Fernald Living History
Rich Shank Interview
June 9, 2005

Steve Depoe: Thank you for being here today. Why don't you tell us a little bit about yourself- just where your born, where you grew up, where you went to school, and just some early interests, and that kind of thing.

Rich Shank: I was born in Cleveland in 1948, grew up just East Cleveland in a town called Wickliffe. I always had an interest in nature and science. Went through the school system there in Wickliffe in Lake County and then when I got out of high school went into the U.S. Air Force and spent about four and a half years there. Got out, went to college at Cleveland State then down to Ohio State. Got a bachelor's degree and master's degree at Ohio State in natural resources and zoology.

Steve Depoe: So that was in the 1970's?

Rich Shank: That would've been in the 1970s. A master's degree and '76, took my first job out of college at Ohio EPA and I worked in the water quality area for about three years. Went back to Ohio State and got my PhD in environmental toxicology, and then after about three years in 1981 I took a job hoping to set up a new hazardous waste program at Ohio EPA under the new law had passed in Ohio a year before. I was put in charge of the hazardous waste enforcement program. And I think it was about 1982 or '83 it was brought to my attention that we did not have access as a state regulatory agency to federal facilities- including Fernald, Portsmouth, Mound and some of the air bases. So we immediately, working with the Attorney General's office, tried to gain access to the federal facilities. And I think the Attorney General at that time was Tony Celebrezze, he had either threatened or filed a lawsuit against the federal government to gain access. Ultimately the Department of Energy did let Ohio EPA inspectors onto the sites, but did not concede that we had authority to regulate the Department of Energy. So it was an interesting arrangement where our inspectors could go in, but by DOE's interpretation we had no authority to take any action against them. Needless to say, we found things that we'd never faced before at any other hazardous waste site we'd been to in the short time the program had been in place. And through a lot of legal maneuvering, between the Attorney General's office and the federal attorneys, we ultimately, over the next few years, did gain some authority to, or at lease acknowledgment of the authority, to regulate to some degree activities at the federal facilities. So that's probably when I first became familiar with Fernald-it being one of the sites at the time.

Steve Depoe: My question was just to take a step back and look at the historical context of the times here. I teach an environmental communication class and we talk about Love Canal at the end of the 1970's and beginning of the 1980's and

the emergence of hazardous waste as sort of a new major environmental issue across the country-there was the passage of the superfund law. So what was sort of the general awareness of either the public or the state agencies going into the 1980's that led to that new formation of this new area within Ohio EPA that lead you down that road to eventually saying hey we've got some federal facilities we need to look at? What is sort of the broader environmental context there that Ohio saw hazardous waste issues as something they needed to start paying attention to?

Rich Shank: Well, I think the Resource Conservation and Recovery Act (RCRA) was passed, I think, in '76, which is the first time the term, I think, hazardous waste had ever been used. A lot of wastes that we were dealing with in the past were now classified as hazardous waste. Subsequently, I think in 1980, the Superfund Act was put in place and at that point a lot states started developing their own version of RCRA and Ohio did the same thing and I think it was in '80 or '81. And as a result of that, the Ohio EPA set up their hazardous waste program. Now, what-there was this increasing awareness on the part of the public of hazardous waste, primarily because of the way hazardous waste was now being handled as a result of RCRA which had been passed five or six years ago. Suddenly a lot of fly-by-night operators were getting into the business of handling so-called hazardous waste. There was a lot of manipulation of the law at that time, a lot of outright illegal activity. And as a result, there were number of huge hazardous-waste sites that developed in the latter part of the '70s because of that. Chem dying was a big one down here in this part of the state, Summit National up in northeast Ohio. There was a couple in Cincinnati. We had major sites like this all over the state that had to be dealt with. Many of them fell into Superfund. And suddenly they were making news all over the state. There were headlines constantly about these toxic waste dumps and so on. So, when we first started up the program in Ohio, we were pretty busy. There was a big scramble to get a lot of people who were handling hazardous wastes into the permitting system, and there was also big a scramble to go out and find some of these illegal operations that were going on. And it was during that I was at the state in that role for about 3 1/2 years and it was during that time, that we actually started up a criminal investigation unit, and had our basically scientists trained to go out and do criminal investigations. We had the first environmental criminal case in the state's history. It was in 1983, and again it was illegal disposal of hazardous wastes. And we got a conviction on that. And since then there have been a number of prosecutions on the part of the state. Tony Celebrezze, who was the Attorney General at that time, played a big role in that as did Dick Celeste, who was the governor, and also the Ohio EPA, of course. So it was a pretty big thing back then. It was only in the context of all that going on that this interest by this fleet of inspectors that we now had out covering the state-that this whole thing of federal facilities and DOE kind of came into view, as to what's going on in these places- clearly there are some hazardous activities here.

