

River Basin Commissions – Why Do We Need Them?

Water Quality Perspectives



ALEXANDRA DAPOLITO DUNN, ESQ.
EXECUTIVE DIRECTOR & GENERAL COUNSEL
ASSOCIATION OF CLEAN WATER ADMINISTRATORS

Legislative History of Commissions

- US Constitution Compact Clause (Art. 1, § 10, cl. 3)
 - “No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State.”
- Interstate compacts = contracts between states
- CWA § 103: calls for interstate cooperation and creation of interstate compacts

6 Commissions formed by Interstate Compact

- Interstate Environmental Commission - 1936
- Interstate Commission on the Potomac River Basin - 1940
- New England Interstate Water Pollution Control Commission - 1947
- Ohio River Valley Water Sanitation Commission - 1948
- Delaware River Basin Commission - 1961
- Susquehanna River Basin Commission - 1970
- Congressional Resolution
 - Great Lakes Commission – 1955
 - Upper Mississippi River Basin Association - 1981

Commission	Formed by Interstate Compact unless <i>Red</i>	Members	Reg. Auth?	Structure
IEC	1936 (CT 1941)	NY, NJ, CT	YES	5 Commissioners from each state
ICPRB	1940	MD, PA, VA, WV, DC, Federal Govt	NO	3 Commissioners from each state, DC & Federal Govt
NEIWPCC	1947	CT, ME, MA, NH, NY, RI, VT	NO	5 Commissioners from each state, by gubernatorial appointment
ORSANCO	1948	IL, IN, KY, NY, OH, PA, VA, WV, Federal Govt	YES	3 Commissioners from each state and federal government
DRBC	1961	DE, NJ, PA, NY, Federal Govt (Div. Engineer, N. Atl. Div, US ACOE)	YES	Governor of each state serves as State Commissioner and 1 Federal Commissioner
SRBC	1970	NY, PA, MD, Federal Govt	YES	4 Commissioners appt'd by US Pres & state governors
Great Lakes Commission	1955 (<i>Congressional consent</i> in 1968; 1999 Partnership Decl w provinces)	IL, IN, MI, MN, NY, OH, PA, WI & associate status Ontario & Quebec	YES	Delegation of 3 to 5 members from each state comprised of senior agency officials, legislators and/or appointees of the governor/premier
UMRBA	1981 (successor to UMRB Commission (1972)) <i>Joint Resolution</i>	IL, IA, MN, MO, WI & 6 Fed'l Agy's are advisory members (US ACOE, USDA, USDHS, USDOJ, USDOT, EPA)	NO	States represented by gubernatorial appointees (number varies by state) and 6 federal agencies act as advisory members

Interstate Environmental Commission (IEC)



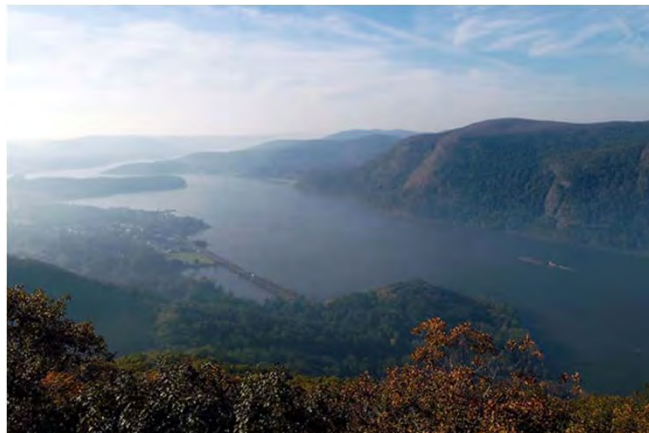
IEC BACKGROUND



- Formation
 - Created in 1936
 - Compact between NY and NJ (with consent of Congress) – established Commission's District
 - 1941 – CT ratified
 - Tri-State Compact
 - Regulatory authority
 - NY, NJ, CT
- Mission
 - To protect and enhance environmental quality through cooperation, regulation, coordination, and mutual dialogue between government and citizens in the Tri-State Region.

