

US EPA ARCHIVE DOCUMENT

# PENNY NEWMAN

Leading Community Organizer—Stringfellow Superfund Site

**Interview Date: October 24, 2005**

**Location: Riverside, CA**

EPA Interviewer: We're interviewing Penny Newman, community activist, in Riverside, California. We are going to talk about her association with the beginnings of Superfund and the things that she remembers going on in those early days from 1978 forward. Welcome, Penny.

Newman: Thank you.

EPA Interviewer: So what do you remember about your first days with Superfund out here in California?

Newman: Well, I remember the days before Superfund was enacted, and how difficult it was to get any attention, any funding, any resources to address the problems. So that we were kind of on our own here in our little community trying to deal with 34 million gallons of toxic waste in the Stringfellow Acid Pits. So when Superfund was actually passed, it really made a big difference, at least for our community. It gave us some hope that there would be resources available to really take care of the problem appropriately.

EPA Interviewer: What do you remember about the early days? Did any people from D.C. come out here to talk to you about the problem when they were trying to enact the law?

Newman: We had a lot of discussions with various people. One of our Congressmen was George Brown, who was on the Science Committee, so we had a lot of input with him, through him, into the program and what we saw as some of the aspects of it that would be helpful in addressing the problems for communities. I think one of the things that we saw as being very thought-provoking was even the name CERCLA, the Comprehensive Environmental Remediation Liability and Compensation Act<sup>1</sup>, so it raised a lot of expectations that we were really going to remediate sites, that we were going to hold people liable for the problems they've created for communities, and that there would actually be some compensation. I don't think Superfund ever lived up to all of the expectations it had out there for people.

EPA Interviewer: That may or may not be true. As I understand it, you were actually living near the site at the time or there was some release of material from the Stringfellow site that got you personally involved. Is that true?

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<sup>1</sup> The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Newman: Yeah. Stringfellow was a permitted hazardous waste, Class I hazardous waste site, so it was the approved place for bringing all of society's deadliest stuff. So it was trucked here from all over Southern California and dumped into these open pits, ponds, and lagoons that were elevated in a box canyon above our community. So when we had heavy rains in 1978, and Southern California does get heavy rains occasionally, it started filling up these ponds, and it got to the point where they could not control the levels and keep it pumped down. The main dam holding back the 34 million gallons of toxic chemicals was threatening to break.

The Water Board, because there weren't resources, because there weren't trained personnel, decided to relieve pressure against that dam by pumping out over a million gallons of toxic chemicals into the community. So over a five-day period they were doing this pumping, releasing it into, in the reports they always called it "a controlled release," but it was into a little dirt wash that ran down the canyon and into the community on Pyrite Street, right where our elementary school is, and other houses that were along there. During that five-day period, nobody bothered to tell any of us what was going on, so myself and many of my friends were sending our kids off to school without any idea what they were being subjected to. So my kids, like the others in the community, were playing in the puddles. They were making beards out of the foam that they found. It was very intriguing to them. They were splashing around in these pools of toxic chemicals. It wasn't until that five days had passed that we really found out what was going on.

I think it raised questions in a number of our minds. One was the right to know; that people do have a right to know when they are being exposed to things. There were decisions being made about my children that I had no input into, so the right of public participation and decisions that directly affect us was another big issue that we felt was important to be included into any program.

Then it was the actual cleanup. Releasing toxic chemicals into a community was really a stupid thing to be doing. There had to be a better way of addressing it. I think those three areas were really put forward in the Superfund program, and I think a fourth one was there had to be a better way of dealing with our toxic chemicals that society deals with, other than just sticking it some place near a community.

EPA Interviewer: Who was responsible for the site in those days? Who determined that those people could discharge that water? Was it the state or the Federal [Government], or did the owners of the landfill make that decision?

Newman: It was actually the Santa Ana Regional Water Quality Control Board, which is a regional office of the state agency that was in charge of the site. They had no money to do it appropriately, so I think the staff found themselves in a situation where it was choosing between one bad idea over another bad idea. If they didn't do something, the dam would have broken and we would have had hundreds of tons of hazardous waste flowing through the community. But doing what they did was not a really good idea either, so they were really caught between the rock and a hard place.

EPA Interviewer: I guess they sort of made a unilateral decision to do what they did, is what you're saying?