Steve Depoe: Since the state of Ohio had a lot of federal facilities between the Department of Defense and Department of Energy in terms of facilities-there were lot of places around the state that had potential things to go after. Was there any one of them that came up first or did you just start taking a general take an interest in all of them?

Rich Shank: The one that I recall coming up first was the Portsmouth gaseous diffusion plant. For whatever reason, I think it was the inspectors in that district of Ohio EPA that took the first notice of the federal facilities. Subsequently then, I think down in this part of the state, the inspectors down here, brought Fernald to our attention in Columbus and it kind of spread out then to the Mound facility, and eventually to Wright Patterson Air Force Base. So we started getting into all those-all of them had problems.

Steve Depoe: Can you talk a little about the argument that was used by the federal government in these early years, concerning its claim that essentially there were some sovereign immunity or some ability for the federal facilities to escape the regulatory notice of the state level-that whole federal versus state level issue. What were some of the arguments you were hearing in those earlier...?

Rich Shank: You know, I really don't remember the specific arguments other than the fact that they did make the argument that the state had no authority. And of course it was challenged and the challenge I think went on for a couple years but was ultimately was resolved. They had pretty much conceded then that the state did have authority, particularly since the state took on authority, for instance, under RCRA from the feds to go out and administer the program. But I think, as I recall, I think the argument was based more on the fact that the facilities would not concede-that they fell under RCRA- but couldn't deny that Superfund because of the way it was much more broadly written had some applicability to their operation.

Steve Depoe: When did your role at Ohio EPA change, because at one point you were the director...?

Rich Shank: Well I left, I left, Ohio EPA as chief of the hazardous solid hazardous waste enforcement unit in- I think it was 1985 and I went to work for Battelle Memorial Institute. And what I did at Battelle was ultimately was put together a hazardous waste group of scientists and engineers. And we worked for a number of clients. And one of the early ones that I remember that we worked for was Portsmouth gaseous diffusion plant. But As I recall, our contract was actually through a law firm in Columbus that did work for Portsmouth. And so, I got involved in Portsmouth, as a consultant. And it was while I was doing that, helping them with their regulatory issues and so on, that I was asked to come to Fernald. And that would have probably been in 1985, maybe early ‘86. I was

doing work at-in 86 down in Oak Ridge. I was actually asked to go down and start Battelle's Oak Ridge office to basically put together more work in the DOE system for Battelle, particularly the Oak Ridge community, which included at that time Portsmouth. And it also included Fernald at that time, actually. And I was asked by someone in Oak Ridge to go over to Fernald with an attorney that I was working with at the time who actually was also a former Ohio EPA director. And I remember we made a trip over here, and the plant was still operating at that time, again it was '85 early '86-

Steve Depoe: Your first trip?

Rich Shank: I think- it must have been my first trip where I really got into the site and started going through the facilities and seen what was going on- working with the engineers-and I think Westinghouse was running it at the time. I met a lot of their engineers, including people like Dennis Carr who's still here now- learned a lot about the operation. The attorney I was working with- I think made one visit and decided he didn't want to be a part of this and went back to doing what he was doing. But I ended up doing some work down here and coming back a few times during that time working with Fernald, continuing to work with Portsmouth, and running the Oak Ridge office for Battelle so I spent a good part of my time in Oak Ridge working with the DOE people down there, including people like Joe LaGrone and Bill Bibb, who were real instrumental early on with Fernald. And then, in 1987, I was appointed director of the Ohio EPA by Dick Celeste. They had done a national search, which started in -oh-it was like April or so of 87. And then, in June, they announced my selection and appointment. Up until that time, I was pretty heavily involved in activities down at Fernald from the DOE Westinghouse standpoint, so I learned a lot about what was going on down there. So anyway, in 87, I moved over to Ohio EPA, now as director of the agency.

Steve Depoe: I've got a question about that I want to ask you in a minute but let's just go back to, if you can remember, any sort of general impressions of the first few visits at Fernald, either you know-the sights, sounds, smells, people, just general things that you remember about the sight-what did it look like, how busy was it, what did you notice in terms of details of the way the plant looked. Just little things like that that you could share.

