Transcript from the Center on the American Governor's Roundtable On:

Environmental Policy in the Kean Administration

Convened Tuesday, May 14, 2013
At the Eagleton Institute of Politics
New Brunswick, New Jersey

9:30 am **Registration/ Coffee**

10:00 am **Welcome:**

Ruth B. Mandel, Director, Eagleton Institute of Politics

Program Overview:

John Weingart, Associate Director, Eagleton Institute of Politics
Nancy Becker, Program Associate, Center on the American Governor

Opening Remarks:

Governor Thomas H. Kean

Introduction:

Chris Daggett, Commissioner, Dept. of Environmental Protection (1988-89) and Regional Administrator, USEPA (1984-1988)

- Moderator

10:15 am **Session I: The Brown Years: 1981-85**

Issues to be discussed:

1. Superfund, Environmental Clean-up and Responsibility Act (ECRA), Right to Know
2. Hazardous Waste
3. Use of Science in Environmental Decision Making
4. Solid Waste, Recycling
5. Radon
6. Dioxin

12:30 pm **Lunch**

(continued on next page)

(Agenda continued)

1:15 pm **Session II: The Green Years 1986-90**

Issues to be discussed:

1. Pinelands Implementation
2. Bond Issues
3. Fresh Water Wetlands
4. The State Plan
5. Creation of the Environmental Infrastructure Bank
6. Ocean and Beach Pollution
7. Coastal Commission
8. Hudson River Waterfront

3:30 pm **Adjourn**

Roundtable Participants (with key positions during the Kean Administration)

Candace Ashmun	Association of NJ Environmental Commissions Director; Member NJ Pinelands Commission
Nancy Becker	Lobbyist
Tom Burke	NJDEP (Department of Environmental Protection)
Michele Byers	NJ Conservation Foundation
Michael Catania	NJDEP
Jeff Cromarty	NJDEP
Chris Daggett	Governor's Office, U.S. EPA, and NJDEP
Dan Dalton	State Senator
Brenda Davis	NJDEP and Governor's Office
Dick Dewling	U.S. EPA and NJDEP
Joe Donohue	Reporter*, Atlantic City Press*
Bob Hughey	NJDEP
Tom Kean	Governor
Jane Kelly	Governor's Office and NJDEP
John Lynch	State Senator and Mayor of New Brunswick
Ruth Mandel	Eagleton Institute's Center for American Women and Politics
David Moore	NJ Conservation Foundation and NJ Natural Resource Council
Terry Moore	NJ Pinelands Commission
Ingrid Reed	NJ Future
Martin Robins	NJ Transit
Bob Shinn	County Freeholder and State Assemblyman
Gary Stein	Governor's Office of Policy and Justice, NJ Supreme Court
Bob Tucker	NJDEP
Anthony Villane	NJ State Assemblyman
John Weingart	NJDEP
Tom Wells	NJDEP and NJ Conservation Foundation
Cindy Zipf	Clean Ocean Action

Words of Welcome: Ruth Mandel, John Weingart, Nancy Becker and Chris Daggett

Governor Tom Kean: Thank you Chris [Daggett] and Nancy [Becker] and thank you all very much for coming. It is wonderful to see every one of you. To see not only the people obviously who served with us in the administration but to see the tremendous leaders of the environment of New Jersey and to see by the way the best Senate President I ever served with, John Lynch, it's great to have you here, sir, today.

I always think that if you're going to look at who is running for office, you don't just look at what they say in the campaigns. You look at who they are and what they've done. And when I ran I think I had sponsored or cosponsored probably every Pyece of significant environmental legislation for the ten years I was in the legislature not only in the creation of the D.E.P., the wetlands and all of that but a number of almost every other bill as well. So you were dealing with somebody who if elected was probably going to follow the same course that I'd followed for a number of years. In other words be very sympathetic to things that involved the environment.

I give you one vignette from the campaign. The campaign manager and some of the campaign operatives didn't like me talking about the environment in the campaign because they thought I was a little bit further over than the average republican primary voter on that particular issue. And so they tried to keep me away from environmental organizations and the only way they found to do that was not to tell me about them. So if I got an invitation from an environmental group to speak-- but there was a woman who was an old friend of mine and an old friend of yours called Helen Fenske and Helen found out about this and found out about the fact that the campaign wouldn't let her near me. So in those days I still do, I listen to opera and things in the car and in those days a tape recorder. So on my front doorstep in Livingston at least three times a week I would find a tape from Helen <laughs> which I would then put into my machine and Helen would be saying "This is something you ought to know about. This is an environmental gathering you ought to stop by." And I remember my campaign manager saying "How the hell did he find out about that?" <laughs>

And of course when I get into office, you know, you both have proactive things that you want to do to help the environment and there are reactive things you have to do. I had a reactive one the day I was elected. The leader of the New Jersey State Senate at that point, the Senate President, Steve Perskie, came in to see me and said "Well now you're Governor the first bill we're going to send you is a repeal of the Pinelands Law." We've got an overwhelming number of votes in both houses and they had a letter from the Reagan Administration guy, James Watt, whose resignation I had called for in the campaign

<laughs> and two or three New Jersey Congressmen who said they lent their support to getting rid of the Pinelands Law. And I remember telling Perskie "It's not what I'm going to do. I'm in favor of the Pinelands Law." He said "We may be able to give you your first override." And I said "Go ahead."

Well I never got the override but it struck me right away that it's not only what you got to do to push the environment forward but it's defensive moves you got to make to preserve the gains you already have. They never were able to make headway on the Pinelands and my administration and actually gradually they stopped trying. But you are able to do something not because of yourself but because of the people you surround yourself with. And I am absolutely convinced that if you surround yourself with the brightest and the best, men and women who have your opinion or are willing to support you on issues you care about, that you can get a lot done. The best thing about my administration was the people that we had really, some of them are over in this room but we had topnotch people in almost every area. And if we got something done it was not because of the Governor but because of the work of those people. So Chris with that, I'd like to turn-- Chris is one of those people. He's served in a number of capacities and everything he did, he did with class.

Chris Daggett: Thank you, Tom. Welcome everybody. As you may remember for those of you who were running the campaign I was the guy that traveled with Tom during the general election campaign in 1981 and I had the benefit of listening to those Helen Fenske rants also. And if you haven't had that opportunity, I really hope you've saved some of those tapes, Tom because they are part of the historical record of wandering these roads of New Jersey listening to Helen carry on about one issue or another. It was pretty entertaining, I have to say. And Nancy you mentioned that you were revising the website. I thought you were going to start to say we were going to do a revision of the Kean years or something today. <laughs>

Nancy Becker: Oh no, we don't want to do that!

Chris Daggett: Okay. So today's sessions are going to be a little bit like speed dating. Because as you look here in the agenda we have a number of topics to cover and we don't have a whole lot of time. So I'm going to try to be fairly rigorous and disciplined about the fact by my count we have about and I'm going to probably bleed over a little bit into the lunch hour since we got a little bit of a late start. And we have about 20 to 22 or -3 minutes in the morning session and we have less than that in the afternoon. We probably have under 20 minutes per topic. So we're going to start each topic with we have identified a few people to just kick off each of these topics and then a little bit of free-for-alls. So if you have comments or something you want to add we'd welcome you doing it. Let me just add

that for those of you who are keeping score, Bob Hughey and Jane Kelly are going to be here later. And the other person who has actually a card there, Brenda Davis is going to be coming in by phone for the afternoon session. She is out in Montana and wasn't able to come but she's going to try to plug in by telephone so we're going to hear from Brenda a little bit later also. So with that let's begin.

The first topic: the Superfund Environmental Cleanup and Responsibility Act, The Right to Know. We are going to ask in Bob Hughey's absence at the moment, Mike Catania to kick this off and give us a little bit of an intro. As you know that was the first major issue, the Superfund Law was signed into law by Jimmy Carter in December, I think of 1980 so it was at the very, very end of his administration and so it was inherited by the Reagan Administration and in 1982 when we all came into office was just really the beginning of the Superfund program and it was the defining initial issue of the Kean environmental years. So Michael, it's all yours.

Michael Catania: Thanks, Chris. I guess it's appropriate. I'll start with a very short story. When I was Director of Regulatory Services and then Deputy Commissioner during the Kean Administration, Bob Hughey would have a funny way of kind of teaching us to get more experience and kind of throwing us in the deep end. And I remember going to my very first press conference where I might actually have to speak. It was on the dioxin situation that we'll be discussing later. But just as we were walking into the room with all the cameras and all of the press there Hughey looks at me and says "I've got to take a phone call. Can you cover this for me?" And I looked at him and said you know, "You son of a bitch, I can't believe you've done this to me." And he said "Well, you didn't have to worry about it."

So I find myself back in the same situation this morning with Bob stuck in traffic somewhere and having to sit in for him but we'll see how well he taught me. One of New Jersey's real claim to fame in addition to everybody asking which Turnpike exit you are from is that New Jersey is known for having more Superfund sites than any other state. A lot of people assume that's because we have more contamination than any other state. That's not necessarily the case. What is the case is that we made a very conscious policy decision early in Governor Kean's administration to actively pursue money to clean up Superfund sites. Because of our industrial legacy and the rust belt that roughly parallels the Turnpike, we had more abandoned and orphaned hazardous waste sites than we knew what to do with. These were really getting in the way of environmental and public health issues and getting into people's drinking water. Really affecting our lives, also affecting our economy because it was really a dramatic problem to try and overcome to redevelop urban areas.

So we sat down, we said okay, if there's a federal program that's going to put up money out of the Superfund to clean this up we want to be at the top of that list. We had a task force

across the department to rank sites. We ended up originally proposing 103 sites. Shortly after that it was increased to 110 sites and we had them all over New Jersey. They were all municipal landfills that had accepted liquid hazardous waste that was kind of oozing into the ground water and the surface waters. One is not far from here right by Exit 9 on the Turnpike, the Kin-Buc Landfill.

When I first started my career I remember tractor trailers of hazardous waste backing up to the top of the landfill opening up the petcock [ph?] valves and orange gooey liquid coming down into the Raritan River. So that was the kind of the mindset and the situation we were dealing with. On Earth Day in 1980 to celebrate, Chemical Control exploded. I remember Jerry English [then DEP Commissioner] was scheduled to have a ceremony to start the cleanup and the site exploded.

So you couldn't pick up a newspaper without reading about some terrible hazardous waste site. Some of them were active industrial facilities that had poor practices which have been legal in the past but they just dug a pit in the back and filled it with hazardous waste and covered it over. Some of them were places that had bucolic names that sounded like farms where farmers decided to make a little bit of extra money and just take a little bit of hazardous waste in on the side. And others were simply abandoned sites former industrial establishments that people had walked away from a long time ago. When we first sent the original listings in I think E.P.A. thought we were a little bit out of our mind because at the time most of the other states were hanging back because they weren't quite sure this was something you wanted to do to have the notoriety.

But Governor Kean, I give you a lot of credit because you decided very early on that it was better to acknowledge the problems that we had, to vigorously go after federal funding, and this is probably a good time to point out too, New Jersey had been prepared for this. We actually had enacted a version of Superfund on the state level, the Spill Compensation Control Act in 1976. Ironically we thought at the time it was to protect us from off-shore drilling and waves of oil spills coming in like the Santa Barbara spill, and in fact it was used since then most often for land-based spills. But the state had the foresight to come up with a Pyece of legislation that imposed strict liability, and joint and several liability and treble damages and it gave D.E.P. incredible tools to order people to clean up or we could use public dollars. Send them a bill for three times the amount of that cleanup and they would not get to argue about that until everything was said and done later on. It was an extremely coercive and powerful tool and it let Governor Kean's D.E.P. do some outrageous things that probably today we wouldn't have gotten away with quite honestly.

The second Pyece of that kind of a puzzle was the Environmental Cleanup Responsibility Act. We quickly realized that even with the Federal Superfund there were not enough dollars

to go around and the Superfund process was a fairly lengthy process of studying things and that we had to find ways to deputize the private sector. So a Pyece of legislature was introduced called the Environmental Cleanup Responsibility Act, ECRA as everyone came to call it which basically said if you had a certain industrial classification code, you could not transfer the property until you either proved that it did not need to be cleaned up, or you signed a cleanup order. And it held the buyer harmless and imposed that liability on the seller and it allowed D.E.P. to actually void those sales. And what a lot of people didn't realize immediately, it also deputized the banking and mortgage sectors in the title industry sections to basically be unwitting accomplices in D.E.P.'s cleanup schemes because with the threat of avoiding the transaction and the placement of what we called a super lien on the properties, no person would extend a mortgage loan in their right mind unless you were in compliance with the statute. So it was the first of a series of efforts to try and get the private sector involved in working closely with government in enforcing environmental laws.

I remember sitting in my offices at the time. When ECRA took effect and everybody suddenly realized they had to comply with it we would get calls from virtually everyone in the legislature saying "A constituent has a transaction that has to go through. Can you put it on the top of the pile?" And for the first six months of ECRA we basically spent lots of time moving the pile around and doing very little actual cleanup work.CRA law and Ray would call two or three times a day and I'd say "Okay, I've reshuffled the pile two or three times today already. The one that you told me to put on the top of the pile today, is that still at the top of the pile or should I put that in the middle?" So people quickly realized that this was a huge undertaking and it had a big impact. But the long term impact was to really address and prevent the creation of another whole generation of abandoned hazardous waste sites. Years later the legislature would amend the law and rename it the Industrial Site Recovery Act and today we have the Licensed Site Professional Act which lets the private sector certify that cleanups are done because it immediately placed a huge burden on D.E.P. to oversee all of these cleanups and we had at the time about 11,000 sites that we were tracking. That's a huge amount of sites even with growing staff and a growing budget at D.E.P.

The other thing that was really important about that was the partnership that developed with E.P.A. With 110 sites on the National Priorities List which is what the Superfund list was called, we quickly had to reach an agreement with E.P.A. about who would take the lead on sites. Both agencies had overlapping jurisdiction under federal and state law and to have both agencies involved in every Superfund case was going to be a serious problem. So we would have regular meetings to coordinate and we would divide the sites up and we would agree that the states would take the lead on this list of sites and the E.P.A. would take the lead on other sites. That worked reasonably well. We did sometimes disagree on the remedy and I think the state was often more aggressive about requiring financial assurances before we would allow someone to pursue with the cleanup because we got burned a number of times early on by people who basically told us whatever it took for us

to stop spending public dollars and limit their liability for treble damages and then they would simply allow the cleanup to grind to a halt.

Chris Daggett: Michael, let me ask you right there, Dick Dewling at the time was the Deputy Regional Administrator of E.P.A. and had long been there, probably was I think the longest serving Deputy Regional Administrator perhaps with the exception of [William] Mashenski afterwards. But, Dick can give you the perspective of the Kean environmental work on Superfund from the E.P.A. perspective. Can you take a minute and just talk about particularly the point Michael talked about, the collaboration between the two agencies?

Governor Tom Kean: I've got to say one thing.

Chris Daggett: Sure.

Governor Tom Kean: The reason we got so much money was that the other states, it wasn't that they weren't ready. They didn't want to spend the money. There was matching required. And other states didn't want to spend the money. We were willing to spend the money as a priority. As a result I think one year unless I'm wrong, we got 90 percent of the Federal money because the other states just weren't willing to spend the matching funds so we really benefited.

Chris Daggett: Dick?

Dick Dewling: One of the things, Governor, that you did that changed the scope of what we were able to do in D.E.P. at that time you gave us $200,000,000 from the surplus and that $200,000,000 allowed us to sit down with the P.R.P., Possibly Responsible Party, and say "If you don't do it, we will do it. And let me tell you, it's going to cost you more money." And that gave us the leverage to sit down with the responsible party and we set up a system of setting up consultants that would do the work for us and we would do it and then you had them come to the table because they didn't want us to do it. But it was the money that you offered us and provided us which gave us the leverage. E.P.A. gave us little leverage. In fact E.P.A. was in the position of saying we are going to have an issue of declaration of the number of sites. You can't have that number of sites. That's crazy. What are you people doing?

And then we had the Drum Dump program which was previous to the Superfund site where the state went out and we used our emergency response capability where we were limited to 1,000,000 dollars per site to clean up all the drum dumps. And the drum dumps were backyards, were in Newark warehouses, were trucks that were just parked at any place and

then we had all these drums to clean up. So we believe that the state was on the right track. We thought at times they were a little bit crazy and aggressive but they had the money and they had the legal ability to go in and take an action and we didn't at that time.

Michael Catania: What a lot of people didn't realize was that in addition to just physically going out and cleaning up the state had to create a whole new procurement system. We had to identify and prequalify contractors. We had to set up a contracting system. There were two gentlemen in Purchase and Property and Treasury, Julian Mazone and Jim Rosenberg that we worked with. We had a special Deputy Attorney General that actually sat in the hazardous waste section. We reorganized D.E.P. to have a hazardous site mitigation administration to kind of move this forward. They were really exciting days because in order to kind of make this happen and make that threat real you had to have a contractor that was capable of going out pretty quickly. And up until that time that capacity and that expertise simply didn't exist so a lot of that was kind of made up as we went along to kind of get this into play.

The other thing that happened in the legislature and Dan Dalton is here who was the chair of the Senate Energy and Environment Committee at the time moving a lot of legislation was something called the Worker and Community Right to Know Act. And, Governor, this actually kind of harkens back to you sponsored a Pyece of legislation called the Environmental Rights Act which gives private citizens the right to sue government or someone regulated by government if they don't think their rights are being protected.

The Worker and Community Right to Know Act has a parallel in federal legislation and then-Congressman Florio passed it at the federal level. But it basically requires people that store certain hazardous substances inform the community. Emergency responders so if they're going into a building they know what kind of chemicals are there. But also the citizens at large so they know what kind of things are being discharged, being admitted to the air, and being stored on site. And that basically empowered local communities to kind of step up and question the things that were going on in their jurisdictions. It made for some pretty raucous public hearings, and when we would release the annual list of what was being stored at different locations a lot of people had no idea that they were living in close proximity to horrible unpronounceable chemicals that had just blown up and killed thousands of people in India and things like that. But again it was a conscious part of really bringing public attention and media attention on the problem that New Jersey was trying to administer. It made for some really tough administrative nightmares. Once you let people know they were being exposed to these things, they wanted the government to act immediately and the one thing we quickly learned about Superfund: it was not inherently a quick process. You had to do a lot of detailed studies. The experts could disagree on whether you had fully characterized the problem. The experts certainly disagreed on what the remedy was. Under Superfund we were funding technical assistance to communities to

hire their own advisors. E.P.A. was overseeing the program. The state had its scientists, so we would have these decision under the Superfund on the remedy [ph?] was called a Record of Decision. We would have record of decision meetings and there would be 50 people in a room and there would be at least 49 different opinions about what the best thing to do was. And most people simply wanted us to remove this all and take it as far away from their home or New Jersey as possible. And again we didn't have the capacity to do that. We were in the process of trying to cite hazardous waste facilities in New Jersey without much success so this all got connected pretty quickly. And once we armed communities with that information and empowered them to be part of that decision, the pressure was really on both E.P.A. but particularly D.E.P.

I remember when Peter Shapiro ran against you, Governor, he promised that he would if elected in his first four years have 50 percent of the Superfund sites cleaned up. And I had a friend who was working on his staff and I said "You don't want to promise that. That's really not possible." And it wasn't. A lot of those sites are still not fully cleaned up but we did address the more immediate circumstances, launched the studies so that we were also the first state to have a site taken off the list in addition to all the sites we put on the list. But it's been a lot of years and we're still dealing with a lot of those sites.

Chris Daggett: You know one of the other things I think we should speak a little bit about is one of the provisions in the hazardous waste program was Joint and Several Liability and that Joint and Several Liability was something that in addition to taking advantage of the opportunity to go for the money, we took advantage of it in the form of identifying what you do is identify one responsible party and that responsible party theoretically could be liable for the entire cleanup of a site. So knowing that we had in some cases multiple and in some cases hundreds and hundreds of responsible parties we did a very aggressive job of identifying two or three of those that might be big participants in it, major corporations or whatever. And once you went after them, you could because we were limited in resources, I mean as much as we poured a lot of money into it we were limited in resources but you go after one of those and then you sit back and watch them hire all their attorneys to go find all the other responsible parties. So they saved us a lot of time and energy but it was a very effective component and part of our ability to be as aggressive as we were and as successful as we were in chasing down the money. And I think we ought to point out again that citizen participation component, there were so many Pyeces of this puzzle that had to work together, and the citizen participation was another one. I don't know, Cindy, were you involved in the citizen side of the hazardous waste cleanup or you were focused mostly on the ocean side?

Cindy Zipf: Mostly on the ocean dumping at that time, yes. This is amazing to hear the incredible intricate, all the different Pyeces that were involved and how deep it went and the financing. It was incredible how it all came together.

Chris Daggett: Yes, it did come together well. Dick, you wanted to add something?

Dick Dewling: Tom Burke is sitting across the way here and Bob Tucker. One of the things that the State of New Jersey had was bringing science to the table in decision-making to assist the governor, to assist the commissioner, whatever the case might be. At E.P.A. we had the scientists but they weren't in the region to the extent. I mean they were at the headquarters. They were at the national laboratories. So the E.P.A. had the ability and the availability of the science advisory groups that were within the state and D.E.P. had a science group that did nothing but focus on what was a quote "safe level", what was the concern. Tom you may want to comment on that.

Chris Daggett: Tom, before you comment, these first three topics we're going to I think we're going to just sort of blend them all together because there are Pyeces of it that will keep crossing and so let's just keep this conversation going and I'm glad you raised that Dick, because the science component and you start, Tom, and let's hear from Bob as well. And the importance of it and if you would also comment as you talk about it, how that played into citizen fears and concerns because that was also a major factor in what we had to deal with from the emotional side as well as the scientific side.

Tom Burke: Absolutely, Chris. One thing I wanted to add to the Superfund debate and thank you, Dick for bringing up the investigative side. Hazardous waste sites don't find themselves. Governor, you made a commitment to the investigative part of things and funded the science so that we had really the first statewide groundwater surveys, the state had the first investigations that really began to look at toxic chemicals in the environment and the Right to Know Law was based upon your survey of industry that gave us the right of entry to ask companies what they were using and what they were emitting into the environment. So we had the scientific basis for things and I think that it's important that one unique thing about New Jersey was the commitment to the investigations upfront and the interpretation. Because as Chris said we were in a fishbowl here that was fed by a little bit of hysteria because we had a nickname before you came to office of "cancer alley". And we do know the epidemiology speaks to the fact that we did have some very high nation-leading cancer rates and people were very concerned about that link between health and the environment. And we began to put the puzzle together, not only from a science perspective but from a legal perspective, from an enforcement perspective and the Pyeces came together really nicely. And part of that was Bob Tucker's work on groundwater.

Governor Tom Kean: Again, butting in a second, we've got a couple of legislators here. We're going into the technical and scientific work which is wonderful. It was tough politically. ECRA was not a bill that anybody wanted me to sign and I'm sure legislators got a lot of lobbying against it. Right to Know was a very controversial bill that a lot of people

didn't want passed in the legislature and didn't want to get to my desk because they were afraid I'd sign it. And the legislators stood up. And they deserve a lot of credit for standing up on those tough environmental issues when it counted.

Chris Daggett: They do and I want to come back to that.

Governor Tom Kean: And in those days they it was sort of bipartisan.

Chris Daggett: Right, I want to come back to that very point in a moment because that's the next Pyece that I want to move to, but Bob, let's go for the science.