Newman: Exactly. And I think they were put in that position because industry didn't see it as their problem. They were taking it where government told them to take it, although under a lot of law being on the part of industry to find a cheap place to dump our stuff, and unfortunately, government gave them that and then ended up holding the bag. Right now, the State of California has been found liable for the cleanup of the site because it permitted the site, and it had regulatory duty over the site. So the companies have kind of stepped away from it; again the taxpayers and the State of California are stuck with the bill.

EPA Interviewer: So the state is now responsible for 100 percent of the cleanup?

Newman: Close to it. Yeah.

EPA Interviewer: Is that ongoing now?

Newman: Ongoing.

EPA Interviewer: So after this happened, you said you got involved in some of the legislation. Did you work with Lois Gibbs from Love Canal? Did you all have any interaction between '78 and '81 when the law was actually passed?

Newman: In '78, there were very few people who even knew what toxic chemicals were, so we'd go to talk with some of our legislators and Congress people and have to, basically, explain what we were talking about. It's kind of hard in these days to realize how ignorant we were about these things. I think it underscores why the Water Board didn't see a big problem, if you mixed it in with rain water, it couldn't possibly be a problem after it traveled 200 feet. You know, kind of that old mentality. Nowadays, it sounds absolutely ludicrous to all of us, but in those early days when we first heard about what was going on, we didn't know who to turn to, or what to do. We called one environmental group, and we were told, "Well, it doesn't involve animals, so it's not really our problem." We had offered to kill a few fish, but that didn't seem to entice them into getting involved either.

We found ourselves really on our own, and took out some of the reports with a dictionary, trying to figure out what these multi-syllabic words were and to try and understand what the reports were telling us. We learned pretty quickly that the layperson—the ordinary Joe down the block—can learn about these things pretty readily, especially when you have a motivation that it's your family that you are trying to protect. A lot of the community started reaching out and trying to find others who were dealing with similar problems. So, Lois Gibbs and I made contact and started exchanging ideas and information, and setting up a network to try and address the problem, and that continues to this day, where communities are linking up with other communities, and that's really where they've gotten a lot of information and help.

EPA Interviewer: How long was it before or after 1978 that you were ever able to get any funds to do anything about Stringfellow?

Newman: I think it hit in the winter of '78, and it probably took us a good year before we learned the process, the system, how to make government move, how to motivate people to step forward and find answers for you even when you didn't know what the answers were. So we started in about '80 when we were really able to start seeing some results. Between '78 and '80, because of the outcry over releasing chemicals into a community, the

state Water Board got much more attention to the site and began putting some meager resources to it. In '78, we did get the Water Board to allocate funds, and start really paying attention to what was going on. So, I think, from '80 on is when resources started coming together.

Even after Superfund was passed, it took awhile before the regulations were put in place before the process was put in place, before the funding became available. So there was quite a leeway between the passage of the law and when it really started getting implemented. There was a series of years when communities were still pretty much on their own and having to, kind of, put pressure to get every penny they could to address the issues.

EPA Interviewer: Was there any interference from a particular person in D.C. to keep things from happening here? I am sure you remember Rita Lavelle?

Newman: Right, very well. I think that the implementation was very slow in starting and I think that was because of the Reagan Administration. It got signed under [President Jimmy] Carter, but implemented under [President Ronald] Reagan, and his kitchen cabinet was basically all of the CEOs [Chief Executive Officers] of the dumpers at Stringfellow. So right down the line they were all right there; you name any of them and there was a link to the site. When we first heard about Rita Lavelle being put forward for Assistant Administrator of the Superfund program, we became very alarmed, because we knew that she had worked for Aerojet. It didn't seem appropriate to have someone who worked for the very industries that created the problem then be in charge of cleaning up that problem or addressing that problem. So, I was sent by communities around California who were near these sites to go back and testify against at her at her confirmation hearing. It was the first time I had ever flown, it was the first time I'd ever been to D. C., and to find myself as the only person testifying against her was a pretty overwhelming situation.

EPA Interviewer: So this was in early 1981? Is that when it was?

Newman: Yes, it was right in that early 80s. At this point they kind of blend together, but it was the early 80s<sup>2</sup>. I remember sitting there before the Senators, and basically being very patronized as they told me, "Well, you know, look little lady. We'll watch out for her, don't worry about it." It was not surprising. It was alarming, but not surprising, to find that she, indeed, was involved in withholding funds from cleanup at different sites and especially at Stringfellow. We had gotten information, I think from somebody within the Agency that saw me testify against her, who sent us information in a manila envelope, and it was signed "a concerned civil servant." And it was all of the documentation showing that she knew about what was going on at Stringfellow while she had said she was recused; that she was sharing that information with Aerojet. We took about six months trying to get somebody to pay attention to the information we had, both in the press and in Government, and was based on the information that we sent to Congressional committees and staff people, pretty bright staff people who paid attention. That's what led to her being sent to jail for perjury.

