

New area EPA chief 'distressed' by attacks

By Tom Horton

"Less is more." It is a concept warmly embraced by this country's environmental movement as it alludes to reducing the squandering of natural resources for massive, centralized, technological solutions to our needs, from six-lane highways to sewage treatment plants to nuclear reactors.

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But the same concept, applied to environmental regulation by the business-minded budget cutters of the Reagan administration, has roused public fears of a hands-off approach to polluters to a level unprecedented since the modern environmental movement began more than a decade ago.

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The resulting hostility really distresses me... I think a major role for me is trying to convince people it's a misconception," says Peter Bibko, the earnest, 38-year-old marine biologist, lawyer and industry consultant recently appointed by President Reagan as the top federal environmental regulator for the mid-Atlantic region.

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As administrator of the Environmental Protection Agency's Region 3, based in Philadelphia, Mr. Bibko will oversee most of the pollution-control enforcement and planning for Maryland, Virginia, West Virginia, Pennsylvania, Delaware and the District of Columbia.

Interviewed during an official tour of Maryland last week, he said he had been working hard during his two months in office to make himself accessible to the environmental community—"I encourage them, solicit them... I'm after their help."

His accessibility to the region's industries, whose air and water quality and waste disposal permits EPA must approve, already is beyond reproach. His politically well-connected former law firm, Rose, Schmidt and Dixon, in Pittsburgh, represents some of the country's biggest corporations in pollution cases.

And earlier in his career, Mr. Bibko crossed the country for Westinghouse testifying as a biologist to the minimal environmental impacts of heated water discharged by nuclear power plants (the thesis he will do to complete his Ph.D. in marine biology involves impacts of power plants on striped bass).

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He finds no contradiction inherent in running his EPA region "more like a business, with my product environmental protection, at a reasonable cost."

"There is no way this administration is going to retreat on environmental gains," he says.

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In the short run, it will be relatively easy to actually improve EPA's functioning, he says.

"I think people have failed to recognize how much red tape existed, and how much [cutting it] can save."

In the next two fiscal years, he feels the regional office will actually gain manpower, mostly because of the delegation to West Virginia of the day-to-day job of regulating water quality, which now takes more than 20 people at EPA to do. (Maryland was delegated similar authority several years ago.)

Mr. Bibko concedes that, given the Reagan administration's all-out war to cut the budget, things will get tougher. He mentioned a few possibilities among the areas he is considering for cutbacks:

- He is looking "very closely" at EPA's sizable and well-equipped environmental laboratories in Annapolis and 38-year-old marine biologist, lawyer and industry consultant recently appointed by President Reagan as the top federal environmental regulator for the mid-Atlantic region.
- He sees "a big opportunity for savings in air quality programs... Currently we give the same review to a minor [pollution control] permit as to a major issue."
- He also cited enforcement—"We'll litigate, but with more discretion. We're going to enforce the law, but we're not going to use litigation where we can get an agreement otherwise," he said.

He said he felt EPA "has been tying itself up in court for years on issues that result in a \$500 fine. I want to be selective... taking cases with precedential value..."

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Environmental groups in Pennsylvania say Mr. Bibko approached them to solicit support for his nomination as EPA regional administrator. A few, like the Pennsylvania branch of the National Wildlife Federation, supported him openly. None of the groups opposed him.

"He has not had a high profile, or been involved in any major environmental litigation, and frankly we didn't know of him until he asked our support," said Walter Zadan, of GASP, an organization of Pittsburgh air quality activists.

"He says all the right things—we'll have to wait and see what he does," Mr. Zadan said.

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Bob Ging, a Democrat and senior lawyer with Pennsylvania's Department of Environmental Resources, who went to night law school at Duquesne with Mr. Bibko, calls him "still a good friend, even though he's been working on the other side

[industry's]."

"The biggest running argument we had in law school was over the use of cost-benefit analysis in the environmental field," Mr. Ging said.

"Pete felt if the benefits outweighed the cost to the environment then you should go ahead and do something. I feel there are some environmental values whose integrity is worth maintaining above any strict, cost-benefit assessments."

"We still haven't resolved our argument."

But Mr. Ging called Mr. Bibko "environmentally conscious—not like the Watt types in the administration." The philosophies of James G. Watt, Secretary of the Interior, have outraged the environmental community and resulted in more than a million signatures on a petition for his recall.

