

US EPA ARCHIVE DOCUMENT

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EPA Interviewer: Today is October 12, 2005, and we are in Arlington, Virginia, and we're interviewing Mr. Steve Wassersug. Thank you for joining us.

Wassersug: Good morning.

EPA Interviewer: To begin with, I was hoping you could talk about some of your educational background and how you first came to EPA.

Wassersug: I began in the environmental field in Massachusetts, as Director for the City of Worcester Air Pollution and later Regional Environmental Program. This was one of the first city-wide air pollution control programs in the country funded by the US Public Health Service (USPHS). My undergraduate degree was from the University of Massachusetts and Master's degree from the University of Mass. with courses in civil engineering from Worcester Tech. Working closely with the USPHS for three-and-a-half years provided me with the opportunity to learn a great deal about the federal air pollution control responsibilities and to work closely with other national and local programs and staff.

I was asked if I was interested in joining the USPHS Commission Corps, and began my federal experience in Washington, DC, in 1968 with the National Air Pollution Control Administration (NAPCA), an agency later folded into the creation of the U.S. EPA. After a couple of years, I was transferred to Research Triangle Park, assisting states in developing air pollution control programs, writing regulations, and administering grants across the US.

In 1970, I was transferred to the Philadelphia USPHS Regional Office as the Regional Air Pollution Control Director, shortly becoming a charter member of the U.S. EPA in charge of the Air and Water Programs Division in EPA Region 3 in Philadelphia. The new assignment significantly expanded my responsibilities to all water programs, including construction grants, planning, environmental impact statements, enforcement, and permitting, as well as expanded responsibilities under the Clean Air Act. Later, I became Director of the Enforcement Programs with additional responsibilities in the regional office, with many assignments in Washington, DC, at national EPA. The national assignments included policy support and development, and national committees on risk, penalty provisions, and resources. As the legislation in Superfund and hazardous wastes emerged in the early 1980s with RCRA and Superfund, I was assigned to direct the Division on Hazardous Waste and Toxic Substances, which not only included Superfund and RCRA, but also the pesticides program and toxic substances. By this time I

had a comprehensive experience with EPA managing programs in all of the environmental laws, and had regional and headquarters perspectives.

EPA Interviewer: Now, is it correct that you were the first Region 3 Director of the Superfund program?

Wassersug: Yes, I guess so.

EPA Interviewer: What do you remember as your first experiences with Superfund?

Wassersug: Some of the early experiences was just trying to understand the complexity of the Superfund and RCRA requirements under pressure to address so many complex issues, and need to hire and train a qualified staff to administer those programs. Love Canal and many of the other high profile issues of risks from wastes created a great deal of pressure to identify the many potential sites in Region 3, and implement successful cleanup efforts. Communicating issues of risk with many of the local citizen groups around Superfund sites, as well as with EPA Headquarters leadership under Bill Hedeman in particular—who was one of the earlier Administrators in the EPA [Superfund] program—was critical. Often we were trying to grapple with how to best administer this program, given our knowledge of risks, the available resources and priorities, and timeframes to administer complex monitoring and cleanup technologies. [It] was challenging. Newspaper headline disaster stories on waste sites had communities often indicate that, “Well, we have a site like this, and what will you do with it immediately?”

Often, along with my colleagues in other regions of EPA, we were trying to understand exactly what does it mean to have a site that would be applicable under the Superfund law, either from a removal or remedial standpoint. How do we approach it? What kind of time, risk, and resource do we have for this priority? How do we articulate the complexity of the risk and appropriate cleanup and community options? [Answering these questions] was an essential part of our success. At the same time, many of the sites were unique, and protecting the health of our EPA staff and contractors was essential as they visited many sites with complicated and pervasive contamination. Each week seemed to be another set of interesting experiences, because we had to base our monitoring and cleanup decisions on factors, including the technology, timeframe, risks, and resources, available. For me, those decisions were often very weighty, recognizing that the health of a community could be at stake, but with a dedicated and highly skilled set of managers and staff, I had the confidence for making those decisions. Cleanup, enforcement, and removal decisions in Superfund Region 3 were often viewed by EPA Headquarters and in the communities and by other observers as amongst the most successful. However, there were often so many unique Superfund challenges and different sites that I often reflect back on examples like an Avtex, Bruin Lagoon, the Lansdowne radon house with unique issues.

EPA Interviewer: Across the regions?