Bob Tucker: I think that's really important, Governor. The groundwater and drinking water study led to legislation that Dan was very instrumental in getting through the legislature that we call the A280 program for the assembly bill but Dan got it through the Senate. This led to provisions that required water companies or municipalities to report any kinds of contaminants to their customers. And of course we in the department had to figure out the risk of these contaminants and identify them. And we created a board the A280 Institute I think it was called. Richard Sullivan chaired it and over several years we went through meetings looking at the risk of specific contaminants. But this is just one illustration where the scientists were really innovative. Lionel suggested that the department was ready to put all of these sites on the Superfund list that as Tom said we had an investigative procedure to identify abandoned sites early on.

Chris Daggett: Stick to this point for a second. I was the point person in the governor's office for dealing with emergency side of things. I was dealing with the State Police and I used to say "fire, flood, and famine". I was the guy that got to work with Bob Hughey and Richard Goldstein [N.J Health Commissioner] and anybody else who happened to be in the line of fire. And I can remember that the reaction from citizens was one that we had to pay attention to. Talk a minute about the difficulty of understanding risk and how the risk communication side for things that have chemicals that have really long names that people can't even pronounce, and then they get really scared about the fact that they think that if they're exposed to it for walking by the Superfund site, they now have a risk of getting cancer. But that's not how it works. And yet trying to communicate that in a situation where there was literally press and other hysteria around this is something we should talk a little bit about.

Bob Tucker: We developed a program that included risk assessment, risk reduction, and then risk communication and you're right, trying to deal with communities that are facing a hazardous waste situation is really important and the outrage factors really need to be dealt

with in addition to the scientific information. But the scientists did have some really successful instances where we worked with the communities. Jane Galletta who led a citizens group in South Jersey helped us with the whole situation in Union Lake which had been contaminated with arsenic from violent chemical and somehow I think the department got the Union Lake area through Green Acres funding and then found out that the dam needed to be fixed.

Michael Catania: "Arsenic and Old Lace" we call it.

Chris Dagget: Right, Tom, did you want to speak at all further to that too?

Tom Burke: I want to talk about risk communication because we did some pretty sophisticated science. And I remember walking the streets of Newark with the Governor and we were out there in contaminated communities and he had many, many press conferences. And there was one person, Dick Dewling was great at this too, I would bring the science to Dick and he would say "Tom, say it in English now. What does this mean?" And Don Graham the same way. I had mentors as a young scientist in D.E.P. and it was very important when visiting with translators and we can translate this stuff and I remember, Michael reminded me of this press conference. We were investigating contamination up near Rutherford. I forget the town that one facility was in but there was a kind of makeshift press conference and someone asked the commissioner "How do you spell 2, 3, 7, 8-tetrachlorodibenzo dioxin?" And so my big debut on the international stage was like a spelling bee. Risk communication was challenging but again we had a commitment to that because whether it was at a legislative hearing or at a tough town meeting in Ironbound section of Newark we had to be prepared to translate that science.

Michael Catania: It was also important to know that at this time science was able to measure parts per trillion of contaminants. Scientists at D.E.P. and E.P.A. were trying to set maximum contaminant levels. Today we still only have 20, 30 of them. So there were many more scary chemicals that you could measure in the parts per trillion and we had no idea what the action level should be. I remember one public hearing Dick Dewling stood up and said "I'm the Commissioner of D.E.P. and if I tell you that water in this glass I'm holding up is contaminated, who will believe me?" And everybody raised their hands. "Sure, you're the Commissioner of D.E.P., we trust you." He said "Okay, this other glass here, this is perfectly safe. Who believes me?" Three people stick their hands up.

Tom Burke: It was us.

Michael Catania: Yes. And we all worked for Dick. So people they want to know why isn't government protecting me against this and if you did a water test you'd get this long list of priority pollutants, plus 30 other peaks on them, GC-Mass Spec that nobody even knows what they are, much less what the level is that could cause harm in human beings. And we're struggling with how clean is clean whether in your drinking water or what to leave behind of the hazardous waste sites and you're really out there on the frontier in a very political setting where people are justifiably scared, holding up their children saying "Is my child's birth defect a result of this? Who's responsible?" That's why to go back to the governor's earlier comment. I think the fact that there was bipartisan support in the legislature was phenomenal and frankly just crucial to doing this. We had Dan Dalton [Democratic Senator] and John Bennett [Republican Senator] and Ray Lesniak [Democratic Senator] and Maureen Ogden [Republican Assemblywoman] and John Lynch [Democratic Senator] and lots of others who would basically give the Department the benefit of the doubt, provide political coverage, and continue to pass legislation and when we went over for oversight hearings kept us from basically getting lynched because I mean these problems were not problems that were going to get solved overnight and we were literally working through them as the public was already concerned.

Chris Daggett: We'll take one comment and then we're going to shift over to legislation so did you have a comment you were going to make on this? Okay, let's move to that legislative Pyece for a minute between Doc Villane [Republican Assemblyman] and Dan Dalton and John Lynch who are the three who are here representing.

Nancy Becker: And Bob Shinn [Republican Assemblyman].

Chris Daggett: I'm sorry, Bob Shinn, of course was a legislator at the time. I'm thinking Bob is the former commissioner. Bob was Mr. Solid Waste.

Bob Shinn: Meet Mr. Garbage.

Chris Daggett: Exactly. But I think we should talk about a couple of things with respect to the legislative side. One is to underscore what is so different than what exists today, and that is the bipartisan nature of activities. And that isn't to say that there wasn't plenty of willingness of both parties to fight one another when the time came and to really be pretty ugly about it sometimes. But at the same time at the end people got together and it was not only on the area of cleaning up some hazardous waste sites but we did have the Environmental Cleanup Responsibility Act. We had the Right to Know. We had a number of Pyeces of legislation that made it so that overall during the Kean years I think it was probably one of the most voluminous and productive in many respects times in our history in the state in terms of environmental protection. So if one of you or several of you could

speak to that. Dan, do you want to start off as the Chair of the Senate Environment Committee?

Dan Dalton: Well I guess the couple of things that I recall about the Kean years and going into the Kean years is that the government, the regulatory side seemed to have a long way to go in order to catch up to the private sector side and the industry side. And so what we were attempting to do and obviously the Governor and his cabinet deserve a lot of credit for this is we were attempting to sort of catch up and try to catch up as quickly as possible. Because not only did we have a very real problem from a substantive perspective, but we also had a problem obviously from a political perspective because we all lived in these neighborhoods. And whether it was my neighborhood in Gloucester County, John's neighborhood, I'm sure Paul Contillo's [Democratic Senator from Bergen County] neighborhood, these were all serious problems. And as a result we had to find a way to address those problems.

The second thing that I recall about it other than sort of the times that we were in and sort of trying to catch up to the industry and to the science, is what we were trying to do also is we were and the governor and his administration created an atmosphere where there was a lot of cooperation. In other words Dick Dewling and I may have had some disagreements or Bob Hughey, etcetera, but the bottom line is we were trying to get the job done. We really were trying to move the ball forward as far as the regulatory- regulation's ability to sort of get a handle on these issues. And so that was important. And I think all this caused for us to understand that these issues weren't partisan issues. They were issues that we all had to deal with whether we were-- there's no democrat landfill, republican landfill. There's no democrat toxic waste problem or republican toxic waste problem. And fortunately when I was serving in the committee that I chaired, we had people in that committee and Paul Contillo, and Cathy Costa and Bill Gormley was the ranking republican. And it was all about moving the ball forward. It really wasn't about let's show each other up and let's beat each other up politically. It was about these issues are issues that we're playing catch-up so really don't have the luxury of trying to beat each other up on this stuff.

Chris Daggett: I think that is probably assisted by the fact that and you eluded to it these sites were all over the state. They were in all kinds of communities. I found out years later, I used to play king of the hill on a little site near my house. It turned out to be a Superfund site that was asbestos so I spent years wallowing around on an asbestos pile unbeknownst to me. And other people have similar stories and I was in a suburban area. We think of it a lot of times as in these urban areas where a lot of sites are but the fact that it was so widespread added to the ability I think or that pushed people to be able to work together some as well. John, did you have any comment on it, or Doc, or Bob?

John Lynch: I just want to make one comment with regard to the administration. It was alluded to earlier and that was that the Kean administration had a real open door policy. It was easy to get cooperation. We left it up to Alan Karcher [Democratic Assembly Speaker] to do all the shouting and that sort of covered that partisanship end of it so it made it a whole lot easier to facilitate the passage of legislation, to get a better understanding of what the issues were. And I think that generated a whole lot of cooperation. I don't know whether you could really do that today but the environment was correct because of the way the administration handled things.

Chris Daggett: Bob?

Bob Shinn: I'd be remiss but Dick Dewling reminded me of a siting facility, siting hazardous waste facility.

Dick Dewling: Hazardous waste facility siting commission.

Bob Shinn: Not the commission. This was D.E.P. had looked to some technology for an incinerator at Mount Laurel affectionately known as the "Trophy site" locally. And it was in an industrial building and it had I think it was European technology for an incinerator. And D.E.P. wanted to hold a hearing and called down to the county to see if we'd like to be involved and we could lead the hearing if we wanted to. Very dubious honor bestowed upon us. And so I looked at the technology and it looked very good to me. It was high temperature incineration and it was decent technology and sometimes even the best technology if it doesn't have an owner who could present it properly gets into serious trouble and this was the case. We had a hearing in Mount Laurel. We had about 500 people there. I don't think any one of them was for the technology. And I knew the owner at the time and I told his attorney who he was represented by "Don't let him talk. If we have a question we'll ask him specifically for the question." And he was a person who was so emotionally involved with this and couldn't contain himself.

So there was a whole discussion ensuing about the potential of an explosion in this incinerator. And it went on and about three people testified and the owner jumped up and said "You don't have to worry about that. We've tested it for explosion." And the next question is "How did you do that?" "Well we threw a hand grenade at it." Talk about a hearing group being speechless. There was a silence over the whole group. Nobody could believe he said that. And I think the total outcome of that, I think D.E.P. put a five-year marketing agreement together with Trophy if he could sell that technology in five years, I think that the fifth year it closed. So it gave him his technology ability to continue that. No more hand grenades but continue the technology and I don't know whether any were ever sold, but those kind of hearings on siting were not unusual. And part of the problem and we

got into it as landfills as well is you've got to be able to site state-of-the-art facilities to solve the problem and discourage transportation into your state with New York and Philadelphia or you're dead by inaction.

Chris Daggett: So let's talk about that Pyece for a minute because a key Pyece of dealing with these sites was how are you going to get rid of this stuff? And of course nobody wanted it. There was that whole series of issues about well, if it's no good for you, why are you shipping it to my state? And then came the whole area of well let's talk about how to destroy the waste. And so the hazardous waste facility siting act I guess was the original act, and that created the Hazardous Waste Facility Siting Commission. I know Dick, and John certainly was later involved in it as the chair of the commission.

John Weingart: No I was involved in the progeny of that, the Low-Level Radioactive Waste Disposal Facility Siting Board.

Chris Daggett: Oh of course the low-level radioactive waste as well, but let's talk a little bit about that difficulty and how we addressed it in the administration. Anybody want to kick that one off or speak to it?

Michael Catania: Well the legislation it created was a bill called 1300 sponsored by Pat Dodd who was then the Chair of the Energy and Environment committee. And it was a good example of the legislature kind of involving a lot of stakeholders and coming up with a Pyece of compromised legislation. Actually Pat went on to become Chairman of the Commission and they went around the state trying to identify large sites for either land emplacement facilities or incinerator facilities. Rick Gimmelo was the first Executive Director and they everywhere they went they were really popular people as you can imagine. They did pick a handful of sites.

Chris Daggett: Who was the first Chair? I forget who it was.

Michael Catania: Pat Dodd, was the first Chair.

Chris Daggett: Pat Dodd, right and he was hung in effigy I think many times if I recall.

Michael Catania: Yes.

Governor Tom Kean: Pat was an old, old friend of mine. I came from Livingston, he came from West Orange. We'd known each other forever so when he took this one on I said-

Michael Catania: Another bird watcher.

Governor Tom Kean: Yes, I said "Thank you very, very much." <laughs>

Michael Catania: He was delighted to take that on. He thought this was really how democracy ought to work. And the commission did designate a couple of sites. They were eventually never developed. One was in Linden, there was supposed to be a Linden, there was supposed to be a special Turnpike exit built to service that right next to the G.A.F. chemical facility and the P.S.E.&G. generating plant. And another was down in Morris River Township, a large site that was owned by waste management. Neither of the sites were ever developed. And that process took about seven years. We spent a lot of money. We tried to find incentives for towns and all kinds of criteria to make that decision and eventually nothing ever got signed.

Chris Daggett: Well that of course spawned the whole area of pollution prevention and stopping waste at the source before it's generated. And New Jersey I think was the leader in the country in the Pollution Prevention Act and Dan, I don't know who sponsored, do you remember that whole debate about it or does anybody recall? I forget who sponsored the Pollution Prevention Act in New Jersey.

Dan Dalton: I'm going to claim that responsibility and I think that again, Chris, we thought that was the next step. We had attempted to identify the problems and the next thought was well we're obviously not siting anything, we're not being able to dispose of anything so the thought behind it was let's try to minimize pollution at the source. And that was again working with the folks at D.E.P.E. because a lot of that was just we were breaking a new ground from a science perspective and we were going in and we were attempting to tell the private sector that this is what we've got to minimize and this is what you have to minimize. And so that was a difficult task.

Chris Daggett: Bob, go ahead.

Bob Tucker: I think one of the major aspects of that minimizing the waste was to look at a multimedia approach. You know previously we permitted water or waste into water or into air, into soil. But the Pollution Prevention Program led to eventually to single permit activities with industry and looking at trying to minimize the waste at industrial facilities led

to pretreatment. I think that was part of the whole business but it really was a revolution in the way we dealt with hazardous waste.

Chris Daggett: Go ahead.

Dick Dewling: One thing relative you mentioned before the E.P.A, the D.E.P. coordination what have you, the attempt by the federal government was to delegate to the states, to delegate to the states the authority to do the water program, the air program, the RCRA program. Many states did not want delegation. New Jersey willingly accepted delegation. And what happened here was that the legislature had to change some of the laws to make it conform, and you had to get these agreements between the federal government and the state government before you could delegate. And then once the delegation occurred the state then had the ability to put into their permits all these requirements for pretreatment and the regard for other approaches. I mean one good example is ground water. The E.P.A. program never issued permits, discharge permits to landfills. The D.E.P. issued discharge permits to landfills was to discharge the groundwater. Even to this day E.P.A. doesn't have that. So I'm just saying to you the state was thinking at a higher level initially than the federal government because the federal government didn't have those problems.

Chris Daggett: So then what we're saying was emissions from the landfill had to be permitted just like the waste stream from a sewage treatment plant or anything else.

Dick Dewling: That's right.

Michael Catania: Just like it was a pipeline.

Chris Daggett: Right, exactly, to treat it as a pipeline.

Dick Dewling: And then also the state, we'll get into that later, stopped the sludge application to landfills. I mean that was part of the problem. Where are you getting the sludge from? Well we're getting it here, we're taking it out of the treatment plant and we're bringing it to Edgeboro and putting it on the Edgeboro plant which gets into the groundwater. So the state took some very aggressive positions that E.P.A. applauded because of the willingness of the legislature. I mean you can speak to this probably better than I but we had New York, New Jersey, Virgin Islands and Puerto Rico. You never met with the legislature in New York. Never. You didn't know who they were. You certainly knew who the legislators in New Jersey were.

Chris Daggett: That's actually a very good point. In all the time in the four years I was Regional Administrator which were '84 to '88 so it was sort of the middle year or toward the end of the Kean administration. But I never once was invited to New York to Albany for anything and I testified a number of times in the New Jersey Legislature, or my staff went down for one reason or another.

Dick Dewling: I was there for 20 years and never met them. <laughs> And I used to know the people, you know Dan and Bob Shinn because that was part of the relationship that you had between E.P.A. and the state.

Chris Daggett: I want to go back to a point because this is where I want to bring in the citizen question again. Cindy, this is actually the whole issue of waste disposal was a key factor in a bunch of the ocean activities that you and Doc and other people were involved in which was a lot of people still felt that the way to get rid of some of this waste was to put it on a boat and ship it out and we had several things. One, and we'll get to some of this a little bit later. But talk about it from the standpoint of as these hazardous waste sites were being cleaned up, one of the things if you remember, there was the concept of burning it at sea? Do you remember the old ship to burn it at sea?

Joe Donahue: That's the incineration.

Chris Daggett: That's the incineration exactly, and Joe, you may be able to speak to it from a reporting standpoint but I can remember one thing. I told Cindy the other day. I can remember going down and it speaks a little bit, Dan, to the point about industry being ahead of things but at the same time not willing to do much about it. I went to the Count Basie Theater in Red Bank for a hearing on the at-sea incineration and I was regional administrator, and I was frustrated because we had no place to take waste. I mean we were being just driven by the public to get these sites cleaned up, clean them up, clean them up, clean them up. And every avenue we'd turn to to get rid of the waste was cut off. So we said, okay let's try this: Research Burn it was. And it was all to see whether or not you could successfully burn this waste at sea. So I said as a responsible public official I have got to at least look at this issue. So I went down to the Count Basie Theater and I will never forget that hearing because there were a whole bunch of people and in that audience in the back were a bunch of people from industry and I got up there and I defended the idea of a Research Burn much to in opposition to Cindy in some of her colleagues. And those industry guys sat in the back and not one of them got up and spoke during the entire hearing. I took a pounding and those guys walked off and I left that and I said "I get it now." <laughs> So Cindy, why don't you and Doc speak to that issue of-- go ahead.

Cindy Zipf: You know it was the Vulcanists, right? These were the name of the.

Chris Daggett: Vulcanist, right.

Cindy Zipf: The Vulcanist ships that were coming over from Europe. Europe was phasing out of ocean incineration over there and you know, the United States, hey we got these great ships we can sell to you cheap and we've got this great idea. Let's just concentrate all of the toxic contamination in port areas which are very vulnerable and there's eco-justice issues there and we're going to ship it offshore and we're going to burn it. And I think at that time we were right on the heels of having all the medical waste and all the sewage washing up on our beaches so people were very sensitized to ocean issues. And it was just sort of I think it was kind of a culmination of the environmental community saying you're not going to find somebody's backyard to really just dump it into. We're going to have to really fix the problems. But it was the leadership of Doc and the other coastal delegation that really kind of supported the governor in saying no.

Chris Daggett: Doc, do you want to speak to that?

Anthony "Doc" Villane: Cindy was always the one to call our attention to any problems that came up environmentally and we were happy to have her with us.

Nancy Becker: Doc, speak into your mic.

Anthony "Doc" Villane: But Cindy was really at the forefront of every argument we had with people who wanted to pollute. But in those days whatever the poisonous material was, if you put it on a ship and dumped it at sea it was gone, forgotten forever. It was sludge dumping and the outfall lines were 100 yards offshore and we really had a pollution problem. But thanks to Cindy and the shore delegation, Walter Koslovsky and Dick Van Wagener and Jean Videl and all those guys, we kind of stood together and we gave the E.P.A. and those kind of guys a really good welcome. They came to Monmouth County. <laughs>

Chris Daggett: Yes, that was a good welcome. You need a good welcome. Gary, you haven't said much about this. You were head of policy and planning at the time in the governor's office particularly in those early days. Do you have a perspective from the governor's office? I was Deputy Chief of Staff at the time and doing a lot of work sort of on the ground with these guys, but-

Gary Stein: What I remember is that it was sort of one emergency after another. You mention the low-level radioactive waste. Governor, you may recall meetings with the Northeast Governor's Association where we tried to designate one of the other states in the

Northeast as the repository for the waste. But I think that the perspective that stands out to me is that it was a time in government when although there were tensions and there were political rivalries, there was an uncommon quality of cooperation between the legislators in both parties. I mean I can remember anecdotes that made that stand out but I think that was the characteristic of at least the first term when I was there. We had cooperation on some of these difficult environmental issues. We had cooperation on the first transportation trust fund which was a historic Pyece of legislation. And it's the kind of bipartisanship that we all long for today and lament its passing. But I think that's the recollection and perspective I would offer, Chris.

Chris Daggett: Thanks, and Joe, do you have any comment from the press standpoint about any of these issues?

Joe Donohue: I mean I know that was one of the later of a series of environmental threats that cropped up in the '70s. Remember the floating nuclear plants, the P.S.E.&G. guy who was in the shower one day and dreamed up the idea of two nuclear plants twelve miles north of Atlantic City about three miles offshore. And all the I think there were over sixty wells drilled for oil and gas. We didn't know- there was a dome called the Baltimore Dome that they said it could have been like an Arab-level field had it had oil, but it turned out to be a bust. They do have a lot of gas out there. I think one day they'll probably drill for gas out there. So the ocean incineration was part of a series of threats that developed in the early '70s on through so I think probably in a way it benefited from the fact that there were these other threats that preceded it. And because people were mobilized, guys like Doc and Len Connors and Hazel Gluck and Gormley and Steve Perskie. I mean a lot of people were mobilized along the coast, Dery Bennett [Director of the American Littoral Society], Cindy and other environmentalists, Tom who is down in Brigantine.. So I think in a way it benefited from the issues that preceded it. And one thing that's sort of sad today is a lot of this activism and disinterest has just sort of dissipated as some of these threats disappeared. And I guess that's the inevitable as environmental policy becomes taken over by the bureaucracy and I guess that's sort of inevitable, but that is a development. Chris can I just make two points?

Chris Daggett: Yes.

Joe Donohue: Because we're probably going to leave hazardous waste soon.

Chris Daggett: Yes, we're going to keep going.

Joe Donohue: I just want to test the governor's memory. I don't expect you to remember the exact column but I got a column here, Governor, 08-'87 "Little known cleanup bill could have long term impact on environment." And I quoted you saying that you thought more than even CAFRA or the freshwater wetlands policy and other issues, that your greatest legacy was going to be ECRA. And at the time nobody even knew what it meant. I had to explain the acronym. So I just wondered how you felt now in retrospect? Do you still believe that?

Governor Tom Kean: I certainly believe it's one of them, yes. ECRA cleaned up more stuff than anything else and that was why I was so tough as far as committing the legislature to passing it because it was I'm amazed, I mean today I don't know with all the money spent lobbying and everything whether the legislature would have been able to get this through. Because it was basically saying that you had to clean up your own mess no matter what it cost before you sold the property. That was a very far-reaching and tough-- and another guy on the legislature is not here obviously, passed away, Byron Baer was enormously good on that one and very helpful. But it was yes, I think that cleaned up as much in this state as any other measure we could possibly have done and I do think it's a major blow to the legacy.

Chris Daggett: But remember, wasn't there an initial backlash? Because the Environmental Cleanup Responsibility Act had required people to actually clean it up before transferring title.

Governor Tom Kean: Yes.

Chris Daggett: And as if I recall correctly in the first year the number of commercial transactions suddenly got enormously backed up so that there was very little commercial real estate being traded hands, and it took the ISRA law, the Industrial Site Recovery Act to straighten that out and put it in place, Michael the way I think you said which is you then had to have a plan at least in place with the responsibility laid out. So even a buyer then could take the responsibility for the cleanup but it was in the negotiated set up and it led actually to a lot of the brownfields development work where what I spent a lot of my time after leaving government of buying contaminated properties, and as you bought them you would cut a deal basically on the purchase price that allowed us to do the cleanup. Because if we left it with the seller it was often a long drawn out process, but if the buyer would take the responsibility and then cut whatever financial deal so that you had the financing for it, you were much more motivated as a buyer to get it cleaned up and to get it redeveloped the way you wanted to. So while it was a great law but it was so strong that it had that backlash initially that had to be corrected.