"I think he [Mr. Bibko] would have been a good pick for the job even in an environmentally good administration," Mr. Ging said.

In New York, state environmental authorities credited Mr. Bibko with helping private industry as a consultant to come up with a highly acclaimed hazardous waste disposal plan.

Asked what he felt his role should be regarding the industries he will regulate, Mr. Bibko said that "what business wants from EPA more than anything is predictability."

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He said in his first week on the job, in checking out with his staff a request he got from industry to look into the progress of a permit, "I found out there was absolutely no priority system... A permit that 1,500 jobs hinged on got the same processing as one for a municipal sewage plant that could wait a few weeks."

He plans to change that, he said, and will expect permits also to be processed in less time than the maximum allowed by law.

Asked about dumping of municipal sewage sludge in the ocean near East Coast beaches, a major point of controversy in Region 3, Mr. Bibko noted EPA policy remains officially to phase it out.

But, referring to pressures within and outside the agency to reassess that policy, he said: "It would be very silly if we say flatly we are not going to consider any proposal that will allow us to settle environmental problems in a cost-effective manner."

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Environment fared 'better than expected' in legislative session

Among the winners were clean water, open space preservation and energy conservation.

Air quality took a beating, and a deaf ear was turned to noise control, forests and endangered species.

But all told, the recent legislative session was not a bad one for Maryland's environment, say several environmentalists and state officials concerned with pollution. **SUN**

"We didn't do all we should, but frankly we got more than we hoped," said Delegate Gerald W. Winegrad (D, Annapolis), who has emerged in his freshman legislative term as one of the most active champions of environmentalists. **MAY 3 1982**

And "... on balance, Maryland's environment fared better than expected in an election year," concluded the legislative *Conservation Report* of the Maryland Conservation Council, a statewide coalition of environmental groups.

Potentially the most sweeping environmental bill to pass, all agree, was a stormwater management bill that aims at maintaining during rainfall the same flows of water off the land after it is developed as before.

The legislation's impact on both flooding and pollution (stormwater can be more contaminated than raw sewage) should be substantial. **SUN**

Still critical to the stormwater management program's ultimate success is about \$300,000 to implement the program. "The governor's office has assured us they are working to make money available, and I feel confident we'll get it," Mr. Winegrad said.

A second important water quality bill will provide \$5 million in state cost-sharing money for farmers to control the runoff of topsoil and animal wastes into waterways.

Legislators note, however, that one of the reasons the bill passed is that similar federal programs for Maryland are being drastically cut. "So we are running hard to stand still," one noted.

A package of bills to exempt numerous state highway projects from state water quality regulations and reviews was killed after opposition from both environmentalists and the state's Water Resources Administration.

Also killed was a bill that would have strengthened penalties for violating the state's sediment pollution control law, which has suffered in past years from lack of enforcement. **SUN**

Perennial attempts to divert into development the state open space acquisition grants to counties were defeated again, and a bill to take away low agriculture tax assessments for non-working farms also lost after charges that it would hasten development of open space. **MAY 3 1982**

In energy conservation, a bill that passed will make a basic philosophical change in the way Maryland's utilities do business, requiring them to consider in their long-range plans how to decrease or moderate electrical de-

mmand through investment in conservation. Now, the utilities basically plan only how to meet demand. **SUN**

However, the utilities were successful in killing another bill that would have actually put the burden of proof on them, when building a new plant, to show they could not better invest the money in reducing demand.

Clean air regulations, which have been chipped away at by the legislature for several sessions, fared little better this time.

Legislators postponed for six months, until July, 1983, a program to inspect and repair automobile pollution controls in the state's metropolitan areas. **MAY 3 1982**

An attempt to create a voluntary checkoff on state tax returns to finance conservation of Maryland's endangered plant and animal species was killed. Proponents of the bill noted that this technique has had considerable success in several other states.

The cutting of forests for development and agriculture proceeds in Maryland at one of the most rapid rates in the Northeast, but the only bill of the session aimed at stopping this died. It would have given a 30 percent state income tax credit to owners of timber stands of less than 500 acres.