Rich Shank: Yeah, it was a very interesting place. I mean I was somewhat familiar with the Department of Energy facilities having been to some of the Oak Ridge facilities and Portsmouth, and, but I can remember going through the production area. And I remember being quite surprised at how antiquated a lot of the equipment was- the gauges the controls- everything were like vintage 1950s. I don't think anything had been replaced in all that time. I thought that was kind of odd for a facility that was handling the materials they were. And then, I can remember particularly going into a room in one building where they were packaging UF6, for melting down into uranium ingots. And it was a huge huge

room, and I remember there were a whole series of these machines that were doing the packing with an operator by each machine. Each machine had, I remember, yellow tape around it. And there was a sign up on each one that said that you had to wear your respirator if you were inside that yellow tape. And coming out of toxicology and health background, I mean, I was real interested in what was going on here. What was interesting was- the operators all had practically antique respirators. I don't recall seeing any of them actually wearing the respirators. Most of them were just hanging around their neck. And these people were actually basically sticking their heads into these chambers, where the packing was going on and the entire room was a haze of green dust, which made me kind of somewhat uncomfortable to even be in there, but watching these guys in there working- I mean they were putting their heads into areas where there is very thick green dust and they didn't have their respirators on. So I was little amazed with that. And I think at that time, I had brought someone with me from Patel, a woman who was a health specialist. And this was the first time she'd ever been, I think, on a Department of Energy site. So she was a little taken aback by what she was seeing. And I know from there we went into the room where the actual melting was occurring, and we ended up in an area where there will were ingots of uranium stacked up, actually above my head. And we were walking up and down these rows of the stacked uranium ingots. And I remember her looking at me with this somewhat shocked look on her face and saying, "Should we even be here?" It was very strange, seeing how that whole place was operated at that time. Of course, it closed down shortly thereafter, a year or so after that. But the stories I heard from people working at the plant, too- I recall those vividly and related those to other people years later. The stories about the bag house for cleaning the air, how the bags would burn through, and they wouldn't replace them, and basically stuff would blow off out of it. To keep the groundwater clean for the production wells they put pumping wells in on the west side of the waste fields and pump the contaminated groundwater into the stream. And then the drum yard, which no one even knew for sure how many drums were out there. I heard estimates all the way up to 130,000 drums stacked four high with really no good identification method on the drums. So no one really knew what was in there. They were deteriorating and material was falling out of them. And I remember the story I heard then from one of the senior engineers, problem they had was that during the production years they would simply put, a swatch of paint on each drum, as it came off a certain waste line and that over the years the paint had faded and chipped and now they couldn't tell which color was which and they weren't sure what waste was in what drums. Just a lot of stories like that, out at that time, and a lot of which were easily verified that this was in fact what happened. A lot of it was public information at that time. But yeah- those were some of my early impressions.

Steve Depoe: Now, when you went out there the first few times, were you fitted out with any protective gear?

Rich Shank: Yeah, we had basic protective gear. I think shoe covers and Tyvek's coveralls. We had respirators and hard hats, gloves-that sort of stuff. Get checked going in and coming out.

Steve Depoe: So you become the lead administrator for Ohio EPA in 1987. The question I had on that was- one of the stories that is told environmental policy classes is that from the founding of the US EPA and state regulatory as well, that there's always sort of been a gap between interest in environmental protection and providing the resources and the teeth, if you will, to the regulators to actually accomplish, on the ground, the types of either clean up or endorsement activities that are really required to get the job done. And what was your experience as Ohio EPA administrator just- you know-the resources or the political clout in Columbus or whatever it took-where was Ohio EPA in terms of an ability to, you know, accomplish an agenda-just sort of generically speaking during your time-was it a fairly effective agency or were you hamstrung as many state and federal agencies were in terms of resources? What was the mid to late eighties like in that kind of context?

Rich Shank: Well, obviously, Ohio EPA always had issues with having the funding and resources, but I don't think since its inception that it's ever had more of the ability to get things done than it did at that time, primarily because of Governor Celeste, who was very much in favor of environmental protection. During my time there he never once stopped me from taking an action that I felt was necessary. The other thing was that Tony Celebrezze was the attorney general. And he was very avid on environmental enforcement. And I think part of that was he recognized the importance of it. He also had an ambition to one day run for governor and he saw that environment was a way that-was an important issue to people, particularly at that time, with hazardous waste becoming such a big issue. And he was very instrumental on a number of the large environmental cases that came up back at that time, and certainly with the federal facilities and the issues that were occurring there. So, I would say, I had an open hand to go in and do whatever needed to be done. And if anything back at that time, I got accused more of being too heavy-handed with the Department of Energy than not so. There were a few- there might have been a few people who didn't think we were doing enough, but I don't ever recall that anyone down here it necessarily was. I think there was a lot accomplished here during that time.

Steve Depoe: Once you became the director then, if you could take us through maybe a sequence of activities or focal points in terms of things going on at Fernald that your office went after over the next period of time.