Governor Tom Kean: I remember also obviously as we've said, when you close a landfill and we close a lot of landfills, that means there are less and less landfills to bring garbage and the expense which we had to consider taxpayers of not being able to dispose of that garbage locally but instead having to truck it out of state was an immense consideration. I mean I thought long and hard about that one as governor, this is going to put a real expense on basically I know we were helping out with state aid and all of that but nevertheless, it put an enormous expense on local taxpayers and it got more and more expensive, but it was environmentally the thing to do and we had to do it, but it was I had some comments. It became part of an Ohio campaign at one point where the candidate for running against the incumbent governor said basically "Kean is dumping all his stuff here." <laughs> "If I'm elected we're going to shut New Jersey down." So it was a tough one.

Joe Donohue: Can I make one other point?

Chris Daggett: Yes.

Joe Donohue: I wanted to tell the Governor about an example of how the politics of inclusion manifested itself through the aggressive cleanup practices of the administration. You probably don't know this story that's why I wanted to say it. This seems like a good forum. Back in the late '70s a young Freeholder named Dick Squires came to me and said later to be county executive in Atlantic County for 20 years, "Joe, I know this dumpsite over in Pleasantville I want you to go take a look at. It's pretty bad. So Dick takes me out on a tour and it turns out to be the Price's Pit hazardous waste site which ultimately becomes number three at the same time Lowes-Gibb site-

Chris Daggett: Love Canal?

Joe Donahue: No, Love Canal was number one at the time. But what was significant about it wasn't just the thing that drew in *Discover* magazine and *ABC World News Tonight* was the fact that Atlantic City had just opened up all these casinos and this thing was going to destroy the wellfield so the water supply of Atlantic City was threatened so all these news crews came in for that reason. But what mattered most to me was that there was a pattern of a lot of these dump sites that they tended to be near poor minority communities. And so the victims of a lot of these dump sites tend to be black families.

So I got to know this guy names Melvin Johnson, real nice guy. He worked on the dumpsite. He operated a bulldozer and so every day he would go out there, be exposed to all these toxins: benzene, toluene, hundreds of chemicals. Walk across the street, go to his house where he had a shallow well and he would make coffee and the same chemicals would get

in his coffee. When Melvin died of cancer he had eight tumors and the great benefit of all of those programs is that because of the mobilization all the families in that neighborhood got city water on an emergency basis because of those programs. So at least Melvin Johnson's grandkids were protected going forward. I wanted to give you like a small human example of the impact of those programs.

Chris Daggett: And again, to the credit not just of the administration but to the legislature and the folks who supported it from both parties, it was a pretty remarkable period of time on this issue. Dick were you going to say-

Dick Dewling: I think in line with that in terms of both parties supporting it, Superfund sites when we had ground water problems in the water supply we had to put in a water supply line and we worked with E.P.A. on that. And the one I remember in particular, this family had showered and took water from the firehouse for a year and a half. So we went to a public hearing, I think Mike was at it with us. It was in Central Jersey, and we basically said "The water line is going in and we will have water line in in two weeks." And they said "When are you going to hook us up to the house?" We said "We can't hook you up to the house." "What do you mean you can't hook us up to the house?" "Well, we can't make a permanent improvement to your home using any money federal money or state money, so if you have a water supply your house is worth more." So I remember sitting there with Jerry and Mike and saying "This is crazy. This is absolutely crazy. We're telling these people their problem is solved. Water is 20 feet away and they can't get to it." We came back, I think Mike came up with the idea, we came up with a loan program where the individuals could get an interest-free loan for 12,000 dollars and we got it through the legislature in two days and that solved the problem.

Chris Daggett: Tom?

Tom Burke: I wanted to follow up on something Joe talked about and Governor, we brought you a lot of bad news there in the first few years.

Michael Catania: Especially on Friday afternoons.

Tom Burke: That's right.

Chris Daggett: I remember a lot of Friday afternoons too.

Tom Burke: Everything happens at 4:00 on Friday and we worked a lot of Saturdays because of that. So I'm a researcher now. I'm down at Johns Hopkins [University]and New Jersey actually was on the cutting edge 30 years ago and we did things here that were really the first measurements of a lot of these conditions whether it was the groundwater contamination but we were the first state to profile toxics in our drinking water. And I think it's important that everyone realize we now have an opportunity to look how far we've come because we had A280 and we have the Safe Drinking Water Act and we have 30 years of information. So being a little bit of a scientist here I actually got a grant from E.P.A. to take a look at the changes. When you look at emissions of toxic substances. When you look at the water quality, the surface water qualities, when you look at ocean water quality, when you look at particularly our drinking water, there have been tremendous improvements and we're talking about substances that were recognized carcinogens back then 30 years ago. So I think millions of New Jerseyans have had their health really improved and protected by many of these things that we're talking about as isolated incidents today but that together taken collectively have made a huge change in the risks faced by our people here in New Jersey and the public's health.

Chris Daggett: And by extension across the country.

Tom Burke: Absolutely.

Chris Daggett: As other people followed what we did. Bob.

Bob Tucker: Yes, I remember the administration for really innovative programs including our geographic information system which started, we had a young man who was a computer jock and he started his own mapping program which later led the department to go out and buy a minicomputer, a Prime minicomputer for half a million dollars which <laughs> a laptop would run rings around now. And Michael was a strong advocate within the department for us going out and getting the computer and a commercial G.I.S. program to do that. But during the years, we also had a number of other research programs and collaborations with academia.

I think we funded a number of programs for Bernie Goldstein's Environmental and Occupational Health Sciences Institute to get up and running, and then he became an NIH Center of Excellence. But a number of smaller research programs then were followed by federal research programs to that institute. And we developed relationships with academic researchers that stood the department in really good stead. Mike Gotchfeld later led the Mercury Task Force in the department. We're getting to the dioxin in a minute but there was an Agent Orange Commission that Peter Kahn and Mike Gotchfeld directed looking at dioxin levels in people that served in Vietnam. They developed a relationship with a

researcher in Sweden, Chris Rappey, who was the pioneer in developing parts per trillion detection of dioxin and we were able to use that relationship to get tissue, fish tissue analyzed. So I think as Tom pointed out these were really years where we were doing cutting-edge research and we had the support of the administration and the legislature in order to do it.

Chris Daggett: I'm going to go a little bit out of order here. We're going to hold solid waste for now. Let's go to dioxin since you mentioned it and it's part of this whole hazardous waste story. Tom, why don't you start us off from the standpoint of the department?

Tom Burke: I saw Dick Dewling out in the parking lot. I've been down at Johns Hopkins now for 23 years. It's great to see everyone. I vividly remember 30 years ago, almost this time of year, remember, Governor? So I had asked Bob Hughey and Paul Arbesman, we had a very unique Office of Science and Research back then. They reported directly to the commissioner.

And as scientists we had really probably unprecedented access to the governor's office to discuss scientific issues. And there was this place out of Missouri called Tines Beach that was in the national news where there had been an E.P.A. buyout and all kinds of presidential level news. I started a research investigation with a very small amount of money out of the Office of Science and Research where Bob and I and others systematically looked at New Jersey industries to take samples because we knew we had the same kind of facilities that were out there in Tines Beach that would have the same reactors, the same still bottoms and we just wanted to make sure we were protecting the citizens against this. And I am on a New Jersey news special on ocean water quality and I think Doc may have even been the other guess because we're looking to the new season, and isn't it going to be better? We won't have any poop on the beach. And I get a phone call while I'm in the green room that the dioxin samples are back. Now Dave Schratweis as some of you might remember was a very aggressive news reporter and he was always wanting to know what was going on with the D.E.P. I did that entire show talking about good news about the ocean knowing that I had gotten a phone call that we had levels way beyond Tines Beach up there in the Ironbound section of Newark and I spent the next day going up with others at D.E.P. to brief Dick Dewling and begin to formulate our response because we were now the new host state to the highest levels of dioxin found and in fact it was this investigation that led to really national attention to the issue but put us in that spotlight as we all know around the state of New Jersey.

Chris Daggett: Anybody else want to speak a little bit about dioxin?

Michael Catania: Sure.

Chris Daggett: Dick has a slide he may want to show us about dioxin at one point but go ahead.

Michael Catania: Dioxin, I remember that slide. For those of you that don't remember, the Governor of New Jersey has extraordinary powers on a normal basis, but he also has emergency powers that were originally passed by the legislature after the Second World War that were intended to address things like civil insurrection, attack from Pennsylvania, all kinds of things. And we got it into our heads that the dioxin situation was so important that we went to the governor, we recommended that he declare a state of emergency and trigger his wartime emergency powers which allowed us to- we took depositions of people on the Fourth of July. We closed parts of Newark down. We closed the farmers market down, we closed Brady Iron and Metal down, and we launched a full scale investigation with E.P.A. as our partner to try and track what had happened. And it turned out that there was a facility called Diamond Shamrock on 80 Lister Avenue in downtown Newark that had made Agent Orange for the Air Force during the Vietnam War. And when the war was over basically all of the chemical sludges got left in the tanks and they sold them to Brady Iron and Metal which preceded to send some summer interns over without any protective clothing and torches and they cut it all up and they moved it around and we started tracking this stuff all over the Ironbound section of Newark. At the time dioxin was rumored to be the most carcinogenic substance on the planet, I learned how to spell it after--

Tom Burke: It was known in the press as "deadly dioxin".

Michael Catania: Deadly dioxin, 2378-TCDD. So we were in the throes, I mean we spent the entire year of 1983 on the dioxin investigations looking at other places that manufactured products that could have dioxin as a byproduct, forcing them to sample, and then negotiating a cleanup consent order with Diamond Shamrock and the successor corporation Occidental Petroleum, Occidental Chemical actually, and I remember at that time we inserted, Governor, after a conversation with you and I think Gary that we reserved the right and we did not give them release from anything that happened to Passaic River because one of the things that our investigation showed was that lo and behold was a big old smokestack in the back that had an explosion and it toppled into the river. And we figured from that and the runoff from the site that the Passaic River was likely fairly contaminated with dioxin as well as lots of other horrible stuff. So we accepted from their release we reserved the right to make them clean up the river. If you pick up a newspaper today we're still arguing about can you dredge the river, what's going to happen?

Chris Daggett: So 30 years ago this year that would be and just as an example of what we talked about earlier where is that waste today? On the banks of the Passaic River.

Michael Catania: In shipping containers at 80 Lister Avenue because there's no place in the country that's licensed to take it. We had you want to talk about public hearings? We went to the Roosevelt Arms public housing project on an August night with no air conditioner. Governor, you sent Clint Pagano [ph?] in with a phalanx of State Troopers that lined the hallway and we walked through them. Ken Gibson when he was still Mayor of Newark, chaired the hearing. People were making a run at the stage. I remember George Tyler was the Assistant Commissioner of D.E.P. He looked white as a ghost and Ken Gibson was teasing him about "Nobody takes over my meetings. I'm Mayor or Newark because I take over other people's meetings." And people were getting about two feet from the table before the undercover cops would be grabbing them and dragging them away. And we had a Deputy Commissioner, Alan Copeland who was explaining to a largely Hispanic crowd the dioxin symptoms and I remember him getting up and saying "Dioxin gives you something called chloracne which are pimples after you've been exposed and he would get up and say "Esto es un pimple?" And then ask people-

Tom Burke: That was before risk communication was considered.

Michael Catania: This was rudimentary risk communication. And then he would ask people "How many people in the room think they've been exposed to dioxin?" And all the hands would go up and they'd want to know when are we going to get it out of here? It was just it was surreal.

Chris Daggett: It was. Listen, I can remember as Deputy Chief of Staff going in with the same sort of help from law enforcement people but Ken Gibson and I and who was the head of Newark's Police-- he went on to the Police Institute in Washington. Really good guy in Newark, but at any rate the Police Director, Ken Gibson and I had to tell the citizens down in the Ironbound that we were closing the swimming pool and the farmer's market and I thought that we were never going to get out of there. I just thought-

Michael Catania: The Hayes Pool.

Chris Daggett: Pardon me?

Michael Catania: The Hayes Pool.

Chris Daggett: Yes, the Hayes Pool, right, exactly.

Gary Stein: Governor I regard the night that they announced dioxin had been discovered probably as the turning point for the first term because I remember Greg Stevens say to you "Come on, Governor, we're going to Newark." I always regretted missing that night because he said you wound up behind the bar and bought drinks for the house.

Tom Burke: Governor, you have to tell that story. It's amazing.

Gary Stein: But Governor, you should tell everybody what happened when you got up there that night.

Governor Tom Kean: Yes. Well the first thing I did because Tom, when you first came and briefed me, a few of you and others, people I knew would be terrified. It had been in the front page of the newspapers about Times Beach being closed, abandoned and everything else. It was a terrifying kind of-- and I thought and if the word ever got out there ahead of time before we were able to put certain things in place that there would be a riot in Newark, there would be panic. So and then we got the story that Mort Pye of the *Ledger*, that the *Ledger* had the story and we didn't know how much of it. The only time I ever did that, did this, I called Mort Pye and I said "I got to ask you a big favor." He said "What?" I said "You may have a huge story and I'm asking you not to print it today, but I will tell you that you will get once we get the ducks in line that you will get first crack at the whole story and we'll make our people totally available to you." Now to ask the editor of a newspaper to hold a big story against all their training. <laughs> And Mort paused for a minute and he said for a minute "Governor, I don't think we have all of that story quite yet anyway. It's probably not quite ready to go. Probably be ready to go tomorrow or the next day." I said "Alright." <laughs> So that was a big deal that he held that story until we had gotten the D.E.P. with our game plan and our people in line. And going down to Newark, remember I'm an Essex County boy. I knew those people or a lot of them. The chief guy in the farmer's market had been at Velco. John Frankavilla who had been mayor of not Caldwell but the next town when I was-

M1: Caldwell.

Governor Tom Kean: No, it wasn't Caldwell, it was Fairfield, Fairfield, the Mayor of Fairfield while I was in the Assembly. I knew him very well. He'd been my campaign manager in the town. And he said to me when I got down there he said "I can't take it. You know the farmer's market we don't have a big marginal profit. If you close me down, I may have to go out of business. I've had this business for 30 years." And it was that kind of experience. But going down to calling Ken Gibson saying "I want"- telling him about the problem and then telling him I want him to come down with me. And walking around into

some of those homes with Tom and I think you were there, a number of others, and it was surreal because-

Michael Catania: We were walking down these cobblestone streets of Newark with E.P.A. and D.E.P. technicians in space suits vacuuming the dust between the cobblestones while people were sitting there in sleeveless undershirts, drinking a beer on the porch, and the Governor is going door-to-door asking "Can we have your vacuum cleaner bag to test it?"

Governor Tom Kean: I would not, somebody asked me said "Would you get in the hazmat suit?" I said "No." <laughs> I said "I'm not going to tell these people everything is alright and wear a hazmat suit." But going down-- people who had lived there all their lives said "How long has this been around?" And I'd say was it 30 years or something?

Michael Catania: Since the '60s.

Governor Tom Kean: Yes. And 60 years? And they said "I've lived here for 50 years. I'm fine. My kids are fine. What are you talking about?" So you'd have to explain to them that and then try to as I remember the problem was if the thing got flying around. As long as it was tapped down it was alright, so explaining that all to them and then getting the aggressive questioning and I did end up because people said "Well the neighborhood center around here is this bar." I said "Alright, I'm going over there and see who is over there to talk to." And so I went into the bar and because people had a drink or two so there were a lot little more frank with some of their questions and finally I guess I got up on the bar and gave a speech from the bar about what was going on and answered questions. And then finally I said- I'm a cheap guy but I said "I'll buy you all a drink." <laughs>

Michael Catania: What the Governor is not telling you is this is a Lisbon [ph?] at night bar, blue collar bar in the Portuguese section of the Ironbound. He gets up and offers to buy a round and throws a five dollar bill down on the bar. Bartender looks at me and Tom and Jerry Burke [from DEP] and says "You've got to be kidding." The three of us had 37 dollars between us. Didn't even come close to covering the bar bill in this-

Governor Tom Kean: I never carried any more. I still don't. <laughs>

Chris Daggett: Dick, did you have something you wanted to say?

Dick Dewling: Yes, on that particular incident and I think it it goes back to the Governor being there himself. I mean that was significant. I was with E.P.A. at that time and I

happened to be down in Washington and I got a call from Bob Hughey and he said "I need your help. We've got to take corrective action now, emergency action in Newark." I said "You're kidding me." And Ann Burford was the Administrator at that time and Boom-Boom Lavelle was the head of Hazardous Waste. They had never spent money. The regions didn't have authority to spend over 10,000 dollars and I got a blanket approval. I came back and I met the governor, the first time really I was talking with him, and we started vacuuming the streets of Newark with equipment that I have never seen before, and then starting the testing program and getting all the testing done. But it was- we were vacuuming the Pulaski Skyway going down into Newark. My most memorable time was after we identified where the material was and we did find some in the cracks of the pool. When we reopened the pool on a Saturday I was there swimming in the pool with the people to prove that this was not a death threat. But I'm just saying to you the ability to be able for me to say when I was with the E.P.A. "Let me tell you guys, the governor is in a bar right now. I have somebody talking to him. And they need our help." And that was where his personal involvement got E.P.A. off their butt to provide monies which was at that time they were holding it.

Chris Daggett: Imagine that level of commitment, the D.E.P. commissioner floating in the pool.

<laughter>

Chris Daggett: You know one thing we should also mention quickly and then we're going to move on to another topic but with respect to the dioxin, that also led us to find dioxin in a number of other locations in New Jersey. It was not just Newark. It was in numerous sites.

Governor Tom Kean: Patterson, I remember walking Patterson streets.

Chris Daggett: Yes so Tom or Michael I think or Bob, somebody could speak to that about some of the other locations.

Tom Burke: Well we'll never forget the summer of '83 because Michael and I we E.P.A. scientists after Times Beach along with our office of Science and Research put together some potential sites that had made insecticides and things comparable to Agent Orange, but also things like hexachlorophene that we knew were contaminated so we had to go to some pharmaceutical locations as well and conduct really the most extensive testing ever done for dioxin. And so from the town of Clifton we made another site visit and the governor went door-to-door with us, down through the industrial corridor where there major

manufacturing facilities, we really conducted the most extensive testing for dioxin. We didn't find things quite as horrible as the site in Newark in terms of those levels and potential contamination. But I think we really developed a way to have an industrial investigation's unit that worked with E.P.A. that had the authority to do emergency removal and containment. And plus Michael and I met all kind of interesting people. Do you remember a particular incidence? Yes.

Michael Catania: Art Livingston ran several companies and ran something called Chemical Insecticide in Edison in another warehouse in Summerville. And I remember having a public hearing in downtown Summerville on a hot summer evening and the Health Department sent Dr. Bill Parkin who was the State Epidemiologist to answer people's health questions. So people were just now that dioxin is here we're really worried about our families and as they are listing their concerns and demanding the state to take action, Bill leans over to me into public hearing and says "Would this be the right time to tell you that I'm a vet?" I looked at him and I said "Army or Navy?" He said "No, horses and cows."

<laughter>

Michael Catania: And I said "These people don't need to know that you're an animal doctor. You are Dr. Bill Parkin, the State Epidemiologist. That's my story and I'm sticking to it. And I suggest you do too if you want to get out of here alive tonight."

Tom Burke: Shortly thereafter I was transferred by the governor to the Department of Health to become Deputy Commissioner.

Michael Catania: No connection.

Governor Tom Kean: If there was any comfort to be had in this situation for me going on it was Tom with the science people. I mean having people I totally trusted telling me what the real story was from a scientific point of view was enormously helpful. I mean I didn't always like what I heard but just to know that I was getting the truth and could act basically on the science was just enormously helpful.

Chris Daggett: And for what it's worth when I then went from being Deputy Chief of Staff in the Governor's office over to run E.P.A. what we did in those first few years set the standard for how I ran the E.P.A. I mean I literally was driven by making sure that the decisions that we made at E.P.A. were based in science and it was because of the experience because I don't have a scientific background. My background is in education. And when I got in there and was working on that I mean it was clear that we were going to

use science as a foundation for the decisions that we made and it literally was from this experience that that came. Bob, you were going to say something about other sites.

Bob Tucker: The other locations were really in the aquatic environment and in fact Michael in the consent agreement got Maxis Energy which was the successor to Diamond Shamrock to fund research. One of the researchers we funded was from Lamont Dougherty, Richard Bach who later went to Renssalaer [University] but he was a geochemist who did cores in the Passaic right off the site of Diamond Sharmock site. I remember a couple of years later we went to a scientific meeting and a consultant for Maxis Energy, Dennis Bossenbach and his crew presented data showing that there was dioxin all over the area in small amounts trying to say that Maxis really wasn't a big source of dioxin.

Well, then Richard Bach got up and presented his data with cores that he had used fall out strontium and barium fallout from the nuclear tests in the '50s to date the cores. So and we had them dead to rights on exactly how much dioxin was in the core. I later read a transcript from a court showing that they had a pipe coming out of the Diamond site that it was exposed at low tide and if E.P.A. or D.E.P. investigators were in the area they would turn a valve and so it wasn't as apparent that that pipe was putting material into the Passaic River. The consequence is the river is polluted, Newark Bay has contamination, this came to be a real problem in trying to dredge. We even found some contamination down at Nat Earle [ph?] when they were trying to dredge the naval base there. So this the consequences of what Diamond Shamrock did spread all over.

Chris Daggett: So let's use that to move to the last major hazardous waste issue which was radon. On that Michael will you kick that off a little bit?

Michael Catania: You thought dioxin was scary? At least it wasn't radioactive. My knowledge of chemistry had already been severely tested when Tom comes to me one day and says "We have evidence of radium contamination." I started learning about daughters of noble gases and things like this and basically it had been an old watch factory in West Orange?

Tom Burke: A historical, U.S. Radium, very historical occupational health case where women who painted the dials.

Michael Catania: Yes, to make the dials on the watches. And fill material, tailings basically to produce this glow in the dark material had been used for fill for housing developments in Montclair and Glen Ridge and so we started our investigation. Ended up excavating around all of these houses with federal and state dollars, and then discovered that there was no

place to take the radon contaminated soil. Dick Dewling and I had some wonderful meetings trying to come up with let's see, in no particular order we tried to put it to relocate the Appalachian Trail in Sussex County at a wildlife management area in the Pinelands Preservation area in downtown Carney by the rail tracks and it eventually we got rid of it by using this packing material for high-level radioactive waste. We had court orders ordering us to move it, court orders ordering us not to move it. It was a really fun situation. We had 13 families whose houses were on stilts and had been relocated for I think three or four years by the time we were finally able to get them back in.

Chris Daggett: Don't you remember the one guy who used to come and visit his house which was on stilts virtually every day and sit there and then he died before they finished the house, it took so long? I mean that was one of the most- that was one of the worst examples of government inaction that we got those things started. And Dick, you were in the thick of that one at the time but we couldn't finish it off.

