWEE: Absolutely. […] It was literally the beginning of a number of environmental laws that were either passed the year before I started at EPA, or just before I started at EPA, just a lot of exciting things happening, the recognition of a number of things in the air field, the water pollution, air pollution, and even the toxics area that were just getting started, and basically the beginning of how is it going to work, how is it going to be implemented. It was the very beginning of all of those laws.

INTERVIEWER: You're coming into this almost brand new agency, what office were you in, you said the water office, the Philadelphia region?

INTERVIEWEE: A little different than the water office. For probably the first six or seven years, I was in EPA it was a little bit different. My first two jobs, the first job, interestingly, was in the Federal Facility section. So there was a special section designed to try to bring federal facilities, and you can imagine in the Middle Atlantic region which includes Virginia, Maryland, and Washington D.C., there are a lot of federal facilities, bring them in line with environmental laws because the way the government works, typically federal agencies did not adhere to state regulations or general regulations that applied to others. So my first job was interestingly enough working with a lot of federal facilities in the area. After a few years there I actually moved into what was called the Environmental Impact Branch, and eventually became the manager of a group of people who wrote environmental impact statements for a couple things. The National Environmental Policy Act [NEPA] covers major investments that the government makes in any department, in any agency, and so the Environmental Impact branch that I was in charge of literally did the same thing for EPA programs. It turns out that only two programs were subject to that act and they were the Construction Grants Program. So we used to give construction grants, there used to be a grants program rather than a loan program to POTWs [publicly-owned treatment works], sewage treatment plants. In the beginning, to bring those plants up to a certain generic level of improvement, a significant part of EPA was this Construction Grants Program and large projects needed environmental impact overview. The other one was New Source Permits, new facilities going into place that could have a significant impact on the environment. The fact that they were getting an EPA permit would be equivalent to require them to get an environmental impact review and potentially an environmental impact statement.

INTERVIEWER: Was your focus on water and on all these fronts? Environmental impact statements are water and air, and the whole of the impact?

INTERVIEWEE: The environmental impact statements covered all the impacts. What brought a facility into the NEPA Program were things that were in the Clean Water Act. So the two things that were in the Clean Water Act were this Construction Grants Program, so there's a water connection there even though you look at things like the secondary impact of putting in sewage pipes in an area that currently doesn't have a population, for instance, it would increase the population. So you would look at those air impacts, but what actually brings it into the system are the fact that it's part of the Clean Water Act, this Construction Grants Program. The same thing with the new

source permits. They were actually new source permits that would need an NPDS, which was the short term for Water Pollution permits.

INTERVIEWER: Did they not need the air permits at that time?

INTERVIEWEE: Air permits were somehow exempt and I can't remember why. Some of the acts actually had an exemption in them for things like this, or if they eventually went to court had some kind of court case that would say. The permit itself takes care of the environmental impact review. It takes care of that broader issue.

INTERVIEWER: So if you get the permit, you don't have to go through the other.

INTERVIEWEE: Yes, but that didn't cover the Clean Water Act.

INTERVIEWER: So it had to go through the NEPA.

INTERVIEWEE: Yes, and it was only for federal actions, so today there no longer is a Construction Grants Program. Everything's done by giving states money and states then loan sewage treatment plants money to build and almost all the permit programs in the Clean Water Act are now delegated to states. So it's no longer a federal action, it's a state action.

<T: 20 min>

INTERVIEWER: I want to ask you about that transition, but I don't want to get off track.

INTERVIEWEE: That's an interesting story too.

INTERVIEWER: I've made a note and we'll get back to that, but just a few more questions on that earlier period. Are we talking about most of this is Ford and Carter Administrations?

INTERVIEWEE: It starts with Nixon. The interesting thing is Nixon signed most of the major basic environmental laws that are still in effect today, but, yes, we're talking about Nixon, Ford, Carter. As I tell my climate change class now at Penn, what I found over the years and you might want to come back to this, is that EPA is the most effective when it has a Republican Administrator, a Republican President, therefore, and a Democratic Congress.

INTERVIEWER: So you're saying like Reagan Administration.

INTERVIEWEE: Well, there's an exception for the first two years of the Reagan Administration.

INTERVIEWER: But that was a temporary exception you're saying.

INTERVIEWEE: It was. It was.

INTERVIEWER: Let's finish up the questions on the earlier period. I think I've got a sense of how what you were doing fit in with the EPA's overall mission and so on. How would you say that politics affected your work then, in practice, directly or indirectly?

INTERVIEWEE: There's always some influence, much less directly back then. As you might imagine, in terms of local politics and state politics, an environmental impact statement on a facility that was related to potential growth in an area, that was related to getting a facility back into compliance by providing the money,

was a huge deal and the Environmental Impact Statement Program not consistently, but when documents were due to be published, became a relatively charged issue. But I would say, back then, there was a process in place. And this may have been because EPA was so new, and still growing, and there were so many decisions to be made, but scientists, engineers, even lower-level policy makers like myself at the time would develop a set of pro and cons, why we should do it this way, why we should do it this way, and take it up the chain of command. And it was up to the senior level officials, whether they were permanent government employees or whether at a higher level they were a political appointee, to add the flavor of what might be going on, especially where maybe it's a close call, science or engineering-wise.

INTERVIEWER: And you're saying the theme of the more political pressures again.

INTERVIEWEE: Yes, that would come at the time. We always thought in the Environmental Impact Statement Program we were doing a good job when everybody was complaining at us equally that we had found the evenness of the impact statement. And this program entailed public meetings to explain things, public hearings, so we were out in local areas running these public meetings.

INTERVIEWER: That's the hearings on the environmental issues.

INTERVIEWEE: The hearings, well, it started with hearings, but then we realized we needed to provide more information earlier, so we actually started to do a series, either one or two public meetings before we even got to the hearing stage explaining what the process was, so we were out there a little more than just the required public hearing.

INTERVIEWER: Who made that decision? Do you remember how that worked in terms of the change there?

INTERVIEWEE: I think that change started with my former boss, who eventually moved to Juno, who before me was the manager of the program.

INTERVIEWER: So it was initiative by the regional office?

INTERVIEWEE: I can't quite remember. I think he, and by association the rest of us, were a little more ahead of the curve in that kind of thing. Although there were national meetings of all these program managers where they would discuss things and try to come up with a consistent approach, but certainly these kind of extra meetings we used to try to be a lot clearer to make it a much less technical document than the original first ones that came out in terms of EISs [Environmental Impact Statements] so they're a little more publicly understandable. We started doing summaries for the public, things like that, to make them more understandable. Not only to the public, but to policymakers, so that all happened probably from '75-'76 on through 1980.

INTERVIEWER: You've talked a little bit about the role of the scientists and engineers in the work that you were doing in that time, do you want to add to that about the roles they played? That's one of the things we're interested in following over time.

INTERVIEWEE: Sure and I'm going to leap this a little bit into the 80s since I did get involved in some other more direct water programs later on into the 80s. There was a

much heavier role for scientists and engineers in the regional offices in the 70s and the 80s when EPA was just getting started and before EPA had delegated to the states a lot of programs, and this goes for not just the water program but for the other programs too. So the role of scientists and engineers was much more involved. A lot of engineers would be working, for instance, on water pollution permits. A lot of engineers or scientists would be working on the planning aspects of sewage treatment plans in EPA when we used to give grants to have them be built because we were much more concerned that the money be spent very, very effectively. So as the grants program went away, that would be later in the Reagan years, and as all the programs, at least in the water side, got delegated, there was less and less a need for these engineers and scientists to review and write these permits, and more of a need for people who had skills to not only at least oversee some of these permits, you needed some people that were technical to check on these state permits, but it became a lot more of a working with the state to make sure things got done right, and that was a very different skillset.

INTERVIEWER: So more negotiating and that kind of thing than having the technical knowledge.

INTERVIEWEE: Yes. Yes.

INTERVIEWER: A final question on the early period and we'll get to these transitions that you've already alluded to. How well do you think that your work at the agency was supported by the higher-ups in the agency, and then other people in the government?

INTERVIEWEE: Are you giving me a timeframe?

INTERVIEWER: I would say 70s into it sounds like the Reagan is a little bit different.

INTERVIEWEE: Yes. We're going to need to come back and talk about the Reagan transition. Generally speaking, very well-supported.

INTERVIEWER: What about Congress? Did you have any sense of the relationship between the agency and Congress where you were in the agency?

INTERVIEWEE: That's an interesting question. My recollection is not very much. Now remembering Congress in the 70s, my memory says Democratic most of the time. There were some changes in the 80s. I did not feel a pressure from Congress.

INTERVIEWER: What about other players like the courts, the regulated industries, affected communities? You talked a little bit about effected communities I guess.