EPA Interviewer: I believe that person is still with EPA.

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<sup>2</sup> President Reagan nominated Rita Lavelle to be Assistant Administrator of the Environmental Protection Agency's Office of Solid Waste and Emergency Response on February 18, 1982.  
*Superfund 25<sup>th</sup> Anniversary Oral History Project*

Newman: And I don't know who it is. I've never found out. I would really like to know at some point.

EPA Interviewer: The initial phase of Superfund passed, and then they passed what was commonly known as "Son of Superfund," the one that I think we talked about that had the Right-to-Know [Community Right-to-Know Act], that really would have help[ed] your cause and other citizens' causes<sup>3</sup>. Do you have anything you would like to say about that phase?

Newman: I think the reauthorization that really beefed up the program was one that we were very heavily involved in, even more so than the initial passing of Superfund. We were still trying to keep our heads above water out here. So [in] the second round we became very involved in a lot through Congressman Brown, who was very good at advocating for us, and was placed in the right place to do that. We had, by that time, gotten a technical advisor, and our program was used as a model for the TAG program, the Technical Assistance Grant Program that is currently in Superfund, probably not as well funded as it used to be, but at least it allowed money to communities so that they could hire people to help them with the technical aspects. We had one of the first advisory committees, which is now a standard for public participation, and that ended up in the bill under the public participation part of it during that reauthorization.

We also had an information center here in Glen Avon, in the community where people could go and ask questions and get information. And that stirred up a lot of the ideas that people in the community had a right to participate in these things, had a right to know what was going on, and had a right to have some say in the decisions that went forward. We also were the first community that filed as an intervener in a federal enforcement action—when EPA and the state took on the polluters and naming them as responsible parties in that whole enforcement action. We believe that the State of California, which had actually released stuff into our community, could not be the best advocate for us, and so we petitioned to be an intervener and we won that status. We were actually taken to the U.S. Supreme Court on that issue and still remain an intervener in the federal enforcement action. That led to kind of a statutory right of communities to participate in decisions on cleanup. So we have a long history in the program, and I am very proud of many of the aspects of the program that really give power to communities that are directly affected.

EPA Interviewer: Do you remember what year that was that you went to the Supreme Court? What the decision was?

Newman: It had to have been around '86, '87, between '84 and '86, I'd say.<sup>4</sup> It's probably in the book.

EPA Interviewer: We'll have to look at that book, then, won't we?

Newman: Yes, it has all of it in there.

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<sup>3</sup> The Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

<sup>4</sup> U.S. Supreme Court, *Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370. Argued January 20, 1987, and decided March 9, 1987.

EPA Interviewer: You were mentioning earlier that you had the—what you call—the technical assistant. Who funded him originally? Did the EPA fund that or did you fund that out of your own community money?

Newman: It originally was a combination from the polluters, from the state, and from EPA. It was one of the first times that Superfund money was used as well, later on, but we kind of got it through informal mechanisms. We found that, actually, you could get more by putting pressure into the system if it's not in the law than if it is, because when it becomes part of law, there are regulations, there are caps on money. Before that there wasn't. So we were able to get quite a bit. I think before the '86 we had had gotten more than \$250,000 toward our technical advisor. Under the TAG program, you had a maximum of \$50,000 that you could get.<sup>5</sup>

EPA Interviewer: Per site? Is that the way it worked?

Newman: Yeah, per site.

EPA Interviewer: They didn't divide it into operable units?

Newman: [*Laughing*] Probably.

EPA Interviewer: After '86, your right to know only involves abandoned hazardous waste sites.<sup>6</sup> Did you work on any regular facilities, like refineries or anything like that? Were you concerned with those or just abandoned waste sites?

Newman: We didn't so much here, because we didn't have any refineries around us, but we had a coalition of groups around California that we worked with on existing sites or operating sites, facilities.

EPA Interviewer: Title III type?

Newman: Right, right. We also started about that same time, work to get a state Superfund passed to pick up those sites that didn't make the National Priorities List and would have matching funds, so you could qualify for the federal. We began a real push on that. It included the HAZMAT [hazardous materials] bill that set up emergency response teams, had worker training provisions. It was a whole set of bills that were introduced that took care of some of the issues that we kept identifying.

EPA Interviewer: At the state level you mean?

