

US EPA ARCHIVE DOCUMENT

AL SMITH

EPA Staff Member with Early Involvement in EPA's Removal Program

Interview Date: November 2005

Location: Locust Grove, GA

Smith: This is Al Smith. I spent the better part of my working career with the Environmental Protection Agency. The first four years was back in the 1960s. I was with the FWPCA, Federal Water Pollution Control Administration. I think back in late December/early January [1970], President Nixon through Executive Order brought us out of [the Department of Interior] and made us an independent agency—the Environmental Protection Agency. I spent the next 20 years there. I spent most of that time, except for four years—I was in the emergency response programs basically, which transformed themselves into something much bigger as time went on and Congress enacted what we call Superfund, CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act].

EPA Interviewer: What do you remember as your first involvement in Superfund? What memories do you have of that?

Smith: The earliest memories I have about Superfund were discussions around the Agency that we were not able to get the bigger sites tended to. There was some involvement on television—in terms of *60 Minutes*—an article that ran saying that EPA was not tending to the big sites. A couple of employees were involved in that article. The Agency reacted by recognizing and beginning to work with Congressional subcommittees on the Hill as early as 1978 or so. I participated in two or three of those meetings on the Hill about issues such as, if we had something known as this “Mega-fund, this Superfund,” who would run the actual Fund? Who would be in charge? What would it look like? Most of my involvement and experience in those early years was we had pretty much a mode of emergency response, and all you had to do was tone down the name emergency and call it a response and perhaps a remedial program.

We had something 10 years earlier called the National Contingency Plan [NCP]. That plan in my mind, in memory, was EPA's turnstile, EPA's leverage in trying to get those kinds of things done that Congress wanted and needed done. I watched my little group, which began in 1970 with two people in Region 4 in Atlanta, work and grow, and by the time I transferred out of there and finished my career with EPA, we had 132 employees. I was there for the development of Superfund and most of its transition from an emergency program, which was a 24-hour response to episodes that would happen that would involve oil and hazardous substances.

A lot of people forget that over in the Code of Federal Regulations, we had a list of hazardous substances that we could respond to under the Clean Water Act [CWA]. The funding for that was under Section K of the Clean Water Act. We had a \$35 million appropriation each year protected in it. We began to respond to hazardous substance spills,

certainly in Region 4 under my jurisdiction and what I thought we should do. We responded to a lot of hazardous substance spills. Basically, an oil spill, but if the product could be extracted with hexane and we felt that that was enough for us to get into the language of hazardous substances and what was spilled or vice versa. We could go into an oil spill when it was something that we felt was “oil of any kind” and thus was covered under the Clean Water Act as a hazardous substance. That was kind of the origin of the CWA/CERCLA response interface.

I, at that time, wrote a book at the request of McGraw-Hill, and I documented many of the transitory things that were happening to bring us up to something called Superfund. I believe in that book I mentioned that something on the horizon called Superfund is going to be big. It's going to give the regulatory authorities empowerment to get things done and would satisfy a lot of the needs and wants of Congress.

EPA Interviewer: Was there a specific site in Region 4 that you think was partially responsible for Superfund being written?

Smith: Absolutely. Looking at what could possibly, in Region 4, trigger some kind of national reaction to getting this Superfund done and on Congress' mind heavily was something that we started out with a discovery in 1977 of some drums on the banks of something known as Stump Gap Creek, which was in Bullet County, Kentucky, adjacent to the Ohio River. The State of Kentucky environmental officials found these drums, which were semi-buried. The river flooded and they washed across the countryside. Our Agency and our region responded, not knowing that there were adequate funds available.

We went to EPA headquarters to see what we could do, and the man that, in my opinion, most was instrumental in the development of this nation's response programs—Kenneth E. Biglane—my mentor and basically anybody in this business' mentor in those days. Kenny taught us all so much about institutional arrangements and getting along with federal agencies, getting multiple agencies involved in situations, trying to use money we could scrape together to do things. Kenny turned EPA's response programs from a caterpillar to a well-managed butterfly. He wrote the NCP [National Contingency Plan]. Those in EPA that worked for him loved him.

We responded to Stump Gap Creek, and we could not remove the drums. We did not have a place to take them. We didn't have a lot of money. Kenny, I remember, came up with something like \$80,000, which allowed us to bury the drums and put a heavy visqueen cover over them and bury them temporarily, because there was a rumor, all along, that something was moving in Congress. I, for instance, and a couple of other field representatives were asked to go to Washington and to put in an appearance before some Senate subcommittee hearings. Some of those were remarkably fun to go to and left the Agency somewhat miffed with me as a personality. But this story isn't about me, it's about Superfund.