<T: 30 min>

INTERVIEWEE: Pressure in the sense of comments, pressure compared to the way pressure is put on today, no. To be honest with you, back then it felt much more like dialogue. It was much more like reasonable dialogue and remember, myself, and people that worked for me, and we haven't even talked about the new source part of this, we haven't talked about construction grants. Before I became the manager, I oversaw a $2 million project, we hired a consultant

to help myself and another junior staff member actually do a new source review of the entire coal industry in West Virginia, so that was probably the one that got kind of the most feedback, pressure back in a lot of ways from the coal industry, but even then it was much different than it is today in the sense of it just seemed like, sometimes it would bubble over, but it seemed much more like dialogue.

INTERVIEWER: Even when there was opposition expressed.

INTERVIEWEE: Absolutely, yes, and coal mining unions, coal workers worried about losing jobs, the EPA coming in and trying to take control, this was way back in the 70s.

INTERVIEWER: Let's move on to transitions. It sounds like you had some things that you recalled about the Reagan transition, first couple of years.

INTERVIEWEE: In the late 70s, I was in charge of what's called the environmental impact statement preparation section. A good friend of mine now was in charge of the environmental impact statement review and 404 section [Section 404 of the CWA], so the job of that section was to review other agencies' impact statements and as you might imagine the EPA was a prime reviewer of those impact statements done by other agencies.[1] There was a whole group of agencies that would review them, but EPA was looked on as for many of these the prime reviewer and that was actually the group that implemented the 404 Program.

INTERVIEWER: That was his group, right?

INTERVIEWEE: Yes, his group. So, our boss was also heavily involved in ocean dumping and ended up going to Washington to work with the Merchant Marine Fisheries Committee, on the House side, to work on those issues on a larger scale. During the transition to the Reagan Administration, I was the Acting Branch Chief which would be the second level supervisor.

INTERVIEWER: So you were in a new position, a different position where you could see more of what the effects were?

INTERVIEWEE: Yes, but remember nominally in charge of not only my old group, but also this other group, these very two high-profile jobs. And the group I was in charge of had done—and this gets back to delegating authorities, things like that—had done this environmental impact new source review of coal mining in West Virginia because coal mining, of course, was considering a significant impact on the environment, and it was the one state where EPA

[1] Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

had not delegated the Water Pollution Permit Program, so that meant that all the permits were written by EPA.

INTERVIEWER: So they hadn't gotten a state program approved in West Virginia.

INTERVIEWEE: Correct. Actually, they didn't want it. Too much work. So this is before I became the section chief for the group, I was holding public meetings all over the State of West Virginia. We were gathering scientific information trying to do, at the time, think about this, we were using Mylar to develop overlapping maps so that we could make individual decisions on individual coal mines as to what their overall environmental impact might be on things as varied from drinking water supply to whether they were impacting a historic site and everything in between.

INTERVIEWER: So you didn't have the digital—

INTERVIEWEE: There was no digital in the 70s. Mylar maps would upset a few people. To make a long story short, and I don't know if you've researched any of the Reagan Administration.

INTERVIEWER: Yes, actually.

INTERVIEWEE: Then you know that 16 people were prosecuted, significant employees in the Reagan Administration, appointees. Anne Gorsuch was the administrator who kind of resigned. Well, the regional administrator was a coal executive.

INTERVIEWER: In your region.

INTERVIEWEE: In my region, a guy named Peter Bibko, the late Peter Bibko.[2] One of the first things he did, he came in and he disbanded the Environmental Impact Branch that I was acting as the branch chief in charge of.

INTERVIEWER: And he was appointed by Gorsuch [Anne McGill Gorsuch Burford]?[3]

INTERVIEWEE: I can't tell you that. He was appointed by the Reagan Administration. Typically, at least in the more modern era that I'm a little more familiar with, the regional administrators were appointed by the administration, not necessarily the administrator.

INTERVIEWER: So that might be how it works. We can document it.

INTERVIEWEE: Yes. I could tell you that that's the way it works. That's the way it's worked in the last 10 or 15 years. I'm assuming that's the way it worked back then.

INTERVIEWER: They put in their slate of people.

INTERVIEWEE: Correct, and in EPA the slate basically is administrator, 10 regional administrators and maybe a half-dozen to a dozen heads of the AA-ships for

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[2] Peter N. Bibko, Regional Administrator EPA Region III. Bibko, Philadelphia regional chief of the EPA, was dismissed in 1983 after investigators found he took questionable sick leave, was frequently driven between Washington and Philadelphia by a government chauffeur and charged the agency for personal phone calls. See Cass Peterson, "Ruckelshaus Dismisses 4 EPA Officials," *Washington Post,* May 21 1983.

[3] Anne Gorsuch Burford, former administrator of the Environmental Protection Agency (1981-83), resigned on March 9, 1983, after a fight with Congress over toxic waste documents.

water, air, now it's of course a superfund, hazardous waste research, so not a lot.

INTERVIEWER: Those are the political appointees.

INTERVIEWEE: They're the senior-level political appointees that need approval of Congress. There's a second level of political appointees, but they're the senior ones.

INTERVIEWER: How did that work? Did you stop doing the impact assessments? How did you handle this dissolution of that division?

INTERVIEWEE: Obviously we were looked on as these people were causing real problems to our constituency. I assume EIS [Environmental Impact Statement] review, you could understand how that might be involved and you're familiar with the 404 Program.

INTERVIEWER: The 404, I don't know specifically but I know of—

INTERVIEWEE: Protection of Wetlands. And doing construction in wetlands areas.

INTERVIEWER: That was highly-charged.

INTERVIEWEE: Yes! This is all in one group and you guys probably aren't even aware anymore but ocean dumping was a highly-charged issue, and Philadelphia was still doing ocean dumping in the late-70s.

INTERVIEWER: That's by cities and so forth.

INTERVIEWEE: Yes, not as big a deal today because most of it has stopped. Our environmental group had a lot of the highly-charged, highly-visible and somewhat political programs at the time. The bottom line was they work too well together, let's separate them and put them apart. So did people stop doing them? No, but those groups were split up. The responsibilities were split up and spread out. Myself and three other people who worked for me were then assigned to work on the Chesapeake Bay Program, completely taken out of the Environmental Impact Statement.

INTERVIEWER: Is that the same region still?

INTERVIEWEE: Oh yes. Yes.

INTERVIEWER: But it's a completely different responsibility.

INTERVIEWEE: Fledgling program at the time. Today it's a very big part of the regional program, very, very big.

<T: 40 min>

INTERVIEWER: What about the things that you were doing like the West Virginia coal EIS [Environmental Impact Statement] that you had been working on, what happened to that?

INTERVIEWEE: The information, of course, was still there. It just wasn't used.

INTERVIEWER: So they approved whatever they were trying to push through, the projects, right?

INTERVIEWEE: The way the system was set up, once we did this project, was that when a new permit application came in, and remember any new water pollution

permit application had to come in at least 180 days in advance of before, in this case a mining operator wanted to start mining. The way the system was set up is that information would come in, it would be reviewed against the information we had pulled together with this project, and we'd determine whether or not an environmental review was necessary, which is a couple of steps down from an environmental impact statement, or whether, in fact, a specific environmental impact statement was necessary. And prior to the Reagan Administration in the last year or two we had determined that at least one of these coal mining applications needed an environmental impact statement and actually had started work on it. And actually had held some public meetings where our person in charge of that environmental impact statement had to have a couple state police next to the stage with him to control the crowd. Very highly-charged.

INTERVIEWER: In terms of that, did that assessment go forward?

INTERVIEWEE: It did and the environmental impact statement was completed and the fear was more of this would happen and more coal mines wouldn't be allowed to open or would need to be opening with conditions that would cost them money.

INTERVIEWER: So they stopped requesting these assessments then for the coal mines?

INTERVIEWEE: If you didn't have the staff or enough of a staff to review applications coming in, then you didn't do it.

INTERVIEWER: You just sort of signed off on the applications saying it was okay without an environmental assessment.

INTERVIEWEE: Right. Of course I didn't.

INTERVIEWER: Right, that was whoever was doing the job that you had.

INTERVIEWEE: Yes, and of course it was a lot less people involved in that job than were involved in the past. And they did a similar thing to the EIS Review Group and to the Wetlands Group all split up in the different places.

INTERVIEWER: When you say split up, is that geographically in terms of where the office was located? How did you split up?

INTERVIEWEE: Organizationally.

INTERVIEWER: The interchange was cut off between these different—

INTERVIEWEE: Correct, so there was a lot of overlap in scientific expertise, for instance, in the 70s. If we needed a coal mining expert initially in my prep group, we went to a guy who was in the Environmental Impact Statement Group who was an expert in coal mining and had been reviewing those kind of things in the past. So, all those kind of things were separated and the managers, like myself, the other managers, split up, so here we were, four of us, working all of a sudden on the Chesapeake Bay Program.