Newman: At the state level, right, which were very complementary to what the federal legislation had as well.

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<sup>5</sup> Section 117 of the Superfund Amendments and Reauthorization Act states "The President may waive the \$50,000 limitation in any case where such waiver is necessary to carry out the purposes of this subsection."

<sup>6</sup> Title III—Emergency Planning and Community Right-to-Know—of the Comprehensive Environmental Response, Compensation and Liability Act, Section 302 (b) provides that facilities are subject "to the requirements of this subtitle if a substance on the list...is present at the facility in an amount in excess of the threshold planning quantity established for such substance."

EPA Interviewer: So as the Superfund program evolved, '86, '88, and '90, there became a bigger interest in the environmental justice [EJ] and community involvement. How did you play into that?

Newman: Well, from the very beginning it was the same issues. We knew there were communities that were targeted for all of the bad facilities and that became very apparent as early as 1980. The minute we saw some of the other sites up and down our state, and then dealing nationally with different sites, that there was a real pattern that developed. They were all low-income communities, they were communities of color, and that was pretty obvious. We also knew that the issues of those people, the communities that were targeted, were the ones who were the last ones to be involved in any information. So a lot of the issues that have emerged into the environmental justice movement were issues that were raised back in the '80s only under a different title.

EPA Interviewer: It just wasn't called environmental justice?

Newman: Right.

EPA Interviewer: So the issue for the environmental justice thing is you're saying that the sites in these types of neighborhoods were not addressed, or...?

Newman: No. I think it was the same issues and it was the reason why communities had to come together in order to get any attention to them. I think that, as it got further into it, there were a number of studies done that then took the obvious and put it into papers and became acknowledged that, yes, this has been happening, but clearly...

I remember in the early 80s we came across a report done by Cerrell Associates—we called it the Cerrell Report<sup>7</sup>—which did an analysis of which communities would be the easiest to place bad facilities. They avoided race completely in it, but the demographics they identified were the rural, low-income communities, and communities of color, but they didn't say that.

EPA Interviewer: Is this to place a new waste facility, or how...?

Newman: Well the new ones, but what it did was a power analysis of why they couldn't be as effective in fighting a facility, or dealing with a facility. It would be easier for you to get it put in.

EPA Interviewer: Did you see a problem, say that there was a Superfund site and you had EPA and the state EPA involved, was there a problem with the community being involved in the remedy, or what was the problem? That they weren't cleaning up the sites next to the EJ area, or was it just the involvement, the EJ...

Newman: Oh, I think it was from all aspects of not getting the cleanup the way it should have been done, not having a voice in how it was cleaned up. What we saw were, those communities who were organized, who really united their efforts and were very strategic in the way that they addressed the problem, had a real cohesion, that they were the ones who could get attention and could get funding to address their problems. It wasn't a matter of whether it

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<sup>7</sup> Political Difficulties Facing Waste-to-Energy Conversion Plant Siting." Prepared for the California State Waste Management Board by Cerrell Associates, Inc., 1984.  
*Superfund 25<sup>th</sup> Anniversary Oral History Project*



was a community of color or low income. Most of them were. It was a matter of whether they were organized or not organized. I think that's why we were pushing over the years for funding to be made available for a community organizer to work with the communities to help teach them how they can have their voice heard. That never made it into the law, but we tried.

EPA Interviewer: Did it matter on these sites whether it was an EPA-lead or, the PRP- [potentially responsible party] lead, as far as the involvement in the community? Was there a difference in those?

Newman: I think there's a difference, a very strong difference, in what happened at the site. The level of cleanup, trying to get a little more done, but I think that, again, if the community were organized, it wouldn't make much difference. I think you could figure out ways to really put pressure on either of them. Unfortunately, what happened most of the time when you had a polluter-led facility, was that it was much harder to get into those meetings, to have access to what was being discussed, what was being considered, before it was announced, and that always the longer you wait to get into a discussion, the harder it is to change it.

I know in our instance that once the polluters were named, and the responsible parties, that it became more difficult to be at the table because you have sunshine laws where federal agencies are supposed to be open and public, where communities would have more access to that information. We found that in many instances, the polluters would call the meeting and invite the agencies to them, which meant that they didn't have to notice the meetings wouldn't have to involve us. So we had to find ways around that in order to make sure we got in the meetings. There was more than one meeting we found where they were meeting and simply went and sat in. Those meetings got adjourned real fast. So we kept tracking where, where they would be, and that ultimately put enough pressure on the state that they refused to go to the meetings anymore, that they had to be open and public, and that kind of led to why we intervened.

