

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941

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ENROLLED

SENATE BILL No. 157

(By Mr. Williams)

PASSED March 8 1941

In Effect from Passage

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Senate Bill No. 157

(BY MR. WILLIAMS)

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[Passed March 8, 1941; in effect from passage.]

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AN ACT creating a commission to act jointly with commissions appointed for like purposes by the commonwealths of Pennsylvania and Virginia, the State of Maryland, and the District of Columbia, which, together with three members to be appointed by the President of the United States, shall constitute the Interstate Commission on the Potomac River basin, with power to cooperate in the abatement of the existing pollution and in the control of future pollution of the waters of the drainage basin of the Potomac River, within the states of Maryland and

West Virginia, the commonwealths of Pennsylvania and Virginia, and the District of Columbia; to authorize the governor of the state to execute on behalf of this state a compact with representatives of other states for the purpose of forming the above mentioned commission, and creating a Potomac Valley Conservancy District; providing for the appointment of the West Virginia members of said commission and their terms of office; and providing for an appropriation for these purposes.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Creation of Interstate Commission on the Potomac River Basin; Terms; Compact with Other Political Units.* There is hereby created a commission consisting of three members, to act jointly with commissions appointed for like purposes by the commonwealths of Pennsylvania and Virginia, the State of Maryland, and the District of Columbia, and an additional three members to be appointed by the President of the United States, and which, together with the other commissions appointed as hereinbefore mentioned, shall constitute and be known as the Interstate Commission on the Poto-

12 mac River basin. The said commission of the State of  
13 West Virginia shall consist of three members. The  
14 governor, by and with the advice and consent of the  
15 senate, shall appoint two persons as two of such com-  
16 missioners, each of whom shall be a resident and citi-  
17 zen of this state. The terms of one of the said two com-  
18 missioners first appointed shall be three years and of the  
19 other shall be six years; and their successors shall be  
20 appointed by the governor, by and with the advice and  
21 consent of the senate for terms of six years each. Each  
22 commissioner shall hold office until his successor shall  
23 be appointed and qualified. Vacancies occurring in the  
24 office of any such commissioner for any reason or cause  
25 shall be filled by appointment by the governor, by and  
26 with the advice and consent of the senate, for the un-  
27 expired term. The third commissioner from this state  
28 shall be the commissioner of health ex officio, and the  
29 term of any such ex officio commissioner shall terminate  
30 at the time he ceases to hold said office of commissioner  
31 of health, and his successor as a commissioner shall be  
32 his successor as said commissioner of health. Said ex

33 officio commissioner may delegate, from time to time, to  
34 any deputy or other subordinate in his department or  
35 office, the power to be present and participate, including  
36 voting, as his representative or substitute at any meeting  
37 of or hearing by or other proceeding of the commission.  
38 The terms of each of the initial three members shall begin  
39 at the date of the appointment of the two appointive com-  
40 missioners, provided the compact hereinafter referred to  
41 shall then have gone into effect, in accordance with  
42 article V thereof, otherwise to begin upon the date said  
43 compact shall become effective, in accordance with said  
44 article V.

45 Any commissioner may be removed from office by the  
46 governor.

47 The governor of the State of West Virginia is hereby  
48 authorized and directed to execute a compact on behalf  
49 of the State of West Virginia, with the other states and  
50 the district hereinabove referred to, who may by their  
51 legislative bodies so authorize a compact in form sub-  
52 stantially as follows:

53

## A COMPACT

54 WHEREAS, It is recognized that abatement of existing  
55 pollution and the control of future pollution of interstate  
56 streams can best be promoted through a joint agency rep-  
57 resenting the several states located wholly or in part  
58 within the area drained by any such interstate stream;  
59 and

60 WHEREAS, The Congress of the United States has given  
61 its consent to the states of Maryland and West Virginia,  
62 the commonwealths of Pennsylvania and Virginia, and  
63 the District of Columbia to enter into a compact pro-  
64 viding for the creation of a conservancy district to con-  
65 sist of the drainage basin of the Potomac River and the  
66 main and tributary streams therein, for "the purpose of  
67 regulating, controlling, preventing, or otherwise render-  
68 ing unobjectionable and harmless the pollution of the  
69 waters of said Potomac drainage area by sewage and  
70 industrial and other wastes";

71 Now THEREFORE, The states of Maryland and West Vir-  
72 ginia, the commonwealths of Pennsylvania and Virginia,  
73 and the District of Columbia, hereinafter designated

74 signatory bodies, do hereby create the Potomac Valley  
75 Conservancy District, hereinafter designated the conserv-  
76 ancy district, comprising all of the area drained by the  
77 Potomac River and its tributaries; and also, do hereby  
78 create the Interstate Commission on the Potomac River  
79 basin, hereinafter designated the commission, under the  
80 articles of organization as set forth below.