INTERVIEWER: How intentional do you think these kinds of maneuvers were in terms of whoever made these decisions having a conscious plan to improve the agency or to undermine what you guys were doing?

INTERVIEWEE: This move was absolutely intentional. I can't remember why there was a reporter in the building. There were a couple younger people that worked for

me who put up a sign in the area that we were in before we were split up and moved into different places, “Fired Sale,” that actually made it into the *Philadelphia Enquirer*. This was definitely done basically, at least from my end, I didn’t know as much about the other side. Of course, I knew that there were a lot of politically-charged issues going on in the other programs, but from my end and the whole coal mining industry issue the fact that our boss was now an ex-coal-mining-executive, and it happened in the first couple months. It was not like, “let’s come in and study this situation.” It was, “let’s come in and get rid of that group.”

INTERVIEWER: Somebody had been planning that probably.

INTERVIEWEE: Oh god, yes! And typically for something to happen that fast, and this gets back to the whole transition, somebody on the transition team was already targeting that and this new guy had his orders walking through the door.

INTERVIEWER: What was the effect in terms of atmosphere in the office on these kinds of maneuvers? You suggested, but do you have any further memories about that, what it was like?

INTERVIEWEE: For us that were involved, it was a very depressing atmosphere. Across the programs all of a sudden the things we had spent a few years working on and were making, we thought, some environmental progress, were pulled out from under us, so the atmosphere, for somebody to put up a sign that says “Fired Sale.”—

INTERVIEWER: That’s a statement right there.

INTERVIEWEE: —and not care if any of the people walked through. That was an indication. Personally, it was very depressing and it was generally an indication of what was happening on a much bigger scale across government. I’d have to say ours was an organizational change that at least under the current system would probably need to take longer because it would need to be reviewed and go through the union and things like that. You could never get something done that quickly as in the past. Back then I had no idea whether any of that would be a proper recourse to try to slow things down, but what would be the use? Eventually it would go through.

INTERVIEWER: Was there a union at that time or did that come later?

INTERVIEWEE: I can’t remember. That would be a good thing to take a look at.

INTERVIEWER: You stayed on though?

INTERVIEWEE: I stayed working for EPA. Here’s another interesting thing. I went up to work for a very nice man who ran the Water Division, had been there since the very beginning, a guy named Green Jones, recently deceased.[4] And the orders he got from the top and he gave to me was and to the people who worked for me was, “You need to shut down the Chesapeake Bay Program.”

INTERVIEWER: So they put your there, fledgling program, and that was your marching orders.

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[4] Green Jones, director of EPA's water programs division.

INTERVIEWEE: Yes. Now there were Chesapeake Bay Program people working in Philadelphia but there were also people working in the Annapolis office, which makes a lot of sense to be working on the Chesapeake Bay. Eventually what happened is there were a few federal employees working at Chesapeake Bay and a number of contractors. Over a two-year period, all the federal employees were cut to zero, and there were a few contractors left there to close the office. That was kind of the two-year period for the first two years of the Reagan Administration before a bipartisan group of senators and representatives fought back and said, “No, no, we need the Chesapeake Bay Program; we’ve got an issue that we need to handle,” and basically put the pressure on to restart that program. So one of the orders they took care of was getting rid of my program, and then when you go up there, the order came from the top, get rid of the Chesapeake Bay Program.

<T: 50 min>

INTERVIEWER: So you were right in the thick of all that.

INTERVIEWEE: I was in the thick of that, so I’m 30 years old; I’m still not understanding government at the time, the bureaucracy. And the shock was because there was a lot of support for things we were doing up until all this happened.

INTERVIEWER: It sounds like there was a lot of local, regional pushback but also a lot of support.

[…]

INTERVIEWER: These are great stories about the Reagan transition, so let’s move on now, and I want to hear about how things from your perspective moved on and see how it looked to see the restoration. So your understanding was it was pressure from Congress that turned things around in large part, at least with the Chesapeake Bay Program.

INTERVIEWEE: For the Chesapeake Program, yes. The peculiar nature of the Chesapeake Bay Program, and in later years I tried to explain this to people in the Midwest who were kind of trying to get the same kind of support for some of the things they were doing, if anything happens in the Chesapeake Bay in a negative way, pollution-wise, fish kill-wise, every member of Congress reads about it the next day in the Washington Post. This is when people read newspapers. I’m going back to when people read newspapers. The Chesapeake Bay, although of course support would start from local congressmen and senators and it was literally bipartisan, other congressmen and senators would read about it, things that were happening there anyway, and you could likely get support for it that way. So the Chesapeake Bay became a big issue. And, yes, that came back and came back in a very dramatic fashion and you could see that happen over the years.

INTERVIEWER: And that is where you remained, in the Chesapeake Bay Program?

INTERVIEWEE: It's such a dark time for me. It's hard to remember, but not for more than a year or two. I eventually moved into other things in the Water Program. One of the things that was starting to blossom at the time was the idea of source water protection.

INTERVIEWER: So watersheds and that kind of thing?

INTERVIEWEE: Not watersheds yet. On the way to watersheds. The idea that we've got a Safe Drinking Water Act and we've got regulations, but they're not enough, so we need to figure out how to protect them. So I started to get involved separate from the people who ran the Drinking Water Program person working on this source water protection at the same time that there was a start of this nationally with a national coordinator in Washington.

INTERVIEWER: This is in connection with the Safe Drinking Water Act and so on?

INTERVIEWEE: In a very general way. Basically, I say source water protection but it started with groundwater. We need to protect groundwater and there was not real specific provision anywhere in the Safe Drinking Water Act so how are we going to get this started? People in Washington were starting to figure out we need to do something in this area and I moved into the regional coordinator to try to make that happen in coordination with the people in Washington but also trying to make that happen in state programs, but it was much more of a voluntary thing and a let's-gather-the-information. It did become the early stages of something like watersheds and source water protection but it started with protecting groundwater, resource water protection.

INTERVIEWER: It makes sense in that time when they were building superfund and worried about a hazardous waste.

INTERVIEWEE: Yes, which of course you know all started from the Water Program.

INTERVIEWER: The superfund?

INTERVIEWEE: All these, they were carved out of the Water Program when they started.

INTERVIEWER: I didn't quite realize that, but that does make sense.

INTERVIEWEE: Because there wasn't a program and all of a sudden things started happening and the Water Program did a lot of the investigation along with the field component of the Water Program, which wasn't typically in the Water Program. The people who ran the laboratories, the people who did inspections, the people who went out and sampled were typically in a different group.

INTERVIEWER: In a different group from the Water Program.

INTERVIEWEE: Yes.

INTERVIEWER: So it was kind of more of an eclectic team until they actually created a program and consolidated.

INTERVIEWEE: Some of those people were brought in to make the Superfund Program, but the beginning of Superfund Program were people taken from Water, people taken from this organization that did field inspections to first put it in place.

INTERVIEWER: Okay. So, you made a move into another office. Was it sort of a change—

INTERVIEWEE: It was a different job in the same Water Division. So in headquarters they called them the offices, Office of Water, Office of Air. In the regions they called them divisions. So this was in the Water Division. So I was moved in the Chesapeake Bay Program area in the Water Division reporting to the Water Division Director to close the Chesapeake Bay Program and then I moved over to this job eventually that was groundwater related working for the same division director in the same Office of Water.

INTERVIEWER: This is where you were, what, '83-'84?

INTERVIEWEE: '83-'84 when the indictments come down, people leave, new regional administrators come in, new directors of a lot of different programs come in, new Department of Interior directors. And those first couple years were the really dark years at EPA, and in my estimation was much less sophisticated than administrations are today, other than knowing to cut out the environmental impact branch which has separated apart, it was much more of a bumbling effort.

INTERVIEWER: Can you give another example of how the bumbling nature of what they tried to do?

INTERVIEWEE: The specifics escape me. The general feeling of things were going on I had. Of course, I was much more isolated in a lower-level position, but just look at the indictments as an example of bumbling.[5] You're not going to see that anymore.

INTERVIEWER: You're now in the agency where it sounds like the atmosphere has changed significantly by '83-'84. You feel like there's congressional support?

INTERVIEWEE: Congressional support starts to come back. It's either around there or slightly later. The savior returns, is one way to put it when Bill Ruckelshaus gets reappointed as the administrator and he makes a grand tour of the regions.[6] Literally it was like night turning into day and for him to make a grand tour of the region, it had to be a morale-related issue. And you know his history, right?

<T: 60 min>

INTERVIEWER: He was the first administrator.

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[5] For example, Rita M. Lavelle, former head of the Environmental Protection Agency's toxic waste cleanup program was indicted for contempt of Congress. See Stuart Taylor, Jr., "Ex-Official of EPA Indicted over Dispute with Congress." *New York Times,* May 28, 1983, S 1, 1. Lavelle was convicted of lying to Congress and served 3 months of a 6-month sentence, including a $10,000 fine and five-year's probation. See Philip Shabecoff, "Rita Lavelle gets 6-Month Term and is Fined $10,000 for Perjury," *New York Times,* January 10, 1984, S A, 1.

