

Interview with Grant J. Merritt

**Interviewed by Margaret Robertson
Minnesota Historical Society**

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at the Minneapolis offices of Grant J. Merritt
& Associates**

MR: Didn't you grow up in Duluth, with a lake home on Isle Royale?

GM: That's right. I grew up on Lake Superior. I have several pictures of it around here. As a matter of fact, that painting over there was done by one of our fellow life lessees right at the northeast end of Isle Royale. It shows some Isle Royale fish boats in Washington Harbor at the southwest end of Isle Royale. Our home is up at the northeast end, some forty-five miles from the scene in that painting. So I've grown up on Lake Superior, which I think accounts for my interest in saving Lake Superior and preserving its waters. That was a result not only of being in Duluth, right there on the water, but also going to Isle Royale every summer since I was five years old.

MR: And after you received your degree from UMD [University of Minnesota-Duluth], where did you continue your education?

GM: I came down to Minneapolis in 1955 to what's now the Humphrey Institute--then known as the Public Administration Center--and took a master's degree in public administration. Then I went in the Air Force, because I'd been in ROTC. After I finished the stint in the Air Force, I went to the University of Minnesota Law School here in Minneapolis from 1959 to 1962.

MR: And after you graduated, where did you go next?

GM: I began practice with a law firm here in Minneapolis and became a general partner. I stayed there until I joined the Pollution Control Agency in 1971.

MR: Was your first involvement with environmentalism when you became aware of the problems in Lake Superior, or did you have an interest in that area before that?

GM: Oh, I've always been interested, but I never had been an active environmentalist. Of course, there was no such term in those days. I suppose you might say that I've been interested in conservation all my life. I was a Boy Scout and member of the bird club. One of the early influences, I think, was through my mother--who helped me put together a scrapbook as a merit badge. This was for either the Cub Scouts or Boy Scouts in fifth or sixth grade at Washburn Grade School in Hunters Park, where I grew up in Duluth. About that same time, I joined the Duluth bird club. So that was probably about 1942. The club later became a chapter of the Audubon Society. So I've been interested in birds and the outdoors all my life.

I remember in 1955 when I was graduating from the University in Duluth--I was majoring in political science--one of my professors and my advisor at the time was Julius Fred Wolff, who still lives up there. His father had been in mining, as my father and grandfather

and great-grandfather were. So I went to see him to talk about the Reserve Mining operation--to see what he thought of this dumping of tailings in Lake Superior. I don't remember much about the conversation, except that I had raised the issue and we talked about it. I don't remember what anybody said. Then, as a matter of fact, I worked that summer later on for about a month digging ditches for the contractor. I worked for J.W. Galbraith Company, which was associated in some way with the contractors who had built the site there on Silver Bay. I was a laborer, and I remember also working in the school, cleaning the floors before the high school opened that fall. It was later that fall when they shipped the first ore out of Silver Bay.

MR: So you've always had a connection with that area?

GM: Yes.

MR: I know that before you joined the PCA, Charles Stoddard had released his report on the tailings problem. How do you assess the work of people like Stoddard and Donald Mount?

GM: Stoddard was an extraordinary guy. Mount was a wishy-washy bureaucrat, never one of our favorites. However, he did some good work, and certainly at times, he has done some outstanding scientific work. But he was not a strong person, whereas Chuck Stoddard was a fearless bureaucrat. In fact, the term "bureaucrat" doesn't even apply to him. He was a fearless public servant.

And yet, when I first heard of him, it was through my uncle, who had a good deal of influence on my early participation in the Reserve Mining case. He had a store at East Beaver Bay, Mattson's Store. And in the fall--right around Thanksgiving of 1967--we were gathered at our home in New Hope, and he told me about what was going on up there. My uncle said that there were a lot of chemicals and oily rags and calcium chloride and other foreign substances going down these two chutes. Although even at the time--in the entry I made in my journal--I didn't really know much about the term "tailings." I called it "slag."

So then I thought that the way to solve that problem was to get the public involved and to go through the political process. It wasn't going to be solved just by tiny scientific studies. So that led to activity on my part through the DFL party, culminating in the passage of a plank which I drafted for the state DFL party the next year. It called for an end to the use of Lake Superior as a dumping ground for mining waste. Later that summer in 1968, I spoke about the Stoddard report. It had come up in the state platform committee in June at the Hilton Hotel in Saint Paul, now the Radisson. The steel workers' representative, Glen Peterson, from Local #33 in Duluth, was trying to block the passage of that plank. He thought that since there was a five agency study underway, we should wait for the outcome of that study. If the study showed that we were having a problem with pollution in Lake Superior, we would be the first ones to do

something about it. Well, we voted it in anyway over his objections, nine to one.

Of course, when the study came out, the steel workers maintained their same position, which was unfortunate, because they never really went to work for their people. In fact, they were on the other side in the lawsuit that came later. Anyhow, then that summer I was alerted to the fact that the study was going on up at Silver Bay during the time that half of the plant was shut down. There was concern that accurate samples would not be obtained. So my uncle suggested that I write to Stoddard. I had never heard of him, of course, but I did write to him, although it took me a couple of months. I procrastinated. I finally wrote to him in October of 1968.

In the meantime, I had met Jim Shoop, a reporter for the [Minneapolis] Star and Tribune at the national Democratic party convention in Chicago. He had been following a little bit what I was doing in terms of the party plank. At the time, I was chair of the platform committee, when we actually passed that plank at a meeting of the state central committee in September. So I gave a copy of my letter to Shoop after I sent it to Stoddard. I went to California on business to try a case out there, and when I came back, Shoop had done an article in the paper about my letter to Stoddard. My letter to Stoddard was quite critical of him because of what my uncle Milton had told me. We were concerned that he wasn't doing an accurate study. Little did I know that Stoddard was doing his best to do a very objective study. So he wrote me back or called me, and that's when I first met Chuck Stoddard--late in November or December of 1968.

That letter also led to my being brought into the environmental organization here in the Twin Cities called MECCA--Minnesota Environmental Control Citizens Association. I was elected to the board and became chair of the Lake Superior Task Force. I was actually recruited by John Pegors, who up to recently was the regional director of the Pollution Control Agency in Duluth. He just got demoted. Anyway, that association ended my writing letters on my own--when I started working with that group. We later held the organizing meeting of the Save Lake Superior Association in my home in February of 1969. Milton Mattson, Chuck Huver from the University, John Pegors, and one or two others were there. I believe somebody from the Minnesota Conservation Federation was there.

That led to a meeting of very great importance up in the Hotel Duluth, which Larry Cohen, later mayor of Saint Paul, and I attended.

It was on the subject of the Reserve Mining case, but it also had something to do with nuclear issues, too. So it was an environmental conference--the first time that I had ever attended one of those. It was called by the Save Lake Superior Association and maybe by MECCA, because Chuck Huver and Larry Cohen were there from MECCA. I was then in both the Save Lake Superior Association and MECCA. Anyway, we had 150 people show up, including the mayor--now State

Representative Ben Boo, who denied there was any problem with the water supply or anything else.

Ironically, I didn't set this out for you, but I have here Judge Douglas' dissent in the Reserve Mining case. I obviously like it, and sometimes I use it as a prop in speeches or for other purposes, quoting Justice Holmes dictum there about our waterways. That's a great quote: "Our waterways great and small are treasures, not garbage dumps or cesspools." I think the reason I brought it in here is that I'm fighting garbage dumps right now.

Anyway, Chuck Stoddard then came out with the Stoddard report in January of 1969. If you have read Tom Bastow's book, This Vast Pollution, you know about how it was leaked to Ron Way of the Minneapolis Tribune. That was when it came out front and center.

In the meantime, I was working sub rosa with Ralph Nader. We did some really important work which led to a front page article in the Minneapolis Tribune either on Good Friday or Easter Sunday. I was in Washington with my family. This was after I joined the PCA, so it was April of 1971. Charles Bailey, who later became the editor of the paper, was then the Washington bureau chief. He wrote the article, which included the memo which Ed Schmid, the PR man for Reserve, wrote to Ed Furness, the company president. The memo discussed how they were trying to seed the delta and turn it green, so as to have a nice show there for Stewart Udall. That memo was the single most important thing in alerting the public and developing public opinion against Reserve Mining Company in my judgment, because it showed what kind of skulduggery they were up to. It really affected their credibility.

Ed Fride, one of Reserve's lawyers, and I had a little conversation when we walked into the first enforcement conference in May of 1969 at the Hotel Duluth. I pointed at the green water out there and made some mention of that. Fride took me aside and told me very earnestly that in his opinion, there was nothing wrong with what they were doing and that this wasn't green water. I guess I must have reacted a little bit to his personalizing it as a lawyer, and I said, "Well, Ed, doesn't your conscience bother you once in awhile in the middle of the night?" And boy, did he get mad about that. He was just furious. He had a heck of a temper.

Anyway, that was the first of many, many encounters beginning in 1969 and continuing on until the late seventies. Reserve finally went on-land in 1980, so it took thirteen years from the time I first started my involvement. That was about the same time that Verna Mize began lobbying in Washington. She actually began three months sooner, writing letters and doing her thing in Washington until they finally went on-land.

MR: How effective do you think Verna Mize was in alerting public opinion and working in Washington?

GM: Very effective. She was a unique person in being able, for example, to come into a crowded reception room in the administrator's office at EPA without an appointment and get in first to see Ruckelshaus. She was a very tenacious, insistent person. She carried her tailings around--as I did, as a matter of fact--in the early years, to use during speeches or to plunk them down on the desk of many a congressman or senator or EPA official down there. She not only was effective in that, but she was very effective in writing letters. I suppose now she's probably written over six thousand letters on the Reserve case. She also was really good at getting pressure built up from the Senate on Ruckelshaus and on developing public opinion in Michigan. Of course, we ended up in court with Michigan, Wisconsin and Minnesota together--three states in addition to the Justice Department.

MR: How effective was grass roots activism in the Lake Superior case--for example, the efforts of MECCA and Save Lake Superior?

