

## CHAPTER XIX

# The Interstate Commission on the Delaware Basin

### *Incodel*

FOR more than a century, the Delaware River has been a tie of great importance to the states of New York, New Jersey, Pennsylvania, and Delaware. For more than a half century, there has been an increasing realization of the importance of



THOMAS A. LOGUE  
*Chairman*

conserving and developing the natural resources of this watershed. The Delaware River, rising on the western slopes of the Catskill Mountains in the state of New York, forms, in its upper flow, the boundary between New York and Pennsylvania. Below this point, flowing to the south, it divides first the states of New Jersey and Pennsylvania, later the states of New Jersey and Delaware.

The use of the Delaware River and its tributaries as a present and future source of water supply has been, and remains, a vital problem. Closely connected with the need for maintaining a large, potable source of water supply is the problem of protecting that supply—abating and preventing pollution. There has been a much more recent, but remarkably accelerated, realization that the protection and the enjoyment of the natural resources of the Delaware River Basin is no longer the responsibility of the individual states and their local communities. What were once independent problems

now affect a wide variety of interests and communities.

### *The Approach*

The Pennsylvania Commission on Interstate Cooperation, in outlining its work program for the year 1936-37, felt that it could make a major contribution to the welfare of the people living not only within Pennsylvania but in the whole basin area if it could devise a method of approaching the problems outlined above so that some practical results might be achieved.

Accordingly, a stream pollution committee of the Commission was appointed and a conference was called on April 3, 1936, in Philadelphia, to which were invited similar subcommittee members appointed by the Commissions on Interstate Cooperation of New Jersey and New York, various interested federal officials—including members of the National Resources Committee, and local government representatives.

The conference carefully considered the question as to what governmental machinery might be developed within the region to coordinate and integrate the work of the Commissions on Interstate Cooperation and the Council of State Governments, with the work of the State Planning Boards and Resources Committee, in order to bring about a concerted program of action for the entire drainage basin.

The following resolution was adopted by the conference:

WHEREAS, It appears that there are many interstate problems affecting the welfare, health, and happiness of the people residing in the Delaware River Basin, among which problems are the abatement of pollution and of floods, the fuller enjoyment of our natural resources, and the improvement

of industry, transportation, commerce, utilities, education, and recreation; and

WHEREAS, It seems advisable to create an interstate commission to coördinate the activities of the Commissions on Interstate Coöperation and their joint agency, the Council of State Governments, the state and regional planning boards, the National Resources Committee, and other federal and state agencies interested in, and charged with, the solution of these problems; and

WHEREAS, It seems imperative that this Commission should evolve a plan of action,

THEREFORE, BE IT RESOLVED, That the Conference of Commissions on Interstate Coöperation of the States of New York, New Jersey, Pennsylvania, and Delaware hereby authorize the appointment of an Interstate Commission on the Delaware Basin. . . .

The Commission, at its first meeting, outlined the following functional program:

- A. To serve as a fact-coördinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out.
- B. To sponsor the carrying out of properly developed plans.
- C. To coördinate the activities of the commissions and committees on interstate coöperation and their joint agency, the Council of State Governments, with the work of the appropriate state and federal agencies for the prevention and abatement of pollution, for flood control, and for the proper general use and control of the waters of the Delaware River.
- D. To encourage interstate compacts and the enactment of uniform state laws for the abatement of water pollution, for flood control, and for the proper general use and control of the waters of the Delaware River.
- E. To advance, perpetuate, and outline the work recommended by this conference, and to develop and propose new objectives.

#### *Organization*

In accordance with the articles of organization adopted, the commission is composed of four members from each of the four

states, designated by each state's Commission on Interstate Coöperation. Each of these four state members—one, a member of the senate; one, a member of the house of representatives; one, an administrative official of the state government; and one, a member or executive of the state planning board—is to serve for a term of two years, provided, that during that period, each retains his status as a member of his state's Commission on Interstate Coöperation.

The District Representative of the Council of State Governments serves as secretary-treasurer of the commission.

#### *Authority of the Interstate Commission on the Delaware Basin*

The Interstate Commission on the Delaware Basin derives its authority from the Commissions on Interstate Coöperation of New Jersey, New York, and Pennsylvania. In the uniform law under which those Commissions have been established the following section (No. 5) is included:

"The Commission shall establish such committees as it deems advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental coöperation. Subject to the approval of the Commission, the members of every such committee shall be appointed by the chairman of the Commission. State officials who are not members of the Commission on Interstate Coöperation may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee.