Dick Dewling: We had two types of radon. We had God caused radon which is a natural radon in Reading Prong, and then we had the Manhattan Project type of radon. And we had to work with D.O.E. and the question was the decision was we had to excavate the soil underneath the houses. And we had the streets of Montclair and Glen Ridge with pay loaders and trucks and everything with dirt. And I remember the governor calling me and saying "Dick, what are you going to do with it?" <laughs> I said "We're going to try to get rid of it, Governor, you know, but I don't know where we're going to put it." But we were going to ship it-- my friend, Dr. Tom here does the study saying "We ship it out by truck. We got 14,484 trucks going 3,000 miles to Las Vegas so the chances are we're going to have four accidents and two people are going to get killed." That was the analysis. I don't remember exactly but it was that type of thing. Yes, what type of truck? So they said the safest way to do it is put it on railcars. Alright now, working with E.P.A. and E.P.A. at that time said that under the hazardous waste rules you had to have a designated site within your own state before we'll give you any money. You had to have it in your own state. We said what are you kidding, guy? We got a site, we got people out of their homes, we got to do something with them. So we decided to send it to Las Vegas to a low-level radioactive waste site and Las Vegas said "Well if it's so no much of a problem here, why don't you send it to Atlantic City and let the casinos down there handle it?"

Chris Daggett: The worst part of that if I recall correctly was that we started the cleanup, we got all of the houses on stilts, and we're cleaning up underneath and I was Regional Administrator. You were D.E.P. Commissioner at the time and we get it all set up and that's when the decision was made not to shut down our ability to take it out to Nevada. I can remember you calling me and saying "We lost our disposal site." I said "What do you mean we lost our disposal site? We got all these houses on stilts and we got the people out of

their houses." And he said "Oh it will only take a little bit of time to straighten it out." Four years later, we took those houses-

Governor Tom Kean: And also I think this was the craziest thing that happened in eight years as governor the whole thing because first of all I thought what a D.E.P. we have. They understand first of all they searched back there was an old radon factory so they find that, the historical research to begin with. Secondly they go to the site and they can't say there's no radon there. So I thought well, there's no radon there. Then they say "Yes, but there's a builder that took some fill out and went to Montclair." So they followed the builder to Montclair and I thought "What a D.E.P.!" and then they find the dam stuff and get everybody out of these homes. And the first plan because as they explained it to me at the time, Tom you correct me if I'm wrong but the way Bob Hughey explained it to me at the time was "This stuff isn't dangerous as long as it's contained and we can use it for landfill or anything else." As he put it to me "Kids could play a high school football game on a field with this stuff on it, they wouldn't be harmed." It's only when it's going around the air that's a problem. So it wasn't going to be easy to dispose of so we were going to take it up to Sussex County to a quarry and fill it in that quarry. Next thing I do the legislators from Sussex County came to see me.

Governor Tom Kean: Yes, and they said to me "There are people on the roads with guns."

Chris Daggett: And all the ammunition in Sussex had been sold.

Governor Tom Kean: Yes. Any trucks start on that road, we see any trucks taking that stuff up here, we think Essex county is dumping on us again. I said "We're going to shoot the guys in the trucks." And Bob said "That's serious." He said People in my district, they'll do that."

Michael Catania: The Sussex County prosecutor called us and asked for the route so he could protect us.

Governor Tom Kean: Yes and so Sussex County turned out not to be the place. We looked to some other places and finally, direct me again if I'm wrong, finally I believe they found a federal site.

Chris Daggett: Yep.

Governor Tom Kean: Down and near Great Adventure down in the Pine Barrens near McGuire Air Force Base. And they had actually had some sort of-

Tom Burke: McGuire had had a nuclear accident.

Governor Tom Kean: A nuclear accident down there, yes. So there was already radiation down there from a nuclear accident I think way back in the '50s.

Michael Catania: We asked the Air Force if they would cooperate if we could have the site at McGuire Air Force Base and they said "We've got the perfect place for you. We lost a nuclear warhead in a fire. You might as well put it there because that site is a lot worse." And we said "Oh, sorry we asked."

Governor Tom Kean: I find out this is and the only good part of it was we'll put our contamination next to your contamination and it won't be a problem.

Dick Dewling: That wasn't a permanent resting home. That was temporary just to get the people back in their homes.

Governor Tom Kean: That's right. And then of course the Freeholders in Ocean County found out about it and the people who run Great Adventure said now remember this is harmless stuff you could spread in a football field. "If you bring it down there, nobody will come to Great Adventure." And the Republican Freeholders in Ocean County said "And none of us will ever be elected again." So Ocean County went up in arms so we couldn't put it there. Meanwhile every stop I go to there are pickets. And they were picketing me every place I went saying "Don't dump on us." It went on for two, three years I guess?

Chris Daggett: It went on for quite a while.

Governor Tom Kean: Yes, meanwhile these poor people in Montclair who didn't have homes, this site was in barrels on the street in Montclair, I mean you could walk, there it was in barrels waiting to be shipped somewhere. No place to take it and it cost us in the end I think what should have been a simple problem, in fact Bob Hughey is always imaginative about things called me one day and said "You understand now that it's harmless if it's just in the backyard." I said "Yes." "What about putting it in yours?" <laughs> I said "Well, Bob, I'm not sure that's the thing to do." But anyway the end result of it is we spent to get it finally disposed of, my memory is we had to sort of turn it into hazardous waste because hazardous waste you can dispose of.

Michael Catania: You spend 65,000,000 dollars to send it to Barnwell, South Carolina to fill in casks of high-level waste and use it as packing material for the high-level waste.

Governor Tom Kean: We had to make it toxic and hazardous waste in order to get rid of it. It cost the tax payers a huge amount of money. The lesson I learned from that and we used in a while of course later on in the ocean dumping problem was you have got to find ways in which to make the public understand and if you can't make the public understand, the public is simply scared. You cannot get anything done.

Chris Daggett: So let me give you the other side of that which was really a challenge was at the same time to Dick's point there is naturally occurring radon contamination that we all have seen and it's not so much that the reason it's out in the open, Tom, is that when the radiation is looking for an escape route if you will when it's in a gas form if it's over a house or excuse me if a house is over the place in the earth where it's coming out and your house is contained and closed up, you build up these levels of radon gas and then ultimately the exposure. And we had the equivalent somebody said I think at one point the equivalent was somebody in some homes we found that were smoking literally thousands of packs of cigarettes a day was the equivalent exposure that they were getting. And so but it was easily addressed by ventilating a home. So you could take a house and as long as you got the air exchange right and that's why Bob would say on a field it made no difference because there was automatic air exchange if you will as it came off from a field.

Well for the naturally occurring radon, the same people who were crazed about don't put it in my backyard Molly Coye I believe was a Health Commissioner at one time when I was D.E.P. Commissioner. And the two of us did something unprecedented which was we issued an advisory to all people in a certain area of the state that they should test their homes for radon and if they found it, they should ventilate their homes. And we had virtually under five percent response from people because they were worried about their property values. So suddenly the concern they had about it when it was from a manufacturing site where they didn't want to be near it, they wanted nothing to do with it in terms of addressing it in their own homes. And it ended up being from a risk communication and a risk standpoint it was a very, very tricky balance to play. And Tom you may and or somebody else who is on the science side can speak to that better but I think I basically have it correct.

Tom Burke: That's it in a nutshell. We had the naturally occurring up in Clinton, New Jersey and where there were very high levels comparable to what we saw with U.S. Radium. One big difference though. Because we had explored venting the houses in Montclair but because that ore had been purified by U.S. Radium it was actually emitting gamma rays and we would have had to and this would have really been tough for the houses, we would have had to build-

Michael Catania: Lead shields.

Tom Burke: Lead shields for the houses. We could have shielded it and done it in place but really in Montclair even though it was a tough political battle there was no alternative really to digging it up if we wanted to reduce the health hazard. That was a different kind of radioactive waste.

Governor Tom Kean: But you've got to convince the public to believe the science. And as we found out in the global warming debate, they don't trust for whatever reason, they don't trust scientists. And I remember one time meeting up in Sussex County which was one of the worst we had. I think people came with a gun or two or whatever. I don't know if you were up there. There were some people up there who were experts and they were selling a scientific version of this thing wasn't really going to be a problem. Some guy got up evidently and said "Yes, but when I was young I used to teach high school science. I'll tell you these guys are wrong." And they believed him. And against all the experts. So I bring it up now because I think it's a continuing problem for those of us who care about the environment. That somehow we've got to change the discussion so that people understand that scientists should be believed. That's the basis of facts.

Michael Catania: Communicating that is very tough.

Chris Daggett: Michael, what did you say?

Michael Catania: Communicating the level of risk is very tough. Dick tried it at one public hearing to say I think he used the example of one grain of rice in a two pound bag of rice or something like that. Well the next week we got about 500 bags of rice sent to D.E.P. with one little black covered grain in the bag because people said I don't want any contamination in my rice or in my house. It's your job to get it out of here.

Bob Shinn: I've sort of determined along the way with local government and state government and whatnot is there are four sciences that we're dealing with all the time. There is science, political science, popular science, and science fiction. And you'll see those different sciences in the way that people testify and their own personal goals intertwined in the issue and those sciences and if you're not on the right science it's like two ships crossing in the night.

Chris Daggett: Very good point. Yes, Tom?

Tom Burke: As I continue to be very much involved with the E.P.A. Science Advisory Board and I just wanted to pick up on that point. There is such mistrust in the science now that all of us in Environmental Protection are really suffering. We were very fortunate to serve during a time where yes, we had incredible hassles in Montclair, but for the most part we got a lot done based on science that had some inherent uncertainty. But now it's become the target of lobbying to undermine the credibility of science and ultimately our entire field is suffering because it's very difficult to make decisions. On the other hand scientists alone can't make those decisions without the political will and political leadership we wouldn't have done any of this stuff that we're talking about.

Dick Dewling: That's the one-on-one connection that you had with all of us. We would not have accomplished anything, I'm dead serious with that. I mean as you say the only time I saw the Governor of New York was at a public hearing at Love Canal that I was involved in. That was the only time. I mean we used to see you all the time on this, during droughts, these types of episodes. I mean most people would stay away from it because it's not a plus, it's a third rail and that's what I always admired.

Michael Catania: It's also worth noting that the legislature would later pass two different Pyeces of legislation that required that when you sell your house now you have to have your well tested, and you have to have a radon test and that has undoubtedly protected more people than probably any single thing we've ever done much like ECRA you kind of prevent another whole round of those problems from happening and it's because of the concern and the outcry because of some of these investigations.

Chris Daggett: So with that, let's shift over to solid waste and start this off with Dick and then over to Bob Shinn for some comments on solid waste.

Dick Dewling: We're not going to have that much time.

Chris Daggett: You're not going to read that to us?

Dick Dewling: I want the governor to know, I don't know if you remember this, in 1987 we got evaluated every program in the country, every state got evaluated relative to solid waste and recycling, hazardous waste management, ground water protection and air pollution. We were number two in the whole country and that was for work that we did in 1980 to 1987. So I mean and that was from a public interest group in Washington so that reflects what the positive things that were done during your administration. Solid waste, as we're talking about all these other issues was probably the most serious problem you had to face during your term's office. The bottom line is everybody wants it picked up, nobody

wanted it put down. The problem that we had was that New Jersey until the Solid Waste Management Act was passed in 1970 and then the amendments came out in '75 I mean the person across the aisle from me is the one that was leading all that, was that it basically said that you had to get permits for landfills. We had over 400 landfills, that's a word that I'm using very loosely, 400 dumps in the state. We were an importing state. We were taking waste from New York, from Pennsylvania, and that was filling up the spots. We had a situation here where South Jersey and North Jersey I mean most of the people are concentrated in the north. South Jersey had the capacity to do different things, build landfills or incinerators whatever the case might be.

But the department had the requirement to and the counties had the requirement, there were 21 counties but the H.M.D.C. said you had to come up with a solid waste management plan. You have a franchise, it's your waste, you have to decide how you're going to do it. And NIMBY became a big issue, Not In My Back Yard and also the NIMEY, Not In My Election Year was also the other mantra. And the question here was well what do you want to do? How do you want to do it? I go back and I think of the good senator down at the end of the table. The Edgeboro Landfill in 1985, '86, we only had two large landfills left in the state: Edgeboro and H.M.D.C. and H.M.D.C. was going out and Edgeboro, you know certain counties were going to have to stop going there.

John Lynch: Quit driving on Route 18.

Dick Dewling: On Route 18. We had and unfortunately we had people injured in a car accident because they were lined up 15 miles on Route 18 trying to get into the Edgeboro Landfill.

Chris Daggett: Oh you mean in garbage trucks.

Dick Dewling: Garbage trucks. And I get a call from the good senator saying "What are you crazy? We got all this gar-" I said "What else do you want us to do with it?" We had problems up in Warren and Sussex County and there was no place to put it. And we said "Well we're not going to take an emergency action and send it down to South Jersey" which we had the authority to do under the Solid Waste Management Act. Because here you got a county down in South Jersey that has the guts and goes ahead and builds a new landfill and then we say we're going to take the garbage from Middlesex County and we're going to direct it to go down to Bob Shinn's territory. I mean that really ticked the world off.

So we had to come up with solutions that would reduce the amount of waste that was going to be handled and the governor signed the first recycling bill, mandatory recycling in 1987.

That was the first one in the country, first one in the country and that required individual counties to take certain actions within a certain period of time and my own county, Morris County, they couldn't site a bowling alley. They didn't want to site a landfill, they didn't want to site a resource recovery facility and they didn't want to site anything other than a transfer station and we had to come up with a way of moving garbage because in 1986, '87 we were exporting 50 percent of our garbage out of state. It was going down to Virginia, and then we had- it was going to Pennsylvania. State troopers in Pennsylvania were stopping our trucks to make sure they were licensed properly just to harass turning the trucks back. They were overloaded by two ounces, ship them back, you can't come here. And then we had in 1986, '87 an episode that drew national and international attention, the Islip barge.

Chris Daggett: The Mobro.

Dick Dewling: The Mobro which had 6,000,000 pounds of garbage from Islip on it and it was going to go down to North Carolina, South Carolina which was reasonable, alright? At the time. And then it started going down and they called out the National Guard and they said "It doesn't come in here." So it went over to New Orleans. It was down in South Carolina, Louisiana.

Chris Daggett: It was also out of international waters in fact because I was regional administrator and I was on the phone with the chief, not chief what's it called?

Dick Dewling: General Counsel?

Chris Daggett: General Counsel at E.P.A. arguing about this barge and I would get updates on a regular basis it's here, no it' here, it's over there now.

Dick Dewling: It was in Key West and all the other stuff. Finally it was ordered to come back to Islip and the judge for whatever reason in his wisdom it was going to go back to Islip and it was going to be put in the landfill and they figured they'd get more money from the state to rebuild their landfill. A judge said you got to incinerate it. And it was incinerated at a New York City incinerator in Gravesend [ph?] Bay [ph?].

Chris Daggett: And it was by that time it was so dry there was nothing left because it had been on that park in the middle of the hot Caribbean Sea or wherever else they came back all dried out.

Dick Dewling: It was mostly paper and it wasn't any real putrescibles or rats. They did find a bed pan in there so that said oh, this is medical waste.

Dick Dewling: I have to tell you a side story. When I left the state government I went to work with an engineering company and we had compost facilities and I had compost out of Washington D.C. and I wanted to send it down as cover at a landfill in South Carolina. I got approval from everybody. It got on the railroad, it went down and it stopped off on the side at 90 degrees on a summer day in Georgia. And they called out the National Guard. The headlines were "Poo-Poo Choo-Choo, Go Home". So that came back to New Jersey and back to Washington and our stock price went down almost 50 percent because of that incident. But I mean I learned my lesson on the--

Chris Daggett: So speak, Bob for a minute about we went to a point where we required every county to come up with a solid waste management plan. And talk a little bit about that because that led to the whole adoption almost on a wholesale basis of the idea of incinerating our trash.

Bob Shinn: Yes, and I came along to the Freeholder Board just to put time frames into-

Chris Daggett: In Burlington County, right?

Bob Shinn: In Burlington. I came on in '87 so the Solid Waste Management Act had already happened and Burlington was on course to building an incinerator. And I got on the board and I had a business on Route 38 and one thing that aggravated me was all these trash trucks coming down Route 38 from the City of Philadelphia, and I said you know there's something basically wrong with this. And being on Ttownship Committee in Hainesport I was sort of focused on Hainesport's problems. So I got on the Freeloader Board and I said "You know I know the board is taking a position on this but Burlington is an agricultural community, Pinelands, cranberry, blueberry, tillage agriculture and the balance of the county, a lot of agriculture so we ought to capture a lot of that agriculture. You know we've got sewage sludge as a problem, solid waste as a problem. We got landfills, we got Big Hill], L&D park lands, Big Hill I know the governor fondly remembers Big Hill.

Governor Tom Kean: Yep.

Bob Shinn: So we need to get a handle on this thing. So basically we adopted a strategy under the Solid Waste Management Act that we're going to site a landfill to have all the infrastructure to develop compost for agriculture for agriculture uses, strong recycling program. But we're going to quantify the available capacity in Burlington and we'll share in

it equally for five years or until the capacity gets down to six months for any of the component senders including Burlington. And basically we did an environmental analysis, some very short and some in-depth on every landfill in the county. And that was one step that was going along and then we needed to have an agreement with the city of Philadelphia. And that got a little more complicated but we hired a very expensive law firm that did work in the city of Philadelphia and our board policy on lawyers was 75 dollars an hour so when I took them to 250 the most conservative running mate on the board was my running mate, Tea Party would endorse Mike without batting an eye. Mike said "Shinn, what are you doing?" I said "Mike, if we're going to talk to the City of Philadelphia we have to do it through attorneys. That's the way it just works." And he said "I love you. I can't support 250 dollars an hour." I said "Well let's talk about it some more and just leave the issue open."

In the meantime a representative of one of the major waste companies comes to our Freeholder meeting to comment on our plan, it was one of the planning session. Very arrogant said "You know you are wasting your time. We're going to burn you out in litigation." My conservative running mate stood up and said "Like hell you are." He said "We'll match you dollar for dollar, this is an important issue for Burlington County." He said "Shinn, go ahead with your plan." And I had the most conservative part of our board. We make a long story short, we arranged a meeting with the assistant mayor's office, the assistant that handles solid waste and we negotiated an agreement that basically five years sharing capacity we each agree to site our own facilities. We each agree to do recycling. Then we had 12 Pennsylvania Hallers to deal with which was easy under the Solid Waste Management Act because it just- they just signed up. So make a long story short we found L&D was polluting the environment, Big Hill, Governor was very familiar with that. He really stepped in and did great work closing Big Hill which was a real direct environmental problem having sludge in your housing facility. And the capacity suddenly shrunk. Park lands was at it was on the clay outcrop so it was a good siting facility but it didn't have expansion room so park lands was building out, L&D created ground water pollution. They were forced to phase out and not expand, Big Hill closed under your tutelage and we basically got to six months' capacity, notified the city of Philadelphia, immediately went to court, we won, they upheld the agreement, and we proceeded to open our own landfill and do the things that we said we were going to do, the recycling.

We did a very aggressive recycling program which is now going to single stream siting our own facility. We had a household hazardous waste facility onsite eight hours a day, five and a half days a week that received hazardous waste because we wanted to keep it out of the landfill so we could ultimately the plan was my plan but not over adopted was create the heavy fraction went to composting, light fraction went to refuse which Baltimore was doing at the time. They had a facility down there and I thought that was a way to separate the waste, clarify it and beneficially use it. And that's where we are. And then some different things happened in the economy and but the facility is alive and well, providing capacity for

the municipalities. The county does free recycling for its municipalities, occupational training center runs the recycling program, provides jobs for a 100 handicapped individuals making a daily wage.

Chris Daggett: Somebody help me out, this is there are some complications here in law and public policy both. We had and I need some help on both the legislative side and others. We had if I recall correctly one is the Interstate Commerce Act was you had to be careful because garbage is a commodity basically and so you couldn't restrict its going across state lines or county lines or whatever.

Governor Tom Kean: I tried.

Chris Daggett: I know you did, you did try.

Governor Tom Kean: The Attorney General because mainly matters usual with New York City because so much of that stuff was going across New Jersey I asked the Attorney General to find out if we could restrict the trucks and he came back and said "Interstate commerce, can't do it."

Chris Daggett: But what was the driving force in New Jersey? Was it through policy or law or both that we required the individual counties each to have their own plan and in developing that plan a number of them then went out like each of the counties and came back with the best way to handle it was incineration. And then we all got tagged with trying to jam incineration down people's throats and we said "No, we didn't do this. The country Freeholder boards independently reviewed this and then made determinations." But help me Michael if you would on some of this.

Michael Catania: In 1969 the legislature passed the Waste Control Act during the Cahill [ph?] administration and it banned out of state waste completely. New York and Philadelphia were using New Jersey as a dumping grounds, had been for many years and the state was basically trying to come to grips with that. Case went all the way up to the U.S. Supreme Court, City of Philadelphia versus State of New Jersey and the Supreme Court said that the Interstate Commerce clause that founded our statute was unconstitutional and the last line of the decision says "Just as our decision protects Philadelphia today, so will it protect New Jersey in the future." So New Jersey was forced to accept out of state waste, but we launched a long term policy to try and deal with our own waste and negotiate our way out of out of state contracts. Ironically, when we started becoming a net exporter, people started passing local laws and state laws to block us in the same City of Philadelphia case did come back. But the thought was and Bob could probably jump in on this is since

we it was so difficult to site landfills the idea was to have regional resource recovery facilities. And instead of having each of the 21 counties build their own which was incredibly capital intensive and just wasn't going to happen, the idea was to have regional facilities and the D.E.P. would play the role of basically kind of matching up counties to partner and direct the waste load to those facilities.

Chris Daggett: Wasn't there a whole process where the counties had to themselves come up with their own plan and that plan then in a lot of cases resulted in people traveling around the world looking for how best to handle solid waste and they ended up in almost all the instances came back and said best way to handle it if we're going to be self-sufficient is to burn it. And then came out of that I think the idea well wait a minute, let's do this regionally and that's where you started matching up counties. But was there a law that drove- what was the driver that made the-

Michael Catania: The Solid Waste Management Act requires each county to adopt a solid waste management plan.

Chris Daggett: When was that passed?

Michael Catania: In 1970.

Chris Daggett: Okay so this was before the administration.

Michael Catania: We also made it a public utility in 1970 basically to get the mafia out of the sublease business.

Chris Daggett: Okay so Tom said he cosponsored that law in the legislature in 1970.

Michael Catania: And each county had the responsibility to come up with a plan to deal with its own waste.

Chris Daggett: And what were you saying?

Dick Dewling: And D.E.P. had to approve the plan. And what happened was you looked at what the options were, recycling wasn't in it at that time and you had the Bottle Bill. Everybody was opposed to the Bottle Bill. We were trying to do other things but incineration was the private sector said "Hey, we can put incinerators in and the private sector can do

it." So most of the counties said we want to put incinerators in. So initially when you got the plans back, we said "Look, you wanted them in. There's not enough capacity out there to put twenty incinerators in," like right now there's only six in the state. And

Fort Dix had the very first one and then Warren County had the next one in '88. So the question was we said to the state individual counties, guys you got to look at other ways. You got to come up with agreements, inter county agreements. I'll build a landfill, you build the incinerator. I'll take your ash. We'll both use the landfill together so you had tried to get counties to work between one another and they didn't happen. Then E.P.A. there was a requirement that you could not build a landfill. You could not build a resource recovery facility or any type of solid waste facility where you had sole source aquifer for ground water. And that was E.P.A.'s requirement that you couldn't build a sole source aquifer. And I remember Bob Hughey saying "We will make the whole state a sole source aquifer."