Wassersug: Across the regions. Other regional programs in EPA were often organized differently. However, my colleagues met about quarterly, and it was so important to share the experiences, the lessons learned, and simply connect with the national leadership to both be told that we needed to move more quickly in cleanups, while also getting guidance and their support for the good job we were doing. We would often simply talk through the nature of

problems we faced, the complexity for establishing the inventory of sites, and how best to understand and tackle the risks of the sites given the potential responsible parties, the risks, and options under the laws. That regular contact with peers provided important direction and guidance on the successful early evolution of the program. Clearly, there was also much national and local criticism of Superfund, but our national meetings also helped to place that concern in the proper perspective and to continuously and aggressively move forward.

As one deals with natural disasters today, communities and their citizens often expressed a great deal of concern and fear about prospective sites as newspaper headlines may have generated fear. Perhaps the Superfund legislation was generated under an atmosphere of similar concern, which often required us to clearly understand the emotional concerns of a community and potential for health effects. As responsible federal administrators, we could not afford to ignore many of the concerns and complaints received. It was a challenge to make sure that we identified and dealt with the most significant risks, especially since the resources were limited and the opportunity to recover funds was also limited. It was critical that one had a comprehensive understanding of the program and your sites, and there was excellent justification for how and why your decisions were made.

In the early days, I remember working with the national Superfund leadership as we started to develop the regulations, and then our early policies took shape. How one scored a site was again an interesting experience by just developing the scoring mechanism for determining the appropriate way in which a pathway to the environment could result in a certain score that would indicate whether it made the list or not. This all took some time and explanation for interested groups, whether they be the state, local community, or potential responsible party. When I think of those early decisions and the information we had to make policy and site selection, I am proud of how well the structure and process has held up over time and the support received from the early national and regional federal and state teams.

A most important component of the process was deciding whether a site constituted an imminent threat and risk to be eligible for removal action. While we had experienced staff to deal with situations like oil spills for some time, we had to quickly transfer that emergency capability to now deal with sites and spills/accidents with more unique chemicals and often a soupy mix of chemicals that could present extreme hazards. Our on-scene coordinators responded so well to those challenges with expertise and dedication unmatched. They not only quickly dealt with the immediate threat, but also the challenges to prevent further catastrophe. I went along on a number of these disasters like Hurricane Agnes, Ashland Oil spill, and others, and often dealt with the immediate fears in the community through the press and supportive federal and state delegations. Sometimes these efforts were followed up by Congressional hearings that not only helped to define what we had done, but also to utilize the lessons learned for the eventual "next time." Again, that successful effort in both the immediate and longer term threats are attributable to the dedicated staff with expertise in so many fields of law, hydrogeology, engineering, all the science, medical, and support from other staff and contractors. For me, this is an opportunity to thank them all, as well as the national and regional management whose support I received to sometimes take educated chances based on advice from that staff. However, as this field grew exponentially, it became much more difficult to hire the key expertise, and in-house training and shared experiences became even more important.

As you ask in your question, "What is the most important experience for me," I believe that the fear and the concerns of communities for the unknown hazards of the site. Meeting the local people, visiting their homes and listening to them was critical for us to understand what we faced and to gain their trust. If we failed to gain their trust, all our decision making could be in vain. In some of the TV and radio programs and press interviews, there was much pressure to communicate effectively. Some of these interviews/debates were even more challenging, since at times the national program was receiving poor press and its credibility was challenged by Congress and at some sites across the country. But communicating and listening often was a key, since eventually it was YOUR role at THAT site that would make a difference. Having local EPA ombudsman work closely with the communities and community grants helped level the playing field of information and build trust.

EPA Interviewer: Can you remember one of those times when you went to a community? Is there a specific remembrance that you have?

Wassersug: Oh, I have lots of memories of communities.

EPA Interviewer: Do you have an example you would like to share?

Wassersug: While in one community we were well versed in the problems and solution, the public meeting with press on hand was often contentious with concerns for threats to their children who were also in the audience. You could feel the fear from many people. After the meeting ended late in the evening or actually early the next morning, we went over to the community leader's home for coffee and white pizza. These were the real opportunities we had to hash out the issues and the options, and helped us through the succeeding steps to achieve public consensus and allay fears. Unfortunately, there may have been other factors appearing in public meetings that were beyond the scope and issues of Superfund alone, but as the federal government representative, we received the brunt of issues. So often, before the public meeting was held, it was also important to meet with the local officials, local community/individuals, and potential responsible parties if involved to understand the characteristics of a site and opportunity to be effective. Understanding the community, its culture, and leadership was critical in our successful Superfund process. Without the trust of the community, our actions again would have been unsuccessful. Also, the local folks often had a history of a site, having lived in the community for many years, that provided a wealth of information required for remediation.