Walter Cronkite carried a story where he announced that EPA was struggling with a site up in Kentucky, but didn't have any money. To me, coming from a man like Walter Cronkite, that was a hammer blow. All of a sudden, we started transitioning into something called Superfund, which was passed in 1980, and the first funding for what we changed in name from “Stump Gap Creek” to the “Valley of the Drums,” [which] was probably EPA

Region 4's flagship in terms of entry into what turns out to be, after so many years, a program that many of us thought would never make it. It seemed too harsh, too abrupt. The liability for failing in that program was strict, joint and several. I used to tell everybody that it was eternal, because the Administrator could just add new chemicals to the list and you'd have to go clean up a site you'd already cleaned up. It was eternal. It was a tough, tough law. Industry responded.

EPA Interviewer: Do you remember any Congressional involvement of the Valley of the Drums?

Smith: There were other enhancements that placed themselves kind of like an umbrella over this struggling piece of legislation. Not only the Valley of the Drums, but some things that did in fact happen. Some things you might feel like were out of left field. For instance, Congressman James Florio just showed up one day. My on-scene coordinator [OSC] was Jack Stonebreaker, my deputy at the time, and he was running EPA's effort there. He stayed and spent considerable time going over that site, asking questions about why don't we have this money? Where is it? Why haven't I heard of it? I thought it was a pristine, pure Congressional effort. We started holding some meetings in Washington in some of the Senate hearing rooms.

I was... [*Laughing*] I would assume you'd like some of the highlights as well as the lowlights. I can remember one of the big issues was it seemed like most of the Congressional spirit was, if we have this fund, and we put \$1 billion in it, or whatever we put in it, we've discussed where it's going to come from. It's not going to come from the taxpayers; it's going to come from 75 SIC-coded [Standard Industrial Classification] industries, in our opinion, who have to pay this penance every year to the IRS [Internal Revenue Service], who would collect it for the government.

"I'd like to ask that Georgia boy..." I remember one Congressman said, [*laughing*] pointing to me—and I was not supposed to talk, which as you can tell probably isn't cured yet—"...who oughta run this fund?" He clearly had reference to the Section K fund in the Clean Water Act, which had never been more than \$35 million and never funded beyond \$20 million, and now we're talking about \$1 billion. In truth, I answered the only way I knew how. Now Kenny Biglane was there, he was the godfather of the efforts with this legislation. He was trying to get it passed, and new souls were appearing on the scene—people like Rita Lavelle and Mr. Hedeman—but Ken was still the pilot, still trying to get this legislation unleashed. So we all went over there that day to the Senate hearing room, and the first thing when I started to talk and a Senator kept interrupting me—"Mr. Smith, Mr. Smith" and finally I said, "What?" He said, "Your fly is unzipped." And it was. I mean that's pretty embarrassing with 17 or 18 Senators in the room and you have to stop and zip your fly up. I did, but it's still a Superfund story, is it not? Because it keyed me up to answer the next and biggest question of all—"Mr. Smith, who should run the Fund? Who should manage this billion-dollar fund?"

I said, "Well, EPA doesn't have a comptroller. We don't have a financial department, but the Coast Guard does. They've been managing Section K." My answer was clearly the Coast Guard should probably run the Fund. At which time there was an exit in the back of the Senate hearing room, and I looked around and all the EPA people were gone. The little door manager at the Senate back door asked, "Are you the one from EPA?"

And I said, "I am the one."

And he said, "They told me that you could walk back over to the EPA building." If you haven't walked it, that is quite a way; in seven inches of snow it's even worse. I don't wear suits, as you can tell. It was pretty cold. I get over there and there's Kenny Biglane, the god of all of this, and I walk in to see him to see how much damage I've done to the Agency, and he says... (He wouldn't look at me, which is always a bad sign.) And I said, "Kenny, are you going to speak to me?"

He said, "Right now you're kind of hard to love." And I've remembered that all these years, being "hard to love." Superfund and the management of the Fund survived me [*laughing*] and continued on its way.

In my opinion, EPA Region 4's first entry was "Valley of the Drums." There were others around the country. There was Times Beach, there was Love Canal, there were flagships almost in every region, which did in fact show that there was not a guardian angel in the regulatory arena, which was really, really ready to spend billions of dollars on sites just yet. That was to develop, in my opinion, over the next six years when we had SARA [Superfund Amendments and Reauthorization Act], the Superfund Amendment in 1986, which clarified many, many things. Along the way there was a change in the statutory language that allowed CERCLA to be a prime program of EPA's. I was fortunate enough to struggle through those years with Region 4 and some of the most valiant young men and women I ever served with.