Rich Shank: Well, I think- slowly, basically learning the- I had to learn the ropes. I had a lot of programs to run-a lot of things to get in order. Took a while, about a year I think, to get my own people on board. One of the people I brought on was a guy named Maury Walsh who I made a deputy director. I had worked with him-I had actually hired him over from Battelle, and he had actually worked with me at

Ohio EPA, prior to that when I was running the hazardous waste enforcement. He was the first- I hired him as the first person to run the criminal investigation unit at that time. So I brought him in. And while at Battelle, he had a lot of experience working with the Department of Energy complex and knew a lot of federal facilities. Pretty much put him in charge of coordinating all of our activities on federal facilities. So we gradually ramped that process up over the next couple of years in terms of what we were doing and looking at the various federal facilities. And I think it really kind of exploded in 1988.

Steve Depoe: What happened then?

Rich Shank: Well, there was more and more interest on the part of Congress and Congressman Luken, from Cincinnati, had a real interest in what was happening at Fernald. He would hold regular hearings on Fernald in Washington. I would frequently get called in to testify at those. Early on, it didn't seem (excuse me) that it got a lot of attention. There wouldn't be a lot of people there. They'd have the hearings and there might be a couple of stories but nothing ever followed up. And then just out of the blue one time, at one of these routine hearings, I showed up and I remember I was with the Governor's Celeste's Washington person, and we were sitting there and the room was just packed with journalists, reporters, photographers. And I remember asking, "What's going on? Why is everybody here today?" She said, "Well you know nothing else is going on in Washington today. It's the last day of the session and everyone's going home. So I guess they're all here because it's the only game in town." But, as a result of that-it was the same testimony-nothing new. The press just caught onto it. The next thing I knew, we were getting calls to do interviews with CNN, we had international news bureaus from Europe coming in wanting interviews, we got contacted by 48 hours to do a segment on Fernald. And they even did a segment on the Phil Donahue Show. I remember the governor and John Glenn called in to do a segment on Fernald. So all of a sudden Fernald was big. It was in Time Magazine and Newsweek. And things really blew up at that time. So it was a very interesting period.

Steve Depoe: Now, what did you think, I don't know if you recall, the Time headline or the Time cover "They lied to us," the Claussen family in front of the fence and I think you're quoted in there (Rich Shank: I remember that) in terms of the amount of pollutants or contaminants at Fernald. What did that sort of attention do in terms of either your ability to continue your work or did it bring different players into the game, in terms of the federal level? Or how did things change after the publicity ramp up at the end of 1988?

Rich Shank: I think we had already had been ramping up our effort to enforce more to get more done. And actually the DOE was coming around on that a lot too. But that period, when that happened, that really kicked the Attorney General's office into high gear and US EPA started pushing more on federal

facilities. Things just started moving a lot faster, I think, at that time. And I remember it was during the 48 Hours taping that the CBS crews were here and I was on site with them that I was actually giving them a tour of the site. And what was surprising to me was when I showed up that day to do this Westinghouse and DOE basically had nobody out there, no one high level, basically to provide us with a van driver, some lower level person who had no authority, and that was it. And we were pretty much given run of the site-which, I never- to this day, I don't understand why they did that.

Steve Depoe: Was it a production day?

Rich Shank: I think production at the point in time may have been closed down but they still had waste. The drum yard was huge, the K65 waste was out in the silos. The waste pits were open. It was actually as bad as it had ever been in the post-production period. But we went out, and I remember I took them over to the K-65 silos, told them the stories about that. We went over to the waste pits, and we went over to the drum area and we parked about 50 yards or more away from the drums and we got out. And I remember the producer for CBS came over to me and said, "Well, can't we go in there and look around at the drums?" And I remember I said, "You know, usually they don't let anyone go in there." And she goes, "Well, can't we ask this guy if he would mind?" So I went over to the driver, again, not a high level person. I said," They would really like to go in and take some pictures of the drum yard." He said," Well, we're not supposed to do that." I said, "Well, you know they just wanna get some shots. Is it really a big issue?" So finally he said, "Well, okay, but don't touch anything." And I kind of chuckled. I thought, here we are talking about one of the worst hazardous waste sites in the country and his comment is don't touch anything. So I went back over to the producer and I said "We can go in there, but it has to be just myself and the interviewer, and the camera person. And he doesn't want us to touch anything." And she kind of looked at me in shock, "He doesn't want us to touch anything?" Well, interestingly, when they put that segment on the air, they titled it "Don't touch anything." That was probably one of the most horrifying because we went in and I don't think I had ever actually walked into the drum yard physically like that before, either. And we walked down the rows of drums and they were stacked four high in many areas. The drums were totally deteriorating. Waste was falling out on the ground. Drums were starting to actually lean and tip over. And I think the interviewer was a little taken aback by the whole thing too. But anyway, we did an interview in there and walked out. That later, of course, aired on CBS and got a lot of attention. I told some of the stories that I had picked up over the years there-about the paint being used to mark the waste drums and so on and the bag house stuff and everything. Well, when that got aired, I remember, the officials at Oak Ridge were furious and contested a lot of what I had said in that interview with CBS. And they sent a letter to Governor Celeste requesting that the governor come down to Fernald and that Joe LaGrone and some of his officials would meet the governor there and go over some of the allegations and show the governor that they really had a

