WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

SENATE BILL No. 157

(By Mr. Williams)

PASSED March 8, 1941

In Effect Passage
ENROLLED

Senate Bill No. 157

(By Mr. Williams)

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

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-
mac River basin. The said commission of the State of West Virginia shall consist of three members. The governor, by and with the advice and consent of the senate, shall appoint two persons as two of such commissioners, each of whom shall be a resident and citizen of this state. The terms of one of the said two commissioners first appointed shall be three years and of the other shall be six years; and their successors shall be appointed by the governor, by and with the advice and consent of the senate for terms of six years each. Each commissioner shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of any such commissioner for any reason or cause shall be filled by appointment by the governor, by and with the advice and consent of the senate, for the unexpired term. The third commissioner from this state shall be the commissioner of health ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of commissioner of health, and his successor as a commissioner shall be his successor as said commissioner of health. Said ex
officio commissioner may delegate, from time to time, to
any deputy or other subordinate in his department or
office, the power to be present and participate, including
voting, as his representative or substitute at any meeting
of or hearing by or other proceeding of the commission.
The terms of each of the initial three members shall begin
at the date of the appointment of the two appointive com-
missioners, provided the compact hereinafter referred to
shall then have gone into effect, in accordance with
article V thereof, otherwise to begin upon the date said
compact shall become effective, in accordance with said
article V.
Any commissioner may be removed from office by the
governor.
The governor of the State of West Virginia is hereby
authorized and directed to execute a compact on behalf
of the State of West Virginia, with the other states and
the district hereinabove referred to, who may by their
legislative bodies so authorize a compact in form sub-
stantially as follows:
A COMPACT

WHEREAS, It is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

WHEREAS, The Congress of the United States has given its consent to the states of Maryland and West Virginia, the commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for "the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes";

Now Therefore, The states of Maryland and West Virginia, the commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated
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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,
shall adopt suitable by-laws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

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

(C) The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate
to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the commission.

(D) A quorum of the commission, shall for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the commission; provided, however, that no action of the commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the commissioners from such signatory body shall vote in favor thereof.

ARTICLE II.

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

(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the conservancy district and on the character and conditions of such streams, and to prepare reports
thereon annually and at such other times as may be deemed advisable by the commission.

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

(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar organizations for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams in the said conservancy district.

(D) To disseminate to the public information on the aims and purposes of the commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature and reports.
(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes and if deemed advisable, to institute and conduct such research and fact-finding activities.

(F) To make and if needful from time to time, revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the conservancy district, and also, for cleanliness of the various streams in the conservancy district.

ARTICLE III.

The moneys necessary to finance the commission in the administration of its business in the conservancy district shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts, as follows:

The pro rata contribution shall be based on such factors as population; the amount of industrial and domestic
pollution; and a flat service charge; as shall be determined from time to time by the commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies. And, further provided, that the total of such sums from all signatory bodies shall not exceed a total of thirty thousand dollars ($30,000) per annum.

ARTICLE IV.

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

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

2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of such pollution.

3. The appropriation of biennial sums on the proportionate basis as set forth in article III.

ARTICLE V.

This compact shall become effective immediately after it shall have been ratified by the majority of the legis-
latures of the states of Maryland and West Virginia, the
commonwealths of Pennsylvania and Virginia, and by the
commissioners of the District of Columbia, and approval
by the Congress of the United States; provided, however,
that this compact shall not be effective as to any signa-
tory body until ratified thereby.

ARTICLE VI.

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

Sec. 2. Organization of Commission; Expenses; Meet-
ings. The commissioners shall be reimbursed out of
moneys appropriated for such purposes, all sums which
they necessarily shall expend in the discharge of their
duties as members of such commission.

There shall be appropriated to the commission out of
any moneys in the state treasury unexpended and avail-
able therefor, and not otherwise appropriated, such
sums as may be necessary for the uses and purposes of
the commission in carrying out the provisions of this act
and the payment of the proper proportion of the State
of West Virginia of the expenses of the Interstate Com-
mission on the Potomac River basin, in accordance with
article III of said compact.

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

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

Sec. 3. Separability. If any section, sentence, sub-
division or clause of this act shall for any reason be held in-
valid or unconstitutional, such decision shall not affect the
validity of the remaining portions of this act.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor.

Filed in the office of the Secretary of State
of West Virginia, MAR 14, 1941,
Wm. S. O'Brien,
Secretary of State