Yes, yes, we spent money where it would be arguably, in any kind of accounting position; some technical letter of the law was missing. And we went and cleaned up a site, but I don't, I don't believe any person that ever worked for me back in those many years ago, regrets spending money to clean up a site that we thought was threatening to humans. To that extent, everybody that looks at this documentary ought to understand that there was a lot of courage displayed by people—young men and women that were able to say, "Yes," because the true definition of a bureaucrat to me is someone who can say only, "No." I remember that was one of Lee Thomas's big concerns (in my opinion, he was one of our best Administrators). He said to me one time, "Al, everybody here can say no, but nobody will say yes to proceed." That stuck with me and my young people that worked with me. We were careful now. We made sure that the money was spent properly, and we documented and we kept good administrative reports. I don't ever remember anybody bringing any charges against us in all my years there.

EPA Interviewer: Let's go back to December 1980 after Carter had signed the bill and the Republican Administration came in and then we had Bill and Rita and Gorsuch. We're already up to July of 1981 and we still haven't used the money. What were those significant obstacles in that? If you could frame something from 1981 to SARA.

Smith: When trying to examine what were the key issues from 1980 when we had a Superfund piece of legislation, why didn't we proceed immediately to start spending money and start cleaning up sites? We had listed sites. Washington had asked all the regions to list their predominantly troubling sites. Ones that we had looked for generally came out of our

removal program. But you've got to remember now, we're talking about a time frame when there was a new President and a whole new battery of personnel in Washington. One of the hot programs was this program, but we had a new Administrator— a lady that we remember, Rita Lavelle—and she had under her employ, Mr. Hedeman, who was to really make this program run. It didn't happen. It didn't happen because... You remember that I just mentioned that we found that it was too easy to say no, nobody wanted to spend the money. We did a bit of strutting, if I may say that, saying we were doing things, but there was one "wild" region—Region 4. We developed a pretty bad reputation in Region 4 in Atlanta. I was called a number of times to go up and explain why I hadn't done something. And the word there was, "Why I had not done something." The play there was that I had done something that they didn't like. I spent money. We always kept Washington informed. Remember, these people could only pause and say, "No."

We sent up what we call POLREPS [Pollution Reports]. I always thought it was a good idea that they read those because in those POLREPS we would tell them what we were doing. The rest of the regions would look at us like... I remember going to meetings then. We were a bit strange. How could we do that? Nobody else was doing it. There were a couple others, now. There was a guy named Al York out in Denver. He was a go-getter. There was a guy in Texas. He left the Agency early after, but he did some wonderful work in going ahead and processing some programs. There was Tom Massey out of Region 3 who was never afraid to say, "Yes." He converted the world's biggest known tire fire into an oil spill with some technography that was still strange. But today we respond to a tire fire like it's an oil spill. In other words, during that period up until 1986, if you go back and read SARA, SARA has a tone to it that basically says, "We gave you a law in 1980, it's time to get busy." It took a hell of a lot of gutsy men and women to say "Yes" in changing this slow caterpillar into a butterfly.

In 1980, Superfund was under a number of titles. Title 126 was purely a safety statute by Congress (here, Congress told in 11 different capsule paragraphs exactly what they wanted OSHA to do). OSHA didn't do that. They simply did not do that. They didn't implement what the statute said. That issue had to be readdressed again in 1986. Congress got a little more terse. Regulations began to be more clearly written. The National Contingency Plan was rewritten to beef up—in 1985 and in 1988—the preamble. The proposed rule in 1988 from the National Contingency Plan is probably the best rule that the Agency ever wrote, because in this preamble, EPA just literally regurgitated everything it had on its mind. If you are looking for history today on something in the National Contingency Plan, you go to the proposed rule in 1988 and it is there. That particular proposed rule is probably close to a half inch thick.

I've been in many, many lawsuits (never against EPA). When I retired from the Agency, I was hired by law firms around the country. In these party litigations, the questions always came from the National Contingency Plan. Always.

CERCLA matured like a teenager coming out of middle school and heading into high school with great ability. All of a sudden it starts picking up and catching on. To me the great years for Superfund were 1981/1982 and 1983, and 1986/1987, right in there. After that, Superfund began to change into a program that I think was nationally recognized. Industry was enormously helpful. I feel like, certainly in our region, industry begin to get cooperative, genuinely cooperative. Not just trying to use smoke, but trying to clean up these sites.