very safe operation going on. And I can remember the governor when he got the letter and asked me, he said, "What should we do here? Should I go down there?" I couldn't believe that they actually asked the governor. I mean I knew the governor and how pro-environment he was. And I thought this is really kind of shooting themselves in the foot to request that the governor to come down to Fernald with the mess that existed there. I said, "Absolutely." I said, "I think we should probably go down." So he agreed to do it. And then his immediate personal staff concocted an idea of going out and bringing a team of experts to go with the governor-independent experts- to go with the governor on this trip and make an assessment of the health issues that existed at Fernald. And of course, they went out and basically picked up a lot of- I guess what you'd call radical type activists in the health area- some really well-known people. And put this team together to go with him down there. So basically DOE was really walking into a real problem that they didn't even realize. And of course the media turned out in droves. And I can remember, I was in Washington just the day before this visit and I had to rush to get back here and I got down here a little bit late and the governor was already here. And he was meeting with Joe LaGrone and Bill Bibb and some other people and I happened to walk up to them just as Joe LaGrone was trying to explain that we really do know what we have out here in these waste drums. And what I had said really was the truth of the matter. And I walked up just at that point and the governor looked at me and said," Is that true?" And I said," No. They have no idea what's out in the drum yard." And from that point on I think everything just went downhill for DOE. That must have been a horrible experience for them because once the governor's audit team started going through the facility and the reporters starting talking to them about- they went building by building- they went through the whole facility. I didn't really have to really say anything. They pretty much really dumped on the Department of Energy on that. But I think that one took another big step toward getting the DOE to really come around and try to do more and get the site cleaned up.

Steve Depoe: That was 1989?

Rich Shank: That had to be 1988, maybe early '89-right in that time frame.

Steve Depoe: Can you talk a little about your encounters with some of the key, what we would call now stakeholders, or some of the folks that lived or worked around the site that either testified or went to public meetings or contacted your office from time to time or what were some of your interactions with some of the other folks at Fernald besides just the Joe LaGrone's and Bill Bibb's and that kind of thing.

Rich Shank: Well, I went to a lot of public meetings-I remember and I met a lot of people. I can't remember a lot. The one of course that sticks out in my mind is Lisa Crawford. She was kind of a leader in the group and I had frequent interactions with her and I think when the governor was down here that time we actually left the site and went over to her house for a meeting. At which, I think, I

remember Stan Chesley actually walking into that meeting while we were there. It's been, you know, such a long time ago and I got involved in similar situations at all the other facilities also- including Wright Patt, and Mound Labs and Portsmouth. So it all kind of runs together back at that time. But I remember Lisa Crawford being one of the better activists that I dealt with anywhere in that state. I mean, she really was very reasonable, really had her act together and understood what was going on, and I thought was very smart about how she approached it.

Steve Depoe: One of the things that happens here in the 1989, '90, '91, '92 time frame is the question of, "Will Fernald now become a Superfund site?" or become one that's on the national priorities list and gets into the stream for possible federal regulatory clean-up and dollars and so on and we're still fighting the- are federal facilities going to become another Superfund? I mean, as it-after that meeting with the governor down here, was there a push for-from the state standpoint to get more federal involvement in either Superfund or other federal types of laws-or how did that progress over the next several months?

Rich Shank: Well, we were constantly fighting for more clean-up money for federal facilities and it was interesting because Portsmouth and Fernald fell under the Oak Ridge operations part of Department of Energy. Mound fell under Albuquerque. It was because Mound was more of a weapons-related plant. And interestingly, the senior people at Albuquerque who were responsible for Mound, were-seemed to be much smarter about how to work with the regulators. And they actually used us to lobby for more funding from DOE headquarters for clean-up at Mound. I never quite saw that same linkage with people at Oak Ridge that I did with the people at Albuquerque. As a result, I think Mound was probably the lowest priority on the totem pole DOE-wise in terms of clean-up here in Ohio at that time. Yet I think they got more than their fair share, even being in the weapons complex, which had a lot of big issues. But I think it was because of the way that senior people in Albuquerque handled it and the way they tried to work with Ohio EPA, in this case, with myself. I mean, I would usually make a trip once a year out to Albuquerque to meet with all those people. And that always was very helpful. They would come to Ohio and meet with me and talk about how we could get more money for-from DOE and Congress for clean-ups. That was a very effective partnership. Never saw that sort of partnership developed with Oak Ridge.