GM: The issue never would have been resolved without it. It was the grass roots support which put pressure on government by pushing and prodding the bureaucrats and the legislators that really got the job done. I've talked about this with Willard Munger, the chairman of the House environment committee. Even Munger, as good an environmentalist as he is, doesn't have a record of saying anything or doing anything to solve this case in the late sixties or early seventies. We've argued about that. He was very good, but it didn't start with the politicians. And that's the way these things usually work out, because most politicians don't have guts enough to stand up on an issue like this and take the lead.

MR: Do you think the issue would ever have been resolved bureaucratically? Do you think the EPA, for example, would ever have put pressure on Reserve?

GM: Never. It never would have been solved but for citizen activism. Obviously, once the government got going, then we had great momentum. But probably the single most important thing in developing public opinion in the early years was the enforcement conference. Unfortunately, Congress then took away that enforcement conference, which I think was a big mistake. They could have strengthened the laws and retained it. Instead now they've gone too far in some respects by giving authority to the bureaucrats to fine people administratively. Fines are okay, but it's much better to develop consensus and to develop public opinion. And you're not going to develop public opinion unless you've got the facts. So you've got to develop the facts in the process, of course, as much as you can. But you can't wait for all the facts to come in either, especially in this scientific area. Because if you do, you'll be falling in the trap that of one of the appeals judges in the Reserve case, who said, "Show me the dead bodies, Mr. Hills, and then we'll do something about it. Where are the dead bodies on Superior Street?"

MR: The problem is that epidemiological studies take a long time to develop.

GM: Sure. Even today I haven't seen a study that shows absolute proof or solid scientific evidence that ingestion of asbestos-like foreign fibers will cause mesothelioma. Of course, there's a strong suspicion that you can swallow the water with the millions of fibers and then cough it up so that it gets into your pleural cavity. Now there is evidence, of course, that the breathing of fibers causes cancer. That is one of the reasons why ultimately the courts backed off on Judge Lord's injunction, because they felt that there wasn't enough evidence to cause a shut down. There was enough evidence, however, to require them to go on-land, as you know.

MR: You had mentioned the DFL plank that opposed the tailings. Didn't Blatnik oppose that plank very vehemently?

GM: Oh, was he mad! Yes, vehemently. He called me up to his seventeenth floor suite with some engineer from Virginia and read me the riot act early Sunday morning. This was after we had met till midnight the night before, fighting over a Vietnam War resolution in our platform committee. He was giving me the business. Finally, I had to tell him we weren't going to listen to that. He practically threw me out of his room. He was used to throwing people around, you know, like a lot of those Iron Range types in the legislative process. I've had some experience with other politicians like that. No, Blatnik was certainly no help on this issue. He had the problem of thinking he was "Mr. Water Pollution Control" as well as thinking he was "Mr. Taconite"--and the two didn't come together very nicely on the Reserve Mining case.

Blatnik tried to sidetrack me just as Judge Heaney did. Judge Heaney tried to get me off of this case early on. I had a luncheon with he and my father at the Flame Hotel in 1969 either before or after that first environmental enforcement conference, and he suggested that I get on to a massive program to clean up sewage treatment plants--a \$500 million program--as though that was really important, whereas this Reserve case wasn't too important. Well, later on, he recused himself in the case because he had a conflict of interest, which of course he didn't tell me about at that time. I wasn't too happy about my old political mentor, Jerry Heaney. I still see him, however, and remain friendly, but that wasn't so good.

MR: What was his conflict in the case?

GM: He had done work for Reserve back in Orville Freeman's days in the legislature. It was never very clear what it was. He never really laid it on the record, but it was enough so he recused himself, at least formally.

MR: I know that Blatnik was not helpful in the Lake Superior case, but how would you assess his overall record on the environment?

GM: Oh, pretty good in terms of passing good legislation. He, after all, authored those early bills that gave us the enforcement conference. He thought that because he "got that lab," as he put it, that that was his contribution, so he should be given credit for it. In fact, I have given him credit. I have written letters saying that, and I believe he is deserving of great credit for what he did.

It wasn't easy in the early years. There wasn't much support. It was like Willard Munger trying to get money for a study of the discharge of pollution in the Saint Louis River and the head of the lakes there. He couldn't get much support back in the fifties for that. So Blatnik deserves great credit for that, and the enforcement conference was part of the law that he passed. But he was in too long, and he forgot that there are other ways of solving a problem than just going to meetings and making speeches. Blatnik then was also too closely tied with them. I don't say that he sold out to them, but he was very friendly with the Reserve folks, and that created problems.

We had one little conversation in the john down at the Democratic national convention. I said, "Hey, John, did you see that picture of the [Reserve] chute in Life magazine?" He blew his stack. "You're pre-judging this matter!" I was always pre-judging it, according to him, you know. And he couldn't talk about it any more. Another time I had flown in from Toronto to meet the governor and some others for a mine tour northwest of Thunder Bay. Blatnik came towards me in the airport, and I stuck out my hand to greet him and said, "Well, the Congressman." And he blew his stack. I had said something wrong. Wendell Anderson laughed about that later.

Blatnik just couldn't stomach me in the later years. He was a very emotional guy. In fact, there was an incident right after that meeting I mentioned in the Hotel Duluth in March of 1969. He called me up the next week and just was furious on the phone. This was during my early days on the issue, before I understood his position.

I listened to him for forty-five minutes. I made notes of the conversation, by the way, for my files, which should be over at the Historical Society. Finally the thing got so heated one of my fellow lawyers next door--I had the door open--came in wondering what was going on. Blatnik ended up hanging up on me. Later I talked to Jim Oberstar, and Oberstar told me that he had advised him not to call. Blatnik was drunk in the first place--or three sheets to the wind, anyway. It was late in the day, and Oberstar knew that it would not be a very wise move. He knew I would take notes, and that I would have some very damaging statements from him.

Even after that, when Anderson appointed me to the PCA directorship, the governor wanted me to solve my problem with Blatnik. So I went out of my way to write a letter which appeared in the Range papers and in the Duluth paper about Blatnik, giving him credit for his environmental record. That's what I was alluding to earlier. Then I went and had lunch with him at the Congressional Dining Room with Jim Oberstar. We worked together with him for maybe a year or two. We had sort of buried the hatchet, but then our truce came apart.

I'll never forget when I blasted the Eighth Circuit for their reversal of Judge Lord in late August of 1974. I had taken my family camping in the Pine River area, just north of Brainerd. It was a very frosty Labor Day morning. I remember it well, because there was frost on the ground, and the kids were yelling that everybody was freezing. I was outside cooking breakfast. I had the radio tuned to a Duluth station, and I could hear Blatnik blasting me for my comments on the Eighth Circuit decision. That was okay, because I had said some strong things. But then we met later on in October in Duluth for the groundbreaking of the Western Lake Superior Sanitary District. There was a big lunch. I sat next to him, and we got into it again. So this went on and on. Of course, I don't see him when he comes to town. He's retired now. But I do see Jim Oberstar from time to time.

MR: How pervasive was Reserve's influence and power in the Duluth and Silver Bay Area? It seems that so many of the principals in the case did have some connection with them.

GM: Oh, yes. If you read that Lake Superior chapter of the Nader book, it shows you how close they were. Sure, they had favorable judges. There was later a big row over in DNR in connection with the court case over milepost seven versus milepost twenty--whether a motion should be made to recuse Judge Eckman. I heard about this from one of the lawyers recently. You should talk to Don Paquette, Phil Olfelt, Paul Faraci, and Bill Brice over in DNR. They felt that Eckman was in the hip pocket of Reserve. He used to play golf with them, and of course, Reserve's plan was what the judge adopted in that 1970 state case. So maybe there was some truth to that. Anyway, Warren Spannaus did not move to recuse the judge, and those judges--Chanak and Hodin and Eckman--reversed the PCA on their decision not to go to milepost seven.

Of course, in the aftermath, I was not in agreement with the environmentalists who were fighting for that. I still believe, as Governor Anderson does to this day, that the position taken by the environmentalists in that litigation delayed on-land disposal two years. There was this "Babbitt-or-bust" crowd in the DNR. They wanted to go to Babbitt, which was totally unrealistic. There was no way they were going to move the whole city of Silver Bay to Babbitt.

I figured that milepost seven was about where I started. I had pushed hard to get the tailings to go to Lax Lake. It was right near there. So I figured we had a hundred percent victory. So did Anderson. So he and I stood together on that. But there was so much pressure from the DNR and from environmental groups, including the Sierra Club and the Save Lake Superior Association, that there were these protracted hearings. Wayne Olson was the DNR appointed or recommended master in that exciting decision. I went along with it, but my choice was Dave Graven, who happens to be a lawyer here now in Minneapolis. But Anderson and I lost out to the DNR.

The DNR came on late. Early on, they were not even in favor of

on-land disposal. We had arguments about that in Tom Kelm's office.

Bob Herbst has become a friend of mine, but in those days our relationship was really quite strained because of the fact that his people wanted to save every inch of the North Shore because they had a park planned for every square foot of it. Now that's a slight exaggeration. But as a matter of fact, they were very concerned about an area where they ultimately did get a park--one of our greatest parks, I would say--Tettegouche Park. And we still have that park, even though we have tailings at milepost seven. But they were not originally in favor of on-land disposal.

Then when they went along--they weren't even involved until later on--they jumped in full score, and they wanted to go to milepost twenty or Babbitt. They originally wanted to go to Babbitt, and then they settled on milepost twenty. Finally, with all the pressure, Peter Gove and the board of the PCA went along in a very, very close vote. In fact, it went the other way first, and there was another reconsideration, and the vote went five to four in favor of milepost twenty. Then that was appealed. That took from 1976 until early 1978 to resolve, and then it took two years for them to actually build and go on-land. So if Anderson and I had had our way on the location, as early as 1975, we'd have been on-land three years sooner. That also goes to show you a little bit about the influence, at least the alleged influence, that Reserve had with judges. They had lots of influence with public officials--legislators and city and county officials, too.

MR: Why was Reserve the only mining company permitted to dump tailings into Lake Superior?

GM: I'm not really sure. The cost of disposing tailings on-land in 1967 or 1968 dollars was three or four million dollars. Every other company, not only in Minnesota, but in the United States--maybe even the world--had to contain their tailings in a tailings basin, which was better than dumping it in Lake Superior. Not that it was perfect, because there was going to be some leaching. There also was not an impermeable seal on the basin, and I don't remember anybody--even the most ardent environmentalists--talking about sealing the bottom of a tailings basin. So we did feel that they should go on-land.