The first four sites that were delisted [*sic*: deleted from the National Priorities List] nationally were all in Region 4, every one of them. To all the naysayers out there that are going to say that ain't true. IT IS TRUE. You come on down here to Locust Grove, and I'll look it up for you and show it to you. The first one was a plate watch manufacturing place that made radium dials for watches in Athens, Georgia. That was the first site that was delisted [*sic*]. This was one of the frustrations I remember Lee Thomas having; "Why can't we delist [*sic*] sites? What is wrong with you? I mean you've got six inches of pages written on frustrations to delisting a site." That was one of the points he was making.

As I said, this isn't about me, but about that time, 1976 or so, I did go back to law school. I got tired of trying to believe what our attorneys were telling us. If you or anybody out there could imagine that. All I ever heard was frustration. This can't be done, that can't be done. So I went back to law school and you know what, much to my chagrin, about 90 percent of the time I found out that they were right and I was wrong. But at least I knew why they were telling us that.

Incidentally, I spent many, many years writing and teaching, EPA people mainly. From the time period 1990, when I retired, until September of 2004, I went to every region, with Shane Hitchcock of Region 4 and Fred Stroud. We set up courses to teach where we were going in oil spills so that our people would know how to speak the language. Issues would come up—that's where I learned the word "hot-button." In Denver they had this word they cogitated up called hot-button, and that was something that was just irritating the devil out of them. It was the answer to a question they couldn't come up with. Shane and I and others would research it and we'd go teach.

One of the "hot buttons" was—just to show you how interesting this job was—"enforcement first." What was "enforcement first" and what did it apply to? If you talk to certain attorneys that I know, it meant that you can't go to the head without an enforcement action first. You can't clean up an ambulance wreck without an enforcement first, but that isn't what brought us to the dance. What we had to learn to do was [to determine] what was a true emergency from one that could wait awhile. Yes, we all agree ultimately that you should try to enforce the regulation before you try to spend the money. That's the kind of issue that during 1986 to 1990, 405 was prevalent. The latest contingency plan until right now – it's being written as we speak probably. I know I commented on it, it's ready to publish – but the last one was 1994, and it had a lot of CERCLA writing to it. There were supplementals that were added, too. How to do an RI [Remedial Investigation]. All of the different magic words that we invented.

EPA Interviewer: Can you explain what Region 4 did to get sites delisted [*sic*]? What program did they start?

Smith: If you sit out there and you listen to me talk, you think that Superfund was filled with negatives. There was no struggle to get to the surface and see the light. That's not true. There were things going on and they perhaps were not of the Stradivarius mode.

I mentioned a while ago, talking about delisting [*sic*], that was one of the terrible traumas, where those two interfaced. In some rather pretty good language in the 1988

proposed rule, you'll find where the Agency struggled mightily with how could they integrate a remedial with a removal. Jack Stonebreaker, my deputy, came up with a transitional method of those two meeting each other, and we called them "removials." The first thing that our superiors did was to say that that sounded good and looked good on paper. It began the slow legal decay. Well, maybe it's not legal. Not surely, but maybe. I don't want to be a part of it if it's just a maybe. That kind of language crept back into CERCLA and it's interfaced with removals. "Removials" died as did many good ideas.

Even today, I still read and study. I don't teach anymore. The Superfund program has passed me by. Surely it should. I distinctly remember how it grew. How it rode its first tricycle. How it could finally ride a bicycle. A lot of people around here ask me, what is Superfund? I said you're telling me how old you are. I can remember in the 1980s, it was the hottest thing in town. EPA did a remarkable job with it. I know that some of us in the field that were field hands probably caused a lot of heartache for those in Washington who set policy, but I am sitting here in the deep woods of Locust Grove, GA, and I'm not apologizing for that. But for the field hands, but for us, Superfund would have never, ever succeeded. It was not a policy regulation. It was not a RCRA [Resource Conservation and Recovery Act]. That's another story. I got five hours on that if anyone is ever interested. Superfund was a wonderful challenge for those that dreamed and those that want to protect.

I remember Jack Stonebreaker one day for the first time after our working together for so many years he says, "Smitty, it's not fun to come to work anymore."

I said, "What do you mean Jack? This has been our life. This has been our children's lives. Superfund is what we are."

[He said,] "They don't like us."

