

STATE OF WEST VIRGINIA
PRELIMINARY PERFORMANCE
REVIEW OF THE
WEST VIRGINIA'S MEMBERSHIP IN THE
INTERSTATE COMMISSION ON THE POTOMAC RIVER
BASIN

**Benefits Outweigh Monetary
Contributions
Congressional Appropriation Cut for
FY 1997**

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PE 97-03-74

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June 1997

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**Antonio E. Jones, Ph.D.
Director**

June 8, 1997

The Honorable Larry Wiedebusch
State Senate
403 Fern Drive
Glen Dale, West Virginia 26038-1005

The Honorable Vicki Douglas
House of Delegates
1003 Chestnut Drive
Martinsburg, West Virginia 25401

Dear Cochairs:

Pursuant to the West Virginia Sunset Law, we are transmitting this Preliminary Performance Review of the West Virginia's Membership in the Interstate Commission on the Potomac River Basin, which we will report to the Joint Committee on Government Operations, Sunday, June 8, 1997. The issues covered are "Benefits Outweigh Monetary Contributions and Congressional Appropriation Cut for FY 1997."

Sincerely,

A handwritten signature in cursive script, appearing to read "Antonio E. Jones".

Antonio E. Jones

AEJ/wsc

Enclosure

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EXECUTIVE SUMMARY

ISSUE 1: West Virginia is Getting More than Its Money's Worth Through Its Membership in the Commission.

West Virginia has received benefits from the Commission membership far exceeding its financial contribution. The minutes of the Commission reflect a significant nonfinancial contribution by West Virginia and other Commission members in allocating its resources to protect the Potomac River Basin. West Virginia has received over \$1.9 million in project benefits from the Commission since 1985. Meanwhile, West Virginia's contributions to the Commission over the same period totals \$373,322. The two major projects include the South Branch Flood Study where the Commission worked with Grant and Hardy counties and the Corps of Engineers in identifying methods for protecting the cities of Petersburg and Moorefield from future floods at a cost of \$773,851. The other project was the North Branch Recreation Project where the Commission helped in correcting the major source of mine drainage and developed recreational use goals for Jennings Randolph Lake at a cost of \$264,114.

ISSUE 2: The Commission has Lost Its Congressional Appropriation.

The Commission has received a Congressional Appropriation of \$511,000 for the last two years. However, due to congressional budget cuts, this appropriation was not made for the fiscal year 1997 budget. This cut would reduce the Commission's budget by approximately 25%. However, the Commission is currently attempting to have the appropriation reinstated for fiscal year 1998.

Review Objective, Scope and Methodology

This preliminary performance review of the **Interstate Commission on the Potomac River Basin** (the Commission) is required by the West Virginia Sunset Law, Chapter 4, Article 10, Section 11 of the **West Virginia Code**, as amended. The Commission is mandated to provide for state involvement with the interstate commission, coordinating protection and enhancement of the Potomac River. Preliminary performance reviews are intended to assist the Joint Committee on Government Operations in making one of five recommendations. These recommendations are:

- The department, agency or board be terminated as scheduled;
- The department, agency or board be continued and reestablished;
- The department, agency or board be continued and reestablished, but the statutes governing it be amended in specific ways to correct ineffective or discriminatory practices or procedures, burdensome rules and regulations, lack of protection of the public interest, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or fact or any other deficiencies;
- A performance audit be performed on a department, agency or board on which a preliminary review has been completed; or
- The department, agency or board be continued for a period of time not to exceed one year for the purpose of completing a full performance audit.

A preliminary performance review as defined in Chapter 4, Article 10, Section 3 of the **West Virginia Code**, as amended, is to determine the goals and objectives of a department agency, or board and to determine the extent to which the plan of a department, agency or board has met or is meeting those goals and objectives. The criteria for a preliminary performance review set forth in Section 11 of the Sunset Law, enable the determination of the following:

- If the department, board or agency was created to solve a problem or provide a service;
- If the problem has been solved or the service has been provided;
- The extent to which past board or agency activities and accomplishments, current projects and operations, and planned activities and goals for the future are or have been effective;
- The extent to which there would be significant and discernible adverse effects on the public, health, safety or welfare if the board or agency were abolished; and
- Whether or not the board or agency operates in a sound fiscal manner.