The Commission shall provide such rules as it considers appropriate concerning the membership and the functioning of any committee which it establishes. The Commission may provide for advisory boards for itself and for its various committees.

#### *Regional Conference*

On June 22, 1936, a meeting of the commission was held in Philadelphia for the purpose of discussing what steps should next be taken in the development of a program.

Problems of water supply and pollution within this drainage area have been subjected to study by a host of official and private agencies or individuals over the past fifty years. Countless costly surveys and

studies have been made of these same difficulties.

Because the plans and studies agree on the necessity for legislative and administrative action, it was decided that, as a background for a coördinated program, an effort should be made to assemble representatives of federal, state, county, and municipal governments; of educational institutions; and of civic and business bodies of the states of New York, New Jersey, Pennsylvania, and Delaware.

An invitation was therefore issued to such agencies and individuals urging their attendance at a regional conference held on October 2-3, 1936, at Shawnee-on-the-Delaware, Pennsylvania. (For minutes of this meeting see Book Two.)

The objectives of this regional conference were to present a clear picture of the problems confronting the states, to define and crystallize opinion as to the interests and responsibilities of the states, to secure, through round-table discussions, constructive suggestions as to the best method of harmonizing existing interests in the moulding of an immediate practical program, and to develop and perfect the machinery for a coördinated effort in behalf of such a program.

Out of this meeting there developed a crystallization of opinion as to the interests and responsibilities of each of the four states, of the federal government, and of the local units within the basin, as to related water problems; and the following constructive suggestions in the form of recommendations to the Interstate Commission in the Delaware Basin were developed:

#### *Water Pollution*

1. That the efforts of the Interstate Commission on the Delaware Basin to coördinate the work of the appropriate state and federal agencies for the prevention and abatement of pollution of the waters of the Delaware River be endorsed.
2. That the Interstate Commission on the Delaware Basin bring about an agreement between the different states involved to abate industrial and sewage pollution, to be worked out with the aid of technical assistance from

the states involved, and the federal government, and that this agreement be presented to the December meeting of the Interstate Commission for appropriate action, and that definite steps be taken to have the agreement ratified by uniform legislation in the different states.

3. That an Advisory Committee be established, composed of the members of the Committee of One Hundred (a group of 25 state and local officials from each of the four states concerned in the meeting) and the mayors and officials of the cities and villages located in the basin, to coöperate with the Interstate Commission on the Delaware Basin in furthering the development of the basin, including such problems as flood control, conservation, navigation, recreation, and pollution abatement.
4. That the legislatures of New York, New Jersey, Pennsylvania, and Delaware appropriate to their Commissions on Interstate Coöperation funds for the continuation of the work of the Interstate Commission on the Delaware Basin.
5. Realizing that there is a need for a uniform policy of federal aid to such municipalities, states, or interstate commissions as are responsible for the financing of the necessary work to prevent and abate pollution of water courses and coastal waters—that the Interstate Commission on the Delaware Basin study the possibilities of developing such a future federal policy.

#### *Water Supply*

1. That a mutual agreement be adopted for the development of the Interstate Commission on the Delaware Basin as an effective agency for the development, control, and distribution of the use of the natural resources and benefits of the Delaware Basin for the mutual advantage of the participating states, with such reapportionment and regulation of the flow of the river as will protect those communities and interests who now enjoy rights or share in its uses.

2. That a policy be established for the equitable apportionment of the water of the Delaware Basin for water supply, in such manner as to restore and preserve the purity of the water for that and other consistent uses; and that a series of impounding reservoirs to regulate the flow of the river for water supply, flood control, recreational development, and other economic and industrial purposes be devised.

#### *Recreational Development*

1. That the states be urged to undertake an aggressive policy of public acquisition of land for public recreational use and scenic value conservation.
2. That the states be urged to reconcile their conflicting fish and game legislation to eliminate conflicts and provide for common stocking of streams and land.
3. That the states and federal government be urged to undertake a comprehensive study of wild life conservation and management.
4. That the states be urged by legislation and by public policy to provide against the abuse of the natural environment of the roadside by commercialization in all new road construction; to abate such abuses on existing highways as rapidly as possible; and to eliminate toll bridges.
5. That a comprehensive study be undertaken for the recreational development of the Basin.