81 ARTICLE I.

82 The Interstate Commission on the Potomac River basin  
83 shall consist of three members from each signatory body  
84 and three members appointed by the President of the  
85 United States. Said commissioners, other than those ap-  
86 pointed by the president, shall be chosen in a manner  
87 and for the terms provided by law of the signatory body  
88 from which they are appointed and shall serve without  
89 compensation from the commission but shall be paid by  
90 the commission their actual expenses incurred and inci-  
91 dent to the performance of their duties.

92 (A) The commission shall meet and organize within  
93 thirty days after the effective date of this compact, shall  
94 elect from its number a chairman and vice-chairman,

95 shall adopt suitable by-laws, shall make, adopt and pro-  
96 mulgate such rules and regulations as are necessary for  
97 its management and control, and shall adopt a seal.

98 (B) The commission shall appoint and at its pleasure,  
99 remove or discharge such officers and legal, engineering,  
100 clerical, expert and other assistants as may be required to  
101 carry the provisions of this compact into effect, and shall  
102 determine their qualifications and fix their duties and  
103 compensation. Such personnel as may be employed shall  
104 be employed without regard to any civil service or other  
105 similar requirements for employees of any of the signatory  
106 bodies. The commission may maintain one or more offices  
107 for the transaction of its business and may meet at any  
108 time or place within the area of the conservancy district.

109 (C) The commission shall keep accurate accounts of all  
110 receipts and disbursements and shall make an annual  
111 report thereof and shall in such report set forth in de-  
112 tail the operations and transactions conducted by it pur-  
113 suant to this compact. The commission, however, shall  
114 not incur any obligations for administrative or other ex-  
115 penses prior to the making of appropriations adequate

116 to meet the same nor shall it in any way pledge the  
117 credit of any of the signatory bodies. Each of the signa-  
118 tory bodies reserves the right to make at any time an  
119 examination and audit of the accounts of the commis-  
120 sion.

121 (D) A quorum of the commission, shall for the trans-  
122 action of business, the exercise of any powers, or the per-  
123 formance of any duties, consist of at least a majority of  
124 the members of the commission; provided, however, that  
125 no action of the commission relating to policy shall be  
126 binding on any one of the signatory bodies unless at least  
127 two of the commissioners from such signatory body shall  
128 vote in favor thereof.

129 ARTICLE II.

130 The commission shall have the power and its duties  
131 shall be:

132 (A) To coordinate, tabulate, and summarize technical  
133 and other data now available, or as shall become available  
134 in the future from any source, on the pollution of the  
135 streams of the conservancy district and on the character  
136 and conditions of such streams, and to prepare reports

137 thereon annually and at such other times as may be  
138 deemed advisable by the commission.

139 (B) To supplement existing information and data, and  
140 to secure new data by such investigations, analyses, or  
141 other means as may be necessary to secure adequate in-  
142 formation on the character and condition of the streams  
143 of the conservancy district as they now exist or may be  
144 affected by the future discharge of sewage and industrial  
145 and other wastes into the said stream.

146 (C) To cooperate with the legislative and administra-  
147 tive agencies of the signatory bodies, or the equivalent  
148 thereof, and with other interested commissions and  
149 similar organizations for the purpose of promoting uni-  
150 form laws, rules or regulations for the abatement and  
151 control of pollution of streams in the said conservancy  
152 district.

153 (D) To disseminate to the public information on the  
154 aims and purposes of the commission and on the harmful  
155 and uneconomical results of stream pollution, through the  
156 issuance of bulletins, circulars, correspondence, literature  
157 and reports.