[6] William Doyle Ruckelshaus was the first administrator of the U.S. EPA from 1970-1973. In October 1973, Ruckelshaus resigned in opposition to Nixon's command to fire the independent special prosecutor Archibald Cox. Ruckelshaus was later reappointed as the EPA Administrator under President Reagan from 1983-1985.

INTERVIEWEE: That's one of his histories. He was also one of the guys fired by Nixon. So this guy, his record—

INTERVIEWER: So everybody kind of admired him.

INTERVIEWEE: Oh my god, yes!

INTERVIEWER: So there was the start of it, Ruckelshaus is in there, morale is kind of turning around. What about day-to-day work, operations within the agency? What kind of changes do you remember there?

INTERVIEWEE: This whole groundwater thing, there was certainly a lot of support for kind of doing the right thing and trying to figure out ways to get people to do the right thing to protect groundwater, some of it regulatory that might exist in the Drinking Water Act, but most of it non-regulatory and a lot of support for kind of doing the right thing, because it's the right thing to do. My 80s are kind of hazy in terms of when it all started to happen. Sometime in the 80s, because of my experience with this Groundwater Program and with the Safe Drinking Water Act, for a time I became head of the branch that ran the Safe Drinking Water Act Program, which is basically PWSS Program [Public Water System Supervision] in the UIC Program [Underground Injection Control]. One thing I can tell you that generally applies is that those kind of programs typically get support anyway because it's dangerous for any administration to screw around with programs that primarily protect public health. […]

So if you think about the Safe Drinking Water Act Program, it's basically to protect drinking water to keep people from getting ill as opposed to let's go back to the 70s, the Environmental Impact Program which, at the margins, has some kind of health component to it, but not typically. It's typically about ecological health as are the Wetlands Program, as are the EIS Review Programs. It's much harder to make the case, but much easier to oppose. So, I'm taking over the PWSS Program [Public Water System Supervision] and it's relatively easy to implement the program, because they're still new and they're still about public health.

INTERVIEWER: So you felt like there was more support for that for multiple reasons.

INTERVIEWEE: Oh yes. Now I'm looking back on the public health thing now realizing the difference. Back then I was just thinking, oh, things are running smoothly again, it seems like everything works. I can't even remember who the regional administrators were after Peter Bibko. They were still Republicans, but things were working.

INTERVIEWER: This is the time I believe you were referring to when you said the best operation of the agency is when you have a Democratic Congress and a Republican Administrator.

INTERVIEWEE: Yes, and what you've got is—

INTERVIEWER: Is that accurate?

INTERVIEWEE: Yes. Looking back, in retrospect, what seems to have happened, and I'm kind of generalizing over all the administrations, is you've got Congress that isn't fighting you and isn't fighting you as hard on each individual issue in

each individual congressman's district and isn't necessarily fighting the administration in administrating laws and then you've got an executive running it all who's kind of mediating in a lot of ways the implementation of those laws.

INTERVIEWER: Mediating between?

INTERVIEWEE: Mediating in the sense that so you're not going crazy. And the worst example might be using bad science, but making decisions that don't make sense.

INTERVIEWER: As opposed to the early years of Reagan Administration.

INTERVIEWEE: Where it was the exact opposite, of course. Things were really bad.

INTERVIEWER: You mentioned the question of science here. Did you see a change in either this time or more gradually in the role of science in terms of what your part of the EPA was doing, science, or scientists and engineers?

INTERVIEWEE: It seemed to me that things were back to the way they were in the 70s. Of course I didn't see directly as much how things changed, because I wasn't in the program that used science, close the Chesapeake Bay Program. It's more of an administrative and policy statement than it is a science thing, so I wasn't necessarily involved.

INTERVIEWER: The Chesapeake Bay one, that's what you're referring—

INTERVIEWEE: Yes, so closing the Chesapeake Bay doesn't involve me in whether they're still using science in the early years of the Reagan Administration. By the time I'm back in the management side of this, I don't see any difference than it was in the 70s yet.

INTERVIEWER: I guess you've talked about the political influence of the different politics of having an administrator like a Ruckelshaus who mediates, versus his immediate predecessors.

INTERVIEWEE: I can only speak to one predecessor. I guess he did come in right after Anne Gorsuch so it would be his immediate predecessor, so it wouldn't be plural. Having said that, Bill Ruckelshaus is a Republican. There were previous Republican Administrators. He was one, of course. So, it wasn't as much as a matter at the time of Republican and Democrat.

INTERVIEWER: So that was the big contrast was between two Republicans.

INTERVIEWEE: Yes. I have a more recent example, which makes me think that I now have two points of data, if you want to jump to the more recent example.

INTERVIEWER: I think we can start to do that.

INTERVIEWEE: This more recent example jumps all the way to 2000 to 2006, when we end up with Republicans through the whole chain of command and in Congress. So I guess I did put down that I currently teach the basic course in climate change at Penn.

INTERVIEWER: Yes.

INTERVIEWEE: I start to get involved in climate change-related issues 2003-2004, and I won't go into the whole project and everything unless you want me to go into it later, but the bottom line is I find out when I take my boss who, at the time, was the Director of the Office of Water in headquarters with me to go talk to

the…Actually, he wasn't the Director of Waters, the next level down was the Director of one of the Water Program Divisions in headquarters to talk to his counterpart about a joint project and being told that not only are we not allowed to talk about climate change, but that they hadn't actually updated the website between 2000 and 2006.

INTERVIEWER: They had done nothing on the website.

INTERVIEWEE: Correct.

INTERVIEWER: This is with regard to climate change.

INTERVIEWEE: Correct. You know, the hearings started in Congress in the late 80s. The project that got me there that resulted in me finding out that EPA's Air Office was not allowed to discuss climate change—

INTERVIEWER: Was that kind of a mandate?

INTERVIEWEE: I have no idea. The implication I had gotten, not just from that but from other things I'd heard in the Office of Water who I was working for at the time, was basically the Department of Interior Secretary is running the Environmental Policy for this Administration.[7]

INTERVIEWER: That would suggest that this person, I forget the name, who was Department of Interior?

INTERVIEWEE: I don't remember.

<T: 70 min>

INTERVIEWER: But this person was also calling the shots directly or indirectly for EPA as well in terms of what the Air Office was doing.

INTERVIEWEE: Yes, policy at that level, it's hard to tell who's calling policy whether it's being operated out of the White House. Sometimes a lot of the calls get made out of the White House it seems. Sometimes the administrators and the Secretaries of the Interior are given a lot of freedom. It's hard to understand and I only have hearsay as to how it might be. My other point of data on why it was coming out of there was, one, if they're not allowed to talk about it, who is, but the second point was I was also working for something on the Office of Water related to the Gulf of Mexico and the Mississippi River Basin and there was an interagency interstate organization where I was trying to get something on the agenda which myself and the Director of the Gulf of Mexico Program Office thought would really move ahead the reduction of pollution control upstream that was causing the dead zone. And I'm at a meeting, on the way to the meeting for that to happen and I get a call from a Deputy Secretary in the Department of Interior asking me questions about what do I want on the agenda and why.

INTERVIEWER: And this is Bush II Administration?

INTERVIEWEE: Yes, this is Bush II. I'm like in shock. First, I'm getting a call—

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[7] Gale A. Norton was the U.S. Department of the Interior Secretary from 2001-2006 under President George W. Bush.

INTERVIEWER: From another agency!

INTERVIEWEE: And two, it's so high up! And, as it turns out, that discussion never got on the agenda two days later.

INTERVIEWER: They were being more proactive. The change here, the two data points you're talking about, is that kind of engagement from higher?

INTERVIEWEE: A much more subtle way of preventing things from happening.

INTERVIEWER: As opposed to the early years of Reagan you mean?

INTERVIEWEE: Yes, doing things that were so blatantly obvious or secondarily doing things that ended up being illegal.

INTERVIEWER: So perhaps similar figures figured out more subtle ways to steer what you guys were doing or trying to?

INTERVIEWEE: Yes. Of course other things were also occurring in a broader sense. So jumping ahead, going back to is it about science or is it about policy or is it about political issues, it certainly seemed that starting with the Clinton years, the trend went away from let's let the program people like myself and many, many, many others like myself, analyze the science, analyze the pros, analyze some of the politics too. We're not limited to just the science. Come up with the pros and cons and take that up to a meeting with senior level officials, make a recommendation as to which one of the options, give them options and then make a recommendation which options we recommend. And in no way, shape or form over any of the years over my experience at EPA would they always accept, no matter what administration it was, the recommended option and I always felt that there were other factors that go into that. And the bigger factors that I didn't understand—thank god I thought this way because I stayed positive—there were bigger factors that might be related to if we do this, it is going to impact EPA's budget in this other way that people that are in my program which is a little more narrow would never foresee for instance. Do you get my drift on that?