This preliminary performance review of the Commission began with a risk analysis of the commission's mission in which the possible risks associated with that purpose were defined. The risk analysis resulted in an audit plan to assess the following components of the Commission's

work:

1. Benefits West Virginia has received from its membership to the Commission.
2. The loss of a \$500,000 federal congressional appropriation from the Commission's budget.

Introduction & Background

The Commission serves as the focal point for coordinating programs for the management and protection of the water quality of the Potomac River Basin. The multi-state commission was established by Congress in 1940 and includes representation from the states bordering on or draining into the Potomac River as well as the District of Columbia and the Federal government.

The Commission consists of three commissioners and up to three alternates from each signatory body and three commissioners appointed by the President to represent the Federal government. The signatory bodies to this Commission include West Virginia, Maryland, Pennsylvania, Virginia, the District of Columbia and the Federal government (see Appendix 1). Each signatory has an equal vote on the commission.

The Potomac River Basin covers 14,555 square miles (see Appendix 2). The basin drains 3,390 square miles of West Virginia, 5,706 square miles of Virginia, 3,820 square miles of Maryland, 1,570 square miles of Pennsylvania and 69 square miles of Washington D.C. (See Table 1).

TABLE 1

MAKEUP OF THE POTOMAC RIVER BASIN

MEMBER	AREA (sq. mi.)	% OF BASIN
Virginia	5,706	39.2
Maryland	3,820	26.2
West Virginia	3,390	23.3
Pennsylvania	1,570	10.8
Washington D.C.	69	0.5
TOTAL	14,555	100.0

The Commission summarizes and distributes technical and other relative data, conducts studies, sponsors research and prepares reports on pollution and other water problems of the conservancy district. It cooperates with the legislative and administrative agencies of the signatory bodies and with other commissions and federal, local governmental and nongovernmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams and the utilization, and conservation of the water and associated land resources in the conservancy district. The Commission disseminates information to the public on stream pollution problems.

The agency cooperates with public and private organizations concerned with water problems in the formulation of programs and other activities relating to stream conservation. It recommends 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.

Referral of Complaints

The Commission refers complaints that it receives regarding illegal polluting of the Potomac River Basin to the appropriate state agencies that are responsible for enforcing environmental protection laws. In West Virginia, that agency is the Division of Environmental Protection.

ISSUE AREA 1: THE BENEFITS OF WEST VIRGINIA'S MEMBERSHIP IN THE INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN OUTWEIGH ITS FINANCIAL CONTRIBUTION.

The state's contribution is based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge. Currently, West Virginia has the second lowest contribution of the five signatories (see Table 2).

TABLE 2

THREE-YEAR BUDGET HISTORY OF THE INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN, FUNDING SOURCES

POLITICAL ENTITY	1994	1995	1996
WEST VIRGINIA	\$36,045	37,325	38,557
DISTRICT OF COLUMBIA	46,276	47,919	49,498
MARYLAND	104,289	107,991	111,555
PENNSYLVANIA	31,937	33,071	34,162
VIRGINIA	100,753	104,330	107,773
CONGRESSIONAL APPROPRIATION*	498,000	511,000	511,000
GRANTS	1,535,340	1,427,180	1,249,898
TOTAL	2,352,640	2,268,816	2,102,443

*The congressional appropriation was cut out of the 1997 budget; however, efforts are being made to have it reinstated for the 1998 budget.

Table 3 shows the direct benefit of membership in the Commission by listing projects and funding since 1985. To draw a comparison, the amount of contributions made by West Virginia for the same time period were identified (see Table 4).