Sludge and hazardous waste management were hot topics. Seventeen sludge bills were introduced, but the only one that emerged created a commission to study what to do about sludge. **MAY 3 1982**

Noise control, another area in which both federal and state enforcement has been on the decline, suffered further indignities as bills passed to allow gun clubs exemptions from regulations until midnight each night.

Finally, the bottle bill, a major push for several years by environmentalists to force return and recycling of beverage containers through a mandatory deposit, failed to get out of committee. **SUN**

The bill will undoubtedly be back next year, however, as frantic attempts by industry to pass an alternative litter tax that environmentalists oppose as too weak a solution were also defeated.

Marylanders support pollution battle!

By Tom Horton

Marylanders overwhelmingly support maintaining or even speeding up the nation's battle against air and water pollution, a Sun Poll shows.

FEB 23 1982

Of 800 residents surveyed across the state, 42 percent said federal and state laws controlling pollution were not moving fast enough, and 39 percent said things were moving at about the right pace. **SUN**

Those sentiments were shared to a large extent even among the 371 persons in the poll who supported President Reagan, whose fight to relax clean air and water laws has made him anathema to environmentalists.

Slightly more than a third of those Reagan supporters said they wanted pollution controls to move faster, and 46 percent thought the current pace was about right.

Did some of those 127 persons who supported the anti-regulation-minded president and wanted faster movement on pollution controls see a conflict in their positions?

Four of them, all of whom told the polling interviewer they were willing to be called by a reporter, were asked about that in a further interview last Friday. (The poll was taken between January 28 and February 7). Three said they were now "disappointed," "on the fence" and "backing off of my support" for Mr. Reagan. **FEB 23 1982**

The fourth said: "He is wrong about environment. Now, it is going to sound foolish, but I'm partial to him because, growing up, I liked him as a movie star." **SUN**

On questions in the poll about two specific pollution issues currently being debated in the Maryland legislature, opinion was much more divided:

- Half of all those polled said they opposed the controversial auto exhaust inspection law, which several legislators are trying to repeal before it takes effect in January. **FEB 23 1982**

Another 43 percent supported the mandatory exhaust inspection, which would cost \$9 a year. It is backed by the governor and state health officials as a means of controlling air pollution by making sure the factory emission controls on cars are being maintained in good working order. The other 7 percent polled said they were undecided on the question. **SUN**

- By nearly a 2-1 margin, people said they would favor a state law aimed at controlling litter by requiring a deposit on bottles and cans of beer and soft drinks.

A bill to that effect is before the legislature this year, facing an uphill battle. Its proponents say the return of cans and bottles, to regain the deposit people would have to pay, would save huge amounts of energy now required to produce more throw-away containers from raw materials. They also say it would reduce litter and solid waste that takes up landfill space. **SUN**

Opponents have beaten the bill in the past by arguing that it would cost jobs in the container industry and inconvenience stores that would have to collect and store recycled containers.

Support for a mandatory deposit law in the Sun Poll was clear-cut across the board, in every category of race, age, income, education and political affiliation.

FEB 23 1982

There were fairly consistent differences of opinion by age, race and sex that ran through the three environmental questions in the poll:

- The most striking difference was the environmentalist leaning of people under 30 compared with those over 30. **SUN**

Auto inspections were favored by 55 percent of the 122 persons polled who were under 30, the largest approval among any of the more than two dozen categories into which the poll divided people responding. Only about 37 percent of those over 30 approved the inspections.

Again, almost 90 percent of those in the under-30 group felt the country's pollution laws either were proceeding about right or needed to work faster.

Pro-environment feelings among several persons under 30 who agreed to be interviewed Friday appeared often based on very general but strongly held perceptions. For example:

"I'm not familiar with the details of [auto exhaust inspection laws], but I know air pollution is a problem in most cities," said Kit Wsolek, 18, of Sykesville. **FEB 23 1982**

"I live out here on a small farm, and I go into Baltimore a lot," she said; "and I'd just like it there to become more like it is out here." **SUN**

- The 140 blacks in the poll consistently were more concerned about pollution than whites.

They favored auto exhaust inspections over whites by 52 percent to 40 percent.

"I've lived in West Baltimore all my life, and \$9 [the annual inspection fee] sounds real reasonable if it cleans up the air," said Cynthia Coleman, 23, a black office worker and mother of two children.