INTERVIEWER: So it would if we did this, then we would have to invest in all these other things and we would have to—

INTERVIEWEE: Not quite. If we did this, we're impacting this guy who runs EPA's budget in the House Committee and that could cause all these other ramifications.

INTERVIEWER: We're talking Congress.

INTERVIEWEE: Yes.

INTERVIEWER: And their specific interests of Congress people?

INTERVIEWEE: And those things go into decisions and probably need to go in. You're looking at a big impact. But those kind of memos where you went up with a, seemed to be getting less and less, and fewer and further between, and the way the administrations were approaching it is here's the answer we want, make sure you can make everything work out to work with that answer.

INTERVIEWER: You dated that, your initial remarks to the Clinton Administration in the mid-90s?

INTERVIEWEE: Yes, and I don't necessarily remember. Well, it might have occurred in the very late days of the Clinton Administration when they were leaving? But I

attribute it to the beginning of the antipathy between Democrats and Republicans, that you couldn't go into an environmental committee and have reasonable Republicans and reasonable Democrats working out a compromise anymore, because starting with the impeachment trials, it was instead of having those moderates that could agree on things, it became us and them, and that us and them filtered down throughout the organization.

INTERVIEWER: In terms of issues, […] you were talking about climate as particularly susceptible to that politicization, but what about the other pieces of EPA's missions and activities? Were they as susceptible to this kind of scrutiny, or anticipation, and it sounds like more top-down directives of what you guys should be doing?

INTERVIEWEE: My job wasn't originally climate with headquarters. When I first went to get involved with policy and the policy was with the Office of Wetlands, Oceans and Watersheds, reporting to the director of that office. In fact, when I retired, I was still doing that, and I was the longest-serving person in that office. I probably had five office directors. All the deputy directors had filtered through three or four times. I was the constant. I started out as this guy coming from the region and literally when I say working there part-time, I was living here in Havertown and a couple days of the week would go down to Washington.

INTERVIEWER: When did you start this job?

INTERVIEWEE: We should probably fill in the blanks before that, but I started in Washington in 2003. What happened to me between 1985, 1986 and 2003, was I worked in various second and third level management jobs in the Office of Water, and even part-time in the Office of Policy and Management, all in the regional office. I eventually only worked for about a year in the Drinking Water Program, branch-level job, and then took over what was called Program Planning, grants to the states. Interestingly it also included approval of state water quality standards and a few other planning-like programs, but a lot of dealing with states. I took over that branch probably for another year. So, I basically went wherever the new division director wanted me to go. I applied for the first job in Drinking Water Program but after that they moved me wherever they wanted me to go. And I was kind of like the troubleshooter, so I've been involved in every water program. But I eventually ended up probably around 1990, this is Bush I, with another very positive regional administrator, Bill Reilly and very pro-Chesapeake Bay, and I actually had a couple chances to brief him on something related to NBDA permits in the Chesapeake Bay of all things.[8] I eventually ended up in the permit program for five years. And basically oversaw the transition of the permit program completely from being partially delegated and partially not, to being completely delegated except for the District of Columbia.

<T: 80 min>

[8] William K. Reilly was the EPA administrator 1989-1993, under George H.W. Bush.

INTERVIEWER: I was going to ask you about that delegation that you had talked about earlier and this is the time it happened. Is this Bush II or is this Clinton?

INTERVIEWEE: No, this is Bush I so we go from Bill Ruckelshaus to Bill Reilly and really, in terms of what we noticed internally, nothing, no difference. Remember, I'm a second-level supervisor. The guy who gets appointed as regional administrator was a fellow named Jim Seife [?] who was very supportive of our program activities. The reason I remember Jim Seife [?] so well is this is at a point where-- It seems like every decade we in the Middle Atlantic Region disturb the coal mines in West Virginia, so this was round two, to the point where we were objecting to permits that we felt were going to cause environmental impact, objecting to the point where my boss, the Division Director of Marine Division III and other people were called in to Senator Byrd's office and read the riot act. And Senator Byrd-- Did you know Senator Byrd? [9]

INTERVIEWER: I knew him, not personally, but I did know of his reputation.

INTERVIEWEE: So you know of him. Senator Byrd, when he died I think he was the longest-serving senator.

INTERVIEWER: He was an institution.

INTERVIEWEE: Not that he was an institution, he had also control of a lot of purse strings. There are a lot of places right on the West Virginia, and Maryland border, government buildings with people in them working on government things that were put there by Senator Byrd. So not only that he was an important senator, he was an important senator from a funding perspective. He actually called these people into his office to complain about our impact on the coal mining industry. So what happened was we were back to issuing permits or not issuing permits because these were federal permits at the time.

INTERVIEWER: And these are the impact statements and so on.

INTERVIEWEE: Correct, so what had happened was—This was not impact statements.

INTERVIEWER: These are permits?

INTERVIEWEE: During the earlier-80s when I wasn't there, this program actually got delegated to West Virginia. What got it delegated to West Virginia was, West Virginia did not want to see this new source review happen any longer. This new source review that we were involved with back in the late 70s goes away if EPA doesn't have the primary action, because the primary action—

INTERVIEWER: Is this discretionary for the state? If the state takes over the program, they don't have to do new source review?

INTERVIEWEE: The way the National Environmental Policy Act worked is its major federal actions. The state has something that's worth looking up in your leisure in

[9] Robert Carlyle Byrd was an U.S. Senator for West Virginia from 1959 to 2010. Additionally, he was a U.S. Representative for West Virginia from 1953-1959.

Section 402 of the Clean Water Act. It's called a 402 Review, but it's only rarely used.[10]

INTERVIEWER: So it's a way of exempting their projects from the federal review?

INTERVIEWEE: So they could get EPA out of this new source review process by taking the program, so they finally take the program. So what happens now, now they have the program and they're not operating it very well, and we're figuring that out in Region III when I'm running the program. They make bad decisions. They don't issue good permits. They don't enforce their program. So what's called the nuclear option at EPA in the permits program is you can actually send out a public notice that says we're going to hold a public hearing, and the public hearing is a hearing about whether we should retake the program, so this is our early 90s bout, next major bout. This is like Ali-Frasier.

INTERVIEWER: And you had the backing then of Reilly?

INTERVIEWEE: I have the backing based on what we're showing as facts of my regional administrator. He's the one that talks to Reilly. I don't talk to Reilly about that. Absolutely. We end up having a meeting, I can't remember whether it was the governor or just the head of the Environmental Agency is West Virginia, in our regional office to go over an 18 point plan we laid out, that if the state follows this 18 point plan we will not take the program back.

INTERVIEWER: So you set some conditions?

INTERVIEWEE: Yes. Interesting, some of it had to do with where new mines, even though they were state operated mines, where they were opening and whether they would cause acid mine drainage, and whether there was enough protection to prevent that or, two, if they were mines that were digging on the surface whether those mines were filling streams. Now we're only talking about back then. It's different from today, 250 to 500 acre operations that fill streams. We didn't have the hundred foot shovels that exist today, but we were already seeing impacts from smaller places where streams are filled in. And, again, we're working closely again now with the Wetlands Program and the 404 Program and whether you're taking a wetland or you're taking a stream out of existence. So, yes, we got great support in a Republican Administration to do this.

INTERVIEWER: At what point was the meeting with Senator Byrd in this whole dispute or struggle?

INTERVIEWEE: That's a tough question. It's literally before the regional administrator meeting in the office. It's definitely before that. It's when we're basically still a

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[10] 402, Clean Water Act, Section (b) State Permit Programs states: "At any time after the promulgation of the guidelines required by subsection (i)(2) of section 1314 of this title, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact."

thorn in their side. What are you doing with this permit? What are you doing with this permit? Why are you bringing this issue up?

INTERVIEWER: So this is also a Republican Administration taking on a Democratic Senator.

INTERVIEWEE: Yes!

INTERVIEWER: On behalf of the EPA.

INTERVIEWEE: On behalf of the environment.

INTERVIEWER: The environment and EPA mandate mission.

INTERVIEWEE: Oh god, yes! It can happen both ways. The result of all of it was a redo of all the documents that delegated the program to West Virginia to put much more stringent requirements on what they do and how they do it.

INTERVIEWER: You basically won that battle.

INTERVIEWEE: Yes, absolutely.

INTERVIEWER: Despite Bird's opposition.