TABLE 3**POTOMAC RIVER BASIN PROJECTS BENEFITTING WEST VIRGINIA**

PROJECT NAME	YEAR(S)	AMOUNT
Toxic Spill Model	1985-1986	\$20,000
Eastern Panhandle Ground Water Data Base	1986-1988	26,622
State Water Quality Assistance	1986-1997	50,000
South Branch Flood Study	1988-1995	773,851
North Branch Recreation Project	1989-1997	264,114
North Branch Erosion and Sedimentation Study	1991	3,619
Kanawha River Drought Study	1992	17,645
Potomac River Visions Project	1993-1997	248,941
Potomac River Living Resources Monitoring Program	1993-1997	156,289
Exotic Species in the Potomac River Watershed	1993-1997	3,148
Planning and Agency Support	1993-1997	123,082
Summary of the 1994 State Water Quality Assessments for the Potomac River Basin	1995-1996	70,250
Nutrient Reduction for Poultry Litter Use on Agricultural Lands	1994-1996	39,500
South Branch Watershed Study	1996-1997	3,858
Keyser Flood Study	1996-1997	2,000
Mid-Atlantic Highlands Potomac River Assessment Partnership	1997	49,456
Analysis of Stream and River Biological Indicators	1997	47,640
TOTAL		1,900,015

Note: For descriptions of the projects named in this table, refer to Appendix 3.

TABLE 4

WEST VIRGINIA'S FINANCIAL CONTRIBUTIONS COMMISSION AND
ANNUALIZED PROJECT FUNDS

FISCAL YEAR	CONTRIBUTION	PROJECT FUNDING*
1985	\$19,600	\$10,000
1986	20,300	23,041
1987	20,300	13,041
1988	20,300	109,772
1989	24,400	130,244
1990	25,620	130,244
1991	26,905	133,863
1992	28,250	147,889
1993	36,045	236,536
1994	36,045	249,703
1995	37,325	284,828
1996	38,557	191,025
1997	39,675	239,829
TOTAL	373,322	1,900,015

*Funds divided evenly over years of the project.

It can be seen that with the second lowest contribution among all the commission signatories, West Virginia has received benefits far exceeding its financial contribution. West Virginia has received over \$1.9 million in project benefits from the Commission since 1985. Meanwhile, West Virginia's contributions to the Commission over the same period of time totaled to only \$373,322 (See Table 3). This is a ratio of more than five to one or for every dollar the state contributed to the Commission.

Selected Projects

- A cross section of some of the projects that benefitted the state are as follows:
South Branch Flood Study, 1988-1995. The Commission worked with Grant and Hardy counties and the Corps of Engineers in identifying methods for protecting the cities of

Petersburg and Moorefield from future floods after the enormous damage caused by the Flood of November 1985. As local sponsor for the Corps of Engineers flood protection feasibility studies for Petersburg and Moorefield, the Commission carried out several of the study tasks as in-kind contribution, coordinated some of the project financing, and coordinated some of the liaison requirements. **Cost: \$773,851.**

- **The North Branch Recreation Project, 1989-1997.** Directed the North Branch Task Force which developed a resource plan; enacted the Jennings Randolph Lake Project Compact from natural resource laws and regulations on the lake project; worked with the U.S. Army Corps of Engineers on their Reconnaissance and Feasibility Studies for correcting the major source of mine drainage; and developed recreational use goals for Jennings Randolph Lake. **Cost: \$264,114.**
- **Nutrient Reduction for Poultry Litter Use on Agricultural Lands, 1994-1996.** Following a Commission meeting held in West Virginia which included lengthy discussion of water quality problems in the South Branch, staff members met with the Potomac Inter-Agency Water Quality Office in Moorefield. Commission staff demonstrated the Environmental Policy Integrated Climate, a field-scale computer model, to simulate several nutrient management scenarios and estimate the nitrogen and phosphorous losses for different soils and fertilizer schedules. **Cost: \$39,500.**
- **Eastern Panhandle Ground Water Data Base, 1986-1988.** The Commission coordinated the development of a computerized data base of ground water related information at the county health departments. **Cost: \$26,622.**
- **Kanawha River Drought Study, 1992.** As part of its work on the National Drought Study, the Commission assisted on the Kanawha River Drought Study centered in Huntington. The Commission provided assistance with computer specification and purchase, software implementation, computer model development, and project liaison. **Cost: \$17,645.**
- **Keyser Flood Study, 1996-1997.** Commission staff assisted Keyser in analyzing flood problems, developing request for state grant and organizing a local watershed organization. **Cost: \$2,000.**