It does seem rather incongruous that there was one company which stuck out like a sore thumb. I have read Pioneering With Taconite, and I even wrote an article one time about E.W. Davis, who had a home up there at Silver Bay. In the book he said that he couldn't understand how these conservationists back in the forties could oppose this plan. Some of them did, you know, in the hearings. In fact, the city engineer of Duluth raised a question about the Duluth water supply in the 1947 hearings before the Water Pollution Control Commission. So there was some real foresight back there.

MR: I know that the sportsmen's clubs also opposed it.

GM: That's right. The United Northern Sportsmen opposed it. There was some question--nobody has ever really determined if Senator Homer Carr might have opposed it. Willard Munger says he did, but I've never seen any proof of that. Willard's a friend of mine, but he hasn't proved that he ever spoke out at the 1947 hearings. Carr made some comments, but I'm not sure that he actually spoke out. It was mostly a couple of North Shore fishermen and the United Northern Sportsmen who opposed it. Stan Larson was on the record as opposing it.

MR: The taconite amendment passed by a seven to one margin in 1964. Do you think that in some way contributed to the pollution problem, perhaps by making the process of stopping Reserve more difficult? After all, the people of the state were on record as supporting taconite.

GM: No. I don't think there was any relationship whatsoever between the taconite amendment and the effort to save Lake Superior from 67,000 tons daily of taconite tailings. I never saw any relationship there. If anything, it would have cut the other way. But I don't recall that we ever argued, "Well, we gave you the taconite amendment. That freezes your taxes at the lowest rate of any corporation. Therefore, why don't you get on-land?" No. That never entered into it. We never could break this tight clique of steel companies that still exists. I remember afterward talking to Al France, who lobbies for the Lake Superior iron ore people. He indicated--after it was all over in the early eighties--that there really wasn't all that much unanimity among the mining companies behind the scenes. But they never would break and support us. My point was, "How come you guys didn't support us? You're paying three, four, five million dollars to run your tailings basins, and here's your competitor getting this free subsidy."

The only restriction Reserve had was they had to extend the chutes every six months or so. They didn't even extend them out to the end, you know, which meant that their crazy theory of a density current was a joke. Because by the time the tailings got to the edge of the chute and fell off, they were gently spilling into the water instead of going right down like they said they would.

The biggest problem in connection with the hearings of 1947 was the fraud that was perpetrated. We exposed it in that early book, which I had a lot to do with publishing. I'm very proud of that. In fact, I invented the title, Superior Polluter. That was very instrumental. We published a thousand copies. We had three law students--yes, they were all law students--who did that for next to no pay and came up with an exceptional book. It showed how Reserve had perpetrated this fraud with a phony tank experiment with seventy-two degree water and tailings that weren't as fine as the final tailings. So it's not a very pretty picture. William Montague, who later became a regent of the University of Minnesota, jumped on the commercial fishermen and ridiculed them when they testified at these hearings. And then he turned around and put on a fraudulent experiment.

MR: But that tank experiment, even though it was fraudulent, was cited for years as a basis for the safety of the tailings.

GM: Yes, it was. The tailings were all supposed to go down in the great trough along the North Shore there, nine hundred feet deep. You're right, they got by with that for years, until the late sixties. Then there would be statements like Ed Schmid saying, "Well, that green water is an illusion." And people weren't going to buy that. The green water was there. Then he would say at the same time--out of the other corner of his mouth--that it was a natural phenomenon, which was, of course, totally contradictory. It was supposedly coming down the river there at Beaver Bay, but of course, that admitted implicitly that there was green water out there. You know, for awhile the green water would meet the red clay from the south shore, and you'd have a green red. It was almost like Christmas there in Lake Superior--the green water extending all the way to Duluth, big streaks of it.

MR: When did you become concerned about the possible air emissions from the taconite? Do you remember?

GM: Well, it must have been in 1972. We drafted APC-17 and went to a hearing on that the very day that the whole subject of asbestos first cropped up at the International Joint Commission hearing in Duluth. I had been at the hearing at Thunder Bay on December 5th, 1972. I didn't go to the one in Duluth which was held on December 7th. I had to attend a hearing here in the PCA offices on APC-17, which was the Pollution Control Agency's regulation to control asbestos. So I had my representatives there, Lowell Ritchie and John Pegors, who came down for the hearing. I remember talking about the hearing to Marion Watson, one of the board members, as we were driving down from Thunder Bay on the 6th of December. And so we developed the standards during the summer and fall of 1972. I don't recall being too concerned in the late sixties about the air emissions except insofar as they would fall out on Lake Superior. We thought about it, Margaret, but we didn't really push for any additional stack control.

MR: Was the concern about the effects of the asbestos-like particles in the drinking water the issue that really clinched the Reserve Mining case--that really brought public opposition to the forefront?

GM: Well, the way I would put it is that it was the discovery by the PCA and EPA of the asbestos in the discharge, both air and water, that did it. And then, of course, I would have to say that the fact that people were drinking the water was the scary edge of it. That was the reason that we did our research in secret. It was totally contrary to my policy of openness there, but we did this whole thing in secret. We didn't want to inflame the public with false scares that there might be cancer-causing agents in the water. Certainly, we didn't want the Health Department to hear about it. The Health Department was sort of in cahoots with Reserve and NSP. We used their

laboratory, and we were in their building. There was concern from my top deputies and myself that they would find out about it, so we kept totally secret, as did EPA. They were doing their work in secret, and we were doing our work in secret. We didn't know what they were doing and vice versa. It all came together in Judge Lord's courtroom in June of 1973, as you know.

MR: Did those concerns then about the health effects make the case more pressing? Were there people who said, "Well, Reserve is polluting Lake Superior. The water turns green--so what?" Did the realization that they were actually drinking and inhaling asbestos particles really turn the case around?

GM: It was very instrumental in winning the case. It was difficult to shut down the plant or to even get them on-land with them polluting the world's greatest body of water. This was true even with proof of adverse effects on fish and aquatic life and the ambient air. But that didn't hold us back. We were, of course, going full throttle. But the EPA are the ones who assessed it and felt that we didn't have a very strong case. There is documentation of their feelings on that subject in the various books that have been written.

But that wasn't the case with us. We thought we could win this case anyway. I think we probably would have in the long run, but it would have taken longer. By win I mean get Reserve on-land over a period of time. That was our motive, our goal, anyway. I used to say, "We want them to stop immediately." By immediately I meant to start going on-land. We said that very clearly. Reserve should start the plans and the construction immediately, and then they would be on-land in two, two and a half years. We never asked to shut Reserve down until we discovered the potential health hazard. Then, of course, it became a different case entirely when we were dealing with human health risks.

And so I think we would have won the case anyway, but it would have been more difficult. EPA was much more conservative and felt that they didn't have as good a case. I don't know what they would have done, because we were in court. We had pressured them to start the lawsuit. As you probably know, I didn't even want to join the case voluntarily. We didn't. We were involuntary plaintiffs. I had figured that we might lose in federal court, and we want to preserve our right to go into state court.

So at least if I had anything to say about it, we would have continued to push the issue to the same conclusion whether we found asbestos or not. I have never really said this before or talked about it. Your question has got me thinking about that aspect of it. It's been too easy to say that we discovered the asbestos and that it won the case. I think it won the case in the sense that I don't think Judge Lord would have issued an injunction but for the asbestos. But I think that Judge Lord would have ultimately ordered them on-land, giving them as reasonable a period of time or perhaps

as tight a schedule as possible. And that would have been based on all of the other environmental impacts of the tailings. There was growing evidence of that.

The Stoddard report, of course, was the basis for those findings. I don't want to forget to say that the Stoddard report opened this whole case up. I mean, we were pounding on the windows and trying to get people's attention. But if it hadn't have been for that study that came out in the newspapers in January of 1969 and that led to the enforcement conference, we never would have gotten there. I said earlier that the enforcement conference developed public opinion. Well, that conference was called by Secretary Udall. It wasn't called by Governor LeVander. That was a big political issue. Udall had to be pressured to do it before he left office. It was one of his last acts in office. So there would have been no enforcement conference but for the Stoddard report. Its scientific findings, which of course had nothing to do with asbestos, were very instrumental in getting this issue started.

MR: Do you think that the taconite industry can be revitalized and be a good corporate citizen at the same time?

GM: Yes, I certainly do, and most of the companies have been. We never really had any serious problems with U.S. Steel, the Erie Mining Company, Hanna Mining, and all of the others up there. We would negotiate with them and would resolve the problems. So Reserve was in a category of its own.

Now, as you probably know, the demand for pellets has picked up rather dramatically, so there's some reason to believe that maybe even Reserve might open up. I saw in the paper just the other day that yet another company is now interested in reviving Reserve. Of course, Ron Hays has formed a company to reopen Reserve, and I think maybe even somebody else is interested. And LMV is now showing something like a \$500 million profit for the last quarter or some such thing. And they're one of the two owners which filed Chapter 11 bankruptcy. The question there is: do they pay the bondholders and the pension funds? In any case, I think the taconite industry is now more viable than it has been in the last couple years, and I think that it'll continue.

MR: When you came to the PCA in 1971, it was a fairly young agency. It had been started in 1968. How has the PCA changed since your directorship?

GM: Well, it's become more bureaucratic, much larger. I don't think it has the drive or the excitement that it did when I was there. The board is more institutionalized, if you can use that overused term, in the sense that they have a lot more committees. The committees function at a very regular pace, so there is a lot of delegation from the board to individual board members. It appears to me from my practice over there that a couple of the board members run the show. They're the leaders, and others are followers. Although that's

changing with some new appointments now, there still is a fair number of followers over there.

I think that probably the last year that I was at the PCA, it had the best board of all--people like Joe Grinnell, Marion Watson, Steve Gadler, Dave Zentner. You had people there who were really dedicated environmentalists, and they were in the majority. It certainly wasn't that way when I started, though. So if you compare today's board with that of 1971 and '72, why it's better probably today than it was then. Anyway, the agency is much bigger, and you have a lot of very good people, but you also have a fair number who are kind of presiding over the environment and really don't push to clean it up as quickly and as strongly as we did when I was there.