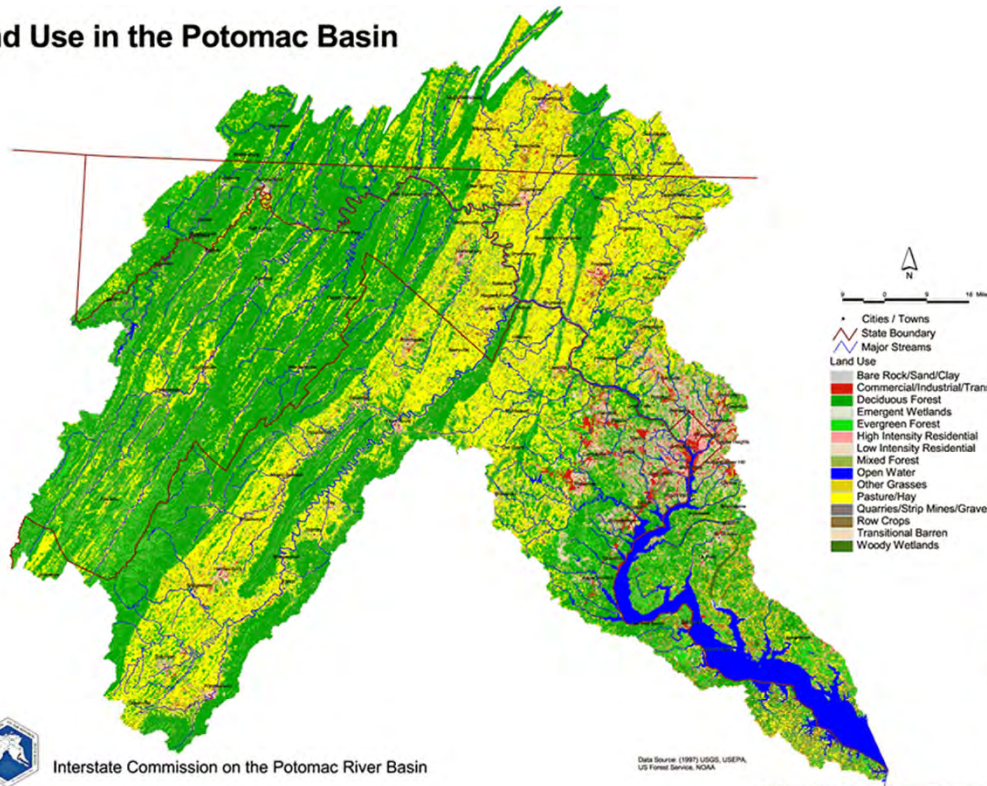
IEC WATER QUALITY INITIATIVES

- Water Quality Regulations (adopted 1971)
 - Apply to all waters within Interstate Environmental District
 - Establishes 2 classes of water: Class A & Class B (B-1 & B-2)
 - Each class/subclass to be suitable for its best intended uses



Interstate Commission on the Potomac River (ICPRB)

Land Use in the Potomac Basin



Interstate Commission on the Potomac River Basin

Data Source: 1997 USGS, USEPA, US Forest Service, NOAA



ICPRB BACKGROUND

- Formation
 - Created in 1940
 - Interstate Compact
 - MD, PA, VA, WV, DC, Fed'l Govt'
- Mission
 - To enhance, protect and conserve the water and associated land resources of the Potomac River and its tributaries through regional and interstate cooperation



ICPRB WATER QUALITY INITIATIVES

- ICPRB addresses various water quality issues affecting Potomac basin and Chesapeake Bay drainage
 - Includes stream assessments to determine impairments, water quality modeling, sediment transport modeling, and TMDL plans for watersheds
- Middle Potomac River Watershed Assessment



New England Interstate Water Pollution Control Commission (NEIWPC)



NEIWPCC BACKGROUND

- Formation

- Created in 1947
- Interstate compact
 - No regulatory authority
- CT, ME, MA, NH, NY, RI, VT

- Mission

- To serve and assist states by coordinating activities and forums that encourage cooperation among the states, developing resources that foster progress on water and wastewater issues, representing the region in matters of federal policy, training environmental professionals, initiating and overseeing scientific research projects, educating the public, and providing overall leadership in water management and protection.