Chris Daggett: Bob, defend yourself.

Dick Dewling: No, I thought he was crazy.

Bob Hughey: Yes, I think part of what the undercurrent here and John was a part of this and helped me a lot, unless we make counties have solid waste plans we couldn't control the flow from other places. I mean that was the bottom line of the law. Freeholders at that time aside from Bob Shinn and a couple of others didn't want to do it. It was a very difficult task to go site any one of these facilities and you would go to meetings with Freeholders and they would say "Listen, make me do it." So we made him do it and when we got challenged and there is still a judge somewhere in New Jersey that just hates me we decided that rather than getting picked off county by county and with Tom's permission we sued all of them together. We put them all in one courtroom and decided if we're going to have this fight we'll have it now. But we won. We prevailed and we had to make people--then what Dick is talking about is we decided we're going to make people rational. Well how do you make them rational? You do things like okay, the whole state is one aquifer. You can't do this. And we made them adopt their plans and when we adopted those plans, when we finally got the plans adopted then we could control New York. So the whole strategy was if we don't care of our own business nobody is going to take care of theirs. And we got a lot of help. Dick at the time was with E.P.A. We let them force us to do things and we in turn forced the Freeholders to do things and people like John and Dan Dalton and people who were in the legislature went around and said "Listen, the guy is crazy but he's right and you're going to have to do it." And that really was the day we got all those plans in place we controlled New York. We controlled Pennsylvania.

Chris Daggett: And John, can you speak to that from the legislative side?

John Lynch: Well that was the whole point in controlling out of state waste and it had to be forced because of the politics of the issue. And so we were following Bob's lead. He had articulated it very, very well. It was very difficult to get the political people on the ground to buy into all this but then it was sort of like it led up to the water and they drank ultimately because there really wasn't any choice.

Governor Tom Kean: This is one great side story. I was focused to look under the counties during this whole process because maybe because I never was a Freeholder but I always felt generally counties don't have to make really tough decisions. Freeholders do not have to really, at least I always felt that. And I looked in this process because a lot of them weren't making tough decisions or running not Bob but a lot of them were running as fast as they could away from all these problems. So I had a vacancy at the Public Utility Commission and I thought well Public Utility is very much a part of this process of landfilling. I looked around. Who were the people in the state who had done this best? Freeholders have really stood up. And a name came up, it was a woman in Somerset called Christie Whitman [ph?] and she's head of field of when she stood up on this. I said okay, she's my next B.P.U. Commissioner. <laughs> And the rest is history.

Chris Daggett: Dan, did you have a thought at all or any comments from the legislative side?

Dan Dalton: We had the same issue down in South Jersey. We had the City of Philadelphia and was using our counties just they brought all their waste over like Bob indicated. You had taken it to Burlington, I don't know if you remember, Bob, Deffert and that's a monument now on Route 55 the landfill in Deffert that the city of Philadelphia used as its city dump basically for years. Again going back to my original point as far as on this, everybody from the state perspective the governor and we thought we were in it together. There was no- we had a problem, we had this huge issue, and it wasn't a North Jersey or South Jersey issue. We all had it. And it wasn't again it was affecting us all, all of our districts republican and democrat so there wasn't- and believe me there were and I still remember at least from our area the number of Freeholders as the governor pointed out that really I mean they lost their scalps on this one but they made the tough choices and so but thankfully we had one policy and we weren't deviated from it.

Chris Daggett: What I underscore is almost all these conversations this morning is the way that there was bipartisan work on these issues, there was cooperation between the executive and legislative branches as well which is not as common today. I mean there was cooperation all the way around and all the while decisions that were supported by the science. We let science drive that process and when you added it all together, you had a period of time where I think there was some very good public policy, good legislative policy,

good decision making at the executive level. I mean there were a number of things that came together at one time that made it a unique time in environmental protection in New Jersey on the brown side and as we go into lunch and sort of get cleaned up we can think about the green side which is where we'll spend the afternoon. One last comment, Joe.

Joe Donahue: You know how big an issue this was? There was actually a song about it in the Correspondence Club Dinner Show and for those who don't know the state has press corps every year who holds a show now it's in Hamilton Township and I hesitate to call it entertainment because of the skill level of the performers but there is song and dance involved. And so guess who ended up singing a song about solid waste? You're looking at him. It was to a tune of the song was called "Peelings" to the tune of "Feelings" and the whole time I sang they were throwing banana peels and trash at me. <laughs> So that's how big an issue it was.

Ruth Mandel: Can you sing it for the video?

Joe Donohue: "Peelings, nothing more than peelings." That's how it stared anyway.

Chris Daggett: You talked earlier today about the fact that we're always playing catch-up with industry and I actually think for some in some ways we led industry in willingness to step up and address issues but the catch-up with industry just reminded me Ken Merin has one of the funniest stories that I know in his time when he was Insurance Commissioner. And he was lamenting the fact that in the insurance industry it was the same problem of trying to play catch-up but they were always ahead of him. And Ken was sitting at his desk one day musing about it and he had on the floor little filing systems and stuff, paper files, when the world had moved to computers and everything else and he was lamenting this fact and as he was thinking about it, I don't know what made him do it but he you know we all had a State of New Jersey flag and a U.S. flag. So he got up for some reason he opens up his U.S. flag and there's 48 stars on it. True story.

<laughter>

<BREAK>

Chris Daggett: So first Pinelands implementation. And we're going to start it out with Candy Ashmun, and then both Terry Moore, and then Dave Moore will chime in as well a little bit. But Candy, do you want to lead us off? And if you would, please use the microphone?

Candace Ashmun: I guess everybody knows that I've been there since the beginning. But the beginning was a lot longer away than you think. Because there were two or three predecessors, including one that Bob Shinn ran to the Pinelands Commission. I just want to make one observation, and that is that, to me, the most important three things to have regional land use planning work is to have the right legislation. It has to be written very carefully, which we can thank Mike Catania for in the Pinelands. Also you need the right leadership, more than anything, and the right people at the table. And I have just one story I wanted to tell, and that is that Frank Parker, who was the original Chairman, and Tom Kean were very good friends. And Frank told me one day, about ten years in, that he wanted to retire. But he couldn't retire until he force Tom Kean to appoint a Chairman that he approved of. So it took a while, but finally we got Richard Sullivan, and that allowed Frank to take some time off.

Governor Tom Kean: Part of that, you know, was I didn't want Frank to leave, so I kept giving these names that I knew weren't acceptable to him. <laughter>

Chris Daggett: And I would add to that, when Frank would come to the Governor's office, Tom would make me staff the meeting, because I knew Frank. And Frank would come in and he'd say, "You know, I've really got to retire, Tom. I really need to step down." And Tom would say, "Well, you know, we're going to work on that," and identify some names and so on. Frank would leave the office, and Tom would turn to me and he'd say, "I don't want you to follow up for any reason whatsoever." <laughter> We did that to Frank two or three times.

Governor Tom Kean: Yes.

Candace Ashmun: Well, and I think that that leadership, along with the staff and Terry's leadership, is what got the Pinelands off to what, I think, was a very good start. It's also turns out to not be too political a body, because of the way the membership is structured. And I think all these years, we've been able to do enough, for instance, economic monitoring, which EPA has paid for. And environmental monitoring. So we really know whether the plan is working or is not working, and where. And I think that's a very important part of the work we've done. And because of my experience with the local Land Use Planning, which is-- I got a call from Don Linky from Governor Byrne's office, and he said, "I need a woman, and I need somebody who knows the vocabulary of land use, and you're it!" And that was it. Been there ever since.

Chris Daggett: That's great. Terry, you want to reflect a little bit on your role there, and sort of what you saw?

Terrence Moore: Yes, Dan Dalton mentioned to me on the way in, now that we've spent the morning on controversial subjects, we can just take the rest of the day-- <laughter>. I credit him with that one. Let me just begin on a slightly personal note. I, of course, was a Brendan Byrne appointee. Five minutes before he signed the Pinelands Protection Act in 1979.

So like others, I sat at my desk when the Administration came in, waiting possibly for a phone call thanking me for my service, and suggesting that I have other endeavors. That never came, and I must say I spent eight years on the Pinelands staff under this Administration and had some very fond memories of interactions with people that were a part of it. I think there were a couple of very major initiatives of the Kean Administration that helped the Pinelands Plan really be implemented.

Governor, early on, formed a Agricultural Study Group to look at the Pinelands Plan impact on farmers, and particularly farm credit. We were a little concerned about that, Governor, at the time, I must say. But that report was very helpful, because it really indicated that there was a negligible impact on agriculture or the ability to get loans. The Pinelands Municipal Property Tax Stabilization Act, was passed during this Administration, helping some of the municipalities that had lost their development capabilities under the plan. The Pinelands Development Credit Bank of 1985, which provided a place for people to buy and sell Pinelands Development Credits, the first regional transfer of development rights program in the country. And then in the same year, the Pinelands Infrastructure Bond Act, which provided funds for municipalities who were on the other end of that spectrum, and could accommodate some of the growth that had been assigned. First and foremost, though, and I will end my comments after this, I have to credit this Administration just simply as a little old public administrator from New Jersey. There was never a time during the Kean Administration that I ever got a call to suggest that perhaps someone would be really good to fill that job that we had advertised recently. And I can tell you very clearly that the ability of the Pinelands Commission to undertake its deliberations, and its decision-making process was clean and perfect and not political at all. And I credit the Governor very much for that environment.

Governor Tom Kean: Great, thank you. Could I just--

Chris Daggett: Yes, sir.

Governor Tom Kean: I'll tell you how that farmland thing came about. When I first came into office, I said earlier, that there was a whole bunch of people thought they were going to destroy the Pinelands once Brendan was out of office. And I know a number-- and a majority of legislature in both houses at that point was willing to destroy the Pinelands.

Terrence Moore: I knew some of those people. <laughter>

Governor Tom Kean: Yes, I know. Some of them are still around. <laughter> And then there was even a worse threat coming from Washington. This fellow called James Watt, who was there. And a number of Congressmen, including the Congressmen who represented Atlantic County, [Edwin] Forsythe, a Republican. And there were three of them, I think.

Terrence Moore: Bill Hughes [Democratic Congressman].

Governor Tom Kean: Bill Hughes. Yes, there were three of them that wanted to get rid of the Pinelands. And they were thinking of federal ways to foul us up. And so I figured I had to break up that federal thing. So I called Forsythe, you know, I knew him well. And I said, "C'mon, now, this is going to be the Administration to support the Pinelands." He said, "You shouldn't do that." I said, "Support the Pinelands. Now what can I do to make your concerns less?" And he said, "Well, you know, Byrne appointed all these guys from North Jersey, you know? These people, and farmers have nobody to represent them. And I said, "If I find a farmer of your choice, would you stop giving us problems?" And he said, "If you also do a study what the impact is." He said, "The impact's pretty bad." So I said, "All right. I will give you, as long as he's acceptable-- or she's acceptable-- you give me one appointment, and if it's acceptable, I will appoint that person and I will also do the study for you. And in exchange for that, I don't want to hear any more about the Pinelands from you." <laughter> And he kept his word. I did appoint-- and I remember what his name was. I think he stayed there a long time.

Terrence Moore: Steve Lee.

Governor Tom Kean: Yes, Steve Lee. That was his appointment, and I figured there were enough members on the commission to outvote him if he was trouble. <laughter> And so I figured it wouldn't do any harm. And then we did the farmlands study. That was the agreement with Forsythe, and he kept his word. I don't think he ever give us any problem. When I broke up that thing, and it also meant the Reagan Administration couldn't give us problems, which they were starting to do. So it was important, but that was the story behind that.

Terrence Moore: Jim Watts-- James Watt's first appointee to the Commission, a man named Rick Davitch, indicated to me that his first suggestion on meeting you that it's an appropriate time to change the Chair and the Executive Director of the Pinelands Commission.

Chris Daggett: That's great.

Terrence Moore: So it was an interesting crowd. <inaudible>

Chris Daggett: Dave's thoughts from the world of the Conservation Foundation?

Dave Moore: Well, Candy started you out before the beginning, and I think in spite of the fact that I think she's got a year or two on me, I can take you back before the beginning. The first step in the Pinelands was in 1965, when the New Jersey Audubon Society proposed that the Pinelands be a national monument. And that took about two years, but by 1968, that was no longer a viable concern. The federal government decided that it was not of significant national significance to create a national monument there. And it took several years, and a few citizen activists, none of whom are alive now except me, to launch a program to protect the Pinelands. It was primarily fueled by a small group called the Pinelands Conservationists. It's actually a husband and wife team. And there was also an organization that was formed from a coalition of environmental group leaders called the Conservation Roundtable. And there again, none of those people are around either now. They've all passed away. And that, in turn, spawned a session called the Panther Valley Group. Ingrid was part of that. I think you and I are the only ones left.

Ingrid Reed: Yes, you were part of it.

Dave Moore: But when you first got-- when you first started with-- I keep forgetting--

Terrence Moore: The reports are premature, huh? <laughter>

Dave Moore: And a decision was made by that group that we ought to work toward a State Plan, but that it was politically impossible at that time. And so we ought to do things on a Pyecemeal basis. And the Pinelands was the first one. And so an attempt to get legislation was launched. As Candy has mentioned, there were several iterations, including Bob Shinn's, before we finally got State legislation. But the Governor, as has already been stated many times, was very supportive and it was a ground-breaking effort to establish the first National Parks and Recreation Act of 1978. And then the Pinelands Projection Act after that. And it's still going. But I think only thanks to a good constituency, a lot of citizen effort, which is required to make sure that things like the Pinelands Commission is backed by a group of people, which happens to be the Pinelands Preservation Alliance, to make sure those kinds of things stay into place.

Chris Daggett: Bob Hughey, I'm sure you dealt with a number of people who weren't exactly thrilled with the Pinelands Act, and the aftermath. Do you have some thoughts from the time you were in on it?

Bob Hughey: Well, I could. Tom handled Pinelands, like he handled everything else. I mean, there was a lot of controversy in South Jersey. I was part of that controversy. I mean, there were a lot of people talking to Tom Kean before I became commissioner who said, "Don't appoint somebody from South Jersey," and it had to do with the Pinelands. But the fact of the matter is, he never lost his cool. He didn't make it an issue to negotiate anything else, which I think-- Tom's very good at not putting anything on the table, you know? He's not going to negotiate until things get real. The Pinelands was never up for negotiation. And I think probably to the extent that I helped at all, it was pretty hard for all those people in Atlantic County and Cape May County, where I had personal relationships, and where I'd been County Administrator to attack me for supporting the Pinelands. So Tom just played it like a pro. He never fought with anybody down there. he just let them go away. <laughter> And that sort of worked.

Chris Daggett: Exactly. How about on the legislative side? Dan or John? Thoughts, or Bob, from your perspectives on the Pinelands? I don't recall-- when did you first come into office, Dan?

Dan Dalton: I came in in '79.

Chris Daggett: '79, so you were in some of the early days of this issue. So what was it like from the legislative perspective?

Dan Dalton: It was an incredibly intense issue in our area. My legislative district, and Terry will recall, was partially in the Pinelands. And so going into those towns and trying to make the case in those days for Pinelands preservation was not easy. And certainly, if you wanted to run for reelection, you didn't say, "You know, I'm a friend of Terry Moore." <laughter> That was not going to get me any votes.

Terrence Moore: <inaudible> good to know.

Dan Dalton: Yes, exactly, exactly. But at the same time, Governor Kean's support-- and you knew you're not going to get embarrassed politically-- he didn't do that. And there was a core of the Democratic party in that area that was supportive of the Act. So there was a-- the political infrastructure was there, for the most part. I'm not saying that was a unanimous by any stretch of the imagination. But it was a tough issue, because of the

impact study, too, Governor. I think when you came out and supported that, that sort of started allaying some of the concerns. So they're my recollections.

Chris Daggett: How about you, John?

John Lynch: Well, we certainly didn't have the issues and problems in Central Jersey that they had in South Jersey. There wasn't a pressing issue, but having just gotten to the legislature in '82, you had, as in any case, when you have a major piece of preservation legislation, or land use legislation, you're going to have people who are perceived to be losers, whose property were offended in one way or another. And we all had people coming to us in that vein. But philosophically, I was legislation back in the '70s. And even though I wasn't there. And I didn't have any great difficulty. And I think it was mostly the real concerns politically were by the South Jersey legislators.

Governor Tom Kean: I don't think it was right, necessarily, but when I was running for office, in what turned out to be a reasonably close election, I was told that if I would come out and promise repeal of the Pinelands, that I'd guarantee three counties in the south that would determine the election. Now whether they were right or not, that was the County Chairman talking, but I didn't do it anyway, so I don't know if they were right or not.

Candace Ashmun: It's interesting, when Tom was running against Florio, in several districts, Florio was obviously supporting the Pinelands, and the idea was that Kean might get rid of it, and therefore, that would be-- so it was a very narrow margin to start with, and it just occurred to me that I hadn't even thought of that in the past.

Chris Daggett: Let's use something that-- I'm sorry, Bob.

Bob Hughey: Preservation area was mostly in Burlington County. Fortunately, I was in the position of most of the people in my District, not speaking to me anyway, because of the landfill. <laughter> And I used a little different strategy with Terry. I told my opposition that he was a friend of Terrence Moore. So I think it's the only way I got over the top, really. No, but seriously, though, it was probably the most difficult vote that I've ever had was August the 8th of 1980, as I remember it, was we separated the preservation area form the protection area. That separated the market for the PDCs, from the Pinelands Development Credit generators, which was sort of my favorite part of not-- I won't use the word compensation, but mitigating the impacts of the plan, from the people that were impacted from a preservation standpoint to those that were profiting from a development standpoint. Sort of blended the impact. That was the concept. So we spent a lot of time in Burlington trying to make the PDC Bank work. Bud Chavoossian, original board member,

was a big creator of-- spent a lot of time working on TDR. And so around 1982 or so, there wasn't much activities in PDCs, and talked to the free-order board about opening Pinelands Development Credit, Pinelands Conservation Easement Exchange, was a PDC Bank, but I needed the exchange language to tell people what it really did. We were exchanging a credit for a permanent easement. And we put a question on the ballot in '77 on the Pinelands issue for acquisition. Most critical areas of the Pinelands, and that passed three-to-one. And in '78, we put a farmland question on the ballot for purchase of farmland outside the Pinelands, and that passed two-to-one. Took me about ten years to get it, because in my mind food production area had more of a value to an individual citizen than open space and environmental quality. Well, finally figured it out.

But, ultimately, the PDC Bank concept worked. We bought 3,000-- or 80-and-three-quarter credits and we sold 80-and-three-quarter credits, and so the bank sort of broke even. We preserved 3,000 acres. And when we opened the doors, we just had criteria at $10,000 an acre. And we started getting a very diverse group of applicants that we bought credits from, and sold credits at public meetings. And the 10,000-- we'd never moved off the $10,000 an acre because of a legal opinion that said we had to sell all the credits at one time, which never works in TDR. But be that as it may, I got sued-- there was a fellah in the Department of the Interior by the name of James Watt at the time, and he had a Mid-Atlantic and Pacific legal foundation, which sued Burlington County, and me individually, over the Pinelands Development Credit issue. And the board was sort of fed up with my legal expenditures already, and here I am again with a major international lawsuit. I tried to lateral it to Terry, but deflected it handling--

Dan Dalton: There's a fellow by the name of Jim Tripp, who...

Chris Daggett: Yes, Environmental Defense Fund, still there.

Dan Dalton: Who I explained my tale of woe to, and he said, "Look, if you'll put me up, pay my expenses, I'll represent you." I said, "Good, you got it. Stay at my house. We'll feed ya." And he did a magnificent job. He was an exceptional attorney. And we won that case, and that was a challenge. In fact, the guy that led the challenge ran against me in the primary, and he's the guy that I said was a friend of Terry Moore, and I won that election, too.

Chris Daggett: So let's use that as a segue into-- and a comment John had also made about issues of compensating people fairly, to talk about bond issues. Because we all know that New Jersey has led the country since 1961 with our Green Acres and Open Space bond issues that first started at the State level, but then ultimately then came to individual counties, and townships and boroughs across the state. When you add it all up, there's an

awful big sum of money we've put into purchasing Open Space. Some, which has been used to compensate land owners that need to be compensated in some way. But let's start off,

Tom Wells, and I'd love to hear your perspective from these days, too, of Michele Byers, and some of the work you can relate back to the Pinelands, with things like the Franklin Parker Preserve, and other sorts of things that we've talked about. But Tom, why don't you start off?

Tom Wells: Sure. Well, I'll just mention, there have been 13 ballot measures passed since 1961. Eleven of them have been bond issues. The fifth, sixth and seventh were passed under the Kean Administration, and they all had slightly nominal components to them. The first was, I think, it was Bob Hughey's idea of the Green Infrastructure Trust, where it would be a low-interest loan to try to replenish itself. It didn't ultimately evolve to that total self-funding, but it's provided funding in dry times, when between bond issues and whatever. I know, having run the Green Acres program for ten years. When we get down tight with money, there was always some money flowing back in, because of the capital and interest repayments. And then in 1987, there was the cultural Green Acres and Cultural Trust Bond Act. I think, John, I think you were the prime sponsor and Senate on that one. And that was somewhat of a Band-Aid. It was just to keep the Green Trust going. And then in 1989, there was the biggest one at the time. It was a 300 million dollar bond act, which at that time was pretty huge. And it included both Green Acres and Farmland Preservation. And the one novel thing about that was that was the first year that land trusts were able to get matching grants through the Green Acres program. And it was only, at that time, it was a ten million dollar appropriation, authorization. But just to give you perspective since that time, there's been 200 million dollars made available to groups like NJCF for the Franklin Park and Preserve, and the Nature Conservancy, and Trust and Public Land. And that's matched by 200 million dollars plus of private dollars. So it's almost a half-a-billion dollars generated through that non-profit program. And I would be remiss if I didn't mention Maureen Ogden's name in all this, because she was involved in these-- we'll talk about her related to the wetlands as well.

Chris Daggett: She sponsoring the same bill in the Assembly when you sponsored it in the Senate, if I'm not mistaken. Wasn't that the way it was played out?

Tom Wells: And she held her ground. There was some people who wanted to pull the non-profit segment out of that bond act in 1989. A former Speaker of Assembly-- I won't mention his name. And Maureen said, basically, "If you take the non-profit money out of that, I'm walking off the bill." And Tom stood behind her, and said, "We're keeping it in there." And it started from a small seed, but it's really produced great results over the last 20-plus years.

Chris Daggett: That's great. I'm going to go to Michele, and then to Nancy from there. Go ahead, Michele.

Michele Byers: Well, I'm just going to tell a story that hopefully it will draw things from when I started up to the present time.

Nancy Becker: Michele, talk into the mike.