EPA Interviewer: That's the California Sunshine Law?

Newman: Yeah.

EPA Interviewer: I think the way it works if the Federal Government calls the meeting it's not sunshine.

Newman: Yeah. To avoid being targeted, Region 9 allowed the polluters to call the meeting so that they weren't the target. It was the polluter that was the target.

EPA Interviewer: After these meetings, were you then brought in by the state or federal Agency and talked about what went on, or did you have to beg your way to...?

Newman: Well, I think after a few times of coming into the meetings, sitting down with the tape recorder, and having everybody jump up and run out of the room like I'd tossed a bomb in the middle of the room, that they realized we weren't going to just sit back and let them make decisions, so they'd better do something. We were pretty public about it. We started a Polluter-of-the-Month award where we would go to each of the companies, and once a month we'd select one, go to their headquarters and hold a press conference announcing them as the Polluter-of-the-Month. We had a 55-gallon drum painted gold with handles on it, on a stand,

and gave them a certificate, framed, suitable for hanging in their office, that announced they were the “Stringfellow Polluter-of-the-Month.” The media loved it, and so they knew they couldn’t hide. Who knew? The next one might be them.

EPA Interviewer: Do you think they put that in a prominent place in their office?

Newman: Most of them wouldn’t even accept it. But the media loved it, and they’d call up wanting to know who the next one was going to be, and so we went on with that for a good six months or so. Finally, they decided it’s better to let them in and let’s discuss it than to find yourself on the evening news. We also had found some of the board members of the corporations. We went to, there was one from Rockwell, I believe it was a professor of business at UCLA [University of California Los Angeles], and we went there and had these flyers made with him in jail behind bars, and it said, “Wanted for contributing to the delinquency of a corporation,” and then the whole spiel about Rockwell. We handed it out to all of the students as they were coming out of the thing. So, it didn’t take too many times before your board members are embarrassed that, they instructed them to do something.

EPA Interviewer: Yes, sometimes that publicity is not that good.

Newman: Yeah.

EPA Interviewer: So have you ever had any companies that you’ve worked with well through the years? Were there some history of industries that worked with you?

Newman: That were good?

EPA Interviewer: Say...have a relationship. Yeah.

Newman: I think that over the years, they came to respect our persistence, our creativity. In fact, a few years ago, they actually, at one of the Stringfellow advisory committees which still meet, they presented me a plaque for all of my hard work at the Stringfellow site, which I thought was just absolutely hilarious, but it is still in my office.

EPA Interviewer: The persistence plaque.

Newman: It’s really interesting.

EPA Interviewer: Let’s see, what’s it been? 37 years?

Newman: A long time. A long time.

EPA Interviewer: Or 27 years?

Newman: Yeah.

EPA Interviewer: What other things do you remember? Have you worked outside the State of California with other states and individuals?

Newman: When Lois Gibbs left Love Canal and she opened up, at that time it was called the Citizens Clearinghouse for Hazardous Waste, I ran the Western field office for her, so I had *Superfund 25<sup>th</sup> Anniversary Oral History Project*

everything from New Mexico, Arizona, Nevada, Oregon, Washington, Idaho, Alaska and Hawaii that I had to cover, so I had been to a lot of sites. I've also worked down in Louisiana a lot. We had a Communities at Risk Network that was nationwide in which different sites around the country worked on Superfund to make sure that it stayed strong and that it had provisions that met the needs of communities. That went on for quite a long time, until the mid '90s.

EPA Interviewer: Did you go down to Slidell? Is where you went in Louisiana?

Newman: Yeah, I've been [there].

EPA Interviewer: That's where—some of the first areas where—they dug up large amounts of waste to get them out of the groundwater.

Newman: Yeah. Just amazing things along the eastern coast of Texas, and along Louisiana. Worked with some terrific people. Florence Robinson down there, who's been just terrific, LEAN [Louisiana Environmental Action Network] organization, and a few others. I've also been up to one of the nation's largest Superfund sites in Kellogg, Idaho, the Silver Valley site, lead contamination.

EPA Interviewer: Is that the one that's in the river?

Newman: It covers like six or seven communities. I remember at one tour we were taking, the County Officer said, as we were getting out of this van in downtown Kellogg, "As you're stepping on this dirt, it has a high enough lead content that you could mine it."

And my question to him was, "Then why are we getting out in this? Why are you bringing people to an area that is clearly, heavily contaminated?" And they are still fighting over that site, and how they are going to clean it up.