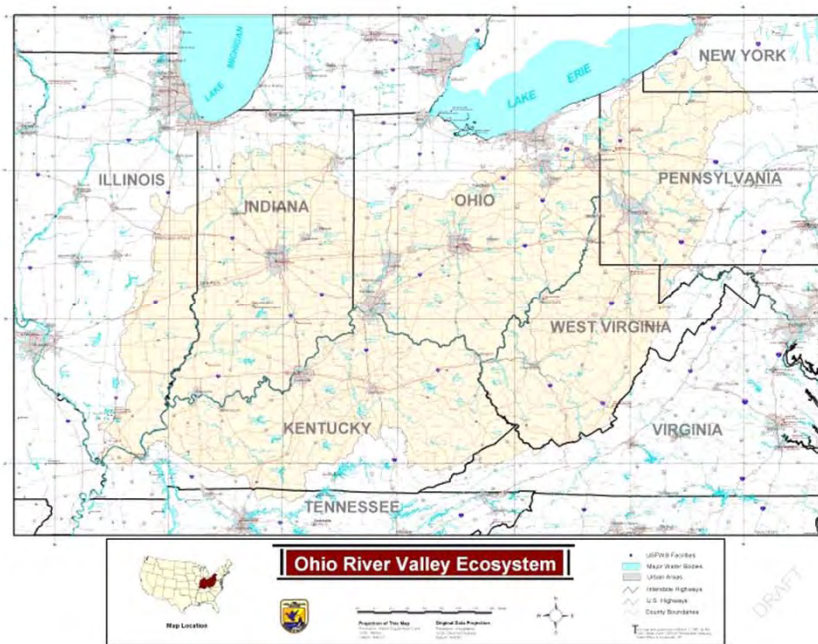


NEIWPCC WATER QUALITY INITIATIVES

- Water Quality Program
 - Assist states in every aspect of CWA's water quality management process
 - Use workgroups as primary tool to foster collaboration
 - Comment letters, position papers, technical guides



Ohio River Valley Water Sanitation Commission (ORSANCO)



ORSANCO BACKGROUND



- Formation
 - June 30, 1948
 - Interstate Compact
 - Regulatory authority
 - IL, IN, KY, NY, OH, PA, VA, WV, Fed'l Gov't
- Mission
 - To implement the Ohio River Valley Water Sanitation Compact through direct action and by coordinating the actions of the member states

ORSANCO WATER QUALITY INITIATIVES

- Several programs aimed at improving water quality: set wastewater discharge standards; perform biological assessments; monitor for the chemical & physical properties of the waterways; conduct special surveys & studies
- Biennial Assessment of Ohio River Water Quality Conditions
- Bimonthly Sampling Program
- Ohio River Watershed Pollutant Reduction Program



Delaware River Basin Commission (DRBC)



DRBC BACKGROUND

- Formation

- Created in 1961
- Interstate Compact
 - Regulatory authority
- DE, NJ, PA, NY, Fed'l Govt'

- Mission

- To be the leader in protecting, enhancing, and developing the water resources of the Delaware River Basin for present and future generations.