Steve Depoe: What was their approach?

Rich Shank: It always more of a "We're doing everything we can. We're doing the right things." We don't need-it was almost an attitude of "We don't really need the state to be telling what or how to do this." And, I mean-we even pulled together at one point Valdas Adamkus was the regional administrator for the US EPA in Chicago. He's now president of Lithuania and Val and I were good friends. And we actually formed group with the senior people in Oak Ridge to try

to talk over a lot of these issues to try to get more done. And I can even remember going to Oak Ridge with Val to meet with Joe LaGrone and other people down there. But for some reason-I mean it's hard thinking back now, it's so long ago, that we just never got that same sort of relationship that we did-that we had with Albuquerque. And I would regularly talk with the head of the clean-up program in Washington with DOE headquarters. And I'm thinking it was Leo Duffy at the time was head of that. I had regular talks with him. And I can remember frequently talking to him about getting more money for Mound clean-up and I would try to get money too for Fernald, but it was never the same sort of thing that I had going with the Albuquerque people.

Steve Depoe: Can you talk for a minute just about the very first time you went to Congress to testify? You mentioned a minute ago that were a lot of those hearings and it took awhile before the press paid attention and they finally did so all of a sudden. But, just the very first time you ever testified in Congress, what was that like? I mean, you don't have to-not all of the particulars, but just . . .

Rich Shank: You mean on Fernald?

Steve Depoe: Yeah. What was that like? I mean- were there a lot of Congressman there or are they just gonna show up or how does that work?

Rich Shank: I mean, uh. I'm trying to remember. Luken, I think, he was either chair or senior on the specific committee, so he had the right to call the hearing, which he did. I've testified a number of times in Congress and Congressional committees, and, you know-congressman come and go. If it's a big issue, you'll have a good turn out. If it's not, you may only have one or two. And that's pretty much was the case on this up front. There might be Luken, maybe one or two others would stop in, but it was mainly his show. And, there wouldn't be a lot of people in the audience. There would not be many in the terms of press people in the room. They were all to me it seemed, kind of low key. And he would do it in panels so that I would usually get up with a number of experts or regulators or people from other organizations and talk about what the issues were at Fernald. And he might have a couple of panels like that. Then he would bring up the DOE panel at which he would usually call in the people from Oak Ridge and the plant manager here and he'd have a number of them. And basically, he might ask them a couple of questions or get testimony from them, but then the whole hearing would just become nothing more than him railing at the DOE people almost as if to get attention. You know, to me, I always thought it was somewhat a waste of time that this wasn't getting us anywhere. Any yet every couple of months, we'd get called to come in for another hearing. It got to the point where I would try to figure out excuses for not going to these things because I said, "This isn't accomplishing anything." Until that one-and again, it was just another hearing, and I showed up that day, and for whatever reason things were totally different that day.

Steve Depoe: Another side of the Fernald story is litigation. First, there was a law suit by some residents, and then some workers, and eventually the state of Ohio sues the Department of Energy for natural resource damages against the state. Were you involved, obviously not as a plaintiff or anything, but what was your office interaction with any of those lawsuits-at least while you were there?

Rich Shank: I mean-again, vague memories of it. Obviously, we worked closely with the Attorney General's office, so whenever they took an action like that, they would use us as technical resources to support whatever case they were bringing. We'd frequently strategize with them about how to approach the issues and so on. That was the routine thing that would go on at that time.

Steve Depoe: Were you the director when the Office of Federal Facilities Oversight was formed within Ohio EPA or did that come along later?

Rich Shank: You know-I'm not sure. I was trying to remember the other day. In fact, I'd probably have to ask Graham because as I said, I had a deputy director who I had assigned to working on Fernald-or working on federal facilities. And I was trying to remember if we set up an office at that time. I think Graham Mitchell had gotten involved at that time, kind of defacto, becoming the Fernald person. But, it may have actually been formed after I left.

Steve Depoe: How long were you the director?

Rich Shank: About three and a half years.

Steve Depoe: I mean-looking back on it, in terms of the federal facilities issue at least, what do you think were one or two of your highlight-or the office's highlight accomplishments during your tenure? What would you say?

Rich Shank: Oh, I mean-I think we made we a lot of progress. Fernald and Portsmouth. We had big issues at Wright Patterson Air Force Base with old landfills leaking. We worked closely with the base and with the people there. I think we accomplished a lot at that facility. And probably more than anything, we brought federal facilities up to a level of attention that they had never had before. Suddenly, federal facilities couldn't really take the low key approach to things. They suddenly were out in the open and the general public wanted to know what was going on.