Michele Byers: Oh, sure, sorry. I started working, first for Candy, and then for NRDC, and then for Dave Moore and the Pine Barrens back in 1981. And so I'm virtually-- I have to say this-- because it's been burning in my head all morning, I grew up in your Administration. Basically, starting right about when you started, all the way up. And I really had a view that all of New Jersey worked very well. You know, that you could trust government, that we had really great leaders, both at the EPA and at the Governor level. And of course, Terry at the Pinelands Commission. I really felt that everybody pulled together and we got so much accomplished. And I thought that's how government worked. So I've really learned quite a bit over the years. It's nothing like that now. <laughter>

But anyway, in the Pine Barrens, I got to know Garfield DeMarco [ph?], and I worked at Whites Bog, and one of my first projects-- thanks to Dave, who was my boss at the time, and he gave me a lot of latitude-- one of my first projects was to try to preserve Whites Bog Village, which was part of Lebanon State Forest, now Brendan Byrne State Forest. And the DEP, Director of Parks at the time, Russ Myers, basically said, "We're not going to preserve that village unless you can give us an adaptive reuse, to show us how that village cold be taken care of." So we ended up really going to Garfield and to Bob, to raise money through the Cranberry and Blueberry runs, right? You guys pulled together a group of funds, so that over time we were able to, not only raise money for the Village, but eventually get it restored and onto the national register. And that's how I got to know Garfield. So sometime in the-- I guess it was around 2000, because I knew Garfield and we had gotten to be good friends over the years, very interesting man, and he loved Italian things-- I did, too; I'd bring him presents from Italy. And he would give a big check to the Whites Bog Trust, and I'd give him his extra-large T-shirts that had his name on the back. And because that relationship in 2000, he called and he said, "Look, I would like to sell my 9,400-acre far for preservation." And we had the kind of relationship, and Bob and Garfield and I had been together through a lot of various things, where we trusted each other, knew each other, so over a period of about four years, we completed this transaction. And it was full of all kinds of pitfalls. You know, we had legal challenges from the family, who was in a lawsuit. We had a change of Administration that went from Governor Whitman, who was supportive to Governor McGreevy, who said, "No, I'm not going to put any money in that crook's pocket." So it was, you know, really difficult. But the upshot is-- and this is where I wanted just to

pull it all together, Garfield formerly had sold his Pinelands Development Credits through the program that Bob had talked about. So technically, that property was preserved. It couldn't be subdivided, it couldn't have thousands of units. But it could stay in agriculture, it could be logged, and there could be 20-acre farmettes for ag-related housing put on it. And it's in the heart of the international Pine Barrens, chockfull of endangered species. So we had a very hard time convincing people that it needed full protection of ownership for a preserve as opposed to just having this restriction on it. The result is now, of course, it's the Franklin Parker Preserve, which is not far from the Candace Ashmun Preserve over in the Forked River Mountains. So we're sort of systematically, you know, securing the heart of the New Jersey Pine Barrens, and naming it after all the initial founders. And it's an amazing place now, and it would not be there if it had not been for all of the people in this room and many others that laid all that groundwork, and it connects four of the State holdings, all the way around it.

Chris Daggett: Nancy, you were going to comment?

Nancy Becker: I just wanted to add one name, Feather O'Connor Houston, who was the Treasurer at the time of the third-bond issue that passed during the Kean Administration, was so instrumental in making sure that the section of the bond issue that allowed non-profits to access that dollar. She deserve tremendous credit, and I mean, I could tell a long story, which I'll tell afterwards, not here. But she was just terrific!

Chris Daggett: Other thoughts on the bond issues? Sure, Joe.

Joe Donohue: Okay, Chris. We haven't had a lot lately, so it's sort of noticeable by its absence. So I went back and I totaled them up during the governor's term, and when he was a legislator, and you supported bond issues that totaled at least 1.3 billion. Today's dollars, it's probably two billion, rounded off. So that gives you an idea of the impact. I mean, when you cut across from Open Space, Hazardous Waste, Water Supply, you know, different areas, not all for Open Space. But I was just curious. My old reporter instinct kicked in, "I've got to go back and total this up." So just gives you some idea of the scope.

Chris Daggett: Go ahead, Ingrid.

Ingrid Reed: Thank you. I just wanted to mention that all acts have context in history. And the bond issues came along, and needed to be run as a campaign. And it was just at the time that conservation commissions or committees, whatever they were informally before they became environmental commissions, were just really feeling their oats. And they were enlisted in that effort to pass the bond issue. So you had a lot of people who

were believing in Earth Day and so on, and wanted to be involved, were really given an opportunity to get involved politically, and to see the result of their actions. There's nothing's like winning at election! And it had that effect of really coalescing on a very local level, you know, up into a hierarchy of that effort.

Candace Ashmun: Because basically I favor bond issues because I think it involves the public, gives us a chance to reach out to the public and teach them, and meet with them and understand. And then they vote for it. And I just think that the bond issue process, as Ingrid says, is very valuable, even if we don't do it for everything.

Ingrid Reed: And it spawns the local and country efforts. And then you knew how to do it.

Candace Ashmun: Well, and it interests me, because we just had one on higher education and everybody's thinking about the future when you have a bond issue. And it's a very bunch-- you know, the whole talk about, "Yes, we do." And I agree with Michele and everybody else that we have to have a sustainable-- but sustainable funds lose their attraction in some ways.

Governor Tom Kean: You're right, Joe. I mean, I was ready for the bond issues. And I sponsored all the ones in the legislature, before these. And my contribution, I guess, in the legislature was to include urban open space in the bond issues, which made a difference.

Chris Daggett: Yes, now, there's an added ability to, particularly in those urban areas where there's not space to turn into recreational, you have the ability to use some capital dollars to improve parks or to improve playgrounds or whatever that has been also very helpful.

Governor Tom Kean: That's true. And just to reemphasize what you said, Ingrid, the conservation commissions have been enormously helpful, and we forget about them. They were a very small bill that I sponsored in the legislature, which a woman called Jo Monkettes [ph?].

Chris Daggett: Jo Monkettes.

Governor Tom Kean: And it's had a very powerful impact getting those things established over the years.

Chris Daggett: Yes, Terry.

Terrence Moore: I just wanted-- it's always interesting to find similarities between brown field and green fields. We're talking about the money that the State had available on toxic waste matters. The same really happened in the Pinelands. There was $40 million under the federal statute for the Pinelands. Easy to spend, because we had the Green Acres bond money available to match it. So it's-- those are also-- growing those dollars is always very important.

Chris Daggett: And when you take the number you use Joe, and now you add all the Open Space tax. I mean, the numbers are probably several billion dollars, minimally, when you add it all up. So let's, if we may, let's use this-- I'm going to go a little bit out of order here in terms of topics. I want to move over, since Tom had mentioned it earlier, to the Infrastructure Bank. And I want to-- Bob, if you kick it off, but I also want Brenda to weigh in on this one as well. So Bob, and then Brenda, we're going to have you come in when Bob's done.

Bob Hughey: Is that better? The Infrastructure Bank, the whole trust legislation came out of necessity. I mean, we were running out of money and a lot of programs, and there was no way-- I don't know that everybody remembers, but 1982 wasn't the best year that anybody had had in New Jersey. We've gone through similar times recently. But and so what we were trying to do was be creative. And we got a concept within DEP that I wrote down on a PCO, a paper, which Brenda Davis and Lee Perrera [ph?] actually ran the numbers and made it work. And the idea was to try to extend funds though making low-interest loans and grants rather than just putting all the money out right away. We initially intended it for Green Acres. And wastewater. Dan successfully held me at bay for two years on wastewater because Camden County just happened to be the next grantee up and nobody wanted us to convert their funds. And despite--

Chris Daggett: That's where we got the idea of a loan.

Bob Hughey: Despite our efforts to convince everybody that 221 people could benefit instead of just one, Dan insisted on taking us through hearings that lasted-- do you remember two in the morning, you would have us over there? It was great. <laughter> He was the best adversary that I could have ever had. And we remained friends. I mean, it's amazing. But the bottom line was transportation had a greater need. And so Brenda and Lee worked up the trust, the concept of the trust, we took it through investment banking houses. And then they-- we took it to the governor's office, and Tom decided that the first thing through should be transportation trust. And that was a bit of a war, but with, again, I think it's remarkable when you look around this room, and I said this to Tom this morning,

after I got here. You know, it wasn't just the people in the Administration. I mean, it was a marvelous Administration, and there were marvelous people to work with. But we also had a good environmental community, the David Moore's and the Dery Bennett's], and just great people that we met with every month. We had good reporters, like Joe, who you could say, "Hold this for a week, because we don't know what we're talking about." And he would say, "Okay, but if you ever know, you gotta tell me!" <laughter> And we had legislators like John and Dan that you could fight with on a big issue, and then turn around and get a co-sponsorship on the next issue. Not a bill that we've talked about today. Not a single bill didn't have a Republican and a Democrat on it. So the germ of the idea came from DEP, the brains of the idea came from Brenda and Lee Perrera, and Tom did the rest. Brenda?

Chris Daggett: So thanks, Bob. Brenda, why don't you weigh in a little bit as how the brains of the operation worked?

Brenda Davis: Well, I think, actually, I think it was Bob that had the brains, because he kindly hired me when I moved to New Jersey, just as Tom was being elected Governor, and Bob hired me as a special assistant. And I had been working for the US Senate Budget Committee for a number of years, when Senator Muskie chaired that committee. It was a new committee of the Senate, or of congress at the time. And as you may or may not recall, Senator Muskie was the father of all of the major early environmental legislation in laws in the United States. And particularly fond of the Water Treatment Construction Grants program.

But Ronald Reagan had been President for about a year when the Governor came into office. And quickly began cutting out revenue sharing to States and other grants to states, including the wastewater treatment construction grants. which was, you know, about a four-and-a-half billion dollar a year program nationally, which was huge in the time, and hugely important to New Jersey, where we still have wastewater being directly put into the ocean. So Bob came up with this idea, "Why can't we have this money as a loan?" Little did he know that that required a change in federal law. But just timing was good. All those people were my buddies, and Paul Arbesman [DEP Deputy Commissioner] was very involved as well. Bob, you remember that.

Bob Hughey: Right.

Brenda Davis: And I was shuttling to DC and we got a bunch of pro bono help from Wall Street from investment bankers and public finance, and most of all we got the Governor's support and if I remember correctly, Tom, you even testified in congress, I think on a couple of occasions on behalf of an amendment to the clean water act to make it possible for us to receive these monies as low-interest loans. And we prevailed, and changed federal

law. So it was-- and it became a national model, what we did in New Jersey, which is sort of my contribution to this conversation is there's several instances of that where Tom led an initiative that really set the precedent for changes all over the country. Many sates set up Infrastructure Banks. And as Bob said, we did it with wastewater treatment. Bob, we also did the solid waste incineration, we used to call it "resource recovery." I don't know what they call it now. But Green Acres program, transportation. So it was a pretty remarkable accomplishment by the Governor, Bob and others.

Governor Tom Kean: Just talking about the national model, I started getting calls from other Governors who saw this thing, and they'd never seen anything like it before, and it worked. And I remember Mike Dukakis calling me from Massachusetts and saying, "Is this thing as good as I think it is, and I said, "Yep." And he said, "Can you send me all the legislation?" So I said, "Sure." Governors-- I hope they still do-- probably because Democratic governors got along well together in those days-- and so I sent it all to Mike. Mike reads it and he calls me back about a week later, and says, "You know, I'm going to introduce this in the Massachusetts legislature, I think it's the greatest thing you've ever seen." He said, "Would you mind something?" I said, "What?" "It's going to be the Dukakis Bank in Massachusetts." <laughter> And I said, "Of course!" But--

Chris Daggett: So any other thoughts on the Infrastructure Bank and the creation that there are, you know, today it's the Transportation Trust Fund that's out of money. But we don't have the will, unfortunately, politically to do the kind of creative planning and implementation that we had back then. Because we certainly have the need still. And but we got to keep pushing that. So let's shift over to the Freshwater Wetlands. Because it's also one of those key issues that came up among many that seem to be key issues that we're discussing today. But I'm going to actually start off, because of a conversation I had yesterday. I'm going to let Brenda kick this a bit. And then I want to have Candy, and John Lynch, and also Jane Kelly to talk a little bit about it, because they were all so deeply involved. But Brenda, will you just kick it off for a minute about the fresh water wetlands?

Brenda Davis: Sure, but I think that the point I got involved, it was actually long after all those others, and the Governor were deeply engaged in State policy on wetlands. But in the second term, '87 and '88 I think it was, the then President of the World Wildlife Fund, Bill Reilly, who was a friend of mine, reached out to me, and we talked about ways in which the Governor might be involved in national environmental policy. And landed on wetlands policy, in particular. And the World Wildlife Fund was interested, at the time was very engaged in dispute resolution processes, to resolve major environmental issues. And they established a national wetlands policy forum, which Governor Kean chaired. And that included all the key constituencies nationally, the major environmental NGOs, like EDF, the developers, the National Homebuilders Association. The key federal government officials. State legislators from, you know, who were leaders in this field. State government officials

and others. This went on for many, many months, involved, again, a lot of shuttling back and forth to Washington DC.

I personally worked real closely with the Governor on this one. He made many trips to Washington, chaired many long and very difficult meetings in Washington DC on this. But the result was spectacular, which was a consensus recommendation for the country that there should be no net loss of wetlands. And the key word, obviously, is "consensus." All those people, the developers, everybody agreed to this. It was a major press conference to share this result, and shortly thereafter, the first George Bush became President. His new Assistant Secretary for Fish, Wildlife and Parks, and others was one of the members-- a State Senator from Wyoming-- who was one of the members of the policy forum chaired by the governor-- and it became national, federal and US policy for "no net loss of wetlands." So once again, establishing a major environmental breakthrough for the country, Tom Kean did that.

Chris Daggett: What year was that? '87?

Brenda Davis: It was around '87/'88-ish. You know, I know it was kind of the middle of the second term. Just before George Herbert Walker Bush became President. It went on-- it took a year or so, Chris.

Chris Daggett: Yes, okay. Candy, take us back to some of the earlier talks or the work on Freshwater Wetlands.

Candace Ashmun: Well, as you know, we've been worrying about the wetlands for a very long time. And the federal activity that Brenda talks about was very key to moving the whole issue in New Jersey. Because as she says, Tom was already involved. So when we got down to doing our negotiations, shall we say, of how to protect our New Jersey wetlands, we had an awful lot of background already. And we had a lot of science. In New Jersey, there was a whole lot of background science that helped us move the ball, so to speak. So I think my memory of it is, which is probably faulty, is that we did a lot of negotiating, but we didn't have a lot of disagreement. It was just a question of applying what we knew to the land use that was involved.

Chris Daggett: So John, why does a New Brunswick Mayor and State Senate President, want to be involved in so many environmental issues?

John Lynch: That's a very good question. <laughter> There's a relatively simple answer, however. That Maureen Ogden is a very difficult person to say "no" to. So Maurine and

Candy had came to me and asked me to be-- to sign on to this legislation. And then explained to me what wetlands really are. And all the benefits that flow from them, and the various characteristics with the hydro-fixed soils and so forth. And that they work on preservation, flood control, cleaning up pollutants and so forth. And after a crash course and so forth, I was convinced that they were on the right track.

And Tom, you know, that bond issue in '87, the Green Acres got a piece of it, you said it was a Band-Aid. You were actually the poster child for the bond issue, because you had so much political cache in the program, which is very healthy and got us to be able to past he Cultural and Heritage Bond Issue, which again was Maureen. And so I wish she was here today, because I give her most of the credit, before she tried to tell me that I was essential to getting this passed, which turned out not to be true. What was essential to getting it passed was the Governor.

And when he used an executive order to put a moratorium in place on any building permits in the wetlands, and in New Jersey, which I don't know, three- four-hundred thousand acres, or whatever. So that sort of brought everybody to the table in a hurry. And there were two different constituencies on the regulated side/development side. And one, of course, was the housing industry. And the other was NIAOP [National Association of Industrial and Office Parks]. And Jane Kelly, who was instrumental in getting this accomplished on a day-to-day basis, and who was a pleasure to work with, was victimized by all of the loyal opposition. And I had the pleasure of interacting with them as necessary. Well, there was one person, however, and I credit the Governor, the moratorium, Jane and Maureen with accomplishing this legislation. But on the other side of the coin, we really needed to get one of the constituencies onboard. And Frank Paschalia was the Head of Raritan Center, Federal Business Centers. And he also was the President of the State NYOP. And three years later he became President of the National NYOP. Unfortunately, Frank passed away about a year after that. Type A personality, three packs of cigarettes, but he wanted to make a deal. And I know Jane was very instrumental in getting that accomplished. And the rest is history.

Part of the program, of course, was the assumption we got to take over the Army Corp for a permitting under the Clean Water Act, which had holes in it, where allowing for a lot of fill that was going on in destroying a lot of wetlands. And so as a result, New Jersey accomplished the assumption six years later with the federal government. So we became number two to Michigan, but I think it was a model. And the people had worked on it did a phenomenal job. I was a bit player at best, it was fun.

Jane Kelly: Sure. Well, I joined the Kean Administration at the end of 1984, and even at that time, I think Nancy will remember, there was a real effort to try to put Freshwater

Wetlands legislation in place. It just didn't really sort of coalesce until probably early '87, when I know there was a bill introduced in the Assembly in January, by Maureen Ogden, Ogden-Lynch Bill. And so but what happened from there was there was a lot of talk, but nothing was really moving. There were meetings, there was-- in fact, there were meetings at the Governor will probably remember, that we were routinely excluded from, Senator Lynch will probably remember that, too. and things weren't happening. We had-- I actually had the moratorium written, and Mike you remember this, on my desk for month and months. And I couldn't figure out why we weren't doing it, because it was going nowhere. Mike Cole was the one who actually explained that to me in June when the Governor issued the moratorium. I think it was June 5th, and Mike said, "Jane! it's June! It's the building season! You know, of course you're going to do it now! You're not going to do it in March or February." But what happened was, Senator Lynch had asked Senator Dalton to kind of spearhead a series of meetings. And so the participants, along with the builders, the industrial park builders and also the home builders, where Mike Catania and me, and the Audubon Society, which was Tom Gilmore.

Candace Ashmun: Yes, Tom Gilmore.

Jane Kelly: Yes. And Tom Wells. And so we sat down and with Senator Dalton, and I remember Mark Connelly was the legislative aid at the time, and hammered out a lot of the issues. But still, it just kept languishing to the point where the moratorium was issued. And that, as I said, was June 5th. And we then had a few more meetings after that, and Mike, you'll remember, there was still a lot of pushback on their part, I think they weren't-- and so we at one point just said, "Okay!" You know, and got up to leave. And I think they realized, "Okay, we have to do this." So I think within a week or so, there was a Bill, and the Governor signed it on July 1st.

John Weingart: There's an earlier chapter to this at the beginning of the Kean Administration. It goes back to what you said, Governor about Helen Fenske. When you became Governor, Helen was the appointed Assistant Commissioner in the Department of Environmental Protection. Bob was Commissioner. But the understanding of everyone in the Department was that Helen Fenske worked for Governor Kean, without much in the middle. I reported to Helen Fenske, but there was also another Assistant Commissioner, Don Graham, who checked up on me.

Helen's beliefs and strategy were not the same as Bob's. She believed that the DEP already had the power to regulate Freshwater Wetlands under the stream encroachment law, and a couple of others, but just needed to exercise the will to do it. To her, it just the recalcitrant Division of Water Resources that chose not to do that. And so she tried to enlist everyone who worked directly for her, including me, to advance that position. And that was, you

know, I'm not sure if that pushed the introduction of the bill away a year or two, but there was definitely a tension within some parts of DEP for the first year or two of the Administration.

Michael Catania: I have to say, I think, that the Freshwater Wetlands Act is really an example of Tom Kean doing his very best imitation of Teddy Roosevelt. First, he gave the legislature a number of years, and a bill passed one House, didn't pass the other House. It was pretty clear there was going to be substantial opposition. And first the Governor kind of publicly came out, and I think he called Wetlands, "The unsung heroes of the environment," for the role that they played, and really kind of had a public education function. And then he made it basically clear that he was going to use the full powers of his office to get this legislation passed. And the meeting that Jane and I talked about, the timing of the moratorium was such that, in addition to the building season starting then, guess who takes the summer off? The Supreme Court of New Jersey. So we were able to sit with the attorneys for the builders. I remember Mort Goldfein was representing them, and the office park people, and say, "Okay, we want this bill passed by June 30th, and if not, we'll see you next building season. You want to come back a year from now and start this conversation? Because the moratorium is in place. Everything is shut down."

And Governor, you gave them no choice but to relent and a bill passed after three or four years of debates and stalemate, the bill passed. I was standing with you when you ripped up the Executive Order imposing the moratorium, as you signed the legislation. And that was still one of the most emotional moments for me of your entire administration.

Governor Tom Kean: You know, I liked that moment, too. <laughter> But I'd been involved-- the toughest fight I had in the whole-- in all my ten years in the legislature, have been because of the Protection Act, which I sponsored in the Assembly. So I had that very much in my mind, how tough it was to get this kind of legislation through, because there was so much money, frankly, on the other side. It wasn't just people, it was campaign contributions, and money. And so I knew how tough it was. But I thought, frankly, with Maureen and John, we had a crack at it. And we worked that way for a long time. And then I started to think in terms of the moratorium. I hesitated for a couple of reasons. One, you're right, was I want to do it at a time when it'd be most punishing. But the other was that my Attorney General said, "You're doing something that's illegal." And I said, "Oh?" And he said, "I don't think you can sustain that one. I don't think the Governor has that power." And I said to the Attorney General, I said, "Well, I think we're going to find out." And so I'd been advised not to do it. <laughs> And but when we did do it, it was a bit of tension, because the question was whether the Supreme Court was going to issue a stay order, because they had issued a stay order, then my Executive Order wouldn't have been effective, and we would have gone into a long court battle, and we may or may not have won it. But I remember sitting in the office, and having, I don't know, maybe you, Jane, one

of the counsels came in and said, "They didn't issue a stay!" <laughs> "They'll hear the other case." And within, I think, it was 15 minutes of that, we got a call from the people who'd been most in opposition to the bill, "How fast can we get one through, and how fast can you sign it." And it happened. But it was good people in the Counsel's office, as usual, there was good people outside, there was good people in the legislature, and that one was fun.

Chris Daggett: Tom, did you want to add anything this particular conversation?

Tom Wells: On the theme of bipartisanship, the bill that got through the Assembly that came over to the Senate, was badly named. It had "Buffers" in it, we liked that. But there were some really bad things in it. And we just had to get it out of the Assembly, because we just, the clock was ticking, and we weren't going to get through that session. And so when it got over to the Senate, Dan took over, and shaped the bill into something that we could all be proud of, and it wasn't about Republican or Democrat, it was working with the Governor to make sure we got the best bill out. And a corollary to that, that was when you were at EPA, and working-- you had Mario Delvacario as your Marine Wetlands guy. And we-- I remember in negotiations-- I'm sure Jane remembers this, too-- where there was certain things in the federal law that was actually stronger or as strong as the state law. And Dan would just turn to Mario, and said, "Do we need this?" And those things were off the table, because we needed it to assume the federal program. And so it was the interaction between you and EPA and the Governor and Dan that all pulled this thing together to make it a good polished bill that then could get passed.

Chris Daggett: Dan, any comment on it from your perspective?