Recommendation 1

West Virginia should continue its membership in the Interstate Commission on the Potomac River Basin.

ISSUE 2: CONGRESSIONAL APPROPRIATION TO THE COMMISSION WAS CUT FOR FY 1997.

The Commission has received a Congressional Appropriation of \$511,000 for the last two years. However, due to congressional budget cuts, this appropriation was not made for the fiscal year 1997 budget. This cut would reduce the Commission's budget by approximately 25%. The Commission is currently attempting to have this appropriation reinstated for fiscal year 1998; the Commission will not know if this appropriation will be restored until the Federal Budget is passed later this year.

If the Commission does lose this funding permanently, it will face decisions about how to handle a 25% budget cut. Projects will either be reduced in scope or eliminated completely. This means that benefits received by the state through these projects could be less than previous years.

Another possible effect of this reduction in funds from one source may be an increase in funding from signatories' annual contributions. West Virginia's annual contribution could go up but so would the annual contributions of all the signatories. If the annual contributions are increased, they will reflect the proportions that are established by the funding formula that is currently in use. For fiscal year 1998, the West Virginia Legislature appropriated \$41,064, a slight increase of \$1,389 from \$39,675 in FY 1997.

An alternative response to the budget cut would be to follow the signatories of Maryland, Pennsylvania and the District of Columbia by appropriating project grants to the Commission. The Commission then coordinates the projects with the broader purpose of the entire Potomac River Basin. This would continue the benefits received from such projects.

Recommendation 2

The West Virginia representation to the Commission should monitor the budget situation and report its impact to the Joint Committee on Government Operations by December 31, 1997.

APPENDIX A

West Virginia's Commission Members

Commissioners

John Caffrey, Director*
Division of Environmental Protection
#10 McJunkin Road
Nitro, WV 25143

Hon. Harold K. Michael
P.O. Box 300
Moorefield, WV 26836

Phyllis M. Cole
P.O. Box 69
Petersburg, WV 26847

Alternates

Barbara Taylor, Chief
Office of Water Resources
1201 Greenbrier Street
Charleston, WV 25311

Larry Smith
Route 1, Box 543-A
Berkeley Springs, WV 25441

Phoebe Fisher Heishman
P.O. Box 380
132 South Main Street
Moorefield, WV 26836

The Commission includes members from other political entities:

District of Columbia - 6

Maryland - 5

Pennsylvania - 6

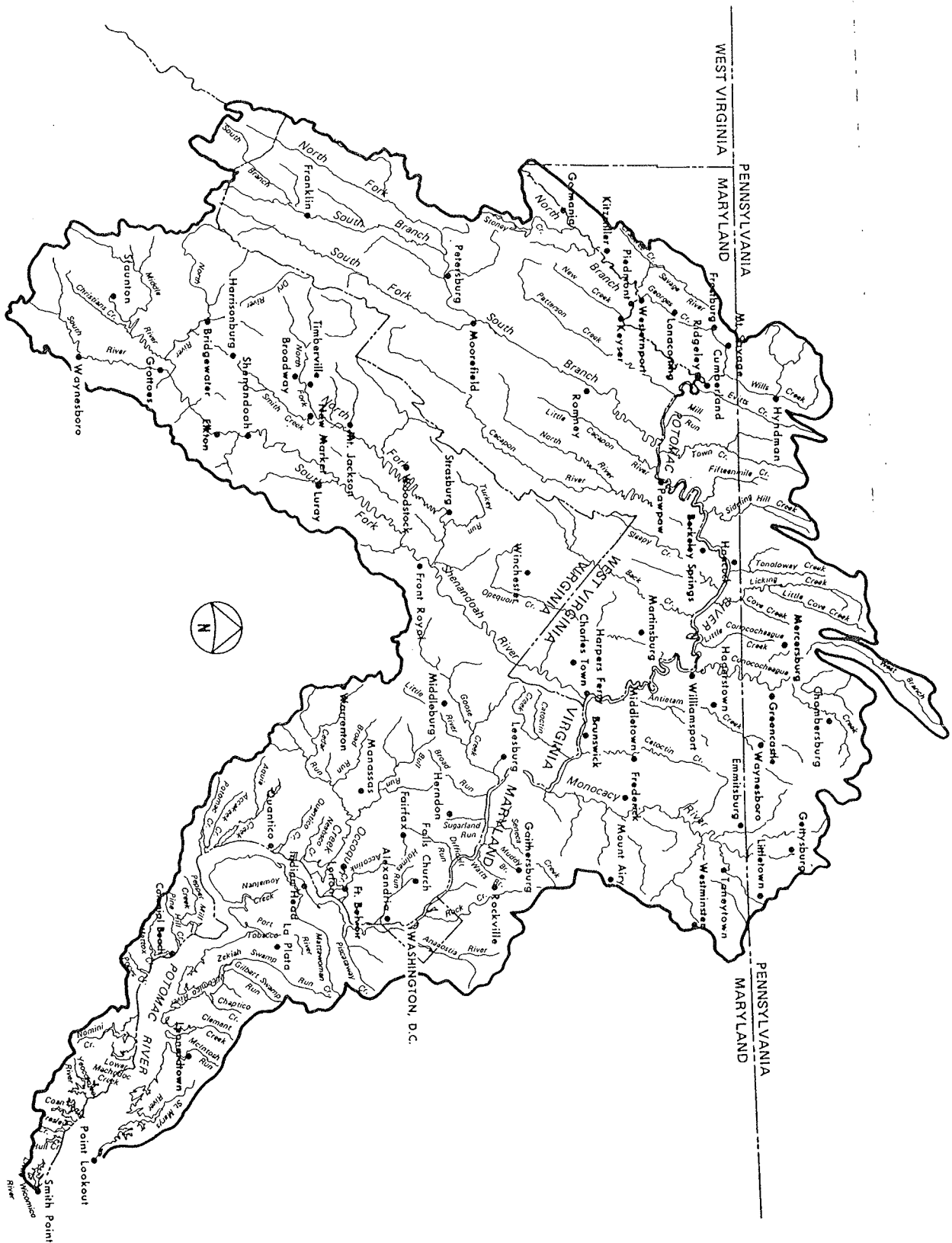
Virginia - 6

Federal - 3

The Commission also has a staff of 28 at a cost of approximately \$1,000,000.

*Dr. Eli McCoy was a member during the audit period. John Caffrey assumed the office of Director of the Division of Environmental Protection in 1997.

APPENDIX B



APPENDIX C

ICPRB PROJECTS BENEFITTING WEST VIRGINIA

WATER RESOURCES

South Branch Watershed Study, 1996-1997. Commission staff reviewed water quality data and supported the formation of a local watershed organization. **Cost: \$3,858**

Eastern Panhandle Ground Water Data Base, 1986-1988. The Commission coordinated the development of a computerized data base of ground water related information at the county health departments. **Estimated cost: \$26,622**

Toxic Spill Model, 1985-1986. The ICPRB co-sponsored the development of a time-of-travel and dispersion study of the North Branch, South Branch, main stem Potomac and major tributaries. Given a river location of a spill of a pollutant, the river flow, and quantity of spill, the model can predict the time of travel of the pollutant to any down stream location. The model is used several times a year to warn water suppliers who depend on the rivers for their water. **Estimated cost: \$20,000**