EPA Interviewer: I guess that's about a lot of money.

Newman: Yeah. Yeah.

EPA Interviewer: So what else have you been doing with your time in the late 90s and early 2000s?

Newman: In about 1993, our community organization, which was Concerned Neighbors in Action, realized that there were a lot of other issues in the Riverside/San Bernardino Area besides Stringfellow. We had Stringfellow pretty much under control. We knew where we were going. We had gotten the state to pass a bill that set up a Stringfellow account under Governor Deukmejian. We got him to allocate \$17 million for incidental expenses. That got us hooked into a water system where people didn't have to pay to be taken off their wells and hooked into a municipal water system, so we actually had clean water for a change.

So we started the Center for Community Action and Environmental Justice, which is where we're at today in this organization, and have broadened our perspective into air quality. Working on the "goods movement," pollution that comes from all the trucks, trains, and airplanes, and shipping from global trade coming into the ports.

We worked on perchlorate contamination which is extremely extensive here in the inland valleys, so we've been working on that quite extensively. We just had a big victory with the desert area, with the Eagle Mountain dump, that was proposed, where LA [Los Angeles] was going to put their trash out in the pristine desert near Joshua Tree National Park. We just won an 18-year battle on that through a federal court action.

EPA Interviewer: This is municipal wastes you're talking about?

Newman: Yeah. Over the years, we stopped a number of hazardous waste facilities from going in, a lot of deep-well injection proposals, a lot of incinerators that were proposed, and so on and so forth in the area. So we've had a pretty steady and strong impact on our region here. We also are continuing to monitor and watch Stringfellow in the Superfund process as well. One of the things we've been trying to do is to redefine remediation, not to include just a site, but also into the community, and rebuild the community where they are at, because they have a devastating effect on the communities where they are located, both economically, socially.

It really puts a stigma on them, so we were trying to find ways that we could revitalize the community. One of those ways was to make up a whole list of things that we felt we needed as a community to get Stringfellow behind us, and one of them was a park, a community park, something that would help to add a positive amenity to the community and start that rebuilding process. So we purchased 13 acres here in Glen Avon, and are in the process of building that community park for us and starting that effort has really been a positive thing.

EPA Interviewer: So, your group is doing the park, not the state, or the PRPs for the site, it's all...

Newman: Right, it's all...

EPA Interviewer: Initiated by your group.

Newman: Right. We did get, about a year or so ago, a partial settlement as interveners in the federal enforcement action of about \$590,000 to go toward the development of this community park. So the state has really stepped forward and been a partner with us.

EPA Interviewer: Did the new Brownfields law help this Stringfellow site as far as revitalization or...

Newman: I don't think [so], given the extent of the contamination at that site, how deep it goes. It's not a surface site. It's not something that can be easily addressed. We've really worked very hard to get it treated instead of just covered up. I don't think it's an appropriate site for a brownfield. I think everyone has estimated up to 400 years before its cleaned, and I think that's probably a pretty good estimate, given the amount that's there.

EPA Interviewer: I guess the State of California has a number of these types of sites. I am familiar with the Casmalia site. It's very similar to the Stringfellow site.

Newman: Casmalia is almost a mirror of Stringfellow. In fact, when Stringfellow became prominent in the news, it was kind of set up as the alternative to Stringfellow and they did, the same exact stupid, stupid actions of these open ponds. Pouring liquid in and closer to the ocean where you have a lot more of the water action than you do in the inland areas and the desert. Casmalia is one of them that I worked on quite extensively. I'm very familiar with that site.

EPA Interviewer: I think that one probably didn't get as much attention because there are not as many people near that one.

Newman: But there's...

EPA Interviewer: Small community...

Newman: Right...

EPA Interviewer: Down-gradient.

Newman: And Glen Avon is a very small community. They only started on this. It wasn't the kind of development that there is now. There were maybe a total of 5,000 people in the whole area.

Casmalia was very much the same way. It certainly was a nice little town, and the school was right next to the site. I remember being out there and them having to close down the school a number of times because of the fumes coming from that facility. You know, it's really appalling what we've allowed to happen to some of these really terrific little towns.

EPA Interviewer: I guess unfortunately the state has gotten involved in this. So it ends up the state's going to have to put the money out, so it's going to move a little bit slower perhaps. Is that what the problem is?