Another issue that was very important was the successful partnership with the states. Their resources, requirements, and support was critical. Further, if EPA was to make a successful recovery of money spent, every effort to work with the PRPs and select the appropriate remedy was critical. In Region 3, we tried to negotiate as much as we could with PRPs to achieve a balance between the Fund money and potential responsible parties [PRPs] cleanup. Communications early and often with PRPs on the documentation of evidence and appropriate cleanup remedies proved successful in early and faster cleanup.

EPA Interviewer: Talk more about your involvement with PRPs. At one point in time, under your leadership, Region 3 had the most PRP-lead sites in the country, correct?

Wassersug: I believe so.

EPA Interviewer: Why was that so important?

Wassersug: There was only so much money for cleanup. I do remember one Congressional hearing where Regions 3, 4, and 5 were called in, along with the Headquarters Assistant Administrator, and the issue was the comparison between Regional Superfund approaches. Why was one region very aggressive in enforcement, but not in PRP-leads, while another was aggressive in removals vs. remedial actions? “Well, I don’t understand why is Region 4 doing it this way; this one doing it that way, and that one doing it that way, and again, under the different leadership of the regions?” Fortunately, EPA allowed us to experiment in the program in regions and, I want to say, get the job done. I think each region had different successes based on experience, expertise, and requirements, and in my mind always consistent approaches may not have been the most appropriate rationale for every site. As I said, our joint experiences were that every site seemed to be quite different and therefore required different approaches with appropriate justification.

With regard to PRPs, we felt that it was important that any potential PRP have the opportunity to visit the regional senior management to explain their situation and to receive a decision. Again, building a trust was vital with PRPs if we were to assure that they would take the appropriate remedy and lead the effort correctly, including community interaction. On some occasions, we also worked with communities and PRPs to develop and implement acceptable, unique, cost-effective, rapid remedies that we could continuously monitor should they fail with back-up options pre-determined. This might mean that in some circumstances we were taking more of a risk in accepting some of those innovative approaches, but we adopted appropriate backup and more fail-safe solutions if necessary. On two occasions I remember that this approach was extremely effective and resulted in much faster and PRP-lead cleanup, allowing opportunity for funds to be used at other sites. The point here is that if we were open in the communication dialog from the beginning, it often resulted in a more rapid cleanup of more sites than if you would just go in and either use the Fund money or use another approach.

However, it was often disappointing that with the many successes we were often judged in the media as failing. We were measured by the total number of sites cleaned up regardless of the progress at many of the sites and the cleanup complications. “How many sites did you clean up today? And how many this quarter?” The word “clean up” was just a very difficult term to convey as we were continuously remediating sites in a national process. Many sites were moving along through the investigation, planning, and cleanup as well as removing or reducing the immediate threats at the sites. On one television show, I was responding to communities with sites. The emotions were high and feeling that EPA was a failure in the Superfund program. The program explanation is complex and there is little time to explain. I communicated to the audience what we had done and was doing. I believe the host of the show began to change his initial attack to one where he asked the audience “Would you trust this man? You know, he sounds like he’s making sense, but would you trust him?” The best thing I could do was just to try to make sense out of all the data, all the issues, and yet, at the same time, manage a complex program.

“How clean is clean” and issues of matching funds along with ARARs [Applicable or Relevant and Appropriate Requirements] and PRPs and appropriate remedies were challenging. Superfund had many driving elements, and you could not ignore any of them.

However, you were faced with making a cleanup decision in a given timeframe. The more experience we had, the easier and better decisions were made.

EPA Interviewer: You've mentioned a couple of times your staffing and the funding. How, when you didn't even know what you were dealing with, how did you go about finding staff and stocking up a brand new program?