And 53 percent of blacks felt pollution laws needed to work faster. Only the under-30 group, by 54 percent, gave more support to speeding up action. Whites as a whole were 39 percent in support of faster action.

Similarly, 68 percent of blacks favored the bottle bill as opposed to 60 percent of whites.

- Women also tended to be more pro-environment than men. They were more likely than men to favor auto inspections, 54 to 33 percent, and more likely, by 46 to 36 percent, to feel that pollution laws needed to move faster. On the bottle bill, men and women were about even in support at 61 percent.

FEB 23 1982

Differences on environment between the poll's 399 persons who said they were Democrats and 140 persons who said they were Republicans tended to be minor. **SUN**

By geographic region, Western Marylanders in the poll tended most consistently to take the anti-environmentalist side.

But the region most opposed to auto exhaust inspections was Baltimore county (59 percent); and the only region where less than a majority supported the bottle deposit law was Anne Arundel county (49 percent).

The several persons who agreed to be interviewed Friday gave a variety of reasons for their positions on pollution control laws.

Mandatory auto exhaust inspections would be "just one more regulation of your life," said Charles Tamres, 33, of Pikesville, who also said he simply did not feel air quality was all that bad.

Pollution control laws should go slower, said R. C. Kinsley, 65, a lawyer from Lutherville, "because I think we are over-regulated in general. ... We have already come a long way—I recall the air quality in Pittsburgh during World War II, and by comparison, I don't see any reason to complain in Baltimore now."

FEB 23 1982

Mandatory bottle deposits are bad, said Richmond T. Brittingham, a bartender at Riordan's in Annapolis, "because it's one more thing made mandatory that we should do. I don't think we are over-regulated at all in general," he added, saying he simply did not see bottle deposits as a major environmental issue. **SUN**

Tom Miller, 19, of the Middle River area in Baltimore county, said it was seeing the boating pressure and aquatic degradation on waterways near his house that made him say the pollution laws should be speeded up:

"I see the barges going to Hart and Miller islands. I know [the diked disposal area there] is going to break ... and I ride through Essex and smell the air from the [Back River] sewage plant. They've got to speed up the laws."

Gibson Paul, 62, a federal librarian in Annapolis, agrees with Mr. Miller, but for a different reason. "I have researched medical studies that bear out that pollutants in the environment are hurting our health." **SUN**

He voted for Mr. Reagan—"a vote against Carter," he calls it—"and now I'm starting to feel the same way" about Mr. Reagan.