#### *Financing*

The Commission was established following the 1936 sessions of the legislatures in New York and New Jersey; Pennsylvania and Delaware have biennial legislative sessions, in odd numbered years.

The Commissions on Interstate Coöperation in New Jersey and New York operate by means of funds granted by the legislatures. Accordingly, the Commissions in those two states have agreed to assume a portion of the expenses incidental to the operation of the Interstate Commission.

Through an arrangement made by the chairman of the Commission, the quota assigned to Pennsylvania has been secured

from the Contingent Fund of Governor George H. Earle.

It is anticipated that the Board of Harbor Commissioners of Wilmington will absorb the small costs assigned to Delaware, until such time as the legislature acts upon a pending bill which will bring that state into full participation with New York, New Jersey, and Pennsylvania in this project.

At a meeting of the Commission held in Trenton, December 11, 1936, a budget for the next two years was drawn up and adopted, providing a pro-rata sharing of the expenses anticipated. The quotas assigned to each represented state in the basin were arrived at on the basis of the interest which each has in this project and in the benefits which may come as a result of this activity.

Under the provisions of that budget, the following appropriations are to be sought from the state legislatures now meeting in each of the four states:

#### *Proposed Annual Budget*

Pennsylvania .....	\$12,000.00
New Jersey .....	7,500.00
New York .....	7,500.00
Delaware .....	3,000.00
	\$30,000.00

#### *Staff*

The staff of the Commission, during the past six months, has consisted of a secretary, whose services and expenses have come to the Commission as a donation from the Council of State Governments; an Associate Water Consultant of the National Resources Committee, who has recently completed his work in connection with the collection, assimilation, and analyzation of material concerning the Delaware Basin for the nationwide Drainage Basin Study of the National Resources Committee; and a stenographer.

Within the past ten days the Commission has received assurances of further aid from the National Resources Committee. The Committee has arranged to have some of their leading consultants on planning and water problems available for special calls from this organization. In addition, it has appointed a water consultant, who will spend his entire time developing specific projects for consideration and action by the Commission.

# The Interstate Commission on the Delaware Basin

308 Franklin Trust Building  
Philadelphia — Pennsylvania

## Executive Committee

Chairman Hon. Thomas A. Logue  
Secretary of Internal Affairs  
Pennsylvania

Vice-Chairman Hon. Ellwood J. Turner  
House of Representatives  
Pennsylvania

Hon. Maurice FitzGerald  
Assemblyman  
New York

Senator Robert C. Hendrickson  
New Jersey

Hon. Walter D. Smith  
Secretary of State  
Delaware

Mr. Hubert R. Gallagher  
Regional Representative  
Council of State Govern-  
ments.

## Members of Commission

### NEW JERSEY

Hon. Phillip D. Gebhardt  
Member, Assembly  
Senator Robert C. Hendrickson  
Hon. Crawford Jamieson  
Member, Assembly  
Mr. Charles P. Messick  
Chairman, State Planning Board

### NEW YORK

Senator Julius S. Berg  
Hon. Emerson D. Fite  
Member, Assembly  
Hon. Maurice FitzGerald  
Member, Assembly  
Mr. Wayne D. Heydecker  
Director, State Planning Board

### PENNSYLVANIA

Hon. James F. Bogardus  
Secretary of Forests and Waters  
Hon. Thomas A. Logue  
Secretary of Internal Affairs  
Hon. Ellwood J. Turner  
Member, House of Representatives  
Senator George A. Rupp

### DELAWARE

Mr. R. C. Beckett  
State Sanitary Engineer  
Mr. Charles H. Gant  
Secretary, Wilmington Board of Harbor  
Commissioners  
Hon. Walter D. Smith  
Former Secretary of State

### *Council of State Governments*

Mr. Hubert R. Gallagher  
District Representative  
Mr. David W. Robinson  
Commission Secretary

## Committee Organization

To organize itself more effectively in the consideration of its problems, a committee organization and work program was devised, and the members of the Commission gathered on December 11, in Trenton, New Jersey, to act upon the plan. Six standing committees were established to consider, in detail, and report back to the larger group, on the following phases of the water resources problem in the Delaware Basin: planning, engineering, legislation, financing, federal cooperation, and public cooperation.