158 (E) To cooperate with other organizations engaged in  
159 fact-finding and research activities on the treatment of  
160 sewage and industrial wastes or other wastes and if  
161 deemed advisable, to institute and conduct such research  
162 and fact-finding activities.

163 (F) To make and if needful from time to time, revise  
164 and to recommend to the signatory bodies, reasonable,  
165 minimum standards for the treatment of sewage and in-  
166 dustrial or other wastes now discharged or to be dis-  
167 charged in the future to the streams of the conservancy  
168 district, and also, for cleanliness of the various streams in  
169 the conservancy district.

170 ARTICLE III.

171 The moneys necessary to finance the commission in the  
172 administration of its business in the conservancy district  
173 shall be provided through appropriations from the signa-  
174 tory bodies and the United States, in the manner pre-  
175 scribed by the laws of the several signatory bodies and  
176 of the United States, and in amounts, as follows:

177 The pro rata contribution shall be based on such fac-  
178 tors as population; the amount of industrial and domestic

179 pollution; and a flat service charge; as shall be determined  
180 from time to time by the commission, subject, however,  
181 to the approval, ratification and appropriation of such con-  
182 tribution by the several signatory bodies. And, further  
183 provided, that the total of such sums from all signatory  
184 bodies shall not exceed a total of thirty thousand dollars  
185 (\$30,000) per annum.

186 ARTICLE IV.

187 Pursuant to the aims and purposes of this compact, the  
188 signatory bodies mutually agree:

189 1. Faithful cooperation in the abatement of existing  
190 pollution and the prevention of future pollution in the  
191 streams of the conservancy district.

192 2. The enactment of adequate and, insofar as is prac-  
193 ticable, uniform legislation for the abatement and control  
194 of such pollution.

195 3. The appropriation of biennial sums on the propor-  
196 tionate basis as set forth in article III.

197 ARTICLE V.

198 This compact shall become effective immediately after  
199 it shall have been ratified by the majority of the legis-

200 latures of the states of Maryland and West Virginia, the  
201 commonwealths of Pennsylvania and Virginia, and by the  
202 commissioners of the District of Columbia, and approval  
203 by the Congress of the United States; provided, however,  
204 that this compact shall not be effective as to any signa-  
205 tory body until ratified thereby.

206 ARTICLE VI.

207 Any signatory body may by legislative action, after  
208 one year's notice to the commission withdraw from this  
209 compact.

Sec. 2. *Organization of Commission; Expenses; Meet-*

2 *ings.* The commissioners shall be reimbursed out of  
3 moneys appropriated for such purposes, all sums which  
4 they necessarily shall expend in the discharge of their  
5 duties as members of such commission.

6 There shall be appropriated to the commission out of  
7 any moneys in the state treasury unexpended and avail-  
8 able therefor, and not otherwise appropriated, such  
9 sums as may be necessary for the uses and purposes of  
10 the commission in carrying out the provisions of this act  
11 and the payment of the proper proportion of the State

12 of West Virginia of the expenses of the Interstate Com-  
13 mission on the Potomac River basin, in accordance with  
14 article III of said compact.

15 The commission shall elect from its membership a  
16 chairman and may also select a secretary who need not  
17 be a member. The commission may employ such assist-  
18 ants as it may deem necessarily required, and the duties  
19 of such assistants shall be prescribed and their compen-  
20 sation fixed by the commission and paid out of the state  
21 treasury out of funds appropriated for such purposes  
22 upon the requisition of said commission.

23 The commission shall meet at such times and places as  
24 agreed upon by the commissioners or upon call of its  
25 chairman.

Sec. 3. *Separability.* If any section, sentence, sub-  
2 division or clause of this act shall for any reason be held in-  
3 valid or unconstitutional, such decision shall not affect the  
4 validity of the remaining portions of this act.

The Joint Committee on Enrolled Bills hereby certifies that  
the foregoing bill is correctly enrolled.

C. H. McCowan  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the Senate

Takes effect from passage

Atale Watkins  
Clerk of the Senate

J. R. Aliff  
Clerk of the House of Delegates

Byron B. Randolph  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within approved this the 14  
day of March, 1941.

Matthew M. Neely  
Governor.

Filed in the office of the Secretary of State  
of West Virginia MAR 17 1941  
Wm. S. O'BRIEN,  
Secretary of State