Wassersug: Well, first of all I was very lucky that I had been in the air, water, waste, and the TOSCA programs. One of the best innovations and opportunities in EPA is that I had been in every single medium of EPA, and I had been in a region, in Headquarters, at RTP [Research Triangle Park, NC], and for four years EPA assigned me to Budapest, Hungary, working with international environmental work in 18 countries. For a period of time, I was also the Acting Assistant Administrator for OSWER. With this environmental and institutional experience, one has a comprehensive understanding of the laws, policies, and institutional complexities. Currently I teach environmental law and policy, but more important to the student is the evolution of laws and pathways in terms of why and what happened. Understanding the historical perspectives provides validity to the framework of the institution and the implementation of the regulations both in the U.S. and abroad.

Having the opportunity to develop staff early on in the programs helped to select and understand their value within the organization—where their talents could be used best, how they would deal with different pressures, and whether they might be innovative. We did not have the liberty in the Superfund program to keep studying the problem, even though every site was different and we wanted to say, "We don't know enough." I think there reached a point where I had some staff that said, "Here's what we know, and this is the best decision we can make under these circumstances." Many of our Superfund staff worked with me in other environmental media, and that helped them to implement the programs and to better understand the complexities across the cleanup for all media. We formed teams in the Superfund program, whether it was a team for the site or the team for the program. Teamwork was critical to site cleanup.

How our staff reached a decision did not mean that initially we all agreed or had consensus. Our staff was quite independent, and often we challenged each other as we made the final decision and reached a consensus. That experience for me and many of the staff resulted in a strong team of management and support and excellent retention of staff. Many of our staff moved on to critical regional and national management positions. Some are executives in engineering and partners in law firms dealing with Superfund.

Since I left EPA, I have had a number of different positions. I have worked with community groups, on-site cleanup, and Brownfield sites. While working in central and eastern Europe, I had the opportunity to work with 18 countries and set up a large international organization that is highly trusted to develop laws and programs for European Union framework harmonization and work with non-governmental organizations. I have also been President of a non-profit foundation in the DC area and enjoy the opportunity to work with problems that give me the chance to apply innovative solutions.

EPA Interviewer: Sure. At the policy level and national level, [the] Superfund program got a little rough start there in the 1980s. Did it affect you in the regions at all?

Wassersug: Oh sure, as I have explained. Perhaps, by being in Region 3 we had one other element that made our life more challenging. Because EPA Headquarters was in our region, and most EPA folks from those offices lived in our region, the local issues often became national issues. Further, because we were so close to DC, our folks were often called to DC to join in national committees to help develop and influence policy. Perhaps we also participated in more Congressional hearings than others, as well.

However, these experiences also helped us to better understand the national pressures and to influence the policies with real examples from the ground up. When you asked me about the pressures from Headquarters, I think the most difficult aspect was always dealing with the cleanup, reporting, and the pressure that every regional office felt in terms of coming up with respectable numbers.

EPA Interviewer: In your interactions with people, you've mentioned how companies would come in and talk to you. How were those initial days with people trying to figure out strict and several liabilities and joint liability? What were those big issues, and how did you address them?

Wassersug: Well, the big issues were whether or not you found one responsible party with a record of disposing at the site. Should we require them to clean up the whole site? I think that presents an interesting issue. Certainly the Superfund law gave us enforcement tools that most other statutes did not have. We were very appreciative of those tools, but had to use them appropriately. We had to understand what the tools were, and we had to make sure that the responsible parties and the communities understood these tools. It was a combination of the PRPs and what evidence we had—combination of the risk, combination of so many factors—that we would look at as we assessed a site. Perhaps when we had a balance of Fund and enforcement money at the time, it was easier to administer site cleanup. If we did not have some of those tools that were in the statute—those really strong enforcement tools—I'm not sure some of the responsible parties would have volunteered some of the innovative approaches that I talked about earlier.

EPA Interviewer: Right. In December of '84, we had Bhopal accident, and then about three months later, I think we had Union Carbide in West Virginia. How did those two incidents and subsequent incidents affect Superfund?

Wassersug: Well, my first reaction was, "I don't believe it happened in Region 3," because I said to you earlier that Region 3 seemed to have all of these unique sites and disasters and close to DC. In reality, it was one of these emissions that you reviewed and may not have been from a regulated chemical, but was a release. The point is that when the MIC [methyl isocyanate] was emitted, it was then that we realized it was produced in Region 3. There was a shopping center that was evacuated by this release into the air. It was this type of release, which I think may have triggered the Community Right-to-Know law, and the issue of companies having to report what was being released. It was an important law that has helped identify to the communities and the companies what is or may be released into the environment, and measures have been taken to prevent and substantially reduce many of those releases. In Region 3, we had a number of other incidences similar to this one, and they were responded to by the on-scene coordinators.