MR: What is the role of the citizen members of the PCA and how can they best do their job?

GM: I think they should ask good questions at the board meetings, go to the public hearings, read the materials, and do the best job possible of voting. After all, they do have the policy making power, and so in order to do that, they need to study and spend probably three days a month at least on the board's business. And of course, they should come equipped with some background in the field, because it's pretty hard to learn this from scratch, at least within a three year term.

MR: In looking over some of your files, I notice that there seem to have been some problems in the agency's relationship with the Health Department. Would you care to discuss that?

GM: Sure. In the first place, the laboratory in the Health Department was funded in part by Northern States Power Company--I think they gave about ten thousand dollars a year. So we were certainly very suspect of the whole organization for that reason, as well as for the fact that they seemed very intent on sweeping things under the rug. Their board was certainly not a policy making board. They rubber stamped the decisions of Warren Lawson, the commissioner.

Also in dealing with people like Dave Gray and Alice Dolezal, I realized that they were really not very interested in nuclear radiation. There was also a fellow by the name of Jim Coleman on the staff. When we had an emergency up at Monticello in the fall of either 1971 or 1972 with the reactor malfunctioning, there was a discharge of radioactivity into the river. Ironically, Warren Lawson did something extreme which surprised a lot of people, including myself. He ordered the city of Minneapolis to shut down the water intake on the river. It would be interesting to pursue that decision with old Doc Lawson. I guess he's still around. He's retired now. But I think he was sorry he did that.

That catapulted that issue into a national issue. It was the first time that had ever happened. It happened during a weekend. We were

then running what I called a war room out of the family room of my home. I had Chuck Carson there, and we were on the phone talking to people. And Dave Gray came out. I remember talking to Rollie Comstock of NSP frequently. I also talked with Cliff Simak, who used to be on the staff of the Minneapolis Tribune and who recently died.

He was covering the issue. I remember keeping copious notes on a yellow pad like lawyers are prone to do. And then I dictated a memo to the board members about everything that happened, which got in the hands of Rollie Comstock. That didn't set too well with them, because I quoted in there what he had said. He resented that, although Comstock and I got along really quite well. So at least he was open about telling me his reaction.

Anyway, it was a very strained relationship with the Health Department overall, although we certainly communicated. I would go down and see Doc Lawson. He didn't come up and see me. I think we were on the third floor, and he was on the second floor, as I remember. So frankly, we were glad to move out of that building in the fall of 1973.

MR: Wasn't there some question, too, about the fact that they wanted to do all the sample testing, and the PCA wanted to test independently at times?

GM: Yes. I think that's right. And also on the Reserve Mining case, they definitely seemed to side with Reserve. You have to remember the PCA came out of the Health Department. I was conscious of memos having been written back when some of the same staff people who were with me were in the Health Department. In those days, say in 1968, when a citizen would complain about the air pollution at Silver Bay to the PCA, those letters would be sent to the Reserve Mining Company to prepare an answer. That's how cozy the relationship was between the polluters and the state agency.

And that may have been partly why Gordon Rosenmeier wanted to start over again and get the thing out of the Health Department. Gordon Rosenmeier, of course, is still practicing law, although he's in his early eighties now. Back in the sixties, he literally ran the state. He was more powerful than the governor. He was the majority leader of the Senate back when we had no party designation. For several years in the middle sixties, he developed a very strong dislike for Dr. Barr, who was Dr. Lawson's predecessor at the Health Department. I don't know the reason, but I do know that they locked horns repeatedly. I heard the stories and saw some signs of it myself.

So Gordon Rosenmeier really was the father of the PCA, at least in terms of the Senate. John Tracy Anderson was the author in the House. The PCA would have been set up in the 1965 session but for the fact that the language of the bill that went to the conference committee contained a requirement that there be a representative on the board from agriculture and one for labor. Rosenmeier didn't like that, so he killed the bill. So it was finally set up in 1967. Later on, ironically, they did amend the law so that there is a

representative from agriculture and one from labor. Anyway, the enabling legislation was passed in 1967. It stated that Health Department personnel would be transferred to the new Minnesota Pollution Control Agency in the summer of 1967 only if the new executive director of the PCA wanted them. So they had the authority not to transfer any of the staff.

One day in about 1972, Gordon Rosenmeier was acting for Hennepin Paper in a matter before the PCA board at a regular board meeting. And he made a very fine presentation. He was quite a sophisticated guy and made a very nice appearance. After the meeting was over, I introduced myself and invited him to come up to my office to discuss the PCA. So he did. We talked about its origins. He got out one of the statute books that were in my office library, and he showed me how it was supposed to have been done. He told me what happened was that then Governor LeVander didn't appoint John Badalich until November of 1967, instead of July, when the agency was to begin functioning. In the meantime, without any leadership, the whole staff was transferred from the old Water Pollution Control Commission in the Health Department to the PCA. So when Badalich got on board, all the bureaucrats were from the Health Department.

That made Gordon Rosenmeier very unhappy, and he said that they violated the law. He pointed out the law to me. Rosenmeier blamed LeVander for that, although LeVander was Republican and Gordon really is a Republican himself. He's pretty conservative, but he's also very independent. So we talked about my view of the agency and his view. And I have talked with him later on about it, since we are both on the board of the Historical Society. He kids about it. He agrees to a point with me about my views on the director being the environmental advocate for the agency. He does say, however, that he isn't so sure that is quite what he had in mind. I remember him saying that.

Anyway, that incident Rosenmeier told me about was interesting, because it shows that the people that I started with in March of 1971 were all from the Health Department, plus some additions. There were about sixty or eighty employees--I don't recall exactly, but it was quite small. In the first year or two, we added another eighty employees, but you still had Health Department people in high positions. Some of them were really quite good, but some were in the old bureaucratic tradition, and they weren't going to rock any boats. They'd learned their lessons rather well. One of them was Lyle Smith, who was the assistant director when I started. I had to kind of ease him out into other functions, because he was just not the hard charging kind of person we needed. He was an old sanitary engineer who had some health problems even then, but he stayed on until about 1979 or 1980.

Anyhow, the Health Department influence began to wane, especially after we doubled the size of the agency and then moved out to Roseville. But we still had to use that laboratory. It's a very good laboratory with very fine people. Any yet, we still had a

nagging concern. So when we decided to sample the air and the mine input at Babbitt and the tailings discharge for asbestos, we kept it a secret. We figured that if the Health Department found out about it, they'd leak it to the Reserve Mining people. That's why we kept it a secret. We began in December of 1972, and then in June of 1973 we made the discovery of the asbestos. So that shows you how the relationship went in those days.

MR: I know another issue while you were PCA director was the controversy over the establishment of the special services unit.

GM: We needed an agency to develop programs in such things as resource recovery, recycling, and the emerging issues in the environmental movement that weren't really properly within the air, water, or solid waste divisions. So I created this new division and appointed Chuck Carson as head of that in the fall of 1971. Chuck was very independent and a hard charging geologist, although not in the traditional mold of a geology professor. He was a Ph.D. and had taught at the University of Minnesota-Duluth for five years and then at River Falls. He wouldn't take a lot of the bureaucratic nonsense, so he made lots of waves.

When I set it up, of course, I had to get the approval of the Commissioner of Administration, which I did. And just like anything else of that nature, I had to present it to the board. So I did. One board member in particular--Jim Fellows, from Worthington--opposed the establishment of a special services division. I think Doc Anderson was in that category. He wasn't forthright about it like Fellow was. I couldn't figure out what he was up to, but he was opposed to it behind the scenes.

That controversy led to some legislative repercussions through Neal Haugerud in the House and now Judge Krieger, who was the state senator from Rochester. Bills were introduced in the House and Senate to in effect abolish the PCA by transferring it to the DNR and burying it in the DNR bureaucracy. And so in the spring of 1972, we had to fight that attempt off, which we did successfully in the legislature.

A couple of the board members--LeVander appointees--were really sympathetic to the opposition in that case and certainly weren't happy about the special services division. But there were really just two board members whom I remember in particular who were against it--Doc Anderson and Jim Fellows. That controversy then subsided for two reasons: we won the battle in the legislature and I then created the deputy director's position and promoted Carson to that job. That was in about June of 1972. Then Ed Pryzina took over, and he was much more of a bureaucrat. So things settled down, and we really didn't have much of a problem.

There were lingering problems of getting funding in the legislature, because the sanitary engineers resented this. They would create a little back pressure in the legislature not to fund any more

positions in there. So we never were able to beef it up to any great extent. But I had some really excellent people like Jackie Burke, who did probably the first study by the state of Minnesota on waste reduction or what we called source reduction recycling. Ron Way was in that division, as was Wes Fisher. And we had people working on energy issues, like Russ Doty. I had a call this morning from Russ Doty, who is now practicing law in Saint Paul. He was there as the legislative liaison. We had a lot of those kinds of functions in there.

MR: It was eventually disbanded, wasn't it?

GM: I disbanded it by creating a little different organization in the spring of 1975. I guess there was some pressure from the governor's office, although not a great deal. I didn't have to, but I guess I figured by this time that it had outlived its usefulness and that I would be better off with an assistant director. It was really Ron Way who sold me on the idea. He later became the assistant director, although we had one before that. John Black was with the LEAP program--the governor's program to make government more efficient with private sector employees coming in to study the government. We went through that process and ended up hiring the guy who was in charge of the PCA study, John Black. Then when he left, Ron Way was transferred in. So it was disbanded in about March of 1975, as I remember.

MR: You mentioned that there was some difficulty with the PCA's engineers. I know that some people felt that the director himself should be an engineer.

GM: Well, I had the feeling that the engineers thought they were entitled in general, with obvious exceptions, to every job in the pollution control field. In fact, it got so tense that when I appointed a non-engineer as director of the water quality division, the Minnesota Society of Professional Engineers and the Minnesota Association of Commerce and Industry threatened a news conference blasting Wendy Anderson and me as anti-engineering. That caused Tom Kelm to direct Dick Brubacher to rescind my reorganization of the agency.