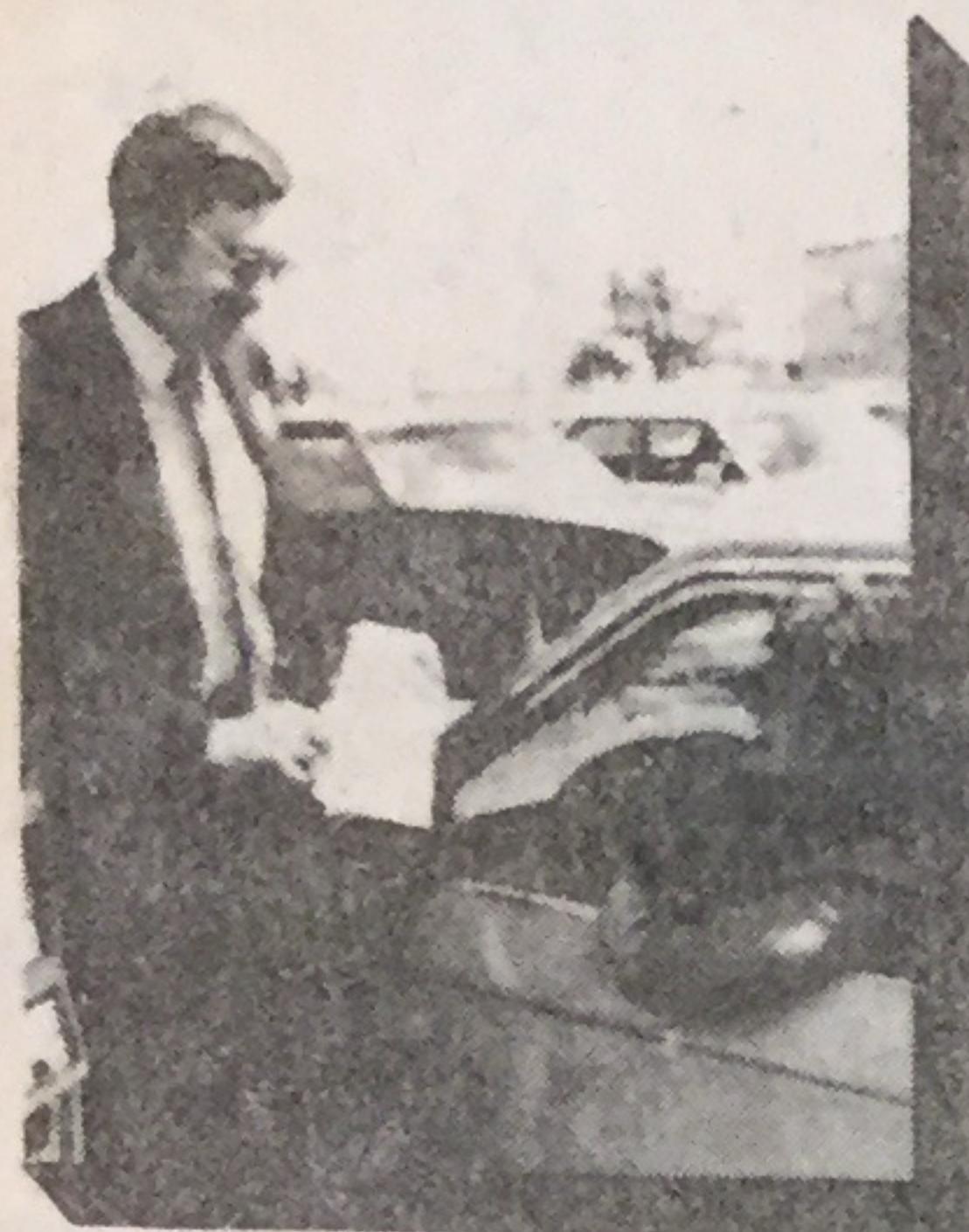
Helen Seymour, 58, a nurse who lives in Darlington, says the pollution control laws must speed up "because pollution is rough on youngsters coming up—they should have it the same way we did before there was so much" pollution.

She says she supported President Reagan, "but even in the last few weeks I've begun to change my mind," she says, at least on his environmental policies. **FEB 23 1982**

But she remains partial to him personally, she says. "It sounds foolish, but ... growing up, he was a movie star. That's just the way I feel."