North Branch Erosion and Sedimentation Study, 1991. The Commission acted as local sponsor for a Corps of Engineers study of erosion and sedimentation in the North Branch watershed upstream of Jennings Randolph Lake. The concern for sediment in the lake is that it reduces storage capacity for beneficial uses and adversely affects recreation. **Cost: \$3,619**

South Branch Flood Study, 1988-1995. The Commission worked with Grant and Hardy counties and the Corps of Engineers in identifying methods for protecting the cities of Petersburg and Moorefield from future floods after the enormous damage caused by the flood of November 1985. As local sponsor for the Corps of Engineers flood protection feasibility studies for Petersburg and Moorefield, the Commission carried out several of the study tasks as in-kind contribution, coordinated some of the project financing, and coordinated some of the liaison requirements. **Study cost: \$773,851. Direct allocation to Grant County: \$153,000**

Keyser Flood Study, 1996-1997. Commission staff assisted Keyser in analyzing flood problems, developing request for state grant and organizing a local watershed organization. **Estimated project cost: \$2,000**

Kanawha River Drought Study, 1992. As part of its work on the National Drought Study, ICPRB staff assisted on the Kanawha River Drought Study centered at Huntington, WV. Staff provided assistance with computer specification and purchase, software implementation, computer model development, and project liaison. **Estimated project cost: \$ 17,645.**

WATER QUALITY

Nutrient Reduction for Poultry Litter Use on Agricultural Lands, 1994-1996. Following a Commission meeting held in West Virginia which included a lengthy discussion of water quality

problems in the South Branch, staff members met with the Potomac Inter-Agency Water Quality Office in Moorefield, WV. ICPRB staff demonstrated use of EPIC (Environmental Policy Integrated Climate), a field-scale computer model, to simulate several nutrient management scenarios and estimate the nitrogen and phosphorus losses for different soils and fertilizer schedules. A report was written describing the simulation results for one set of scenarios representing corn grown on a Monogahela silt loam. Total cost: \$39,500

Summary of the 1994 State Water Quality Assessments for the Potomac River Basin, 1995-1996. The basin states' 1994 Water Quality Assessments (305b reports) were summarized in a series of maps that showed, and compared, how each state evaluated its water quality in terms of designated uses and causes of use impairment. These maps are the first step in a multi year effort to develop create basin wide and regional summaries of water quality, and the causes of water quality problems. The maps and accompanying analyses will help the states understand how their part of the basin compares with other states, and will help ICPRB direct its resources toward the most important problems of the basin. Total cost: \$70,250

State Water Quality Assistance, 1986-1997. Each year a portion of staff time is allocated toward providing assistance to state and federal agencies in their environmental initiatives. Types of assistance include providing water quality information, conducting an analysis at the request of an agency, and participating in inter agency advisory committees. Annual expenditures are typically \$25,000 - \$50,000, but are not broken out by state.

An example of the kind of projects undertaken for West Virginia: In 1995, ICPRB commissioners requested that staff provide them with a review of data collected by the USGS in a study whose purpose was to see if increased levels of nutrients could be correlated with agricultural activities in the South Branch watershed. The data were obtained, summarized on maps, and interpreted for the commissioners.

Other state water quality assistance projects benefit the entire watershed. Two examples are *Status And Trends Of Toxic Water Quality Parameters In The Potomac River Basin* (1988), and *Potomac River Basin Water Quality 1986-1987* (1989). In the former report, trends were calculated for selected "toxic" parameters using data reported by all the basin states. The report showed regional and temporal patterns in measured concentrations of there parameters at stations throughout the basin. In the latter report, water quality data from stations throughout the basin were collected and compiled to show regional patterns in concentration. A report was written that summarized concentration levels and trends by region.

LIVING RESOURCES

North Branch Restoration Project 1989-1997. Continued assistance for resource planning, water quality improvement, and development of the recreational fishery on the North Branch, Potomac River. Activities included:

1991-1992: Developed and implemented projects which treated abandoned mine drainages, helped to acquire over 2500 acres of land for public use and access, coordinated the adoption of

The North Branch Potomac River Water Quality and Recreational Improvement Agreement.

