

A Unique Partnership

Years before there was a U.S. Environmental Protection Agency, or a federal Clean Water Act, or even an environmental movement, a little government agency was hard at work restoring life to one of America's most polluted rivers.

A pioneer in environmental protection, the Delaware River Basin Commission got its start on October 27, 1961, the day the Delaware River Basin Compact became law. The compact's signing by President Kennedy and four governors marked the first time since the nation's birth that the federal government and a group of states joined as equal partners in a river basin planning, development, and regulatory agency.

The clean-up of the Delaware and numerous other DRBC accomplishments are rooted in the compact's chief canon—that the waters and related resources of the Delaware River Basin are regional assets vested with local, state, and national interests for which there is a joint responsibility.

Almost 40 years after the compact was signed, Secretary of State Madeline Albright perhaps unwittingly acknowledged the foresight of its authors. In an Earth Day speech on August 12, 2000, she stated:

“Experts tell us that water management is best done on a watershed or basinwide basis. This requires all who have a stake, whether in or outside government, to join in developing approaches tailored to regional needs.”

The commission is unique in that the federal government and the four basin states (New York, Pennsylvania, New Jersey, and Delaware) are equal partners. They have the collective authority to enter into binding agreements on all water-related issues in the basin, located in one of the most densely populated and intensively industrialized regions of the United States. Interstate disputes are settled by a vote of the members, an act that has the force of law without further state or congressional action.

Another unique feature is that the commission, with some 41 full-time employees, can set water quality standards and allocate surface and groundwater within the basin without regard to political boundaries. Such large federal agencies as the E.P.A. and the U.S. Army Corps of Engineers lack such authority. And the four basin states lack the territorial jurisdiction to address problems that transcend state borders. The commission has that jurisdiction and charge.

Since its inception, the commission has demonstrated its



President John F. Kennedy and the basin state governors sign ceremonial compact documents at the White House on Nov. 2, 1961. Seated (from left to right) are Gov. Robert Meyner of New Jersey, Gov. Elbert Carvel of Delaware, Gov. David Lawrence of Pennsylvania, and President Kennedy. Gov. Nelson Rockefeller of New York was unable to attend. Standing (from left to right) are William Miller, counsel to the Delaware River Basin Advisory Committee (DRBAC) who drafted the compact and would later serve as counsel to the DRBC; Frank Barry of the U.S. Interior Department; W. Brinton Whitall, a DRBAC staff member who will become the DRBC's first secretary; Gen. Norman Lack (leaning towards table), alternate DRBC commissioner from Delaware; Philadelphia Mayor Richardson Dilworth; Harold Wilm, alternate DRBC commissioner from New York; Dr. Maurice Goddard, secretary of the Pennsylvania Department of Forests and Waters who served as a DRBC commissioner for 18 years; Vincent Terenzio, New York City Water Board member; and Arthur Ford, the water board's chairman.

ability to use sound science, adaptation, and collaboration to bring about modifications to the 1954 U.S. Supreme Court Decree that apportioned the shared waters of the Delaware River through prescribed releases and diversions. On numerous occasions the commission has brought together and provided support to the decree parties (the four basin states, plus New York City) as they hammer out solutions to water allocation disputes and respond to evolving water challenges.

The commission's formation changed the Delaware Valley from an arena of conflict to a model of federal-state cooperation—unlike other parts of the country where across-the-border water squabbles continue to run up huge litigation costs. The financial savings in legal fees to all five commission members have far exceeded DRBC's operating costs.

Blazing a new trail in water pollution abatement, the DRBC in 1967 adopted the most comprehensive water quality standards of any interstate river basin in the nation. The standards, which focused on dissolved oxygen levels, were tied to an innovative wasteload allocation program that factored

in the waste assimilative capacity of the tidal river. Interior Secretary Udall declared at the time:

“Only the Delaware among the nation’s river basins is moving into high gear in its program to combat water pollution.”

A year later, the DRBC adopted regulations for implementing and enforcing the standards, prompting the Federal Water Pollution Control Administration to observe:

“This is the only place in the country where such a procedure is being followed. Hopefully, it will provide a model for other regulatory agencies.”

In years since, the commission has added to its regulatory package, including adoption of standards to protect the existing high water quality in the non-tidal Delaware River.

And using the same concept it did in the 1960s, the DRBC has established standards for toxic pollutants found in the river’s tidal reach, which serves as the common border for Pennsylvania, New Jersey, and Delaware. Numerous substances are covered under the rules, including PCBs and pesticides like DDT.

This program highlights the merits of ignoring political boundaries when managing a resource like water. Initially the states had independently developed water quality criteria for the toxic substances to meet requirements of the federal Clean Water Act. Problems inherent in this splintered approach, however, soon became apparent and the states turned to the commission for help. The solution was the formation of a DRBC Toxics Management Program to address the collective needs and goals of the four states and the federal government. After all, it was the health of a river they were concerned with, no matter where the water traveled.