I remember saying, "Well, they never have liked us, Stoney. I don't know where you've been." At the end of the day when they give out the medals, they always seem to find one for us somewhere. Somebody up there thinks of us. I can't tell you what an immense honor and pleasure it was to work with an agency like the Environmental Protection Agency. I've been gone now 16 years and they are always on my mind, always in my heart. When I was teaching them, if I couldn't get a fee for the teaching, we taught it free. I wanted our OSCs and our young people that I could see coming on board with this wild-eyed enthusiasm, and who among any of us would try to squelch that? That's what we were all about. I sit here in my little old wooded shack in the country and have so many wonderful memories. So many laughs. Fun times.

I had one employee that [*laughing*] decided he would go in and he was out doing SPCC [Spill Prevention, Containment, and Countermeasure] work. He walked into this establishment up in Tennessee and there was a life size profile board of President Jimmy Carter standing with his hand out as you walked in the door. My guy goes in and there's the boss of the place and he says, "Do you have the SPCC plan?"

And the guy says, "What?"

And his next statement was, "You have the right to remain silent. You have the right to an attorney." [*Laughing*].

So the guy calls me back in Atlanta, and says, "You've got a maniac up here."

Oh, and there were other stories. There were stories where the President of Colonial Pipeline Company in all of his majesty driving the biggest Cadillac I've ever seen with an antenna that was 15 feet long. They don't even have them anymore. He called the regional office and demanded to speak to the Regional Administrator but he wasn't there and he'd left me in charge. Big mistake.

So the guy comes into the Administrator's office and says, "I'm trying to clean up this oil spill out here in Dunwoody." A very rich part of Atlanta in those days, for those of you who don't know. He said, "You've got a man out there that said I was incompetent and a liar."

I said, "No, no. We don't do things like that."

"Yes he did. You meet me out there and you bring him." So we get in our car that had the roof that cavitated on it. It was 10 years before we got an emergency vehicle. Just thought I'd tell my audience that. If you drive at 65, the roof would cavitate and it would try to float off the roadway. It was trying to take off. We drive out in this puke orange thing and here's this guy in his Cadillac and he says, "There he is, right there, that's him." Pointing to one of my guys.

And I said, "Do you mind repeating what you said that he said to him?"

He said, "He called me a liar and incompetent."

I said, "Let him tell us what he said if you don't mind."

So my employee responded, "I said to him, he doesn't know what he's doing and he doesn't tell the truth."

I said, "[*Laughing*] That's pretty close." So all the way back, I'm talking to my employee about motherhood and how long we can live and how we don't insult the President of Colonial Pipeline. If you didn't enjoy your career and you didn't stop to smell the roses and the coffee...

I had one OSC that didn't like spending weekends on spill sites. He could always come home on the weekends. It never failed. Well, I had the most unique training technique of anybody and I said, "Ray, I want you to go back up to Commerce and I want you to spend all weekend there."

"But the state's handling it!"

I said, "Listen to me. I want you to leave Friday at 5:00, go back to Commerce, and I don't want to see your butt back in Atlanta until Tuesday. Is that clear?"

"But there's nothing to do!"

I said, "Then sit in a motel room and read comic books, but you are going to spend some time at the scene on this site." What I was trying to convince them was, in the business we were in and it remains true today in CERCLA and the other response programs, you go when you have to go. And you be there when you have to be there. You learn to be in charge. If you don't have that grit in your craw, then I suggest you come back down here and work for me and we're going out and check water lines or something. It took a certain person to work in Superfund.

It took all of us to forge the interface. It takes the ones in Washington. I was pure hell on them and I don't apologize, because I had enough sense to know some of what needed to be done. I remember Lee Thomas telling Russ Wyer one time. Russ sent regulations around for red border review. When they sent them down to Region 4, I'd tear them up. Lee Thomas developed this saying, "Has it passed the Smith test yet?" They better say, "Yeah," or it went back for re-review. He would not put his signature on a single regulation I had not reviewed. The story that he told was "You may not like Smith or anything about him, but he tells the truth." If he sees a wacko in there, he'll get it out.

EPA Interviewer: If anything, what would have changed in CERCLA or in the program?

Smith: In looking back over my career, and understand that I cannot accept CERCLA if we will not agree that it was kind of a child of the early response programs, CERCLA was just a great big removal program that had a lot of money involved with it and a lot of accountability. If there is anything that I could go back and change, as I told you before in this interview... The first four delistings [*sic*] in this country were in Region 4. Trying to delist [*sic*] sites so that we could tell the United States people that we were doing something. You're not doing anything if there's no measure to it. I remember Lee Thomas in a meeting saying, "We've had CERCLA four years and we haven't delisted [*sic*] a single site."