INTERVIEWEE: Maybe. You have to look at the big picture. As I now look back on it, you have to look at the big—but we won that battle. Permits are now issued in a much more compliant way with Clean Water Act regulations in West Virginia. At the same time this is going on, '90 to '95 period in the program, we realized in the permits program that we don't need as many engineers and scientists anymore, what we really need is people that know how to deal with delegated states. I see that transition firsthand. I'm in an office where it's exactly happening and I can see how people who are having trouble doing their job who were great engineers, who have trouble talking to people. You can't get upset with people when they don't believe you or don't want to do what they say. Engineers, this is the way it's laid out; you've got to do it my way, so that was part of the 90s.

<T: 90 min>

INTERVIEWER: The early 90s.

INTERVIEWEE: Yes, the early-90s. The second part of the 90s, EPA goes through an agency-wide Clinton Administration-led we-need-to-reduce-the-number-of-managers-in-government and so we basically I'm going to say, and this ballpark is pretty close to exact, I may be off by a couple, we had 24 people who were considered supervisors in the Water Division; we cut them to 12, and we weren't the only ones. The Air Program was doing the same thing. Everybody across the region was doing it, and similar things were happening across the agency, very, very steep cuts. So that, to me, stands out as a big point of history. That was not an issue of transition.

INTERVIEWER: Right, that was an internal administration-led change in the middle of the Clinton years.

INTERVIEWEE: Yes. I preface this by saying my job then becomes something called the Office of Wetlands—no. What was my group called? I was the Office of Watersheds. That was the title, so I went from being the NPDES [National

Pollutant Discharge Elimination System] Branch Chief to running the Office of Watersheds, and now in that group we had consolidated and arranged people, and arranged the organization geographically, so that in the Pennsylvania group, for instance, which would be a large—you can imagine a large state, a lot of sources, a large group— you would have people responsible for permits oversight of the states, people responsible for water quality standards oversight of the states, people responsible for a relatively new non-point source program grants that were given to states, people that were responsible for other water environmental things. I can't remember what the others are, given to the states. So, we were trying then to go on this watershed concept and we thought the best way to start it would be on a state basis.

INTERVIEWER: With a state implementation plans, is that what you mean?

INTERVIEWEE: No. That does come in the later-90s in a different way, the water version of that, and it's not called that. What is it called? State Implementation Plan, SIP sounds to me like an air thing.

INTERVIEWER: Maybe it is and that's where I've—

INTERVIEWEE: We have our own name for it and it'll come to me.

INTERVIEWER: So the state, right?

INTERVIEWEE: The late part of the 90s, we have this idea that we're going to go to a watershed orientation, that we're going to be much more watershed-oriented, we're going to try to do the right things watershed by watershed. And what's taught us this is partly the Chesapeake Bay Program and other programs like it around the country. But the Chesapeake Program itself, by the way, was separate and in an office in Annapolis.

INTERVIEWER: So they did sort of get that back up?

INTERVIEWEE: Yes, they reinstituted it. It became an office in Annapolis at times reporting to the Water Division Director but eventually they changed that and decided it was such a quasi-political thing with so much interest that they made the Director, they had to report to the Regional Administrator, so they changed that, but initially he reported to the Water Division Director and then changed that in the long run. They were kind of a separate office. We coordinated with them. During the Reilly years, part of a national initiative was there was a nationwide initiative between '85 and '90, again during Republican years, to get all publicly-owned treatment works, POTWs, to comply at least with secondary treatment standards, 85 percent removal of biological oxygen demand and suspended solids. There were a number of facilities on the Chesapeake Bay that hadn't done that, and a number of facilities that were out of compliance. So we had an enforcement initiative that we did on the Chesapeake Bay as one of the priorities to help the Bay clean up. It was such a political issue that I got to brief the administrator twice on its progress. We're talking ten minutes, but ten minutes with the administrator was a big deal. So the overlap of things we had was always special if it was about the Chesapeake Bay and the Chesapeake Bay was typically run out of somewhere else. Since we were the enforcement program for NPDES, oversight for NPDES permits, we led that initiative. And you know how

NPDES permits works with enforcement, right? EPA delegates primary enforcement, but never completely delegates enforcement away. So if the state doesn't take the action, EPA always can take the action so there's always an enforcement component in the NPDES program, even in delegated states. So, that was during the Reilly years. With the '95 through 2000 years were dominated by was lawsuits on the TMDL program.

INTERVIEWER: TMDL?

INTERVIEWEE: Total Maximum Daily Load. Familiar with it? It's a provision in the Clean Water Act that we, and I say the broad we across EPA and the states, generally ignored because we had our hands full with point sources.

INTERVIEWER: But that's from the runoff and that kind of thing as well?

INTERVIEWEE: Well, it's a little different. Yes, runoffs contribute to it, so the general gist of it is, and you really need to be looking watershed by watershed and if that watershed isn't coming into compliance with water quality standards, you need to come up with a plan to make that happen. And what that plan starts with is TMDL which basically sets load and waste load allocations to the dischargers to that watershed.

INTERVIEWER: In a comprehensive kind of way.

INTERVIEWEE: It does. For 30 years we weren't ready that, 25 years at least. We were too busy and we made a lot of progress nationwide and locally with permits, grants and a lot of other things in getting water cleaner. So we were called to task on this I think someplace in the West originally and then lawsuits started up all across the country. I was the lead negotiator for EPA Region III for the lawsuits in the Middle Atlantic office, and there was a lawsuit in every state.

INTERVIEWER: You negotiated to settle the lawsuit? Is that a fair depiction?

INTERVIEWEE: Yes. Citizens lawsuit, citizens take a lawsuit, they get a law firm or they get a university in this case, an environmental law office at a university to help them prosecute a lawsuit. And the bottom line is, yes, how do we settle the suit. And pretty early in the game we knew we were at fault, because we had ignored this provision for 35 years.

INTERVIEWER: I see that side of the fence, seeing the implications of what you were doing.

INTERVIEWEE: Yes. Well, if you read any of the acts, EPA doesn't have the resources to implement all the acts. There are all kinds of studies that show with new acts or new regulations go into place and how federal resources, how EPA resources have been over the years and we've gotten more efficient, but resources haven't risen in a long time. So you have to decide where your priorities are, where you're going to get the most bang for your buck. The late-90s, what I remember from my life is negotiations. With citizens, with lawyers from EPA headquarters, with lawyers from EPA regional office, program people from EPA headquarters, and being the one responsible in EPA to figure out what a reasonable settlement is and to take that up to the regional administrator for his signature. And he would ask me a question like "what happens if I don't sign this." "You could potentially be taken to jail." No, the real question was, "what happens if we don't meet the requirements

in this once I sign it." "You could be put in jail," which is the worst case scenario, but I needed to tell. He was on the line.

INTERVIEWEE: Yeah, you're on the line.

<T: 100 min>

INTERVIEWER: I did want to ask you how the climate issue came up. You had alluded to that after 2000.

INTERVIEWEE: My next transition issues occurs, when myself and another person at my level are alternating back and forth as the Activing Division Director for the Water Program. I seem to be caught in these transition issues. 1980, I was Acting. 2000, he and I were rotating between Deputy Director and Director of the Water Division. As it turns out, he has rotated in when the Republicans come in.

INTERVIEWER: So that's his rotation, January or whatever.

INTERVIEWEE: Yes. He ends up getting the job. I end up getting upset, and I end up calling a couple people at headquarters saying "I'm interested in doing something else." A lot of this, at least I attribute some of this to my environmental reputation.

INTERVIEWER: Just elaborate that a little bit if you would.

INTERVIEWEE: You've got the coal issue in 1980, that partly causes the Environmental Impact Statement branch to get disbanded. You've got the coal issue that goes up to Senator Byrd in the 1990 timeframe, so it's another run-in with the coal industry, and here I am the program person front and center. Who gets to talk when there's a program question? Me.

INTERVIEWER: So you were associated with those initiatives.

INTERVIEWEE: In the late-90s, the next coal issue comes up and happens to be the one that's still going on until today. The coal industry starts making bigger shovels and filling in bigger streams. So the coal industry today in West Virginia basically depends on 100-foot shovels to basically cut off the top of, well, depending on where you live you might call it a hill, but we in Mid-Atlantic would still call it a mountain. We cut off the top of the mountain to get to the coal, and you take what you cut off at the top of the mountain and you dump it in the valley. And the valley is either a stream that's either a perennial stream, which means it's running all year round, or it's not perennial, but it runs part of the year and becomes the question of is that a taking. Are you taking that stream under the 404 Program? So, this part I will not be on the record for.

INTERVIEWER: Do you want us to stop recording or we can record and then put a provision?

INTERVIEWEE: Could you stop recording, because I've never said this publicly before but I do want you to understand it?

INTERVIEWER: Okay. [Recorder turned off for a discussion off record].

INTERVIEWEE: Yes, a lot of political pressure, big political fallout. Our candidate, of course, in 2000, I'm a Democrat, the Democratic candidate was Al Gore who was

one of the first, he was on the first Senate committee that brought in and had the hearings on climate change.