The committee personnel follows:

*Committee on Engineering*

Mr. H. P. Croft, Chief Engineer  
State Department of Health  
Trenton, New Jersey

Mr. W. L. Stevenson, Chief Engineer  
State Department of Health  
Harrisburg, Pennsylvania

Mr. Nathan B. Jacobs, Water Consultant  
District No. 2  
National Resources Committee  
507 Westinghouse Building  
Pittsburgh, Pennsylvania

Mr. C. A. Holmquist, Director  
Division of Sanitation  
State Department of Health  
Albany, New York

Mr. R. C. Beckett  
State Sanitary Engineer  
Dover, Delaware

*Committee on Planning*

Dr. Charles P. Messick, Chairman  
New Jersey State Planning Board  
Trenton, New Jersey

Dr. Carl E. Ladd, Chairman  
State Planning Council  
Albany, New York

Dr. James F. Bogardus, Member  
State Planning Board  
(Secretary of Forests and Waters)  
Harrisburg, Pennsylvania

Mr. Harold Merrill  
Assistant Executive Officer  
Interior Building  
Washington, D. C.

Mr. Russell VanNest Black  
Consultant-Director  
New Jersey State Planning Board  
Trenton, New Jersey

Mr. Wayne D. Heydecker, Director  
Division of State Planning  
Albany, New York

Mr. F. A. Pitkin, Director  
Pennsylvania State Planning Board  
Harrisburg, Pennsylvania

*Committee on Financing*

(Incomplete)

Hon. Philip R. Gebhardt, Member  
New Jersey Assembly  
Clinton, New Jersey

Hon. Thomas A. Logue  
Secretary of Internal Affairs  
State Capitol  
Harrisburg, Pennsylvania  
(Chairman, Incodel)

Senator Julius S. Berg  
1650 Broadway  
New York City

*Committee on Federal Cooperation*

Judge Richard Hartshorne, Chairman  
New Jersey Commission on Interstate  
Cooperation  
Essex County Court House  
Newark, New Jersey

Hon. Charles J. Margiotti, Chairman  
Pennsylvania Commission on Interstate  
Cooperation  
(Attorney-General)  
State Capitol  
Harrisburg, Pennsylvania

Hon. Ellwood J. Turner, Member  
House of Representatives  
State of Pennsylvania  
602 Crozer Building  
Chester, Pennsylvania  
(Vice-Chairman, Incodel)

Hon. Henry W. Toll, Executive Director  
The Council of State Governments  
Chicago, Illinois

Hon. Harold C. Ostertag, Chairman  
New York Joint Legislative Committee  
on Interstate Cooperation  
Attica, New York

Hon. Thomas A. Logue  
Secretary of Internal Affairs  
State Capitol  
Harrisburg, Pennsylvania  
(Chairman, Incodel)

Mr. Hubert R. Gallagher  
Regional Representative  
The Council of State Governments  
New York City

*Committee on Public Cooperation*

(Incomplete)

Senator Robert C. Hendrickson  
Woodbury, New Jersey

Hon. Maurice FitzGerald, Member  
New York Assembly  
Long Island, New York

Hon. Ellwood J. Turner, Member  
House of Representatives  
State of Pennsylvania  
602 Crozer Building  
Chester, Pennsylvania

Mr. James W. Burnison, Chairman  
Camden Chamber of Commerce  
Camden, New Jersey

Hon. Wendell Phillips, Mayor  
Port Jervis, New York

Hon. Thomas B. Stockham, Mayor  
Morrisville, Pennsylvania  
(Member, Pennsylvania House of Representatives)

*Committee on Legislation*

(Incomplete)

Senator Crawford Jamieson  
Trenton, New Jersey

Hon. Emerson D. Fite  
Assemblyman  
Poughkeepsie, New York

Mr. John H. Fertig, Director  
Legislative Reference Bureau  
State Capitol  
Harrisburg, Pennsylvania

Hon. David T. Wilentz, Member  
New Jersey Commission on Interstate  
Coöperation

(Attorney-General)

State Capitol  
Trenton, New Jersey

Senator George A. Rupp  
Allentown, Pennsylvania

Hon. P. Warren Green  
Attorney-General  
Wilmington, Delaware