At that time I was promoting Clarence Johannes, division director, to an assistant director's job. I had taken the precaution of getting approval as the statute, I thought, required. It was maybe not entirely required, but I did have his approval. So he called me up one day and said he was rescinding his approval. It was one day after Bob Hamilton had been appointed. So I said, "Well, you can't do that. That really would be embarrassing." Brubacher said, "Well, I have no choice. Kelm has ordered me to do that." Then I had to decide whether I would go to Anderson, but I chose to wait it out. I even considered resigning at one point.

Later on I got another fellow to take over who was more skilled in organization, which was the problem. Johannes was very good, but he

didn't know how to delegate. He had every single report on his desk, and he would roll up his sleeves and rewrite them all. He was a very smart man and very dedicated, but he just didn't know how to organize and manage that water quality division, which was the biggest division at the time.

So anyhow, that shows you how powerful the engineers were. After that episode, I went to a meeting of the MSPE. There were sixty different kinds of engineers or chapters in that organization. I'll never forget meeting them over at Larpenteur and Snelling for lunch.

I answered questions for three hours. It was like going in the lion's den, but I wanted to communicate with them. And obviously, I wasn't anti-engineering. I believed in having sanitary engineers, but they don't know everything, and they weren't generally good managers.

I remember one guy got up--I think he was the in-coming president, a very rather influential engineer--and said that he agreed with me. He didn't think all engineers were good administrators. At that point, I got to sit down. I thought, "Well, I'm going to get a breather here for at least a couple minutes." I'll be damned if the chairman didn't tone that guy down and hit the podium with that gavel about as hard as he could. Thirty seconds later, I was back up again. That guy was shut up in a hurry. [Chuckles]

So I guess I had the feeling quite frankly that sanitary engineers are on the lowest rung on the engineering ladder--with the chemical engineers at the top, sanitary engineers at the bottom. The reason is not really due to any fault of theirs, but to the schooling they get. They go to the University of Minnesota primarily, and they learn how to build activated sludge plants, which are supposed to be the state-of-the-art. Well, they were invented about forty years ago, and they aren't very good, in my opinion.

They also learn how to build these lagoons or the sedimentation ponds. The idea, according to Lyle Smith, was originated by some engineer up in North Dakota. Well, maybe back in the early years of the century for areas like North Dakota it made some sense, because land was cheap and they had plenty of it. The problem is that you use up an awful lot of good farmland, and you pollute it, because they all leak. So I opposed lagoons, and I slowed down the building of them. I never was able to stop them completely, but I slowed them down.

Lagoon building picked up after I left, unfortunately. I had a case down in Lake Crystal in the late seventies where I was hired by some farmers, and we beat the PCA and the local city of Lake Crystal in their effort to build a lagoon. They replaced it with probably activated sludge or some kind of a mechanical plant--I'm not sure. I think it might have been channel aeration. Anyway, lagoons were stopped to some extent in some places. But they still build them. You see them as you drive around the state. Of course, they smell in the spring, and they all leak, and they discharge into the local

service water. So anyway, that's another example of battles with the engineers.

MR: I know there was also some question about whether the PCA director should be an advocate for environmental issues. I understand that some people thought you were too much of an advocate of the case against Reserve.

GM: Yes. I think that's true, that issue was brought up. I believe that the statute is very clear that the director is an advocate for the environment and should run the staff with that point of view. I certainly did. I got the staff together shortly after I went over there and suggested that they belong to some environmental groups. We asked people when they were hired what their views were on the environment--to see if they had any dedication to clean things. We didn't want them just coming in and functioning as too many regulatory agencies do, as captives of the regulatees. You have to remember that at this time there was this tremendous revolution going on in this country, if you want to use that word, in the environmental area as well as the war. There was the Vietnam war, and meanwhile Ralph Nader was coming out with reports on administrative agencies, criticizing them for being captives of the regulated industries.

I was in that mold of a regulator who just does his job. You weren't there to have a cozy, friendly relationship with industry, which unfortunately happened too often. Too many state people then go to work for the companies that they were regulating. That's still going on. The assistant director just left not long ago to become an employee of Koch Refining, which has had a lot of problems with the PCA and the EPA.

MR: Yes, the company is somewhat notorious. [Chuckles]

GM: Right, they're notorious polluters.

MR: The PCA was one of the earliest agencies to be involved in studying groundwater and agricultural run-off, was it not?

GM: That's right. Under Carson's leadership on that issue, we developed groundwater regulations. But we then ran into trouble with the counties, and it took a long time to get those in effect. The counties weren't willing to move. Some of them still aren't. That was an issue that Carson was very interested in. You're right--that was early on. In retrospect, we were one of the earliest agencies to look at groundwater and worry about what would happen by replacing open and burning dumps with landfills. Even though we did replace burning with landfills, we weren't all that comfortable with it. It turns out that they are a problem, although they are better than the open burning dumps that were in existence when I started over there. There were about a thousand or fifteen hundred of them around the state. You'd fly around and see the smoke going up like Indian signals.

One of the first issues I faced was whether to grant variances or extensions in complying with the open burning ban. And I decided we weren't going to do that. I worked closely with the mayors of Minneapolis and Saint Paul--Charlie McCarty, mayor of Saint Paul, who was called "Super Mayor" and was a real character, and Charlie Stenvig of Minneapolis, the former policeman. Both of them cooperated with us and supported us, although it wasn't easy. I remember going down to a Minneapolis city council committee meeting, which was attended by Dick Erdahl--a council member at the time--and getting into quite a flap, with television cameras going, over whether they would comply or not. But we did quickly get the support of the mayor in spite of council opposition--and it was the same way in Saint Paul. That battle was over within a month after I started it. But that kind of set the tone, and burning was not allowed except in the rural areas.

MR: A continuing issue in Minnesota has been the Pigs Eye plant issue, with which you were involved in a little bit.

GM: Yes, I was. We had a proposal by NSP to put a coal pile over there at Pigs Eye Island in addition to the Pigs Eye waste treatment facility. So I guess the first issue involved in Pigs Eye was to get them to play by state standards. They were way behind, and I went down there and checked it out, and there was hardly any dissolved oxygen below that plant, even though millions and millions of dollars had already gone in. While I was there at the PCA, many millions more dollars went into upgrading it.

Then we had a strike by the operating engineers over there. No, it was a sick-out. It was like a wildcat strike. So along with Larry Cohen, by this time mayor of Saint Paul--a former MPCA colleague of mine and fellow board member--I started actions to get our respective boards to approve a joint lawsuit against Pigs Eye plant and the Metropolitan Waste Control Commission. It was then called a sewer board. I remember going down there one Sunday with my three year old daughter, Carolyn, to a meeting at Pigs Eye plant--negotiating, I suppose. Anyway, we sued them and forced them to continue operating while this sick-out was going on, so that they wouldn't just be dumping raw sewage in the river. That must have been in the fall of 1971.

Then later on, probably in 1973, we had this proposal by NSP to build a big coal pile there, and we held a contested case hearing. I appointed Don Wozniak, now the chief judge of the Minnesota Court of Appeals, to be the hearing officer. He later came in with a report that the plant not be built, and that indeed was the outcome of that.

But even by the time I left, they were not in compliance. And I'm not so sure that they're in compliance today. Although with the hundreds of millions of dollars we've spent on that plant, which processes probably now five hundred million gallons per day of waste, it's close to compliance. And it's improved the quality in the river.

One of the first things I did was arrange a boat trip. We had some boats over there, and we had a boat trip out on the river. We had a lot of fun kidding around about it later. Dave Berquist was a captain as I remember--it was just a small open boat, maybe a twenty-two footer, you know. We were coming along below Koch Refinery in Pine Bend. There's a big bend in the river, and we hit a wing dam. Although we didn't break the prop, we did hit one of these hidden wing dams that the Corps has in the river. Then we went all the way down and ended up having dinner at Steamboat Inn. So we went down the Minnesota River, and it gave me a good insight as to what this river was like.

Certainly, there was a big concentration of dollars while I was there--hundreds of millions of dollars. We had this whole program of seventy-five percent federal money and fifteen percent state money. The state money was appropriated in the 1971 legislature during Anderson's first term as governor. So the local people only had to put up ten percent. And that got the whole municipal sewage treatment upgrading well underway, and lots of money went into that.

In fact, President Nixon refused to spend the money. He impounded the funds, so we sued him and went to the Eighth Circuit Court of Appeals on that. I think we won, but I'm not sure. I think we finally loosened up those funds. They had been appropriated by Congress, but Nixon had a turnabout on pollution control. He was quite strong for doing something about it in the early years when it was more popular, and he appointed Ruckelshaus as administrator of the EPA. Then he gave a speech at Detroit Commerce Club and sort of switched signals and decided that he wasn't going to spend this money, which had been allocated by Congress for a sewage treatment plant. So we had to start a lawsuit on that point. I was personally before the Eighth Circuit of Appeals in Saint Louis eight times in various cases we had, most of them concerning Reserve. But one trip involved this impoundment of funds. Another trip was for the lawsuit against NSP.

That was litigation that LeVander had started. Doug Head, the attorney general before Warren Spannaus took over, brought it all the way to the U.S. Supreme Court. That was over the issue of whether the state had the right to set higher standards than the federal government. In other words, whether the Atomic Energy Act of 1954 pre-empted the state in regulating any aspect of the air or water discharged at Monticello or Prairie Island. The Supreme Court said that it did. So we for a period of time till after I left, the PCA, had no legal jurisdiction over air and water radioactive discharges from those plants. We did have jurisdiction over thermal energy. However, while Anderson was in the Senate, he was able to get through an amendment to the Clean Air Act which then gave state jurisdiction for the first time in the regulation of radioactivity. Since then, the PCA has never done a darn thing about it. They could regulate the air emissions right now from the Monticello plant and the Prairie Island plant, but they haven't.

MR: They rely on the federal standards then?

GM: Yes. Despite the fact that we didn't have legal jurisdiction, there was so much interest and opposition to nuclear power in the state. It was a very big issue. Why, we had cooperation from NSP, and even the NSP president said, "We don't have to legally meet the standards at Prairie Island, but we will. We'll meet them anyway." Then a subsequent president rescinded that commitment. That created quite a furor. Then we had a big concern because they had had one accident up there. What were we going to do about another accident? So after months of negotiations, we established a protocol to put in an alarm system. In that way, if there was some sort of an elevation in the levels of discharge at those plants, an alarm would go off at the PCA. I don't know whether they still have that or not. I haven't heard anything about it.