Steve Depoe: To what extent was Ohio one of the leads on that in terms of other places around the nation?

Rich Shank: Oh, I think we were clearly one of the top two or three states having that impact. And I think people in government at that time, federal government, would probably readily admit that Ohio took a lead and then carried over, too, because Tom Winston, Graham Mitchell, and others became heavily involved in

the whole DOE complex after that. DOE then took a big step towards trying to better address state issues and setting up committees and involving state people. I know Tom Winston sat on a couple very influential committees for a number of years. And of course, Graham Mitchell took
a lead role on it too.

Steve Depoe: I've got one more question about Fernald while you were the director and then we can talk a maybe a little about what you've seen today. You were talking about you're sort of playing different roles with respect to federal facilities over like a ten to fifteen year period where you were working with Battelle, then you working with the state, and then you know- you said on both kind of on both sides of the house, if you will. What did that get you in terms of knowledge or familiarity with the people or the issues that, let's say, if someone was just coming in as a new administrator from a role that had nothing to do with these sites-what kind of advantages or benefits did you gain from that earlier experience that helped you while you were the director?

Rich Shank: What I learned, especially when I was at Battelle-before I-well, if you go back to my first stint at EPA when I really tried to knock the doors down at DOE just to get in. And then subsequently at Battelle, where I actually was in effect part of the team trying to affect the clean up, I learned quite a bit. That helped me a lot. I mean-and then, part of it, I think, if I hadn't had that experience, then I probably wouldn't have emphasized federal facilities when I became director. There were plenty of other issues. We had water issues, air issues. We had issues with industries around the state. I mean-there was plenty to do. And I don't think anyone prior to my coming in as director had really emphasized federal facilities the way I did. But, by that time, I'd become so ingrained into the DOE and federal facilities arena. I mean-I was working at Oak Ridge-spent a year and a half before I came to EPA as director. I was living, eating, and breathing Department of Energy issues. When I wasn't down at Oak Ridge, right there in the center of things, I was up here working on DOE issues. So I think, I felt that the Department of Energy and federal facilities were a big issue that were gonna have to be addressed and brought up to the same level as any other major industry-in Ohio or anywhere else. And so- I think I can say I became an advocate-not just in Ohio, but nationally. I was appointed- while I was director, I was appointed to a committee of fifteen state environmental directors by US EPA that basically met with the EPA administrator in Washington. I think we met every other month. And we'd usually spend two or three days discussing issues-meeting with the administrator. And I always made it a point of promoting the whole issue of dealing with the federal facilities. So I think it was important. And I think to some degree, it carried over. But on the other hand, thanks to people like Tom Winston and Graham Mitchell, they kind of carried that ball after I left- because I don't think the subsequent administrations probably were quite as interested in what was going on with federal facilities as we were at that time.

Steve Depoe: Just in a nut shell, what are some of the key differences between a federal facilities clean up, or federal facilities regulatory action, or issue as opposed to the private sector? Are they just night and day or are they pretty similar, or . . .

Rich Shank: Well, there are similarities and then other respects they're night and day. I mean-I don't know of any private clean-up issues or operation that would even begin to compared to what happened at Fernald. The things historically that went on here at Fernald, had they happened at a private operation probably would have resulted in criminal actions taken by the state. Obviously, a lot of that happened years before, but even some of the-right or wrong- federal facilities, the Department of Energy, the Department of Defense probably got away with a lot of things post-World War II in the name of national security. You know, not trying to point fingers just saying, it happened. You know, I can't see anything like that would have happened in the private sector to that degree. And now it's our legacy-we're dealing with it. It's just the way it is and you know-maybe it was the right thing-maybe it wasn't.

Steve Depoe: Let's talk for the last few minutes about what you saw out here today. You took a tour today of Fernald in 2005. Why did you come out here today and maybe before that talk a little bit about what you're doing right now.

Rich Shank: I should add that I left EPA in 91. I went back into consulting. I mean-ultimately ending up with a company called Science Applications International (SAIC). And ironically, ended up back at Fernald after a couple years of-and consulting with Fluor-it was Fluor Daniel then. Westinghouse had left. Fluor came in. As it turns out, an individual that I had gotten to know while I was EPA director at Ohio because he was the environmental director in Utah. And we, as result of this group that met with the administrator, got to know each other and became good friends. His name's Ken Alkema. And Ken was hired ultimately, I think through Jacobs, with Fluor and ultimately SAIC was brought in. And, in fact, we were doing a lot of the review of the risk assessment work that was going on down here in the early to mid nineties. So I was back at Fernald again. By this time the clean-up was really underway. The players at Oak Ridge had changed. In fact, I think by that time Fernald had been taken out of the Oak Ridge system. So everything had changed. So I worked with Fluor for a couple years there and with Ken Alkema-kind of got re-familiarized. And even at that time though, buildings weren't coming down and there was still a lot of frustration. Ultimately, they did. And ultimately the work that I and my staff was doing here with SAIC kind broke off and moved onto other things. So it's actually been about eight to ten years since I was last down here. And I guess what brought it about is that Graham Mitchell, who I've known for almost thirty years now, had been kind of after me to come down here over the last four years that I've been with the Nature Conservancy to kind of see what's happening here. He thought I would probably have an interest. And to be honest, I really wanted to. It wasn't