And that was exactly what Congress had in mind when it voted to create the commission back in 1961:

“The establishment of a single agency to coordinate federal interests in the Delaware River Basin is of as much importance as the joining together of the four states and the resultant coordination of the various state activities. In brief, there is one river, one basin, all water resources are functionally inter-related, and each one is dependent upon the other. Therefore, one comprehensive plan and one coordinating and integrating agency is essential for efficient development and operation.”

Remarks by President John F. Kennedy at the Ceremonial Signing of the Delaware River Basin Compact on Nov. 2, 1961

“Today’s formal signing of the Delaware River Basin Compact is a significant event. Its significance lies in the unique character of the Compact and the great hope for comprehensive plans for full and effective development of the Delaware River Valley.

The highly industrialized character of the Basin and the heavy population concentrated in the region presents a real challenge to the Commission in its efforts to devise a water resource program suited to the area’s needs.

Included within the Commission’s jurisdiction is the control and development of adequate water supplies, pollution control, flood protection, watershed management, recreation, hydroelectric power, and the regulation of withdrawals and the diversion of water.

I am designating the Honorable Stewart L. Udall, the Secretary of the Interior, to be the Federal representative on the Commission. I know he will work with and have the counsel and cooperation of the many departments and agencies of the Federal Government concerned with water and resource development. I am sorry he is not with us today, but as you know, he is out of the country in Japan. He has, however, expressed his willingness to serve in this capacity, and I know he shares the optimism of the four States concerning the future of the Delaware Basin.

We are glad to join with Delaware, New Jersey, New York, and Pennsylvania in this bold venture. The task set for the Commission will not be easy to achieve, but we are confident that the cooperation that has brought forth this Compact will endure, and that working together real progress can be made for the people of the Basin.”

In addition to water quality issues, the commission has programs that address water supply allocation, regulatory review of large water resource projects like waste treatment plants, water conservation, watershed planning, drought management, flood loss reduction, and recreation.

The commission's water conservation programs got underway before the concept gained popularity with other agencies. It recognized early on that it was necessary to cut back on the demand side of water supply since a strong environmental voice and a shortage of federal cash had pushed structural solutions (like new reservoirs) pretty much off the table.

For example, the commission in 1988 established water conservation performance standards for plumbing fixtures such as toilets, faucets, and shower heads that are installed during new construction or major renovations. Significant basinwide savings are attributable to the use of these water conserving devices and will continue in the future. More recently, the DRBC revised its rules in 2009 to implement an updated water audit approach to identify and control water loss in the basin, which is estimated at 150 million gallons per day.

The commission's drought management plan also is designed to save water while augmenting natural river flows through reservoir releases to help protect aquatic life and meet the needs of millions of people living downstream. The additional fresh water also helps repel the migration of salty water from the bay which can threaten upstream water supplies, cause corrosion problems for industries that use Delaware River water, and increase treatment costs.

The DRBC's ex officio members are the four basin state governors and the commander of the U.S. Army Corps of Engineers North Atlantic Division who represents the federal government. The five members appoint alternate commissioners, with the governors traditionally selecting high ranking officials from their environmental agencies.

The fact that five separate governmental bodies with their own sovereign powers can successfully work together on an equal footing in managing a common resource has caught the eye of other river managers not only in the United States. Commission representatives have been invited to foreign countries to tell the DRBC story and to offer help in developing new water supply and pollution abatement

programs. And delegations from around the globe have visited the commission offices in West Trenton, N.J. to learn about the DRBC's unique governing powers.

The commission's approach to watershed management places great emphasis on outreach and public involvement. It uses numerous advisory committees to provide input to help shape policy and craft new regulations. Committee members represent a cross cut of basin interests—agriculture, government, academia, business, industry, and environmental advocacy.

On the commission's 25th anniversary in 1986, Marilyn Reeves, a director of the League of Women Voters of the United States, touched on the importance of constituent input:

"In the years ahead the problems of water will be defined and solved through the same imperfect process—a mix of science, uncertainty, value judgments, public perception, and political compromises. Public participation is the only way to ensure that all the elements of that mix are fairly considered."

Interior Secretary Udall, appointed by President Kennedy as the commission's first federal member, was the keynote speaker at the 1986 event that recognized a quarter century of hard earned achievements. He spoke of the commission's charge to care for the gift of water for the next generation.

"The best things in life are free," he said. "Natural beauty, clean air, clean water. You have to earn them in a way, but they are free. And they must be preserved."

Editor's Note: This article originally appeared in the DRBC's 2000 annual report and was written by Christopher M. Roberts, the commission's public information officer from 1986 to 2004. The text has been edited to update information, where appropriate.