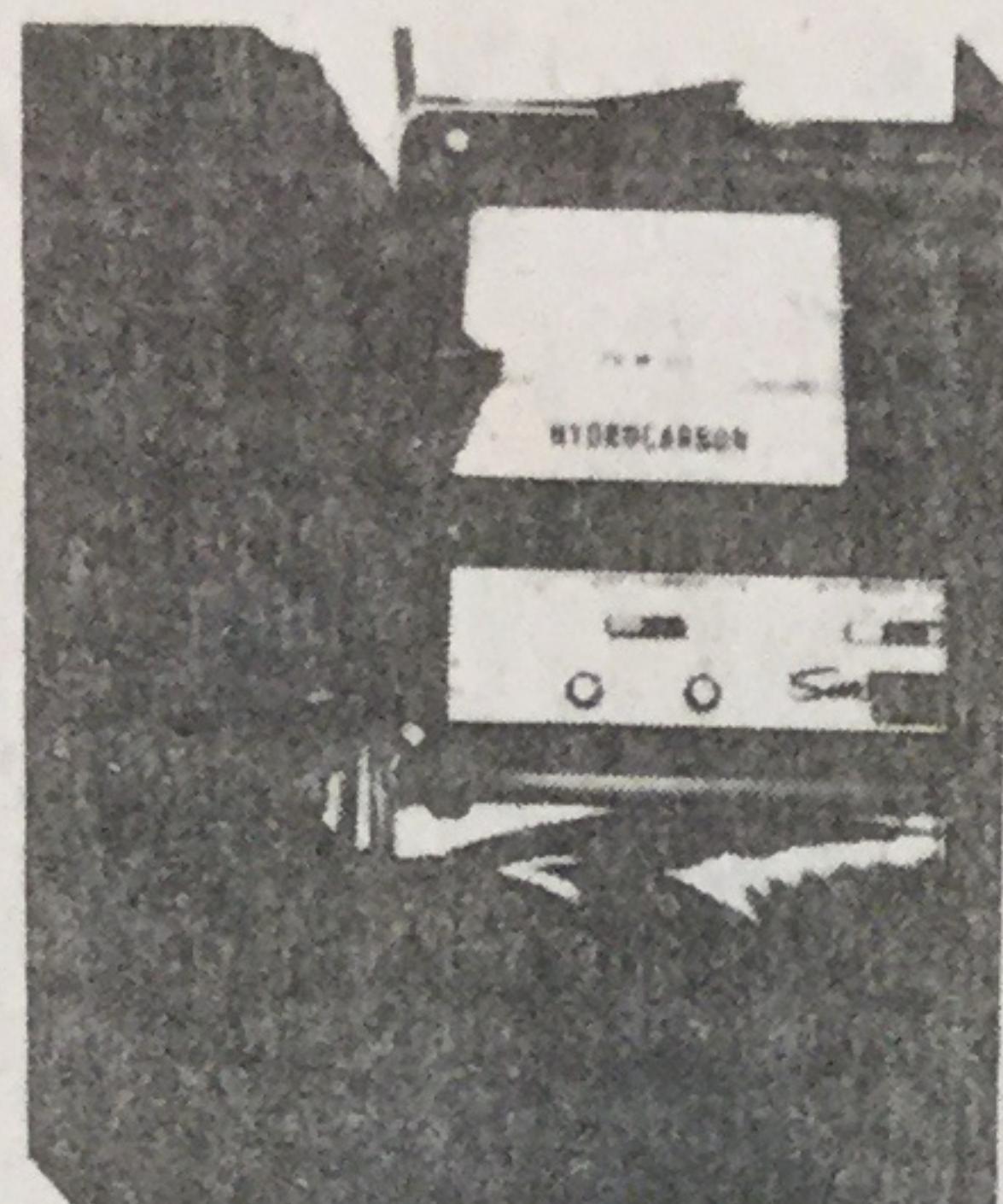
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Environmental Legislation Pending