1993-Present: Directed the North Branch Task Force. Task Force activities included:

1. Developing and refining a resource plan entitled "*Flowing to the Future*."
2. Enacting the **Jennings Randolph Lake Project Compact** for natural resource laws and regulations on the J.R. Lake Project.
3. Working with the U.S. Army Corps of Engineers on their Reconnaissance and Feasibility studies for correcting the major sources of mine drainage.
4. Development of recreational use goals for the Jennings Randolph Lake.

Cost: \$264,114.

Potomac River Visions Project, 1993-1997. Developing a stakeholder role among local, state and federal government agencies, non-profit organizations, citizen groups and business interests in protecting the special values of the Potomac while encouraging appropriate beneficial uses.

ICPRB authored the *Report on the Potomac River Watershed Visions Project*, the project's accompanying *Directory* and contributed to a Potomac River Greenways brochure and video.

Cost: \$248,941

Potomac River Living Resources Monitoring Program, 1993-1997. This long-term project inventories and obtains basin wide monitoring data sets to determining status and trends of key biological communities in the Potomac and links biological evaluations to water/habitat quality and man-made stresses. **Cost: \$156,289**

Mid-Atlantic Highlands Potomac River Assessment Partnership, 1997. Supports basin-wide monitoring program mentioned previously. Working with the Mid-Atlantic Highlands Coordinating Council's Assessment Workgroup and the Canaan Valley Institute to perform an assessment on the upper Potomac River basin (i.e., above Harper's Ferry, WV). **Cost: \$49,456**

Analysis of Stream and River Biological Indicators 1997. Supports basin-wide monitoring program mentioned previously. To identify and/or develop biological indicators and other indices for determining health of fisheries populations and correlating with water quality. **Cost: \$47,640**

Exotic Species in the Potomac River Watershed, 1993-1997. To track detection (monitoring) and control methods of exotic species such as Zebra Mussels, Grass Carp, Hydrilla and other exotic species and to inform the public about methods of transport, potential impacts, and current developments. **Cost: \$3,148**

Planning and Agency Support, 1993-1997. Non-specific support for state and federal initiatives and providing assistance in request for information by the public. Activities include presentations at non-project related public and/or technical meetings, responding to general inquiries about the biological conditions in the basin, and compiling information as requested.
Cost: \$123,082

PUBLIC AFFAIRS

The state has receive assistance and publicity from the Commission in the form of articles in its newsletter, the Potomac Basin Reporter, Through supply of materials and information to West Virginia citizens, decision makers, and administrators, through presentations to citizens and other groups, and through weekly public service announcements produced by the Commission and heard weekly on six West Virginia radio outlets.

APPENDIX D



DIVISION OF ENVIRONMENTAL PROTECTION
10 McJunkin Road
Nitro, WV 25143-2506

CECIL H. UNDERWOOD
GOVERNOR

JOHN E. CAFFREY
DIRECTOR

June 4, 1997

Antonio E. Jones, Ph.D.
Director
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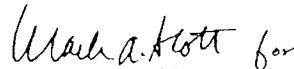
RE: Preliminary Performance Review
of West Virginia's Membership in
Interstate Commission on the
Potomac River Basin

Dear Dr. Jones:

Our office has reviewed the draft report prepared by your staff on the above-referenced performance audit. We are in concurrence with the findings and recommendations contained in the report. In particular, we are aware of the issue regarding the loss of federal appropriations to support the Commission. As one of the three West Virginia members on the Commission, I will be monitoring the efforts to restore this funding, and in consultation with the other West Virginia members will advise the Legislature of any developments in this area.

Thank you for the opportunity to comment on the draft report.

Sincerely,


John E. Caffrey
Director

cc: The Honorable Harold Michael
Phyllis Cole
Herb Sachs, ICPRE