MR: Because there was even at one point discussion of a nuclear moratorium, wasn't there?

GM: Yes. We had proposed a nuclear moratorium, and that became a very popular issue. It went to the board, and way down to the wire, we didn't know whether the PCA board would go along with my recommendation. Homer Luick was the chairman, and he played his cards very close to the vest. He ultimately voted for it. So the vote was five to four in January of 1973. The bill was introduced in both houses. We had big hearings. Nick Coleman couldn't get the bill out of his own Senate environmental and the agricultural committees. I was always critical of Coleman and the Democrats in the Senate. They controlled the agricultural and natural resources committees when they took over the leadership in January of 1973. That doomed good environmental bills due to the fact that you had a lot of conservative senators, like Charlie Berg, who just weren't going to go along with that.

MR: Well, agricultural and environmental interests seem often to be in opposition.

GM: Yes, they do. When we proposed noise pollution rules, why the agricultural interest on the Senate committee would call a meeting, and there'd be an oversight hearing, and we'd get into all kinds of trouble. I remember Betty Wilson writing the article about that. And the farmers wanted to be exempted. They were used to being exempted from a lot of things. They were exempted from the Environmental Rights Act in 1973 as a matter of fact, and they were exempted from the noise legislation. So we had those battles, and I always felt as if--I never could prove it--that there was a little secret deal made that Willard Munger could pass any environmental bill of any responsible type in the House, and then they could kill it in Senate and vice versa. So then you had a deadlock, sort of an example of the checks and balances of our government sometimes.

We passed the bill in the House committee by a sixteen to fourteen

vote. I remember writing a memo--it's in my archives at the Historical Society--to Munger congratulating him on this historic day when he got the nuclear moratorium bill through his committee. Well, the bill went to the floor and got voted down, I believe. In any event, it was dead. It may never have been voted on because it couldn't get out of the Senate agricultural and natural resources committees. But there were very big hearings, and we brought in experts from MIT who did a fine job.

The hearings themselves still had an impact--really such an impact that the United Power Association, which had planned to build a nuclear reactor up around Aitkin, backed off. They went to the other extreme--building a coal plant in North Dakota. Then they got into trouble with that because they brought the power in over the powerline. In the latter part of my term over there at the PCA, there was a terrible battle over that powerline. But that was a result of their decision that there was just no way you could build another nuclear plant in this state with all the popular opposition.

I know that because I spoke to that UPA board early on in my career at a meeting up at Quandna Mountain Resort. We left them with no doubt that the PCA--the staff and me personally--were opposed to nuclear power.

As I say, the board finally went along with me later on, early in 1973. We still had hangover LeVander appointees on there like Doc Anderson, who was reappointed by Wendell Anderson. And so there was a fair amount of the old school who was quite favorable to NSP on the board.

MR: You have mentioned some of the machinations of the board. Other agencies in the state don't have that public board. Did that ever tie your hands or make your job more difficult?

GM: Yes, it did. I felt that it made the job more difficult because everything was out in the open, and you get shot down at those meetings. Let me tell you, it wasn't all that easy. It appeared at times that all the attention was wonderful, but there was a lot of stress, a lot of tension. Not only would you have to resolve a big issue and get the vote you wanted--and most of the time I did--but I had to go out and deal with the dissidents. And you know, I'd leave the table, go out and meet with both sides, and then meet with the media.

Of course, in some large measure I brought that on myself, in having a very open policy and a very outspoken director of public information, Jim Dunlop. But by the same token, it helped me create a good rapport with the media, which helped develop a base of support. So it was a two-way street. That helped us when we got into trouble, as when they wanted to abolish the agency. We got lots of letters and popular support to keep the agency the way it was. But there is no question that it is harder on the other hand to operate that way, and it is harder on the director.

I always felt that the fee system they used to determine the pay scale was unfair that way. They had consultants who would come in from New York and see that Bob Herbst over at DNR had a bigger agency, more people, and he had to make all these decisions himself.

So they would pay him more than the PCA director. They figured that the PCA's executive director didn't really make these decisions. He had a board to make them. So I got paid less. I didn't like that, because I figured it was tougher. I could see where maybe the pay shouldn't be quite what it was at DNR, but it shouldn't be on that basis. And I didn't care for that.

But on the other hand, it's more efficient to have a board, because the tough issues don't pile up on your desk as commissioner. That is inevitable with all these hot political potatoes you've got to try and bounce around and resolve. With a board, you've got to put them on the agenda. We used to have two meetings of the board a month when I was there. So you couldn't not put it on the agenda. It appeared more cumbersome than just having a commissioner decide, but to me it was more efficient.

MR: It's interesting that you mention though the media being helpful to some extent. Did it also hinder you sometimes? I know the Duluth News-Tribune was pretty critical.

GM: Oh yes. It certainly was, and so was the Rochester Post Bulletin. They were very favorable to the Health Department in our battles over nuclear power, and they were critical of me. And that paper controlled the International Falls paper, so they were a problem. But generally speaking, I had good support. I can't complain. I feel, I suppose, differently about the media than a lot of state officials or a lot of politicians do. They fear the media. I've had good luck with them.

Sure, the Duluth paper, and to a lesser extent those other papers I mentioned were critical, but I didn't mind the criticism. But I did mind when they rewrote stories and got the facts wrong. I had quite a battle with the Duluth paper over that. They used to take Don Boxmeyer's stories out of the Saint Paul paper, which were filed for the Ridder chain. It would go from Saint Paul to Duluth, and they would rewrite it up in Duluth. It would come out as favorable to Reserve as compared to what was printed in the Saint Paul paper. And I used to have a file--it's either at home or at the Historical Society--on the Duluth News-Tribune, with examples and proof of what they would do. Now it's getting better. But I soon learned the thing to do was to call them up and say, "Hey, I want a meeting to talk about this," and work with them one-on-one to resolve it. So I was able to at least communicate with them. Generally, the problem was not with the reporters, but with the management. There's no doubt the Duluth paper was favorable to the Reserve Mining all the way through that issue, and I can prove it.

MR: Well, their editorials were very pro-Reserve.

GM: You've seen some of them, yes. Sure. Yes, they continued to do that. Even when I quit, they maintained that I was fired. So I went up there and said it was not so, and I got them to retract it. But of course, they put it in a footnote. So I wrote a letter to the editor, and they put another footnote in there. You know, they always have the last word. But I've taken them on since I left there on more than one occasion.

MR: You've mentioned NSP quite a few times. Do you think NSP can be a good corporate citizen?

GM: Oh, I think they have been and are a good example of that. I have the feeling they're one of the best utilities around. However, it doesn't mean they're perfect, and they've made some mistakes even in recent years with their hiring of Leo Adams whom I represented in this last battle. And of course, that led to very high resignations and discharges, as you probably know. But I always had the feeling, particularly when Rollie Comstock was there, that they were ahead of the game.

Bob Engels was certainly a good example of a corporate executive who wanted to move in the right direction, and he did. I suspect Bob Herbst probably talked about him. They donated quite a bit of land to the DNR on the Saint Croix River, which was pretty nice. They didn't have to do that, you know. And Engels is the guy that gave us the commitment that they would meet the standards. Now when Dave McElroy took over, he went backwards. He was an engineer. Bob Engels had an eighth grade education. He was not an engineer. NSP has had a tradition of having engineers over there, and that's been a problem, in my judgment. Again, I don't think engineers are the best corporate executives or administrators, with some exceptions. So McElroy moved backwards, and so we had some additional problems then. But even with McElroy there, we worked out the alarm system.

I remember we had John Goffman in here, and we went to a meeting at NSP with Goffman in attendance. John Goffman is one of the leaders in the anti-nuke movement. He used to be at the Lawrence Livermore Laboratory in the Bay Area and wrote a book called Poison Power.

Anyway, NSP, generally speaking, has done a good job with operating their plants and meeting the requirements. But we still had battles.

I fought a proposal to put a coal fire plant at Henderson, which would have given them then the final quadrant. If you look at the Twin Cities, they have plants in all three directions, but not the southwest quadrant. They wanted to put a plant down there in Henderson, and we fought that. I voted against it in the EQB. I feel rather good about the fact that they ultimately dropped it. I don't know as it was due to my opposition so much as economics. They finally figured it was better to put the plant they had in mind for Henderson up at Sherburne, so they did. However, we had a lot of pressure on them. We had a big environmental impact study planned--it would have cost us twenty-five thousand dollars--when Rollie Comstock came into my office and said that he wanted to drop

it. So we cut off the study, and I felt good about that, because we would have had a big coal producer and polluter down there.

You know, these plants even today produce a lot of NOX and SO₂, plenty of it, because they're so huge. There are many days when you can see it on the horizon out my window here in the IDS. You don't see it today. We have what Ed Wick, director of the air quality division, used to call good vertical mixing. There's quite a wind blowing here today. I'm looking for a flag, which I can see it rippling on the Norwest Bank. That keeps it moving around. So when you have a wind, you don't see it. But on a calm day, particularly in the fall with an inversion on, you see the photochemical oxidants all across the horizon. That's largely due to the automobile, but it is also due to Sherburne and King plants. It's not so much due to the Riverside plant, because that's smaller, and they don't have too much there. But you're talking several hundred tons a day of SO₂ and NOX from those big plants.

MR: You've mentioned the DNR. Would you discuss the relationship between the PCA and the DNR? They seem to often have converging interests.

GM: I met Bob Herbst before I started at the PCA. Paul Faraci, who is the chief deputy attorney for the DNR, invited me over for a birthday cake, as I remember. I don't remember whether it was Bob Herbst's birthday or mine. Mine is in February. But we got acquainted, and then of course, we would see each other at meetings that the governor would call and so forth.