Dan Dalton: I remember John tasking me with putting the bill together, and meeting with everyone and all the interested parties-- and this is funny Governor, you probably don't recall this-- so I think we're right there. And I think we're going to get this bill, we're going to get everybody onboard, we're going to get the votes, and then I got word, "The Governor's issuing a moratorium." And I'm thinking, "Oh!" <laughter> So we had worked a long time, and I remember going to the Governor and saying, "Governor, we were right there." And he goes, "Dan, we are there. Catch up!" <laughter>

Chris Daggett: You know, I just realized as we've been talking this morning and up untill now, one of the things that is a hallmark, I think, of this Administration, and I don't think it was as much-- well, maybe some in Brendan Byrne's Administration as well, but certainly less each year, is the creative use of law by government leaders for the common good. And the example that comes to mind for me is it's not the Freshwater Wetlands bill, but related to it, a couple years later than that when I was DEP Commissioner, we had an issue that

was certainly wetlands-related, but not directly to this, was the permit for the Chatham Township Sewage Treatment Plant, which was going for an expansion of their permit to ultimately add an enormous amount of water to what amounts to a bathtub that doesn't have a drain. That's what the Great Swamp is. And so this was being discharged to the Great Swamp. And Helen Fenske came to me and said, "We should deny this permit." And there was a battle going on about the engineers in the department saying, "Oh, no, we can engineer around this problem." And Helen came up with the idea that-- or someone with Helen-- that we could use the broader powers to say that, "Rather than appoint source discharge, which this was out of a pipe," we would argue that a non-point source impact, meaning this great volume of water, would be a reason to deny the permit. We denied that permit, and out of that denial came the creation of the Great Swamp Watershed Advisory Committee, and then ultimately the Ten Towns Committee, which made a regional plan around the Great Swamp, which is probably one of the more successful examples in the State of Regional Planning doing a good job of balancing the environment with economic development.

But throughout this theme, whether it's using the Super Fund Law, and the hazardous waste things that we did, and the creative use of the law there, to things in solid waste and elsewhere, it was always trying to figure out how can you take the law, and use it creatively but for the common good. and in concert, and again, the theme again, bipartisanship, and hard work by staff people. So and something we ought to talk about more.

John Weingart: Bill Gormley made the point you made, I think, by saying that, "If you give DEP a keyhole, they'll find a way to put an elephant through it." <laughter>

Chris Daggett: Exactly. So let's shift over to-- speaking of regional plans-- let's go to the big regional plan, which is the New Jersey State Plan. And I want to have, again, Candy, if you'd start this off on the State Plan? And then Ingrid, would you give us some of your thoughts on it as well?

Candace Ashmun: To me, one of the problems of the State Planning Act is it's not specific enough. And so when we started out, we had Jim Gilbert, of this Chair, and Tom-- I went to see Tom, I said, "I've been doing the Pinelands all these years, maybe I can help." So I was there. And some other very good people, including Feather, and others. And it was a very good effort, I think. The problem is that it's very difficult to implement in the sense that it doesn't have the teeth that are needed to make it happen. There's a-- and so there is a State Plan. Michele served on the State Planning Commission, also. But it is because of the way that the Act is written, and the implementation is almost impossible to meet the goals that are set out in the Act. So now we're waiting for a State Plan from the current Administration, because they've put everything on the tab-- you know, put away

everything. Someday we'll know what they plan to do. But to me, being interested in Land Use Planning, and especially Regional Land Use Planning, it's all in how you write the statute, unfortunately.

Chris Daggett: Ingrid?

Ingrid Reed: I guess I wasn't any more optimistic than Candy when it finally got to the Act being passed. But on hindsight, I think it was really a very big move in New Jersey. And it resulted from things we haven't talked about today at all. One of it was the courts. Suburbanization had really had a great foothold in New Jersey, and the Mount Laurel issue was one of those issues that came up with suburbanization. I think it also-- there was some frustration, because even though the bond issues had been passed, and we were preserving open space, we just weren't doing it in the right places, necessarily, and fast enough to make sure that New Jersey would still have green. Because you had the remediation efforts, the sense of investment in urban places that made it possible for people to say, "We need to put development where there is some infrastructure. It's not all bad. And you just couldn't buy enough open space, and you had environmental problems of protecting Wetlands water, and you had to implement a new sewer plan, the 301 and the 208, where were the sewers going to go? And it just got to be a recognition that you couldn't solve this problem by either municipal zoning, or even with the passive role that counties had. So I think one of the interesting things about the State Plan, as well as the leadership that came forward within the Governor's office from Cary Edwards and Feather O'Connor-- two people who have really not been mentioned today-- but Feather O'Connor having her eye on the purse, and how we were going to deal out the money; and Cary Edwards having that quintessential sense of what you can get through law and negotiation, but it not really coming together." And so the State Plan is not a strong plan, but I think it's just interesting that it's part of our culture. And the most recent bill where we were discussing how we're going to have urban aid refers to planning areas one and two, and a little bit of three.

Candace Ashmun: From a very old map.

Ingrid Reed: Well, whatever, the conversation in New Jersey over the years has simply changed from not addressing where development should go, or shouldn't go, to having that question on the table. It's in every municipal land use plan now; counties really were forced into playing a role, through cross acceptance. And although, it's not anywhere near perfect, I think it moved New Jersey into a different realm of saying that the State has responsibility and you can't do it alone in a municipality or a county. You're just too connected. Now how that all plays out, who knows? But it just seemed to me that it's just a different ballgame, because of what was happening in the '80s, and the kinds of things that we were trying to do, that we still don't have enough direction of what the State wants to see happen, and

how we hold others responsible. So it's a messy process. New Jersey, again, was a pioneer. Another area that happened with this is that an academic institution, namely, Princeton, was in the background of playing a role of introducing this to legislators. We made friends through Feather and through me with Oregon. The idea of New Jersey Future came because Governor McCall said that he couldn't implement this plan, you have to get-- sort of the Roosevelt thing-- you have to come in and pressure me. And through Henry Richmond from Oregon, we learned, but those two people, one from John DeGrove and Henry Richmond, when they came, they went around to visit the legislators on our behalf, and told them about how it was done in New Jersey and so on. We probably need to do more of that. But Mort Goldfein, who I just heard mentioned. He came on board, along with Bruce Coe, to help found New Jersey Future, and said, "This is good for business. We shouldn't fool around anymore. Just tell us where we can develop and where we can't develop." And again, it's not perfect, but people now ask those questions, and in some ways, behave that way. So I think, Governor, you were there supporting it. I always wondered if you knew all this stuff that was going on <laughter>--

Chris Daggett: What year did the State Plan pass?

Chris Daggett: '87.

Chris Daggett: So Bob, was there some groundwork at the DEP? Was there stuffing going in that led to-- how was the DEP involved at the time?

Bob Hughey: This is really past me. You know, I didn't have anything to do with the development of the State Plan. And I think it's-- I think it probably would be much different if Tom Kean could have served a third term.

Ingrid Reed: Yes.

Bob Hughey: But these are the kinds of things that you have to stay after. And when you say, "Plan," you have to have some idea of how you're going to put that plan together.

Ingrid Reed: Right. It's more a strategy than a Plan.

Bob Hughey: And how you're going to regionalize that plan, which I think is the way you've got to build every plan. I don't think-- you never build anything from the top. So I think Tom just-- his Administration didn't have time to do that. And I think-- you think about it all these many years later, and what we have is a narrative. I don't call that a plan.

Ingrid Reed: No.

Bob Hughey: You know? And I think narratives are like-- I mean, they all sound good, don't they? I mean, it's like a local community doing a Master Plan. We're going to save Green Acres, we're going to do this, we're going to do-- it's great! Turn it into a zoning ordinance, then it becomes real. And so I think a State Plan without a map, with general narrative, is not a State Plan. And I think probably that's too bad. We probably missed 15 years.

Michele Byers: I think it's instructive that the legislature considered a specific amendment to the State Planning Act that Jerry Stockman tried very hard to get passed from the floor to the Senate, to make the Plan binding. Not only on State Agencies, but on local government. The exact language from the Pinelands Statue that basically says, "Subsequent to the adoption of the Comprehensive Management Plan, everybody has to listen to it." Which, even though that's been controversial, actually made the plan stick. But having considered that and rejected that, we basically got sentenced to, as Bob said, fifteen years of debating, "Do we really mean it? Whose bound by this? Do even the other cabinet officers have to listen to the mandates and the State Plan, much less local governments?" We go through cross acceptance. You know, it's just been a torturous process! And I think one of the things we learned is if you can have a Regional Zoning Plan, it really has to be Regional Zoning Plan. Otherwise, it's just, you know, some very nice concepts and things that we'll do if we feel like it, but if we don't feel like, it's not particularly binding on anyone.

Chris Daggett: All right, so let's use that as a segue into talking about the Coastal Commission, speaking of regional plans. I'm sorry, did you want to mention something on the State Plan first? Go ahead, Michele, before we go off, yes, go ahead.

Michele Byers: Well, really quickly, I think the act itself has its weaknesses. I agree completely with Ingrid and Candy on that. But it does still have very solid language in there, and if we did get solid leadership from the Governor's office in the future, I think that there's so much that could be done with that Act itself. And in the meantime, we do have a body of case law that's been established, we have a lot of planning concepts that have been integrated into the system. So I think we've lost a lot of time. It's been a big disappointment in so many ways. I saw-- I came on in Whitman's Administration, and I went through McGreevy, and into Corzine, and every single Governor completely took another chip away from its independence, disempowered it even more, made it into something else, ignored it, and now we have a 40-page document that's meaningless. So it's been very, very disappointing. But be that as it may, we do have an Act that could be utilized strongly if we had the leadership.

Chris Daggett: If it's still on the books, it needs to be administered.

Ingrid Reed: And it's in our culture. I do think that there's enough that you could pick up on it.

Chris Daggett: Okay. So over to the Coastal Commission for a moment, I'm going to, again, Brenda, I'm going to ask you to kick it off, and then John Weingart, I'm going to also have weigh in on this, because I think you guys were both fairly heavily involved in it.

Brenda Davis: Yes, absolutely. Thanks, Chris. Well, this is not one where we succeeded, nor did we set a national standard, I would say. But we got pretty close. It would have made a real difference, I think, in the events of recent years on the New Jersey Shore. But at the beginning of Tom' second term when he appointed me to his cabinet, I was new and nervous and scared, and went over, made a little appointment, went over to talk to him about his priorities, and he gave me one at the time, which was he said something like, "Do something about the New Jersey Shore. Stuff washing up on the beaches, etcetera." And that was my guidance.

So I had just hired Ralph Izzo, I thought every Governor should have a nuclear physicist working for him. <laughter> And Ralph, of course, now is CEO and Chairman of PSE&G. But he was an enormously creative person. And I asked him to come up with some options for us to take to the Governor, and together we developed a proposal for a Coastal Commission, which was to be a planning, and to some extent, self-governance organization. But it was a governance body. And the Governor loved it, and again, he gave me lengthy guidance, which was, I think three words, "You get the mayors." Or maybe it was four words, "Get the mayors onboard." So I went back to my mentor, Bob Hughey, and his buddy, Bill Gormley, who assigned Don Graham [DEP Assistant Commissioner] to work with me, and Don and I, over the course of several months, spent a whole lot of time in the car driving up and down the coast of New Jersey, visiting every single shore mayor, every county executive, developers, anybody who would meet with us. but a real focus on enlisting support from the mayors and county leadership. And we did that, and had again, a big road show, press conferences and things involving mayors and leadership among the community of mayors. It was another situation like Tom pointed out a moment ago, of a lot of money on the other side. You know, with home builders and others. But in the end, we came within one vote of enactment. And what's interesting, I think, for the history books is that we lost the Coastal Commission, again on one vote. And it was over an amendment that had been included in the bill that would have prohibited rebuilding on the New Jersey Shore after a storm. And at the time, you know, we knew that that would be the kiss of death for the legislation. It was included. We lost by one vote, and kind of a fascinating ending in hindsight.

Chris Daggett: John, a comment, and also Bob, I would like for you to comment a little bit on it, too. Go ahead, John.

John Weingart: I didn't think the Coastal Commission was a good idea. I thought that the DEP had just, in 1980, adopted a Coastal Management Program, which had detailed policies for what could and should and shouldn't be built. But, to my mind, the problem was not the absence of a plan but that CAFRA didn't have teeth in it to regulate developments of less than 25 housing units. And I thought that DEP had adopted a Shore Protection Master Plan around the same period, just toward the end of the Byrne Administration. So I didn't think it was a good idea. One of the good things about the Kean Administration that hasn't been mentioned enough today was that the Governor stayed out of individual permit matters. And I was the Acting Division Director-- Acting Director of the Division of Coastal Resources, for three years, and then the Director, for the rest of the Administration. I never got any-- developers would come meet with us and say, "I was with the Governor last night, and he's going to call you about whatever." And we never got calls back, any of that.

So the fact that I didn't agree with the Coastal Commission idea was accepted and I wasn't particularly part of the discussions after I made that clear. <laughter>

Brenda Davis: Aw, John, that's not fair. <laughter>

Chris Daggett: Actually, Brenda, I would take that as a positive. In that we never-- none of us, to my knowledge, ever forced governmental staff to do something that principally they could not feel they could support. That is a very positive thing that occurred in this Administration in particular, that is, I think what John is referring to.

John Weingart: Yes, absolutely. That is what I meant.

Bob Hughey: But let me say this...

Brenda Davis: Fair enough.

Bob Hughey: Let me say this in terms of what John said. That's a reasonable position to have, but it also became an excuse for a lot of people who didn't want to support the Coastal Commission. You know, "We already have this. That's what CAFRA does." In retrospect, I-- Brenda and Don Graham did a job that I told them they didn't have a chance of selling. I didn't think they could ever sell that to the Shore Mayors. I didn't think they could sell it to the counties. They did a tremendous job. They got killed by a boneheaded

amendment. I mean, that's the kind of amendment that, you know, we're talking now in New Jersey, people are reintroducing legislation on a Coastal Commission. I don't think it's got a chance, but and it's only in on one side, but that amendment wouldn't pass today. Shouldn't pass today. You know, you can tell people under what conditions that they can build, or not build. Or you can agree to buy their house, which is a concept that we tried to sell in 1984. We actually had Bill Bradley ready to sponsor legislation that would have changed FEMA so that we could buy out places on the shore in the event of a storm. The federal government could have invested once instead of six times. But it didn't work. But that's the kind of an amendment that if you live at the shore, and I do, that as soon as it got put on the bill, it doomed the bill. And you think about it, you got one vote shy with that? It shows you how remarkable the job was that they did.

Chris Daggett: Who sponsored the bill in the Senate? Was it a Senate bill?

Bob Hughey: I don't know.

Governor Tom Kean: No, we lost in the Senate.

Chris Daggett: You lost in the Senate?

Governor Tom Kean: Yes.

Chris Daggett: Do you remember who the sponsor was, Dan?

Governor Tom Kean: I remember the vote we didn't get, but I don't remember--<laughter>.

Governor Tom Kean: You know, it was, I thought that it was a natural step beyond CAFRA. I mean, I remember the arguments when we got through CAFRA, and there were things left out of that bill that I wanted in, that we have to do, pass. Including a little piece of the coast that was carved out called Jimmy Cafiero, that wouldn't vote for the bill, unless we carved out his little thing. And that was necessary to get that bill through. And but there was things in CAFRA that weren't done. And I thought this was an overlay o CAFRA, which would pick up those problems, include the gold coast, and enable us to prepare for the storm that we all knew was coming at some point or other. Particularly if we got the mayors involved so that they would not only be for the bill, but then work with us after it passed. And frankly, you know, it wasn't just the one vote. We ran out of time, because if I'd had

another year, I'd have come back with it, and I think we would have gotten it. But it just ran out of time.

Chris Daggett: That a former Governor, not to be named, has recently said, "We still need a Coastal Commission, and maybe we ought to think about doing it." And I think it was in the following Hurricane Sandy. You know who that was?

Governor Tom Kean: I know the present Governor said, "Not now." That's what I do remember. <laughter>

Bob Hughey: I think, Chris, you look at this now, when people should be paying attention, and they've taken-- and "they" is generic, I'm not picking on anybody here. You know? This is not a political statement. But they have taken exactly the different position. You know, they're going to manage this from the top. They haven't met with the mayors. They've adopted the maps two years before FEMA has. And now all these local communities are on their own. If you want to contest the maps, you're doing it by yourself. Think about the enormous waste of money. Whereas, in our day, that would have been run by the Governor's office, or by DEP. And we would have been meeting with the mayors and saying, "How can we help?" And then we would have been compromising as we went through the issues. And instead of that, we've taken a completely different position. So that's why I say, "Is a Coastal Commission possible today?" I think far more remote than when Tom tried to push it.

Michael Catania: I was actually in the John Weingart school on the Coastal Commission. I feel compelled to say that, but Governor, I think that the reason that some people in the environmental community were uncomfortable with it, is that it was not perceived as a strengthening of CAFRA. Instead it was perceived as a dismantling of CAFRA, and replacing a State system that needed to be made stronger with basically something that would turn control back over to the counties and local governments? And it was perceived as going in the wrong direction. And I think that's exactly the perception now. Particularly how this Administration has handled the Highlands, that to basically, take DEP's jurisdiction in the coastal area, and diffuse it and weaken it by turning it back to a myriad of local governments, I think is perceived as a step in the wrong direction.

That's probably, the only time I think that people kind of questioned the direction, I think it did have a lot to do with the fact that it was at the tail end of your administration, and there wasn't time to really get the message out that well. So combined with the logical and political opposition that it was getting, you just ran out of time to make the case.

Cindy Zipf: I was just going to remark that I wish Dery Bennett was here, because I'm sure he would have some choice stories. I remember, this was my earliest times as an intern with the American Literal Society, and I think Brenda, he called you the Steel Magnolia, that you could accomplish just about anything.

Brenda Davis: That's possible.

Cindy Zipf: And he was very impressed with your ability to convince people that this was the right-- and in fact, I think you ultimately convinced him that it was a good step in the right direction, yes. I think he was a little not very-- what? He was not all that enamored, I think, at the beginning, because he was concerned, you know, about who would be appointed, and how it would all work. But at the end of the day, I think he was a strong member of your team.

Brenda Davis: Yes, he was, that's correct.

Chris Daggett: Bob.

Bob Shinn: I'm going to deviate a little bit, but one thing that wasn't on our agenda today that happened in the Kean Administration was the first purchase of the farmland easement under an act that's been around a while, that didn't have any action was to me got started in farmland preservation in a pretty good record getting that done and funding it.

Chris Daggett: Yes, good point. Good point. But in the interest of time, I'm going to note that, but I'm going to move on to the Ocean and Beach Pollution issue. And I don't know who best to kick it off, but all that I know is that I was deep in the middle of that one. <laughter> I was DEP Commissioner-- I'm sorry, I was Regional Administrator at EPA when stuff started coming up on the beaches in '87. And then again in '88. And then without realizing maybe what I was doing, as I shifted over to DEP, I tossed the problem into my own lap. <laughter> But we, as all of us know, we had all that material that was washing up. And I can remember that what we ultimately did was take advantage of the fact that we had had, for many, many years, an EPA helicopter. And that helicopter would take samples from Cape May out to Montauk Point. And the only reason we had a helicopter-- and we were the only region in New Jersey with a helicopter-- is because we had a guy named Herb Barrack, who is now about to become-- or if he's not the Chairman, I think he's the Vice Chair of the Environmental Infrastructure Trust-- but Herb Barrack was the Head of Policy and Planning, or Policy rather, and Management for the Regional Office. And he was long-time government employee, who managed to know where all the surplus things were. And he managed to get from the Army, a surplus helicopter. And so we had a helicopter. And

those samples were taken, and because of that, we understood the dynamics of the ocean in such a way, and were able to follow where some of this material was coming from. And we came up with a term ultimately of refloatables, because in a high tide event, and a storm and a full moon when the waters rose, all the debris on the shorelines of the harbor would come back off the shore, and float out, and then they would, as it turns out, a lot of it would get under the Verrazano Narrows Bridge, where you could probably furnish your home. Couches, chairs, tables, you name it, it was floating there. And then in the trick of winds and tides, had all stripped off, and we had that 50-mile garbage strip, which was only about 10 yards wide. It wasn't that wide, it was just long! And then it would just wash into the shore. And if you added that plus everybody thought it was illegal dumping, which it turned out not to be almost at all, because we had local, state, regional and federal law enforcement officials trying to find the illegal dumpers. And I had had enough experience with the State Police that I knew that when they wanted to get their person, they found that person. And they couldn't find anybody. They found one or two examples of some minor things. But it turned out that it was a combination of the slobs that were using the Jersey Shore, who would leave all manner of debris on the sand before the high tide came up. The boaters in the back bays who threw everything overboard. New York City that didn't have its street sweeping operations and cleanups. The shoreline that I mentioned ahead of time.

And when you added it all together, we had a mess on our hands. And we finally figured out, I can remember when I was DEP Commissioner, Don Dieso and George McCann [DEP Division Directors], coming into the office. Michael, you were there, too. And said, "We got an idea! Let's call Bill Fauver. And Bill Fauver was the Corrections Commissioner. And so we took a group of prisoners, and we walked the Jersey Shoreline, and the Harbors, and the first summer, cleaned up four million pounds of debris, 96 percent of which was wood! And it was coming from things like-- not only the harbor piers that were rotting and would fall in, but the Corp of Engineers would collect all that, and then load it on barges, tow them 17 miles out and burn them at sea. And they would have a habit of dropping a lot of it on the way out, because they overloaded the barges. But we spent-- we finally figured it out, and literally in two summers we pretty much stopped that debris. And I don't know if others have a recollection of it. Michael, you should probably speak to it some, because you were there. And also Bob Tucker. Go ahead.

Governor Tom Kean: And Brenda was, too.

Chris Daggett: And Brenda was involved as well, that's right. But Bob, why don't you start first.

Bob Tucker: Well, I have a recollection that sewage sludge was washing up on the beach in '85/'86, and we had dolphin deaths. And some dentist was arrested for dumping medical waste.

Chris Daggett: That was in the Meadowlands. And that was a little bit of medical waste, but I don't think that was what was on the shore.

Bob Tucker: Okay, but we also had the dolphin deaths, which I'm culminated in outage. I have to hand it to Cindy, as if to-- open-- was she involved in...

Chris Daggett: I can tell you that in the end, the total amount of debris that was medical waste that we collected the one time, filled two garbage bags is all. Because it was just the idea that one needle was so disgusting. But let's have Michael, you take a crack. And then Cindy and Brenda as well.

Michael Catania: I'll go to my grave not understanding why it is that the mysterious aspect of ocean currents that make whatever waste that is getting into the ocean, the Ground Zero where it washes up is the Governor's ocean house at Island Beach State Park. <laughter> And Governor, you don't know this, but Tom Burke and I were in a helicopter with you, you had closed the shore by executive order from Sandy Hook to Cape May, Tom was Deputy Commissioner of Health, I was Deputy Commissioner of DEP, and we're doing a tour with you. The entire shore is closed. We're flying from Sandy Hook south, and the only people on the Jersey Shore in violation of your order are the DEP attorneys having their annual summer picnic. <laughter> And as we're-- and you tell a helicopter pilot, let's go closer, and everyone's waving at us. And you turn to me and said, "Why are those people waving at you, Michael?" And I said, "Governor, I'm sure they're waving at you. They can tell it's your helicopter." You said, "I don't think it's marked on the outside." <laughter> It was one of those issues that, you know, was-- it kind of came out of nowhere, and we found out, as Chris said, that there were multiple sources. There was a barge-loading facility in Middlesex County in Raritan Bay, that apparently every time a high tide would come in, a certain amount would wash off the barges and the ocean currents would carry it--

Chris Daggett: I forgot, too, Fresh Kills Landfill was not being handled properly, and the barges coming out of New York City were in that wind tunnel, and a lot of that garbage was blowing off the barges, too.

Michael Catania: Yes. Tom?