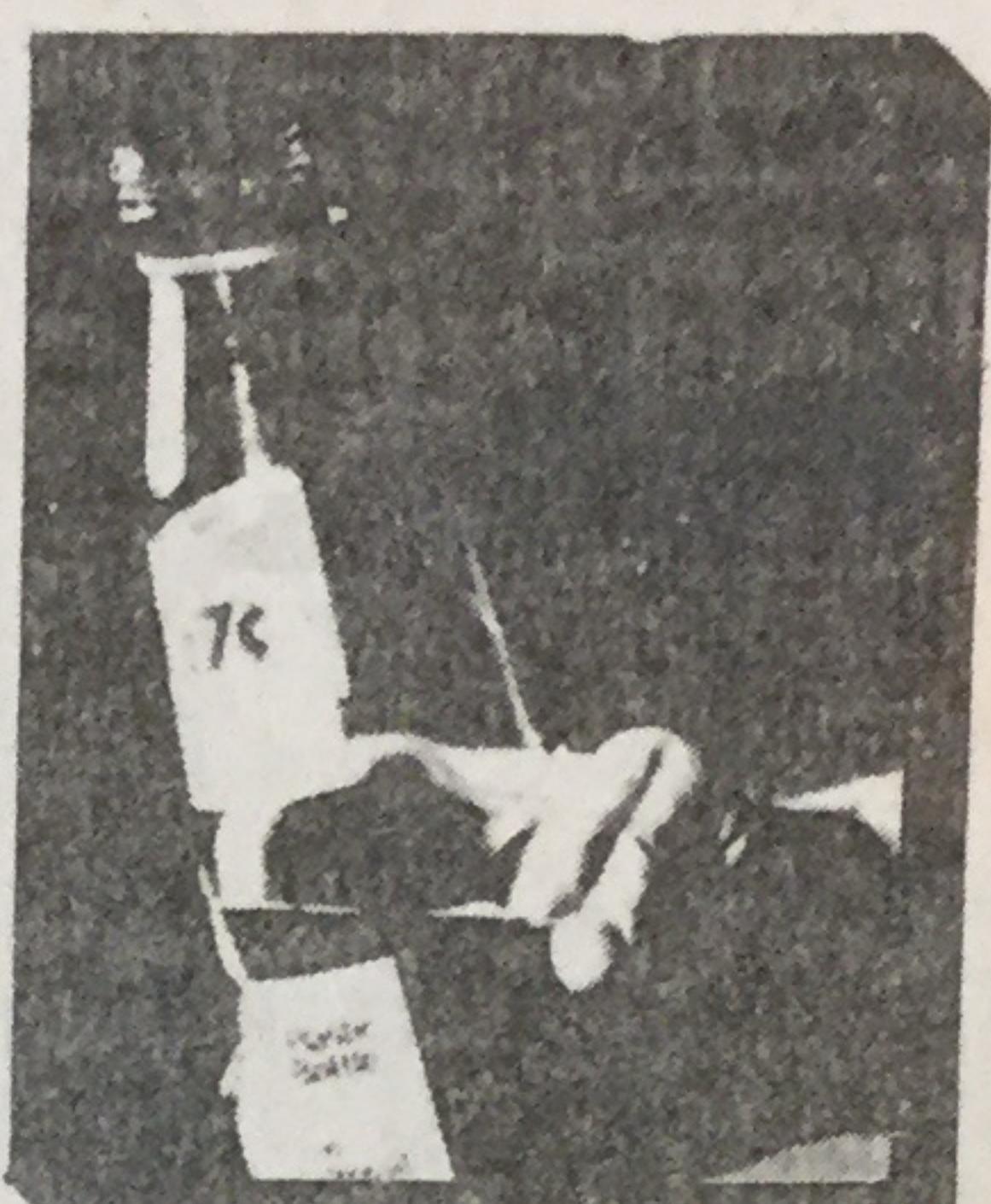
Auto Emission Inspection

Favor 43%
Oppose 50%
Undecided 07%



Moving against Pollution

Too fast 06%
Not fast enough 42%
About right 39%
Undecided 13%



Bottle and Can Deposit

Favor 61%
Oppose 32%
Undecided 07%

Auto emission inspection

	State	Balto. City	Balto. County	Anne Arundel Metro area	Mont. gomery	Prince Georges	E. Shore/ S. Md.	Western Md.	White	Black	Male	Female	Voted for Reagan
Total in sample	800	149	131	68	411	115	210	89	65	630	140	418	380
Favor	43%	45	34	37	38	49	52	48	37	40	52	33	53
Oppose	50%	46	59	52	54	44	42	45	54	53	40	59	39
Undecided	7%	9	7	11	8	7	6	7	9	7	8	8	7

Moving against pollution

Too fast	6%	6	8	4	6	3	3	9	9	6	4	8	3	8
Not fast enough	42%	49	47	41	45	38	48	39	23	39	53	39	46	32
About right	39%	30	31	46	35	47	39	42	45	42	29	40	37	47
Undecided	13%	15	14	9	14	12	10	10	23	13	14	13	14	13

Bottle and can deposit

	SUN	FEB 23 1982												
Favor	61%	60	60	48	58	66	63	69	57	59	68	60	61	59
Oppose	32%	34	34	38	35	28	33	26	34	34	28	33	32	36
Undecided	7%	6	6	14	7	6	4	5	9	7	4	7	7	5

Method used to conduct Sun Poll

The Sun Poll was conducted by telephone by Hollander, Cohen Associates, Inc., of Baltimore, from January 28 through February 7.

The interviews were with 800 persons over the age of 18 from throughout the state. **SUN**

They were picked by random variation of the last four digits of telephone numbers, and selections were made from all telephone exchanges to ensure an accurate cross-section. Quotas were assigned to reflect the state's population distribution by county. In this instance, the method provided somewhat fewer black respondents than it

has when used for past Sun Polls but still offers a fair cross-section of the state's residents.

Everyone polled was asked all the questions.

The margin of error, according to standards customarily used by statisticians, is no more than plus or minus 3.5 percentage points for the entire group. This means that there is a 95 percent probability that the "true" figure would fall within that range if the entire population were called under the same conditions. **FEB 23 1982**

The margin for error is larger for any segment, such as a geographic group or age group.