Early on, I discovered from several sources and saw it firsthand that the DNR really was not in favor of on-land disposal for the taconite tailings in the Reserve Mining's case. I remember meeting with Herbst there in the governor's office or in Tom Kelm's office, looking at maps of the North Shore. The DNR, it seemed to me, had a park laid out for every inch of land along there. They were more worried about what would happen if you put the tailings on-land and disturbed some park location than they were worried about continued discharge in Lake Superior. I had also heard from Peter Vanderpoel, who was the environmental editorial writer on the Minneapolis Tribune staff, that Herbst was really in favor of the Haugerud bill. It would be interesting to find out if that was necessarily true. But Vanderpoel said he was there when Herbst said he would go along with that.

So I was very guarded in my relationship with Bob Herbst in the first couple of years. Although we had no personal animosity, we were not at all close. Obviously, there was some competition there and some differing views. Later, the EQB brought us together. I was one of those instrumental in setting up the Environmental Quality Board. I think the idea actually had come from a letter that was written by Ray Haik. Peter Gove then proposed it to Anderson, who had set up a governor's Environmental Quality Board before we had legislation to establish it by statute. So that brought together these department

heads like Herbst, and I would see more of him at EQB meetings. Then he went along with the governor's program--he was a loyal employee of the governor--and he saw that Anderson was committed very strongly in favor of on-land disposal. So Herbst went along with it, and then those tensions eased. Then we won the battle against Haugerud, so that was history. So Herbst and I got along much better. And towards the end we became quite close, and that relationship improved.

There were overtures that we would end up as a division in DNR--sort of a super agency like Wisconsin had. If you've read these books about the structure of environmental agencies around the country, you know that PCA is one of about twelve that are sort of little EPAs--separate and independent. They oversee air and water, quality, solid waste, radioactivity, and other environmental functions, but not the traditional conservation functions like game and fish.

Then in the Reserve Mining case days when we were choosing sites, Herbst and I worked rather closely together on issues involving dam safety and so forth. There were other issues we worked together on--certainly Environmental Quality Board votes and that kind of thing. Although like on the vote on Henderson, Herbst would go along with the governor. I would stand up and oppose the governor at times. It was clear that the governor's office wanted that Henderson plant to go through. I voted against it.

So Herbst was more tightly involved with the governor's office than I was, because he would play ball with them more than I would. And that showed up on several occasions, as in the copper nickel mining issue. You have to remember another factor here, which Bob probably talked to you about. The state constitution establishes DNR not only as a conservation agency, but also as an agency to promote mining. That is an inherent conflict, which Bob himself talked about when I first met him. That's going to create problems. So he had a very delicate line to follow there.

MR: Do you want to talk a little bit about the copper nickel mining issue? I know that was an important one during your tenure.

GM: Yes, it was. INCO wanted to build probably a smelter, or certainly they wanted to mine and ship the mining product to Thompson, Manitoba or Sudbury, Ontario. And AMAX also wanted to proceed. So we then held a contested case hearing, which I called. I also appointed Don Wozniak to be the hearing officer on that case. And the outcome of that was not really to my liking--that the AMAX shaft would be dug--but it was done.

In the meantime, we had the issue before us at the Environmental Quality board, and we ordered a huge environmental impact statement, a process which cost the state probably five million dollars. It produced all kinds of documents. I hope that can be used in the future. Anyway, INCO was interested enough to invite us up to visit the mine northwest of Thunder Bay with the governor, Bob Herbst,

Congressman Blatnik, myself, and others. They had a big feed and, you know, showed us how interested they were. But the outcome was that the price of copper fell, and INCO ran into problems, and for economic reasons decided not to go forward. In the meantime, Ely had extended their airport under the leadership of Jack Grahek, the mayor, to ten thousand feet so that it could handle the corporate jets that would be coming in with what they expected to be a big operation.

Now I should point out that I was not against copper nickel mining per se, but I was certainly against it without the proper controls and environmental impact studies. I would have meetings with people like Lloyd Johnson and Warren Moore of Duluth, talking about the positive side of it. For example, there are other metals up there like platinum, which is used in catalytic converters to reduce the pollution in automobiles.

I come from a mining family, as you know, so I'm not against mining. But I was against copper nickel mining until we had the proper controls. We didn't have the environmental impact statement law. And I made a speech one time at an MPIRG meeting at the farm campus of the University of Minnesota in September of 1972. It was reported in the Sunday edition of the Minneapolis paper, which goes up to the Range. They reported that I was opposed to copper nickel mining in Minnesota for from between ten and forty years. I didn't correct it. I should have had that corrected, although I'm sure that wouldn't have made any difference. That created a furor up there and caused Grahek and others to come down and ask Anderson to fire me because of that.

What I said was I didn't think we should have any mining of copper nickel nor any smelting until the end of that decade, because we didn't have the proper environmental studies and laws and controls and so forth. And I added, "Furthermore, I don't think we should go forward with copper nickel mining and exporting the waste to the Canadian smelters--Sudbury or Thompson--which adds to the destruction of the Canadian landscape." I remember that phrase, because I got a call from CBC News out of Toronto, and they put me on the national radio hookup. Later I was at a meeting in Toronto of the Great Lakes Water Quality board, on which I served under the executive agreement between Canada and the United States to clean up the Great Lakes. I went into the brownstone building of the Canadian Broadcasting Corporation on Young Street in downtown Toronto, and I asked if they had that radio broadcast. I wanted to listen to it. They had the tape, so they put me in a room with earphones, and I listened to the program. It was kind of fun.

I have been to a lot of those Great Lakes Quality Boards meetings, in Pennsylvania, New York, Michigan--all across the states on the Great Lakes. They still have this board, but they don't send the top people. They now send third stringers. We had a lot of fun, and we passed some good resolutions and recommendations from the board to the International Joint Commission concerning nuclear power, the

banning of detergents and phosphates, and that kind of thing. I thought that was very worthwhile work. I enjoyed the international aspects of it, and I've kept up my interest in that and in my law practice.

MR: Do you want to talk a little bit about circumstances of your leaving the PCA? I know at the time there was a great deal of controversy over it.

GM: That's right, there was. Well, in the first place, I was appointed by Anderson with a kind of a secret deal which wasn't made public because it would have hindered my effectiveness, and it wouldn't have been helpful. I was only going to stay a year and a half or two years. I was a partner in the law firm, and I didn't seek the job. Anderson really went after me. He had people like David Lebedoff and Roger Moe and others from the DFL calling me to put pressure on and twist my arm to take the job. So I spent ten days or a couple weeks considering it, because I had a really good law practice--I was a partner in this firm and so forth. Anyway, they sweetened the pot, saying that I would become a professor at the University of Minnesota and a lot of stuff which ultimately didn't happen.

So I took the job with an understanding--it wasn't really a deal, but it was an understanding. Anderson, my partner, Don Morken, and I discussed it in the governor's office in late January of 1971--that I would stay a year and a half to two years and then return to law practice. Well, I had stepped on so many toes and raised so much controversy that when it came to going back to the law firm, they wouldn't take me back. They represented NSP, and they were mad. Morken wanted me back. Most of them did, but there were one or two partners who didn't. I had raised the ire of industry, and they thought I was anti-industry. There also may have been other factors. After all, I had a good piece of the action, and then I had to withdraw from the partnership. When you come back in, that means--

MR: A smaller pot for everyone.

GM: Exactly. So anyway, that was a real blow. So I ended up staying on much longer. Now I could have gone elsewhere. In fact, at one point I could have gone to the firm which Leon Jaworski was with in Texas and which was established in Washington, D.C. But I didn't want to leave the state. I had small children and no big desire to live there permanently. Later, I ran for the Senate for awhile. I would be glad to be a United States senator and live there, I guess, but not practicing law. So anyhow, I stayed then for over four years.

There was no real problem getting reappointed. Anderson did dangle out both Herbst and I in December and January of 1974-75 after he was re-elected for a second four year term. I think it was to test the waters to see how much support there was for us. Fortunately, there were a lot of people who wrote letters. I had nothing to do with

inducing them to do so. I stayed completely out of that. The governor's office can tell, you know, if you go out and get your friends to write letters. Gove finally gave me the pile of letters. There were fifty or sixty letters supporting my reappointment.

So Anderson reappointed me. When he did reappoint me, we were in the office for a one-on-one. He told me one of the fellow members of the Environmental Quality Board was so goddamned mad at me that if I was reappointed, he wasn't going to be reappointed. But you know, I don't remember anybody resigning. I always had in mind that it was Jerry Christianson, but Christianson later denied it. He was the state planning director, and he and I had crossed swords a bit.

Anyway, Anderson suggested that maybe I might not want to stick around the full four years. It was not officially a four year term though. It was at the pleasure of the governor, but it was interpreted as four years. I was one of the only two commissioners who served at the pleasure of the governor at that time. They've now made them all at the pleasure of the governor. Herbst was on a four year fixed term by statute. So he could be removed only for cause, whereas I could be fired anytime. So Anderson kind of hinted that I might not want to stay around. But that was just a comment. I had really no pressure.

But I finally decided that there was so much going on, and I guess I could see down the pike. I remember one of the factors was that Anderson and I agreed that the tailings location for Reserve Mining should be at milepost seven. Herbst and his "Babbitt-or-bust" crowd over in the DNR were fighting for milepost twenty. The environmentalists were on that side. I could see having to be caught in the middle of that fight. I didn't like that. I've been in those kinds of pinchers before, you know. You've got friends on both sides. I felt that maybe I'd outlived my usefulness and it was time to leave. But I didn't want to leave during the legislative session.

So I did not leave until June 24, after that session was over. It was a major session, and we had some bills in there.

There were other factors. It was time to get on and make some money.

I had given up a lot of money, and I needed to get back into practice. Also, if you're away from law practice too long, you're going to forget how to do it. In fact, I really was quite rusty, and it took several years to get back in the swing of things. Plus I had to get out and start all over again. I went out with another couple fellows, Bruce Blackburn and Jim Neilson, in a small firm, and I had to build up my own clientele.

So the fact of the matter is, I was not fired. I wasn't even pressured except that hint that I mentioned. I suspect if you go talk to Anderson, he might remember that too. But he and I really got along and still do--really better than some people thought, even though we did cross on two or three issues like copper nickel mining, the Garrison diversion, and nuclear power. He later was very strong for nuclear power. His first environmental message--which I helped

draft along with Duane Scribner who was his staff speech writer and aide--was on that subject. That was the most hard hitting, best environmental message any governor has ever put out, in my opinion. By 1973 they were backing off, and the nuclear moratorium wasn't included in there. If you compare the environmental messages of 1971 and 1973, you'll see some backing off.