Newman: Well, I think the problem is that the corporations have a great deal of influence over what happens. Instead of under the mantra of not having big government, we have really gutted programs that could be there to protect communities. I think it's the corporate influence into the decision-making process that has put us in this predicament. I think that, whether it's the state or the federal program, the money could, and should, be there to take care of these abuses by the corporations that have created the mess to begin with. I think that's one of the really sad parts of watching a program like Superfund, that really has some very far-reaching comprehensive ways of dealing with a huge problem, to be gutted the way it has by the tax on industry not being collected, and being put aside, that you've really taken the "Super" out of the Superfund. There isn't a Fund any more, and, as a result, I think there's going to be more and more damage to communities in the long run.

We've been able to place ourselves in a position where the money is going to be there to clean up Stringfellow, but there are other sites that weren't initially identified, or were overlooked, that are not going to get that attention. As a result, it's going to be a lot of families and children who are going to be impacted by toxic chemicals that should not be impacted. One of the sites is the Wyle Labs here in Norco just a short 10 miles...

EPA Interviewer: What is it called?

Newman: Norco—it's the Wyle Labs—has qualified as an NPL [National Priorities List] site. It has all the ranking that it needs, but they will not add it to the Superfund list. I think there's this real desire on the part of politicians and the Administration not to make the list any longer. If you don't acknowledge it, then you can pretend it doesn't exist and you won't need the money then to deal with it. So I think the Wyle Labs is one that should be on an NPL list and should be getting the kind of attention that such a site deserves. They did secret testing for the Department of Defense and other contractors, so there's a lot of really dangerous stuff there. It's like 400 acres area where they did this testing, and now they are building houses up and around it.

EPA Interviewer: Does the State of California have a significant Superfund? Money wise?

Newman: No. The State of California is in the same situation as the Federal Government with a huge deficit, and the priority is not to deal with old problems. It's, "Let's create new ones." So, I don't think they are in much better shape in their priorities toward addressing these issues.

EPA Interviewer: Do you see anything that was innovative that came out of the Superfund program, be it a technology or something like that?

Newman: I think there are a lot of things that came out of the program. I think the Superfund program really had the potential to be one of the most well thought out, aggressive, comprehensive programs that we've ever produced, I think on a number of levels. [For example,] the technology one: we had a whole section that looked at technology for cleaning up these sites and addressing the contamination, actually creating a whole new economic force for us, just in the remediation area. I've been privileged to watch some of the technology being looked at this site and have always been really impressed at what creativity, and the ideas that can come out, when there's a challenge placed behind people with the technical background. They really can come up with answers, if they are allowed to do it, and I really feel bad that the program has suffered because of the lack of funding. I think it really offered some good ideas and some solutions, not just the token, typical kind of approach that has been thrown at some of these sites.

EPA Interviewer: That was the SITE program, SITE [Superfund Innovative Technology Evaluation]. I think it's evolved into the Technology Innovation Office of which I'm a part of that. I work as part of that.

Newman: The idea of taking information, and lessons you learn at one site and generalizing them, bringing them into a new situation and comparing notes and seeing, that's the only way we're ever going to get to the bottom of this. To really find solutions and not just cover things over, which is where we seem to end up all the time.

I think on the legal side that it was a very innovative program—the strict, joint and several liability issue. That was such a hammer on corporations to step forward and be responsible for their actions and not make the taxpayer responsible for cleaning up a mess that was generated because corporations operated a certain way. I think it also led to corporations looking at their production system and redoing it, and trying to figure out how we

can keep from being liable at another site in the future. I think it really created a great motivation to move away from this whole “produce a dump somewhere else and create one Superfund site after another”. It came up with a lot of innovative ways in the production process as well. That is probably one of the greatest strengths of the Superfund program. It really was the motivator for that pollution prevention approach.

EPA Interviewer: I think you are right about that.

Newman: Right.

EPA Interviewer: I’m not supposed to comment. I’m just asking questions, but I believe between that [Superfund] and its interaction with RCRA [Resource Conservation and Recovery Act] has led to less contaminants being produced and put out there where they could be a problem.

Newman: Right. We were told over and over again that you couldn’t do anything with liquid hazardous waste. You had to just dump it in a hole, and when we got a ban on any land disposal of liquid waste, we were told that everything was going to come to a standstill. We’d destroy industry. Well, boy, they came up with ways of doing it, really innovative ways of dealing with their waste product. So, I think that was really a strongpoint.