until today I actually that I found time to do that. But also, Gene Willeke, from Miami University-I'd been on the faculty at Miami since about the same time, about 1988, 1989. About that time I came on as an adjunct professor at Miami and had been going in and out of there for a long time. Jean was encouraging me to come down here. And then, of course, Ken Alkema came back after he had left, contacted me. So all those factors coming together I thought, ""Geez, I really need to go down and see what's happening at Fernald." I thought, "Should be very interesting if nothing else after having been gone for so long."

Steve Depoe: And what did you see here today? What kind of a tour did you do today?

Rich Shank: Well, we covered the whole site and the surrounding area. It was very interesting. Obviously, things have changed dramatically. I think the last time I saw the site, I don't think any of the buildings had been taken down at that point. And of course, today virtually everything's down. I think there's one building still up that will ultimately come down. A lot of the natural areas are being restored. I'm very impressed with that. I'm very impressed with the amount of resources that Department of Energy's putting into restoring a lot of the wetlands and prairies. I think in the next few years this place is gonna be spectacular in terms of the natural areas that are gonna exist here. It leaves, I think, a great legacy. To be honest, I'm quite surprised that the clean-up moved as rapidly as it did in the last ten years-that they've come this far. And now here that Floor may be walking out of here within the year and turning the keys over to DOE-that's amazing. I hope that the community here gets the most out of it. I hope that they do develop an education center. I think that would be outstanding. Met some really good people today. Graham Mitchell, of course, is gonna be retiring within the year. I understand that the federal facilities unit at Ohio EPA will properly be kind of dissolving now that a lot of the clean-ups are done. So it's kind of a real interesting turn of events. It gave me a lot to think about. But all in all, I was very impressed with what they've done down here.

Steve Depoe: Uh, you know-if you had a chance to get a role in like writing a history on the state of Ohio or a history book at some point about-that had a paragraph or a little section about Fernald and the clean-up of federal facilities in Ohio, what would be a couple of things you'd like to see-make sure that school aged kids or kids that grow up in the state of Ohio know about what happened here and how it got cleaned up and what lessons learned for the future and that kind of thing?

Rich Shank: Actually we were talking about that today-I think it was Sue Walpole. They were talking about having an education center which I think would be excellent-it would be outstanding. And it'd be good to use it to basically teach about wetlands and natural areas. However, I think the most important lesson down here-well, it has to be stamped into people's minds, is the abuse that occurred here throughout those years of Cold War-particularly the fifties and

sixties, end of the seventies. What happened here, I would hope never happens again. You here a lot of comments about," Well, they didn't know any better." That they thought this was the best thing to do. And the truth is-even the comments I heard back in the early eighties, from government officials, when we were trying to break-knock the doors down, was basically just that, "we can do anything we wanted to do" because it was all in the name of national security and national defense. And that was extremely dangerous. We came so close to-we had environmental disasters occur. We came so close to what could have been some major environmental disasters, even beyond what we saw-just looking over at the old Soviet Union and what's going on in Russia and the Ukraine right now. That message-very-not too unlike what we've done with the Holocaust and the Holocaust museum in Washington, which I had the opportunity to go through a couple of weeks ago. You know, somehow, we just have to implant it in people's minds that yes, this is what it looks like today, but this is what happened here-that the government stepped far outside what was it's authority-to damage our environment and to potentially and possibly- probably damaging the health of a number of our citizens in the name of defense. And that story needs to be told. Because-I mean, you can look at what happened here at Fernald in particular. And I've worked at federal facilities in other states too. And some of the things that happened here at Fernald in the fifties and sixties are probably as bad as anything that happened anywhere in the country. And I think people looking at that today would feel the same horror that they would on things that happened in Europe in the 1930's and forties-that we can't let the government come to that extreme again. And that we have to consider those things, regardless of what the world-wide situation is. You know, it kind of concerns me now- we're involved in this war in Iraq and we can't allow those sort of things be excuses for doing other things at home that are going to cause problems down the road.

Steve Depoe: Anything else you'd like to share?

Rich Shank: No, I think that's about it.

Steve Depoe: That's a good interview. Thank you. That's it.