Many environmentalists felt that Anderson wasn't strong on Reserve. I always resented that, because I thought he was excellent on that issue. And that was a tough issue. He had a lot of jobs at stake, so it wasn't an easy one for him. Particularly it became difficult with the fight to go to Babbitt. You had to deal with that issue. You could talk long and hard about that. One day here not too long ago, I ran in to him and I said, "You know, Wendy, I certainly appreciate the long line you gave me at the PCA. I really was able to do things over there. We only differed on a couple things." "Yes," he said, "and I know you were wrong." [Laughs] He has a very good sense of humor. In private, he's a fun guy and he lets his hair down, but in public he's a little stiff and appears aloof. But we used to play golf and just really got along quite well. That helped too.

There were times that we would be fighting on opposite sides. The day I left, June 24th, they had a board meeting going on. The Garrison diversion issue was in the news. Mark Andrew, then congressman, I think, from North Dakota, blasted me for my support of Don Fraser, then congressman, who was trying to stop the Garrison diversion. So naturally, there was a Democratic governor in North Dakota. They called the governor's office, and governors usually stick together, particularly in the same political party. So Anderson came out on the opposite side of that issue. Reporters, you know, like Rebuffoni wanted to know, "Well now, what do you think about that?" I said, "Well, that's politics." I remember they quoted me in the paper. And Anderson still came over, even during the time all this newspaper publicity was going on.

I'm sure there were times when Anderson didn't like what I was doing. I was really out in the front. On the other hand, he appreciated that I was on the front line, which he didn't have to do. And I'm sure he's proud of the environmental record that we established over there in those years. In fact, I know he is.

MR: So why were the circumstances of your leaving misunderstood?

GM: Well, at the time, Arnie Carlson--now state auditor--was in the legislature, and he spoke on the floor of the House. My announcement was made in early May during the legislative session. And he said it was the Friday Night Massacre without the Watergate. I never really appreciated that. Although I know Carlson, and I just had a meeting with him here last week. But I never really appreciated that, because it made it appear as though I had been fired. Then some of the environmentalists were unhappy, and they blamed Anderson for that, naturally. But they weren't aware of the fact--because I

didn't speak publicly about it then--that I had really stayed on a lot longer than I ever intended to. But I never had any real lingering problems with them. They could hardly be angry with me for very long. Since I had spent all that time in government, I figured I'd done my stint. I didn't get any really adverse reaction from the environmental groups of the day.

MR: What do you think are the most important environmental issues facing Minnesota today?

GM: I don't know why, but it seems like there's a rash of cases involving wetlands and development in the metropolitan area. I have been involved in some of these cases myself. These wetlands are smaller than the minimum classification of DNR, so they're not getting any DNR protection. They're also not getting any protection from the Environmental Quality Board because the EQB has delegated the decision as to whether there should be an environmental impact statement to the local governments. In most cases, the decision is to be made by what they call the responsible governmental unit. There is a case up in Blaine where I have two clients--two neighborhood groups--fighting development in areas that are wetlands or that have a high water table. The city of Blaine is the responsible governmental unit, and they're in complete cooperation, to put it mildly, with the developer. So they vote no or give a negative declaration on an environmental impact statement. Those are a couple of the issues that I see firsthand from my law practice.

In addition to that, I think that we need stronger regulations now for air and water. I think there's been some backing off of the standards for water pollution--I know there has--and some weakening of the standards for air pollution. We need better enforcement. It seems as if you still have to bring lawsuits at times to get the PCA to move, like on the Koch Refining issue. They only moved on that after the Citizens for a Better Environment started a lawsuit, and then they got some action. I think you've got a continuing groundwater problem--it's obvious from all the landfill leaking and leaching. And from my work out in Eden Prairie, opposing the expansion of that landfill, I think that the PCA certainly has got a problem with what to do with landfills. But I think they're moving in the right direction on most of those issues. This incinerator in Minneapolis--which is a current controversy--is nevertheless a step forward. It ought to continue if it's properly monitored. And I think it will be monitored properly, because it sits right downtown, which is a good location for it. Everybody's going to keep an eye on it a little better that way.

MR: Rather than trucking off the trash to the suburbs?

GM: Right, yes. And in then the radioactive area, the PCA is doing nothing on that, and they should. We could one day have a problem at these nuclear reactors. They're operated by humans, and humans make mistakes. We found that to be true in a lot of these areas, and certainly after Chernobyl, there ought to be more attention given to

the nuclear radiation problems both in the air and water at both Monticello and Prairie Island. You don't hear much talk about that. You have a community problem of what to do with the high level waste, which currently, is stored in the spent fuel pools of those plants. That's not a very good long term solution. The federal government still can't find good long term repositories for those wastes.

We certainly do not have enough effort going on in the state on source reduction and waste reduction. There's a little unit over there somewhere buried in state government--I can't even tell you where. But I met a young woman who's in that program, and they do have a little pamphlet or two on waste reduction, which is getting no visibility. But there is some growing concern in some communities because of the Metropolitan Council's pressure for recycling and waste control. But you don't hear much about packaging limits like we had back when I was there. The PCA keeps trying on ban the can, which is great, and they really are trying to pass that. But they can't get labor, industry, or the legislature to go along with it. Those are some of the problems.

MR: This brings us full circle. You started with the Save Lake Superior Association. What is the role of citizen groups now in the regulatory environment? Is it different from twenty years ago?

GM: Well, it is. However, at least from my experience now on the local level with city government that--just like it was back with the PCA--the well-organized citizens get a great deal of attention one way or another. In Eden Prairie where I'm working against BFI's expansion of the landfill at Flying Cloud, the citizens whom I represent are working hand in hand with the city government. Now I've had something to do with suggesting how that ought to be done and am very pleased that it's working that way, and the city government is fully in support of stopping that expansion.

So citizen groups remain very important. You just aren't going to get government to move without pushing and prodding. I don't know that it's changed that much. It's changed in the sense that you don't have a MECCA type group here. Save Lake Superior is hanging on, but it isn't like it used to be. You don't have those exciting days of the upsurge in environmental consciousness of the early seventies which caused people to spend day and night working on these things. And that makes a difference. We miss very much Steve Chapman and Steve Gadler. You don't have anybody or any groups that are regularly monitoring the PCA or the DNR. They come and go, and they take interest in certain issues. But Steve Chapman used to go there every meeting. You have Les Davis there, but he's not very effective. His group consists only of himself and maybe one or two others. So you don't have a base of support when you're sitting there at the board meeting looking out in the audience.

MECCA, the Sierra Club, the Izaak Walton League, and the Minnesota Conservation Federation have become much more prone to lobby at the legislature. They do have paid lobbyists over there, but they tend

to be people who will follow whatever Munger tells them to do. They need somebody to tell Willard Munger off once in awhile, which I'm prone to do. I get along very fine with Willard, but--you know what I mean. They're going along with the politicians instead of pushing them and prodding them.

MR: Working within the system outside of it.

GM: Yes. And there are times when you have to get very tough in order to get the job done. You want to work together if you can do that--like I'm doing in Eden Prairie. It's great. But if as in Blaine, they're on the other side and pro development, then you're going to have to cause a change in their votes or vote them out of office. It becomes a political matter.

And of course, that's how, as I told you at the outset, how I first got started in this. I really thought that the way to solve the Reserve case, which was the first issue I got involved in, was through political action as much as anywhere else. And then I just got a little more sophisticated about how to do that in terms of working with citizen groups and putting pressure on through citizen group action. That's the best way. It certainly is the best way at the legislature to make changes.

I see a bit of a resurgence in the cycle. I think the interest is rising again. It bottomed out here several years ago. That's my view. I don't know if anybody has done a study on that or not. But I see it in moving around the state and talking to people. For example, since I talked with you last, I was hired by Jesse "The Body" Ventura. [Laughs] Have you heard of him? I really hadn't, I must admit. He's a wrestler, and he's now an announcer on wrestling television. He also does color on television in New York City for the New York Yankees. He's quite a guy. He's in a group with Dr. Breckenridge. Floyd Anderson is also involved. He used to work for the Minneapolis school board. There is a big issue on the river in Brooklyn Park, involving development in wetlands. That's the third wetlands case I've been working on recently.

Anyway, they got on television on Channel 11 on Saturday night here about three weeks ago. I couldn't believe the reaction. The next Monday they get a call from The Nature Conservancy and the Minnesota Conservation Federation, which want to support them because they'd seen the television program. I also think that because Dr. Breckenridge was involved, The Conservancy got interested. However, this group had written to The Conservancy in March, and they hadn't even heard back from them. Now all of a sudden they're interested. So I guess what that means is that these groups will get involved, but they have to see something in it for them, and they need a little pushing too.

To a large extent, the Sierra Club and these other groups pick and choose, and they don't follow it like Chapman did with Clean Air/Clean Water--that was another very aggressive group which John

Pegors, Tom Savage, and Rod Loper were involved in. You don't have that organization anymore. And so as a result, the PCA can go through their meetings without the kind of firsthand pressure that they used to have from environmental groups. I suppose the same thing is true of the commissioner of DNR. The Environmental Quality Board has turned into sort of a lackluster planning group that doesn't do much because they've delegated everything out of their jurisdiction. And that's too bad.

I think we need a change there back to something akin to what we had, even though it would probably be difficult to have the state EQB deciding all these issues. But that's what we did when I was there.

It was a lot of work, but we stopped a golf course development up in Fridley, which is now a park. It used to be called North Park. It's got a different name now. But it was stopped through the Environmental Quality Board rules and impact statements and so forth.

It was a very nice virgin area of savanna landscape that's a very good nature park now, with a beaver dam and beaver colony only about fifteen minutes from downtown Minneapolis. It's a little harder to preserve that kind of thing these days with the change in the laws. So the laws need to be pepped up, and we need to make sure they change back to--well, not necessarily back to what they were, but go on from here to do something better. And in that regard, while I think there is an increasing interest, we've got a long ways to go to get back to the kind of activity that was going on in the seventies.

I don't know if we will or not.

MR: Thank you, Mr. Merritt.