I said, "Yes, we have."

He said, "Where?"

I said, "A radium watch dial factory in Athens, GA, that's not any bigger than a house trailer, but it was on the NPL [National Priorities List] and it has been delisted [*sic*]."

He said, "Lord, bless us all." He said, "That's our product." Delisting [*sic*] from the NPL. It's easy to build a site list. Delisting [*sic*] is the trick. I would have done something to make that a little more accommodating.

We always viewed industry with a little bit of a tongue and cheek like we didn't believe them. I had this strange feeling that most of the time they knew the peril they faced. I think a lot of the young guys that worked for me felt the same way. When I was teaching I use to say, "They are not our enemy. They're our client." In point of fact that is the legal abuse of the word client of somebody that is trying to get something done. I felt our job was to help them as much as we could and still get the product of environmental cleanliness that we needed. And not chase rainbows. Not dig to China trying to take care of some solvent that you knew was more advanced than of any kind remedy you could think of. Am I talking about pump-and-treat? Hell yes. Clean up the PCB [polychlorinated biphenyl]. Clean up the dioxin when

we can, although I must say that wherever we fix, we still have a lot of dioxin among us. I never looked too hard for it, because we had enough going in every other arena.

Delisting [sic] was EPA's CERCLA product. Our one product.

I was proud of what we did. I was proud to work with and know a man like Kenny Biglane. I remember I spoke at his funeral. It was a very difficult thing for me to do, but I looked out in the room and there were Senators there. There were many big people from Washington, D.C., there. The funeral was right out there by the University of Maryland. I just made some bumbling statement about what he had achieved, but he was the man.

If anybody has ever studied the NCP like I do, and appeared in court many, many times defending it, I have never, never been able to lose a situation in court if the NCP was the question. I have a curriculum vitae and you'll see I worked for something like 17 of the biggest law firms in this country. All those are CERCLA cases. If we follow the NCP, then there was a settlement reached. CERCLA is a great program. Its time had come. Hugh Kaufman was a friend of mine. I believed he believed in what he did. He took the Agency to task, as did William Sanjour. As mad as I could act with both, they made Congress wake up in the late 1970s.

I have done a lot of talking and rambling but a lot of it... For somebody that put in way more than 60 hours a week all those years with the Superfund program, I'm entitled to have a few feelings and observations. I kept good records. I did a lot of writing. I've written over 110 papers and presented most of them. I wrote a text book and part of another text book on CERCLA and its emerging development.

I think that I need to say something about some partners that we had in the 25 years. As we look back at Superfund today, I can't account for all of those years. I can say something about a very rigid good partner that we had throughout the country, and that was our state agencies. The National Contingency Plan pretty much intimidates 16 federal agencies to stay involved with us in CERCLA remedial to removal to other response areas wherever they are needed. Over there in 40 CFR 300.170 and right on out to about 74, the National Contingency Plan says these federal agencies "should and shall..." That kind of language is not so strong without state partners. Every state has a department of environmental quality. They call them different things. In Georgia it's the Environmental Protection Division, in Florida and Mississippi it's DEQ [Department of Environmental Quality], and in South Carolina it's DHEC [Department of Health and Environmental Control]. These people have staff that worked with our OSCs. In fact, the National Contingency Plan clearly allows the states to have their own OSCs. They report to the Governor, and the Governor makes certain commitments in the NCP to be on their Regional Response Team. Once again, the genius of Kenny Biglane pops out at you like a clear beam.

We could not have had a successful Superfund for 25 years without our state and federal counterparts. Yes, they were difficult to deal with because you got into personalities. There's one state... He's on the Walter Cronkite tape, one little state guy he was always out there for the press. Barry Burress was a handsome little kid with sunglasses. There was Rod Rabie who was the fire marshal guy who interfered with a lot of work we were trying to get done. You take the good and the bad ball them all together and you fall on the good side. It

was an honor to work with them. I still see some of the youngsters today, and they'll come up. Now they are kind of oldsters. I get a little more respect out of them with this white hair than I did in the olden days.

CERCLA's birthright was vested in the removal programs of the Clean Water Act. I believe it was a thing whose timing had come. The right people handled it, and the states helped us and the other federal agencies, too. That includes the Coast Guard. If you're not going to give them the credit they deserve then I don't think that EPA's shouting can be as high.

Thank you EPA...for everything.