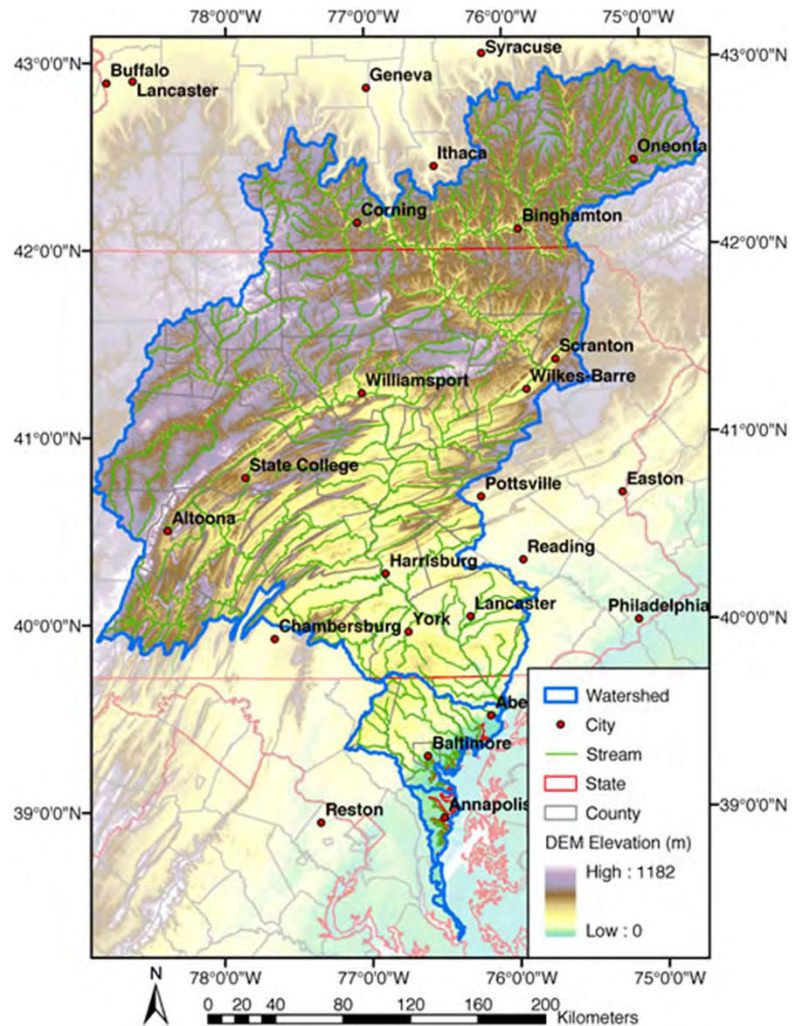


DRBC WATER QUALITY INITIATIVES

- Water Quality Regulations
 - Special Protection Waters
- Coordinator for evaluating nutrient conditions
- Tri-State Watershed Management Plan
- Water Resources Plan for Delaware River Basin



Susquehanna River Basin Commission (SRBC)



SRBC BACKGROUND



- Formation:
 - December 24, 1970
 - Interstate Compact
 - Regulatory authority
 - NY, PA, MD, Fed'l Govt'
- Mission
 - To enhance public welfare through comprehensive planning, water supply allocation, and management of the water resources of the Susquehanna River Basin
 - Focus on water quantity

SRBC WATER QUALITY INITIATIVES

- Comprehensive Plan for the Water Resources of the Susquehanna River Basin
- Remote Water Quality Monitoring Network (RWQMN)
- Long-Term Monitoring of River Basin
 - Critical to understand Bay pollution



Great Lakes Commission



GREAT LAKES COMMISSION

BACKGROUND



- Formation
 - Created in 1968
 - Declaration of Partnership established associate membership in 1999
 - Interstate compact in 1955 and granted Congressional consent in 1968; Declaration of Partnership with provinces in 1999
 - Regulatory authority
 - IL, IN, MI, MN, NY, OH, PA, WI; associate member status for Ontario & Quebec
- Mission
 - To promote the orderly, integrated, and comprehensive development, use and conservation of the water and related natural resources of the Great Lakes Basin and St. Lawrence River.