In the MIC release, that was one of those reactive issues that you immediately had to assign to your staff, and determine the best immediate approach to reduce the threat as well as longer term remedy. Similarly, the Ashland Oil tank collapse near Pittsburgh was a result of tank engineering issues, and the regulated berms in place did not contain the spill. Congress and EPA looked at this issue, and new approaches were required to deal with unanticipated threats. All of these incidents had us think differently about the far-reaching environmental disasters and the implications and responsibility under Superfund—issues that went far beyond the cleanup of land-based sites, but releases to the environment in general.

EPA Interviewer: Right. Just a couple of more questions, because I know we have to close out here. What do you think was your greatest success, or EPA's greatest success, however you choose to frame it, in Superfund and during your tenure with Superfund?

Wassersug: The greatest success? I think the evolution of a dedicated and experienced management team and staff that continues today to implement the Superfund and other programs or has responsible key roles to play in their private firms. Overall, I would say the program was extremely challenging and sometimes exhausting, and I still very much enjoy meeting and sometimes working with my former colleagues. I think a great deal was done under the program with regard to the remediation and removal of sites to reduce risks and to provide for improved environments for many people. While we cannot quantify exactly how many threats to human health have been reduced, I know of many instances where the EPA folks can be proud of their efforts, and receiving thanks from a community, as I have, is my greatest achievement. Having worked with folks like Lee Thomas, Jack McGraw, Mike Cook, Marianne Horinko, Tom Voltaggio, Abe Ferdas, and so many others, has been rewarding to me.

EPA Interviewer: If you could go back and change something, is there something you'd go back and change?

Wassersug: Perhaps if some of the current laws like Community Right-to-Know were adopted earlier, there might have been far more understanding of what was being contributed to the environment and the impact. With information comes an opportunity to take action. Certainly, many folks who made contributions to waste sites clearly did not know of the potential groundwater consequences and devastating costs of cleanup they would face. Had we taken care of these problems in the early stages and understood better the science of groundwater migration, I believe that companies and other facilities would have taken major steps to prevent those costly disposal/cleanup decisions. Voluntary efforts today, through pollution prevention and the ISO 14001 Environmental Management Systems approaches, allow us to better focus on the root cause of our environmental problems, whether they be compliance issues or releases. We now know that there are many opportunities for voluntary actions that can make major contributions to protect our environment and to save us money as well. That effort is one that I wish I had the opportunity to push in my early days of EPA as an environmental steward.

EPA Interviewer: I know you haven't been involved with Superfund quite directly in some time, but where do you think the program's going in the next 25 years?

Wassersug: My understanding of the program today is much more limited. I think the enforcement effort remains very important if the funds have diminished somewhat. In working *Superfund 25th Anniversary Oral History Project*

with companies today, there is much concern that they not be future PRPs at sites with costly cleanup. In fact, insurers have taken a tough approach on historical contamination, and obtaining environmental liability insurance is difficult. The Brownfield effort to reclaim many of the abandoned properties and to better assess risks for appropriate reuse are key to the overall successful approaches to Superfund. With the improved science and more experience on site management, the results should be improved from earlier days. However, it is critical that many of the “cleaned-up” sites that have institutional controls (e.g. deed restrictions, monitoring, caps) be carefully monitored along with the states and local communities to assure that they not re-develop into future Superfund problems. One would hate to see expensive caps breached for lack of information, and well monitoring not be properly managed with new groundwater problems evolving. Further, RCRA and other regulated solid waste sites need to be properly managed to assure that their double liners or other controls are properly implemented. One would find it difficult to have implemented all these new regulated efforts successfully only to have future Superfund sites evolve, or perhaps worse with some environmental disasters.

EPA Interviewer: We’ve covered a lot in 50 minutes. Is there anything else you’d like to add before we close?

Wassersug: Superfund was an interesting challenge. It has given me confidence as I make many decisions in my life. Whether the law or regulations were written in the best manner during a period of stress with great emotional concerns across the U.S. may always be an issue. However, the implementation at many sites has been very successful, and the health and environmental benefits to many communities have been evident. It has also helped to shape many programs across the world, and it is important to continuously share the lessons learned.

EPA Interviewer: We thank you for taking the time and talking with us.

Wassersug: Thank you.