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SENATE JOINT RESOLUTION NO. 96

Offered January 12, 2012

Establishing a joint subcommittee to study the value received by Virginia from the Interstate Commission on the Potomac River Basin and its effects upon the viability of the Potomac as a source of drinking water, recreation, and other benefits. Report.

Patron—Marsden

Unanimous consent to introduce

Referred to Committee on Rules

WHEREAS, it has been determined that the abatement and control of pollution of interstate streams can best be promoted through a joint agency representing the several states located within the area drained by any such interstate stream; and

WHEREAS, a joint agency has been shown to be a cost-effective and efficient way of planning and implementing a program for the interstate sharing of the waters of the Potomac River Basin in times of shortage and drought; and

WHEREAS, the states of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia entered into a compact creating the Interstate Commission on the Potomac River Basin in 1940 and 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 harmless the pollution of the waters of the Potomac drainage area; and

WHEREAS, the regulation, control, and prevention of pollution is directly affected by the quantities of water in such streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of federal, state, local, and private agencies, groups, and interests concerned with the development, utilization, and conservation of the water and associated land resources of the conservancy district; and

WHEREAS, the Virginia General Assembly adopted Chapter 324 of the Acts of Assembly of 1940 on March 29, 1940, providing for the Commonwealth's participation in the compact and in the functions of the Interstate Commission on the Potomac River Basin; and

WHEREAS, Virginia and its residents derive substantial health and economic benefits from the coordination of activities related to the waters of the Potomac drainage area, including efforts to prevent and control the pollution of the drainage area; and

WHEREAS, the Potomac and its tributaries are the source of drinking water for three of every eight Virginians; and

WHEREAS, Virginia recently stated an intention to withdraw from the Commission after being a member for more than 70 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study Virginia's withdrawal from the Interstate Commission on the Potomac River Basin (ICPRB) and its effects upon the viability of the Potomac as a source of drinking water, recreation, and other benefits. The joint subcommittee shall have a total membership of six members, who shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and two members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint subcommittee shall:

Determine the value realized by Virginia from ICPRB activities in 2011, including but not limited to the restoration of American shad to Virginia's rivers; management of the supply of the shared interstate waters of the Potomac River Basin; analysis of data from continuous monitoring of the tidal Potomac water quality; Chesapeake Bay Restoration efforts, including a determination of the extent of the overlap or duplication of efforts between the ICPRB and the Environmental Protection Agency's Chesapeake Bay Program; watershed implementation modeling; and access to funds from the Environmental Protection Agency's § 106 Water Pollution Control Program Grant, and compare that value to the cost of Virginia's 2011 signatory contribution to the ICPRB;

Determine the extent to which Virginia's signatory contributions to the ICPRB satisfy the cost-sharing

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59 requirements of federal grants, such as Water Quality Management Grants under § 106 of the Clean
60 Water Act, and the amount of funding received by Virginia through the ICPRB as a result; and

61 Assess the consequences of Virginia losing its voice in any regional water-supply and
62 drought-management planning as a consequence of its withdrawal from the ICPRB at a time when water
63 resources are an increasingly important aspect of the strong growth in Northern Virginia.

64 Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates.
65 Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be
66 provided by the Division of Legislative Services. Technical assistance shall be provided by the Virginia
67 Department of Environmental Quality and the Virginia Department of Conservation and Recreation. All
68 agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon
69 request.

70 The joint subcommittee shall be limited to four meetings for the 2012 interim, and the direct costs of
71 this study shall not exceed \$11,280 without approval as set out in this resolution. Approval for
72 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
73 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
74 agreed to, written authorization of both Clerks shall be required.

75 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
76 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
77 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
78 joint subcommittee.

79 The joint subcommittee shall complete its meetings by November 30, 2012, and the chairman shall
80 submit to the Division of Legislative Automated Systems an executive summary of its findings and
81 recommendations no later than the first day of the 2013 Regular Session of the General Assembly. The
82 executive summary shall state whether the joint subcommittee intends to submit to the General
83 Assembly and the Governor a report of its findings and recommendations for publication as a House or
84 Senate document. The executive summary and the report shall be submitted as provided in the
85 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
86 and reports and shall be posted on the General Assembly's website.

87 Implementation of this resolution is subject to subsequent approval and certification by the Joint
88 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
89 delay the period for the conduct of the study, or authorize additional meetings during the 2012 interim.