GREAT LAKES COMMISSION WATER QUALITY INITIATIVES

- Great Lakes Panel on Aquatic Nuisance Species
- Areas of Concern
- Chicago Waterway Study
- Lake St. Clair/St. Clair River Management Plan



Upper Mississippi River Basin Association (UMRBA)



UMRBA BACKGROUND



- Formation
 - 1981 (successor to formerly federally authorized Upper Mississippi River Basin Commission (1972))
 - Joint Resolution
 - No regulatory authority
 - IL, IA, MN, MO, WI, & 6 federal agencies (advisory members)
- Mission
 - To facilitate dialogue and cooperative action regarding water and related land resource issues.

UMRBA WATER QUALITY INITIATIVES

- Two workgroups:
 - Water Quality Task Force
 - Technical/program level
 - Water Quality Executive Committee
 - Policy level
- Recent focus on designated uses, biological assessment and nutrients



Challenges

- Political Pressures
- Funding
- Inefficient/Segmented Water Management
- Out-of-Basin Diversions
- Shale Gas Extraction
- Climate Change
- Aquatic Invasive Species



Political Pressures

- E.g., VA and MD potential withdrawal from ICPRB
 - VA Governor called for elimination of \$150,000 in state dues to ICPRB as an effort to reduce spending during time of financial hardship
 - Included an amendment in VA's 2011 General Assembly to eliminate dues
 - VA DEQ has prepared draft legislation compact



Funding



- Decreased federal and state funding during this hard economic time (ex: VA proposed elimination of dues)
- Federal funding for river basin commissions historically done through Congressional annual appropriations process
 - Senator Gillibrand wrote to President Obama urging for inclusion of \$2.365 million in FY2011 budget and in subsequent years for Mid-Atlantic River Basin Commissions

Inefficient Water Management

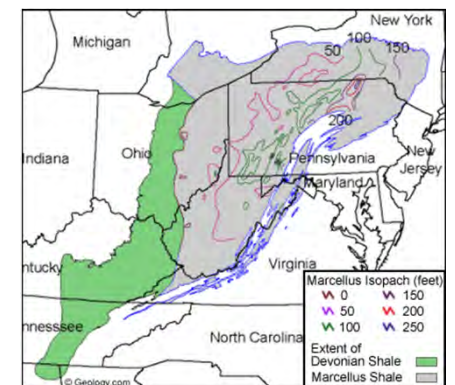
- Need further collaboration between states, interstate commissions, federal government
- Look at watershed management holistically, not on a project or issue specific basis
 - Water management has been segmented through the development of environmental laws
- Need integrated watershed planning
 - Effective and efficient

Out-of-Basin Diversions & Increasing Populations

- Diversions complicate water management
 - 1920s NYC announced plans to divert water from Delaware River (800 mgd from 3 DE basin reservoirs)
 - 1960s Baltimore constructed pipeline for diversion of 250 mgd from lower Susquehanna
 - Chester County, PA grandfathered right to divert 60 mgd from the Susquehanna
 - Proposed Susquehanna diversion to Potomac River watershed

Shale Gas Extraction

- Water is critical for extracting water from the Marcellus shale
- Large water withdrawals may have significant ecological impacts; could affect nearby drinking water sources and other uses
- Increased potential for conflicts between water uses
- Decrease in water quantity = Decrease in water quality
- Marcellus Shale overlaps watersheds
 - Cooperation issues



Climate Change

- Several water-related changes
 - Sea-level rise → increased flooding and reduced natural water filtration capacity
 - Lower DO levels in Chesapeake Bay and larger “dead zones”
 - Reduction in biodiversity (ex: vital vegetation, eelgrass, in Bay)
 - Increased harmful algal blooms
 - Changes in habitat conditions (ex: favor warm water fish)



Aquatic Invasive Species

- Examples
 - Zebra Mussels – Great Lakes; Susquehanna River
 - Golden Algae – Dunkard Creek (WV & PA)
 - Asian Carp – Great Lakes
- Problem: overlapping jurisdictions and transfer of information among agencies



Opportunities

- Watershed Planning
 - Holistic view is more efficient and effective than specific project-based view
- Collaboration
 - Amongst federal, state, interstate and local agencies
- Leverage