INTERVIEWER: Do you think that the climate issue was also a factor in your decision on how to pursue the coal industry?

INTERVIEWEE: Not to my knowledge. Let's go back. I was in the Water Program at the time. This is the year 2000. The climate issue had not filtered down to me in the Water Program other than knowing it's an issue somewhere out there. I didn't know what EPA was doing about it. I wasn't involved with it. I didn't hear about it peripherally. This is much different than what starts in 2006 to the present, of course. It's a pervasive part of all EPA programs today and we can come back to that and talk about it, but back then this was not on the list of people in the Water Program and that's the program I was in, so I can't say what was happening in other places. I could tell you from my climate change class dropping coal output is not directly attributable to regulation. It was a question on my final exam.

INTERVIEWER: Asking about Obama Administration and so on, I think we can leave that for a later interview if you don't mind and I want to just ask several wrap-up questions. It sounds like you have some opinions about how important you think presidential transitions are in shaping your own work at the agency and then the agency's work.

INTERVIEWEE: Obviously the transition puts a lot of pressure on, and a few of these people are pretty senior-level positions that friends of mine at EPA and headquarters and regionally right now, to develop transition papers. What actually had been happening right after the election is a team of people appointed by somebody in the incoming administration goes into EPA and starts to ask questions and in a different way people at the bottom in the program office start to develop backgrounds on programs, resources and issues that they've been working on. And that makes up a majority of what's pushed up to the top of this transition team. Separately the transition team might ask specific questions like I'm guessing somebody had asked in 1980 about "what group is causing all these problems in Region III." But usually the questions are much more issue-oriented. And they're looking for a background paper, not as much as a briefing, but background papers and they're pulling all these background papers together. These transitions change a lot of different things and I can give you a few examples. What you get sometimes, and what we got in 2000, was kind of a rush to try to get some things done at the end. And one of the ones I happened to work on that was unbeknownst to me at the time, because I was still working in the regional office, was the Gulf of Mexico Hypoxia Program which had had a lot of scientists working on developing six large reports, which is kind of like the Chesapeake Program started back in the mid-80s. Developing these reports. There was a recommendation to get this big inter-agency group going. The group had met unofficially a few times and then during the administration, because, one, it was not written anywhere in the law or in regulation, and, two, it was kind of done at a lower-level. It wasn't done by the political appointee, it was done at the next level down by somebody because a lot more delegation, this is another thing about transition, a lot

more delegation is happening in the early years at EPA than they are today. Agency Assistant Administrators were given more authority within broad policy to do things. Regional offices were given more authority and Regional Administrators within broad policy to do things. They did need to go back and get the general policy approach approved, but they were given the responsibility to do things. So this Gulf of Mexico Program that I worked on from 2003 up, on and off, until the time I retired fell through the cracks.

<T: 110 min>

Nothing happened for 18 months until a new boss came into the OL office. She brought me in from the region. One of the first things she asked is, "Can you look into this and see what I should be doing?" I started calling around and finding out what was in progress and what hadn't been done for 18 months, so things fall through the cracks. Policies change. I can tell you regulations change. There was a time between 2000 and 2006 when our headquarters' Permits Program, which was in the Office of Waste Water Management, was actually working to go backwards on five different regulations that they had previously published. You can imagine what that does to the morale of an organization.

INTERVIEWER: So to actually rescind the regulations?

INTERVIEWEE: I don't know. It's harder to rescind. The sophistication today, it's not necessarily rescinding. It's redoing. You know the difference?

INTERVIEWER: Sort of, yes.

INTERVIEWEE: You know what the implied difference is. Well, we really didn't mean to do it that way. We mean to do it this way. And then if somebody sits down and looks they say, "the new way is a lot less stringent." What? So transitions cause things like that to happen, not right away but in a longer-term. Transitions uproot people. So the people that were in charge of policy, there are a whole second level of political appointees. For instance, the person who's currently in charge of the Gulf of Mexico Hypoxia person is not the office director of Water, but is a political appointee that came in, used to be a senior management official in the State of Virginia, they get put out of the building so it causes that kind of uprooting. What are you looking for in this question?

INTERVIEWER: I wanted to get a sense of your overall assessment after we talked about transitions for a while. You've had a lot to say about that and I guess I want to get on to these other questions which were more personal about your own feeling about your best achievements in your work at the agency and what are the frustrations that really stand out, most frustrating experiences.

INTERVIEWEE: I've got a little bit of a list. I think looking back now, and of course you remember the most recent years, whether you remember the details. But I think initially turning around the regional NPDES Water Pollution Permits Program from something that was created in the early-70s to something that could manage in the new delegated area in the 90s, was complex and a complete overhaul and something that I'm proud of. Being the lead

negotiator on this TMDL thing, being given the responsibility, and remember I worked for a division director, who trusted me and I worked for a regional administrator who trusted me to sit there across the table and negotiate things that ended up being consent decrees that covered the agency for some of them as long as 14 years. Some of them just ended a couple years ago.

INTERVIEWER: So the consent decree has a time delineation for the agreement that you come up with?

INTERVIEWEE: The general look of it was you will do X by Y and the Y, some of those dates were 12 and 14 years in the future and most of the time the regional administrator would ask me the question "Do you know exactly how you're going to get there between now and then?" I said "No," but I said "we have no choice otherwise we'll lose in court and be told to do this faster." I had state people in with me on the negotiations in every negotiation so to me that was an achievement. And something that kind of took all the experience I had up to there, the ability to negotiate, just a lot of different parts of what I was able to do, in my career, so that was another big thing. The most recent thing was I think I took this whole Gulf of Mexico Program, and I didn't really talk about this, so the three or four years before I retired I took over as the lead person nationally for the Gulf of Mexico Hypoxia Program which basically involved ten states and five regions around the country. And figuring out what to do with nutrient discharges to the Mississippi River that were impacting the Gulf of Mexico. Part of it was I could call State Secretaries of Ag interestingly enough and I got to know these people. But part of it was just moving that program forward with an approach and, again, having the trust of most of the time it was the deputy, she was the Acting AA for Water for a time, but Nancy Stoner who left probably four or five months before I did, that she could say "this is where I want to go," in basically two minutes, and I could work for the next six months and get things to happen at a very high level.11 I'm proud of the way we left the Gulf of Mexico Program with basically commitments, actually more than commitments, with state-developed nutrient management programs in each of the states, which actually ended up being more than ten states. It ended up being 13 or 14 states. So they're the things I was most proud of. I guess my darkest moments: being shocked into reality what politics is all about in 1980. I was still young, much younger than I am today. I was still young and I don't think I understood the politics. I didn't realize it could come to things like that. I still have some hard feelings with some people who helped that administration implement things that were not in the right direction for the environment. I guess that was a big one. I'm trying to think of some of my other—

INTERVIEWER: These are frustrating experiences.

INTERVIEWEE: One of the other ones was at one time, I had a lot of responsibility working for one of my mentors who eventually became the Division Director of Water

[11] Nancy Stoner, EPA's Acting Assistant Administrator for Water from 2011-2014.

Division, but one time was the Deputy Assistant Administrator and was hiring the Director of the Office of Policy and Management for Region III and at one time I thought I was going to get that job and I didn't and that was another down. He had an interesting sum-up of why I didn't get the job. I was too flippant.

INTERVIEWER: Too flippant.

INTERVIEWEE: Yes. I had to look it up. So that was a time when I thought I was moving towards and then kind of was pushed back. So that was the second time. Then I guess the third time was, again, it has to do with the transition in 2000, and going from an acting division director, an important period of time and having a lot of responsibility, to kind of ending up back in an office under a Republican Administration who really didn't want to do much. And that's how I ended up—It's interesting. You get different people in different jobs. The man who was the AA for Water at the time I called was a wonderful man and a wonderful guy who had to balanced approach to the environment. How he got the job, I'll never know? He was the first AA for Water under Bush II. Tracey Mann. He's the one that put me in contact with—I was once in his office in a six-person meeting and he said to a Regional Administrator who was having trouble in his region, "See Joe over here, you should take Joe and bring him to Kansas City and have him take over." What the hell was he—Could he possibly be saying that? I actually was very good friends with the guy he was talking to. I never went to Kansas City, but I actually still talk to the guy he was talking to at the time.

<T: 120 min>

INTERVIEWER: Is he the guy who also brought you to the headquarters?

INTERVIEWEE: He put me in contact with the Director of the Office of Wetlands, Oceans and Watersheds. She's the one that brought me down. I started going down there four days a week initially to get the lay of the land and everything. Eventually, after a few months, I was going there every Monday and Tuesday. By the time I retired, I was going there once every three weeks on Monday and Tuesday or Wednesday to Thursday, depending on what meeting was going on down there. As things got a little more electronically sophisticated and people knew me and trusted me, it wasn't as big a deal to be there.