I think the other area that Superfund has just really broke ground was public participation, and I take credit with my fellow citizens around the country for making that happen and demanding that those who were most directly affected by the site had the right, and the responsibility, to participate and that we bring to the table an expertise that you can’t get anywhere else. We know our community. We understand where things flow over a long period of time. The old timers in a community can tell you things that scientists just coming into a situation would never guess. We’ve had that played out again at the Wyle Labs where citizens were saying it comes this way, the flow from that site is in this direction. We’re told over and over, it couldn’t possibly be that way, yet when they did testing that’s exactly where they found it. So, you know, I’ve really come to trust that community wisdom and that expertise that they bring to the table.

I think that those who have worked with us over the years have come to respect it as well. You know, I had one scientist tell me, “Oh, I don’t understand why you are always right on these things.” And I said, “Well, I’m not shackled by what I’ve learned in university. Use some common sense when you get out here. Just because the book says it’s supposed to work this way doesn’t mean that that’s the way it’s going to work when you get out in the real world situation.” So, I think that it evolved a process for including citizens that has been very positive that has led to making the job of those in the Agency easier, once they accepted it and didn’t fight having citizens at the table. I think those who have worked with us at this site have learned that it’s really been a good partnership and that we really can help them in making their job a little easier. You don’t always have to fight citizens, if you just open up the process, sit down at the table, and everybody bring their cards with them, and you can come up with a pretty good hand out of the whole thing.

EPA Interviewer: Get everybody on the team, instead of just two out of the three on the team?

Newman: Absolutely. Absolutely.

EPA Interviewer: That reminded me. You were talking about industry not wanting people's advice. It sort of reminds you about when you used to ask your Dad whether you could do something. The first thing he says is, "No." Then if you present more information, then they sort of come around to what has happened, I think is what you're saying.

Newman: Yeah. Yeah.

EPA Interviewer: "Yes, Dad."

Newman: You know it's been an eye opener. We've trained a lot of staff to the site, both in EPA and the state level. [With] those who have worked with us over the years, and have gone on to other places, you can see their attitude toward the community is much different. I think that the Superfund program in providing tools to communities have really made them very valued players in the whole mix, trying to find solutions here.

EPA Interviewer: I know we talked about the Brownfields as it applies to Stringfellow, but are you all going to those kinds of meetings, too? I know there's a big national one in Denver in the first of November. It seems that some of your other sites might fit that. Or do you have someone in your organization that's involved in that?

Newman: No, we haven't followed it closely. There is some community people around the country that I'm in communication with pretty routinely who have been involved in it.

EPA Interviewer: You might want to get into that one.

Newman: I know.

EPA Interviewer: Seems like it could be a useful tool for your group,

Newman: Yeah. There are a lot of programs that would be helpful for us to be involved in, but there's just so much you can do, so it's one of the areas we haven't pushed too much.

EPA Interviewer: Your next phase for the 2010 area. Let's see. It's almost like you read these questions. They sort of ran together. Anything else you'd like to talk about? Any other thing you want to [add]?

Newman: Well, I think if we're going to be able to celebrate another 25-year anniversary of this terrific program, and vitally needed program, that our elected officials need to step forward and start putting the money back into the program. I remember when people would say, "But look. All the money's gone toward attorneys and not toward cleanup," without recognizing that the program was set up so that the polluter pays for the clean up, and that there needed to be attorneys in order to force those polluters to step forward and accept their responsibility, so it hasn't been a program that has misused money. It has been a program that has been using that money appropriately. It has been the corporations that haven't stepped forward to assume the responsibility that they should have. That, you know, as my mom had always told me when I was younger, "You make the mess, you clean it up." Well, that applies to these guys, too.

When you bring in millions of gallons of toxic wastes and dump it in a community, you have a responsibility to step forward and address that, and clean it up. I think that's a pretty



common sense, fair way of doing things, and I think the American people expect that. It's too bad that our elected officials don't make them do it, and don't really push the polluter pays aspect of it. The fee that was established would have generated the funds for the cleanup, for addressing these sites, and for funding the program so that it really can clean up these sites that are really posing a problem for communities. This isn't a minor [problem]; it's not an eyesore. These really pose a health risk to communities. It destabilizes the community's economic base. It really has a devastating effect on it, and I think if we make those who created the problem clean it up, then we would have a rejuvenation of some communities that are hard hit and really need that economic boost.

EPA Interviewer: OK.

Newman: I think that's it.

EPA Interviewer: Well. We appreciate you cooperating in the anniversary celebration.

Newman: My pleasure.

EPA Interviewer: Hope you are here for another 25 years.

Newman: Yeah. Right.

EPA Interviewer: Thank you.