Tom Wells: So, Governor, you might remember that day. Because you-- we weren't quite sure how you were going to handle the press conference live on the dunes. We're there at your beach house, and Chris came down in the EPA helicopter. We met you with the Governor's helicopter. And we were going to go-- that's before 24-hour-news, we were going to go live at noon on the beach. And we didn't have very good answers for you. So you quoted "The Drifters," "Under the boardwalk, down by the sea; don't mess with me," Or something like that. <laughter> And it was a turning point where you said, "We are more committed to reopening these beaches," which you did within a few hours, after a thorough cleaning. We were beginning to realize that things were not washing up on the beaches, but washing off from the beaches and then back. And it was a turning point. And I'll never forget that day, because I really didn't know how you were going to face the national media. But it was, I think, another real success, because at that point, we began to really turn the corner and put the medial waste in perspective. Which led to the Medical Waste Tracking Act, and all of the measures where the beaches are real plenty clean now as you walk the beaches at night. You don't have to step on sharp objects anymore.

Chris Daggett: Cindy?

Cindy Zipf: Well, you know, I guess I come to this, again, as I said, I was very young, I was an intern with the American Literal Society, and I'd just learned about all the ocean dumping. We were the ocean dumping capital of the world. We had eight ocean dumpsites off our coast. And we had the results of being downstream of the most densely populated urbanized areas in the United States. We had a lot of sewage treatment plants that weren't up to snuff. I remember my first press conference in 1985 was with a commercial fisherman, Captain Ed Molachevsky, where he brought his nets to the press conference. Again, it was a brave move on his part to show the hair and the synthetic fibers and the sludge that coated his nets from going fishing off our coast. And he'd talk about he would-- his family, after a day of fishing, he'd bring his nets home, and the entire family, the little children and everybody, would go out with wire brushes and try to scrape them clean. And so I think there was this constant series of events. And given your crisis management from the land-based side, we heard about it earlier this morning, you were well up to the task. When the dead and dying dolphins washed up, when the medical waste washed up, when there were over 800 beach closings in one summer, just in Mammoth County, you stepped up to that challenge, you put out the 14-Point Plan, I think it was. You know, of course we wanted more, but you know, there were hearings, there was a great buzz about it, and there was just that leadership that you pulled to resolve these issues. And it included getting the Department of Corrections out there, it included mapping all the storm drains; it included the negotiations with, I guess, I don't know if it was the Mayor Koch or whatever to get Fresh Kills Landfill. It was working with the EPA. I mean, I remember that press conference when we closed the mud dump, when you closed the sewage sludge dumps. That was in 1985 as well. So there was just these-- a series of unfortunate, and a series of fortunate events that led to the real leadership to get it all under control.

Brenda Davis: Well, all I can add is after all this great activity, we were left with the problem of how to prevent this in the future. And partnering with you, Chris, at EPA, and Michael and Tom Burke, and Dick, and everybody, we came up with the 14-Point Ocean Pollution Prevention Plan, which I remember very well. And it was obviously in response to this huge-- I think, wasn't it, Chris? A 50-mile slick of garbage. It wasn't real wide, but it managed to cover a long stretch of the beaches. And unlike the Coastal Commission, these 14 points flew to the legislature, even there were many of the same elements buried in the 14 points. But that was how we responded out of the governor's office, and the Governor personally asked for these action on the part of the legislature, and others. and we did a lot of work with the State of New York, obviously, with you, Chris.

Chris Daggett: When I was at EPA-- I got to think about this for a minute, but we had two remaining corporations that were dumping massive amounts of acid waste into the ocean, using the high alkalinity of the ocean to neutralize the acid, which it would do. But it would still kill off the first layer of plankton or whatever. And then there were the barges from the Corp of Engineers that were towing out the driftwood and so on, 17 miles out and burning it. We had the ocean sewage dump site, which was six miles off the coast?

Brenda Davis: Twelve miles.

Chris Daggett: Twelve mile, right twelve mile site. We had the-- what was the other dumping that was going on.

Cindy Zipf: Cellar Dirt dump site.

Chris Daggett: Pardon me?

Cindy Zipf: Cellar Dirt dump site.

Chris Daggett: Cellar Dirt dump site. Then we had what Cindy referenced was a number of sewage treatment plant along the Jersey Shore that were-- had only primary level of treatment, and were dumping into the Bay, and then that material would come around, and be the fecal coliform that would cause the spike in counts, that would make us have to close the beaches. And when you added it all up, over a period of about, I think it was only not too many years, we'd virtually stopped every single one of those. And the one story that I can remember clearly was I was negotiating with several of them one of the corporate side with getting the acid dumpers out, but on the ocean dumping of sewage sludge, with negotiating with New Jersey had decided to go out to then the 106-mile site, or 102-mile site, rather, which is just off the Continental Shelf, where it's two-miles deep. And so the

thought was better than 12 miles out, where it landed on the ocean floor really quickly. And so New Jersey had agreed to go out there. And I was negotiating with Ed Koch for the City of New York. And I, at one point, got a phone call while I was in the middle of a meeting, and somebody said, "Congressman Bill Hughes is on the phone." And I got on the phone with Bill, and he immediately put me on the speakerphone with five other congressmen, and I was just on the verge-- we were very, very close to getting Ed Koch to agree to move the site. And suddenly bill told me that if a law was going to pass in the Congress, and I went back to Ed Koch and I said, "We can continue these discussions, but I think it's a waste of time, because it's going to change." And sure enough, the ban came in place as a result of that. And then we were doing some other things. But overall, we went for, in a very short period of time, from an enormous amount of waste still being dumped, to nothing being dumped.

Governor Tom Kean: Yes, this is one of the things I'm proudest of - because of the way it was done. It was a massive problem, not only environmentally, but economically, because of the tremendous income New Jersey gets from the jobs at the shore. So to close the beaches was a huge problem. And so to identify the problems, some of them major, some of them minor, but all contributing a bit to the things Chris talked about, to the waste that was in the rotting pierss along; to what I used to call Mount Koch, which was that landfill on Staten Island.

And I got along with Ed Koch; we sued him over that. I mean, it wasn't a negotiation. It was a suit. And to cap the barges, and all of that. But we put together three-quarters of a billion dollars worth of bills. That would be well over a billion today. It was a huge commitment by the State, by the legislature, who passed it, all dedicated-- 24 bills was it, Ed? Large number of bills, each one dedicated in one way or another to clean. And it worked. I mean, absolutely worked. Plus some monitoring we agreed to, which was everybody was going to test every beach once a week, to make sure that the coliform-- the only State-- and I think we're still the only State in the country that does that. So people are assured. So anyway, the thing worked. The major money was spent, I think, on the storm water runoff. That was the biggest expense of the bill, but it was a huge expense.

But the cleanup happened fairly fast. And then the question was, how do we convince the people to come back, who have seen garbage in some cases, needles and hospital waste and that sort of thing on the beaches? How do you get them back? Because they didn't want to come back. So we were noodling that. And all of a sudden I had an idea. I said, "Let's call the head of Johnson & Johnson, Jim Burke," because he had this terrible Tylenol problem. And he convinced people to go back to Tylenol after they'd been poisoned on it, basically. And said, "Let's-- let me call Jim Burke." So I called Jim Burke, and he said, "Well, we used a group that was a focus group to really test what would work." And he said, "I'll give you the name of the focus group." So I said, "Fine." I said, "We'll hire them." So we

hired the same focus group. And they get all these folks together, and they would say, "You know, we spent all this money on storm-water cleanup. You know, we're getting New York to close that landfill, we're going to barge." Each thing they said, then we'd ask the people. You know, "Does that make you willing to come back to the shore?" And they said, "No!" And we said, "Well, what if we got the best scientists from Princeton and Rutgers, you know, to tell you that because of everything we've done, because of three-quarters of billion dollars at work, the shore is really clean right now. Will you come back with your family?" "No." "We want one thing," if the Governor <inaudible>, didn't believe the Governor. Didn't believe anybody. And they're just remembering the gunk, and they're not willing to come back to the New Jersey Shore. And then toward the end, one of the last bills in the package, and the least important, was somebody had said, "You know, what if people dump off boats, off the-- they're ready to love that." Didn't matter much in the whole problem, but there was a bill that said, "If you dump off a boat, you go to jail." And somebody just-- you know, they're going through all these bills trying to get some positive reactions from these focus groups and getting none. And then finally, and there's a bill that says if you dump off these boats that you can go to jail. And some woman looked up and said, "Got to jail?" And the guy said, "Yes." "Then they're serious!" And two other people in focus groups went, "That's really jail time for pollution." We said, "Yes." "Well, then, you know, if they're going to do that, that became what they're willing to come back for, because people were going to jail. So I followed up on that. I used to do, if you remember these ads,
New Jersey and You, Perfect Together."

This wasn't great doing, because we had to do them in February in my shorts and everything, I was trying to get ready-- <laughter> but anyway. So we got-- I got on the beach, and I did the usual "New Jersey and you" ad saying "We've got these beautiful beaches, and we hope you'll all come, wonderful summer coming ahead, and we want you all to come down." And then I said, "But! If you think you're going to pollute our shore in any way," and then the scene shifted, it was the Essex County Jailhouse. Which is the oldest-- at that point, it was the oldest jail in the State with these big thick old doors from the last century. I said, "You will end up in here!" And I slammed one of these doors. And the ad worked like magic! We ran it in all the areas. And they all came back. So again, it taught me this lesson about how you got to find out how to communicate these things. You can't communicate it always the way you should communicate it. You got to find out what people will understand, what people will buy. It was a combination of the good bills, and everything else, I'm very proud of. But it was lassos the idea that going to jail was what people reacted to. And that's what got-- everybody came back after that.

Chris Daggett: That's great. So let's with that, shift to our final topic, which is the Hudson River Waterfront. And we're going to start with Martin Robins and then John Weingart, I'm going to have you pitch in a little bit on that one, too. Go ahead, Martin.

Martin Robins: Well, thank you very much, but it was privilege to be here all day. First of all, I want to congratulate Governor Kean, because the building of the Hudson-Bergen Light Rail Line, I think is a remarkable achievement. And it is something that some of the people in this room have used. Hope many of them have used. And I think of the shaping, the development of Hudson County - everything that you have dreamed about has worked.

As a matter of fact, just today, I got a call from the press, and they were asking me about this finding that Millennials want to live in places where they can walk or bike or use public transportation. And the outcome of the conversation was, "Well, what we should be going is doing more of what Governor Kean did in the 1980s, which was to invest in public transportation in urban areas. It's been a remarkable experience, transit-oriented development is following it at virtually every single station. It's something to be really proud of.

But there's more to it than just the fact that it was your commitment to that that made it happen. Because you coordinated a lot of other things. One of which was the Transportation Trust Fund was in place when it came time to build that system. And it was-- it enabled succeeding Administrations to actually go ahead and build it to its full extent. There was also the Waterfront office, which Gary Stein and Larry Weitznerdid a remarkable job in weaving together the transportation planning, and the investment by the private side in the Waterfront.

And one of the best things that we did, the most fun we had was when a new company would come to Jersey City or Hoboken, we would line up with the human resources people the ability to advise the bewildered workers who were moving from New York to Jersey City or so, and try to tell them how to use public transportation to get to the site. That even preceded the Hudson-Bergen Light Rail Line. But now it's even easier to do that.

And one other thing I wanted to mention is this gentleman on my right, John Weingart, was at Coastal Zone Management, and without John's close cooperation, we never would have been able to secure all those easements for the right of way within Jersey City, particularly, where it was just absolutely essential. And we knew we had the backing of the Administration to be able to get that right of way. And now it's functioning, over 20-some-odd-thousand people use it every day, and the future is the sky is the limit for that system.

Chris Daggett: Talk a little bit about the Hudson River Walkway.

John Weingart: Okay, sometime in the late '70s, the Port Authority ran a conference on the subject was the Jersey side of the Hudson Waterfront. Peter Goldmark was the head of

the Port Authority at the time and when he spoke he said, "This area is an area of insurmountable potential." Of course, that was a good phrase. <laughter> And I think what happened in part from the Waterfront office that Martin mentioned, that the Kean Administration set up, was that it enabled the state to start to it realize that potential.

It was a remarkable change in eight years for a number of reasons. The DEP had adopted regulations under a 1914 law that gave us the power to regulate the first development in land along the Hudson River, in this case. And what we evolved through working with the office that the Governor's office had set up in Jersey City and New Jersey Transit with Martin, was that we wrote our permits to basically insist on two things. We said to developers, here are 350 pages of regulations but these are the two things that are most important to us. One was that in what we called the backyard of the site, they would set aside an easement for the light rail line - even though the light rail wasn't fully envisioned or funded yet.

And in the front yard, the waterfront side, they would dedicate a strip from the south end to the north end of the site for a segment of an eventual walkway. And we had commissioned a plan from a consulting firm showing a design for a walkway that would go from Liberty State Park up to the George Washington Bridge. We didn't have money to build much of it. But the idea was that each developer would set aside a segment on their land, and eventually the segments would connect. The Walkway hasn't yet reached the level of success that the Light Rail has, but there are significant parts of the Hudson waterfront today that have a walkway today, and this is a result of DEP being able to insist on that during the Kean administration.. And again, in this case, there was real leadership coming from the Governor's office, and then a philosophy coming, I believe, from the Governor himself to leave the regulators lone to work with the regulations and issue the permits that were required to realize these visions..

Chris Daggett: And Brenda, when you and I spoke yesterday, you talked about the Circle of Mobility.

Brenda Davis: I tried not to talk about the Circle of Mobility. <laughter> If you remember correctly. But more successfully, the Hudson River Waterfront Development Office, reported to me during this second term, and was run by a wonderful man named Herman Volk. And you know, we were engaged in many of the things that others have mentioned.

I want to credit John Weingart for doing some very heavy lifting up there. When you drive into the Lincoln Tunnel, the only reason you can see the Hudson River coming around the loop there is because of John Weingart. Yes, we worked on ferries, light rails, spent a lot of time on recruiting businesses out of Manhattan into our side of the River. Merrill-Lynch

comes to mind. The back office, I remember having folks in for breakfast with the Governor at Drumthwackett on at least one occasion. So public transportation obviously was critical right in the area and accessing the area. So I think that's probably the most I can add.

Chris Daggett: So, Brenda, I will tell you that that viewshed, there was a permit being requested from Hartz Mountain to build six stories, something like that?

John Weingart: Sixteen.

Chris Daggett: Sixteen stories, which would have prevented the person in the Helix, driving down, from being able to see the World Trade Center.

Brenda Davis: That's what I'm talking about, right.

Chris Daggett: Right. And you couldn't-- and I said to John [Weingart], John said that the permit decision was coming along through the pike. And I said, "John, this makes no sense. We should approve this. Nobody driving down there should be looking across the way while driving. And this doesn't affect the view of anybody living on the top." And so John said, "No, no. We got to protect this view-shed." And I said, "John, I'll tell you what. I'll make this decision if it comes up, and then you don't have to make it."

And so we-- because I didn't believe as I said earlier, in making somebody do something that they didn't feel comfortable with. So sure enough, it ultimately came up to me, and I made the decision to let the view be blocked, because in the end, I thought, "If you're going to push urban development, and re-development of cities, you've got to somehow, every now and then, give something to allow that to happen if you're going to save Open Space."

In any event, the long and short of it is that, of course, we were sued, and the environmentalists took it to court. And the judge ended up ruling that I didn't have the authority, as Commissioner, to make the decision! <laughter>

Governor Tom Kean: Really?

Chris Daggett: That I had not allowed the administrative process to take its course, which was that John should have had a chance to make the decision, after which I could review it, but since I had aborted that process, the whole thing went out. In the meantime, John just

smiled, as though I had been set up. And then Hartz Mountain ended up changing their plan.

Brenda Davis: but he's still opposing the Coastal Commission. <laughter>

Chris Daggett: So in any event, with that, let me just say, and I'm going to turn it over momentarily to the Governor. Let me just say, Tom, that I think I speak on behalf of others, and they can all pipe if they want to say otherwise, but for me, the hallmark of, not just the environmental side of the Administration, but really the, in various areas, whether it be education, or whatever area you want to choose to talk about, what I think characterized your Administration more so than any since then by a long shot, and it's gotten worse in many respects successively as we've gone along, is that you had the approach that said, "I'm going to surround myself with good people." People in a number of cases that were far smarter than you were on issues, with all due respect. I mean, they had expertise in certain areas. And that you were going to not only let them do their jobs, but that you were going to encourage them to do their jobs, and to do what you said, always told us, "Do what is right. What you think is right." And we never would surprise you. If we were going to do something, we'd call you up ahead of time and tell you. But I don't recall any instances where you told any of us to do something different than we thought was right. And it enabled us to work with-- across party lines, across departmental lines, whatever-- to get things done. And I think that, to me, is a sign of what leadership is about. And I don't know if anybody wants to add to that. Bob?

Bob Hughey: I'm going to disagree with you a little.

Chris Daggett: Okay.

Bob Hughey: You know I missed the opening today, and I asked Nancy if Tom gave his usual, "Aw, shucks, they were all good people. And I just sat back and let them do it." I know, I've been there with him every time he's done it. Let me tell you something, and I mean this for everybody, we were all overrated. Frankly, we were young, we had no idea what we were doing. We bumbled along. The group of people that's here from DEP today, we called ourselves "The B Team." And the expectation was that sometime along the way, we'd meet the A team." So we were just lucky people. We got to work for Tom Kean. And everything that we did, he made possible. Right? Nobody's ever going to have an experience like that in government again.

Chris Daggett: And I-- thank you, Bob. And I don't mean, and I hope that what we both said is consistent in that--

Bob Hughey: Oh, yes, you said we were smart. I said-- <laughter>

Chris Daggett: Right. I meant topically, I didn't mean politically. Yes, Joe?

Joe Donohue: Yes, just focusing back to on topic, the environment. I mean, one thing in reflecting on all this before today, and being here today, I mean, one reason I think you were so successful being an environmental advocate as a legislator and a governor is you had an insight that I think few people have grasped. And I think it made this thing work. And it's like, I'm quoting you in 1982, "If you don't have the good environment, you aren't going to have a healthy economy. The gifts of earth, in my mind, are the foundation of our economic health in this State and Country. Environmental programs should not, and must not be sacrificed just because times are difficult. A clean environment is absolutely essential to a sustained economic recovery." That was in the midst of one of the worst recessions of the last 50 years. So I mean, I think that's why you succeeded so well

Chris Daggett: And Joe, I can ask Tom to-- in that spirit of that sort of that perspective he had, I think it would be instructive also just to close this maybe with Tom telling us, and maybe with the help of Dave Moore and whoever else, about the creation of the DEP n 1970. Because as a young legislator, Tom had been elected in 1967, I believe, to the Assembly. And then was in 1970, the sponsor of the bill that created the DEP. So I want ou give us a little of that perspective, because I think it informs this whole conversation.

Governor Tom Kean: Yes, I don't know if anybody else knows this story. So I'll say before I tell it, though that in spite of what Bob Hughey says, the best thing I ever did was before I was Governor, when I was picking people. Because I hired an Executive Search Firm. And I put Nick Brady, I guess, in charge of the committee.

Chris Daggett: I remember that well.

Governor Tom Kean: And said, "You find the best people. And when you've narrowed them down to two or three, I'll interview them, and I'll pick the final finalist." So I didn't know Bob Hughey before I picked him, before I met him in that search process. I didn't know well over half the cabinet, including the Treasurer and the important people. I didn't know Saul Cooperman, the Education Commissioner, I didn't know these people. Didn't know the Economic Development guy. But we tried to pick the best. And my management style, I believe in this, is that if you pick the best, within the policy guidelines, you give them their heads, and they all do a job for you. And the wonderful thing is then you get the credit. <laughter>

But we had a terrific, terrific team. Starting off with a search firm, that the only instructions were, "Find the best for the various positions." And we tell the story, and Dave will correct me where I'm wrong. I was a young legislator, shortly after Earth Day, I guess. But the guy in the legislature who sponsored, I guess, most of the environmental legislation, and the close tie with environmental leaders in the State. And the big issue among others was we didn't have a department then. We had a Department of Economic Conservation and Economic Development. And Economic Development side always won. Just because they were Economic Development.

So the Environmental side, Conservation side in those days, felt very badly about it. And so we had a gubernatorial election coming up. So I met, I think, with you, Dave, and I think with a fellow called McLaughlin, who was then Head of the Audubon Society, you two, and said, "What are your priorities? What would you really like to happen in this election on the environmental side?"

They said, "Well, we've got a number of priorities," and they gave me a list, I guess. But the number one priority was, "Can we get a Department of Environmental Protection? And how can we do it?" And I said, "Well, in my political experience, the people that do the best are the people like the New Jersey Education Association." And what they do is they send the legislators questionnaires, and then they tell the candidates that all our members are going to see this questionnaire, and if you don't agree with them, you know, we'll vote for somebody else. So, Dave said, "Well, we don't have that many members, but I think he said, "Well, I'll find a way to get it out to the members." So we sent the candidates a questionnaire. Dave or someone said, "We haven't got money to send anything out, but I'll post it." He was going to post it somewhere, Audubon, because we came and looked at it. And so we helped write the questionnaire.

We sat down, Frank and I, and the first question was, "Will you favor the creation of a Department of Environmental Protection?" All right. So we sent it to two candidates. Bob Meynor was running again for Governor, and Bill Cahill. And we sent it out, I guess, in the spring. Nothing happened. Not a word. And it was as if it vanished into clean air.

And so then it was October. Election was coming up in November. It was October. And I get a call from a young man who said he was working in the Cahill campaign. And he said, "You know, all of a sudden the Congressman," he was a Congressman, "has decided he's got to answer some of these questionnaires. And we got one for these environmentalists. You're the only one we know who knows anything about the environment. Would you answer it for us?" <laughter> So I said, "Well, send it to me." <laughter>

So I get our questionnaire back. And of course, check, boom-boom-boom-boom, all the good environmental stuff, and sent it back in. I don't think Cahill read it, because it went right back in the way I'd filled it out to you and the environmental community. So okay.

Then Cahill wins the election. I'm the new, I guess, Majority Leader in the Assembly. So I go in to the Governor fairly early in the term and say, "I would like to sponsor the bill to create the Department of Environmental Protection." He said, "I'm not sure that-- as a Republican, I want to expand the bureaucracy the first thing I do." And I said, "Governor, my memory is that I think you were for that in the campaign. There may have been a questionnaire or something." <laughter> And he said, "Really?" And I nodded, and he said, "Well, yes, if I committed to that." And I said, "Fine." And so we put together the bill. So Dave, correct me if I'm wrong at any point, but I think that was how the Department got created. <laughter> All of you have been commissioners. That's how we got a department. This is how politics works.

Dave Moore: I think you're right. There was an environmental mafia of half-a-dozen people, as I mentioned, none of them are alive anymore. Frank McLaughlin, Dick Goodenough, Helen Fenske, Dick Thirsell [ph?], we had a ringer in the name of Phillip Alampi, who was the Secretary of Agriculture forever. And a little later, Dery Bennett came onboard, too. But it was that initial group that you were meeting with that framed that opportunity that worked out.

Governor Tom Kean: So, let me thank you all for taking the time today. Of course, this has been great fun for me. I mean, just seeing all of you to begin with, again, and reminiscing about some good times with good people. It's-- they were good years. And I thank all of you who helped in so many ways to make them good years. Thank you very, very much, and thank all of you very much.

<applause>