INTERVIEWER: This is more general about the agency itself. What changes in the agency do you feel might improve what it does or is supposed to do to make it healthier and/or more fully functioning? Or what should happen?

INTERVIEWEE: That's an interesting question. I'll say it in terms of something that seemed like good management decisions at the time that turned out poorly, and this gets back to what I thought was maybe a sophisticated approach by Bush II in relation to the unsophisticated approach by Reagan initially. The idea of rotating managers to get them very experienced to think that they could make a better decision and then hiring people from one organization to come in, and run another organization I think has backfired tremendously

and has undercut kind of the technical and programmatic experience needed at EPA. And my most recent example of that in the Bush II Administration was the complete moving around of managers. That was their answer when they first came in. Not that they shut things down; they moved people around. So that the director of the program that ran permits in headquarters, came from the administrative group and knew nothing about permits. What that effectively did was to make nothing happen in the permits program for at least the first nine months it took her to get up to speed. The reason that I know this, and actually this person thought the same way, is she came to Region III since we're so close to Washington and I was still in the region at the time. I was showing her around the region and getting her involved in briefings.

INTERVIEWER: So you saw her level of understanding?

INTERVIEWEE: I saw her. I became very good friends with her and actually worked with her a lot when I went to headquarters. But she said "It's crazy, they moved all of us around and I came into this program"—It turned out she ended up being very good and presided over this regulatory reduction time, which got them all depressed in permits. That's one thing that's really screwed things up. And I think the other thing is maybe, I'm not even going to say maybe, there's too many non-political appointees who are not approved by Congress at EPA.

INTERVIEWER: Too many non-political appointees?

INTERVIEWEE: Too many political appointees that don't get approved by Congress.

INTERVIEWER: Oh, the point is you don't get approved by Congress.

INTERVIEWEE: Correct, so these people come in from the outside. Some of them have experience; some of them don't, but they're basically friends of the person who gets the political appointment and so rather than depending on government people they start to get these people more involved in program decisions and I think that also undercuts the whole technical knowledge and program knowledge that goes into making decisions and, again, slows things down.

INTERVIEWER: How far in do political employees go in terms of the organization and the region?

INTERVIEWEE: Typically, they'll end up reporting to a political appointee. They won't report to a non-political appointee, so they only go one level below. They won't go more than one level below. So you bring in these people that are buffers from the outside. Then, the third thing is, and the EPA should be an organization based on data, rather than policy from the top down. It needs to be data from the bottom up. How much data do we have? How certain are we on the data? What are the pros and cons? What does it mean for taking an action? What are the pros and cons of taking that action? That is lost. That's a lost art that was there 20 years ago. I don't know how long it's been missing, but it's certainly missing now and it was missing during the Bush years.

INTERVIEWER: So you see that as a major decline in function.

INTERVIEWEE: It's kind of like a program person talking. What happened to when they used to ask us to analyze the data, come up with some options based on the data and bring those options up for analysis or send those options up for analysis and decisions? What ever happened to that?

INTERVIEWER: How would they do it now? They would sort of tell you what they want you to get the data for to justify, or how does that work?

INTERVIEWEE: That's one way. One of the problems with doing that is that information likely can be obtained by FOIA, so if I was a program person and I pulled together the technical facts on an issue. Do you understand? If it's not a legal issue that could be—

INTERVIEWER: Right. Somebody could come in and say "I want to see that analysis and data."

INTERVIEWEE: Exactly.

INTERVIEWER: So that's one of the reasons they don't do it?

INTERVIEWEE: I think so. I don't know but I just know it's not part of the routine, the way it used to be routine. But my overall seeing all this, it's the whole us and them, Democrats and Republicans. You're either pro-environment or anti-environment, you're never in-between, unless it's happening to you personally, which has happened. But it's basically that's the problem for the last 20 years. and that's caused political appointees of any administration to do things differently. I don't know if we're ever going to get rid of that. Actually, it's the one hope for this administration, Trump. I don't think he's a real Republican and I know he's not a real Democrat. Could we move forward?

INTERVIEWER: In that case, this is actually where I want to go, the next and final questions have to do with a Trump Administration, and what your sense is having all this experience with the agency over the years, what of the work being done at the agency now, you've left recently, so what do you think is most vulnerable, what is least vulnerable?

INTERVIEWEE: I ended up having three hour-and-a-half lectures in my climate change class about this where I had planned one, but the kids were so depressed that I had class the day after and then they couldn't even hear me that day they were so depressed. I'm going to generally tell you what I told them—One, I'm going to say this will pass. You guys are 19 to 22. I'm 66. I've seen this before. I've lived through the Reagan Administration, so I've seen this and I've seen EPA go from the lows in terms of resources, from the lows in terms of being able to do anything, and when you go to that low it's almost like the New York Stock Exchange, somehow eventually it bounces back to this tremendous high. It's going to happen. If you look at it from a historical perspective, that's the way it's always happened. Because the backlash will be intense.

<T: 130 min>

So, I see in the big picture things will come back. Once a regulation is in place, it's not that easy to change it. You need to redo the regulation. You can't just say "we're eliminating that regulation." You need to go in. You need to redo the regulation. You need to change it, or you need to say we don't need this regulation anymore. That's a possibility. It's not going to happen overnight. That brings the public into this. The public coming into this means that there's an election coming up in two years, and as I tell my students, maybe the most important election in your 20 years of existence. Control of the House or Senate is a big deal, and my example of that is 2006 is when EPA was called twice a day for six months to testify about climate change on the Hill, never called to testify before in the first six years, twice the day.

INTERVIEWER: So EPA officials were constantly going into Congress and having to talk about what they were doing or not doing.

INTERVIEWEE: Twice a day. Or they're not telling them necessarily what they're doing or not doing; they're talking about what's the science, because they hadn't heard for years. What's the science, what's the implications, what's this, a whole host of things? That was the backlash. That was part of the backlash. If you look at climate change, all the Republican candidates in the primary for president in 2008, were talking about climate change. Do you remember anybody in the election talking about climate change? So there's a whole story there too. So for 18 months everybody was talking about climate change, and then all of a sudden nobody was talking about climate change. So part of it is things will come back. It'll be hard to change regulations, different than I mentioned in 2000, when I said the Water Program was not touched by climate change or the words climate change. Climate change is pervasive throughout all parts of government, so I was involved in developing the National Water Plain Program adaptation report for climate change, and the regional report for climate change. Reports like that were not only being done by all the regions and all the programs at EPA, they were being done by all parts of government, and they're pervasive throughout government right now. And of course different parts of government do different things. The Department of Interior has these data sites. Maybe there won't be any new data put into these sites for a while. Who knows? But they had these data sites where a lot of information is available to determine what the impact is going to be and how you might adapt if you were a national park, a national forest or even a co-located city or state. It's just an example of how it is in the different agencies. Will he pull out of Paris? It's hard to tell. Like I said, I'm an optimist. I don't think he's a true Republican. I don't know if he'll pull out of Paris. I'm not even sure if it matters to our national goals.

INTERVIEWER: That whole question about the Paris agreement?

INTERVIEWEE: Yes, because we were already on check for reducing our emissions. We were already reducing our emissions before the clean power plant. There will be financial reasons that things will go down, and at least the Renewable Energy Act passed by Congress just this past year is supposed to go for another four years. So if more renewable energy keeps going into effect

because of these tax credits, good things are still going to happen. And, so from a climate change perspective—It's funny, my lecture on Wednesday after the election, even if Clinton had won, was supposed to be you know, it's not really all about the federal government. None of them really heard me. So what else is going to happen in EPA? Things are going to go slow. Things that were in progress are going to go slow. EPA is not going to know where it's going on a policy direction for a while, until people get approved. So these people have to go through hearings, and then get approved. People like the current guy nominated for EPA Administrator is going to have one of the harder times in his hearing and in his Congressional Committee. The longer it takes to get somebody in there, the harder a thing it is to get things done. And then, like I said, I just don't think Trump's a Republican so we'll see if different people can pull us in different directions. Where you end up is at the regional level you have change. The last two Regional Administrators that we've had in Region III under the Republicans and the Democrats both were former employees in Region III. Both were employees at the GS-13 level. Are you familiar with the GS scale?[12]

INTERVIEWER: I don't remember the exact numbers.

INTERVIEWEE: Basically a second level manager is GS-15. After GS-15 it's called SES, so both of these people were GS-13s at EPA so you get some of whatever's going to come out of that, you can fill in the blanks.

INTERVIEWER: So people at least experienced with the agency?

INTERVIEWEE: They're experienced with the agency, but they were not senior level experience certainly. So I don't know. I think I'm worn out.

[. . .]

<T: 140 min>

[END OF INTERVIEW]

[12] Federal General Schedule Payscale (GS).