

INCODEL BUSINESS MEETING

Philadelphia, Pennsylvania  
December 19, 1941

974.901  
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THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

CALENDAR PREFACE

Incodel Meeting, December 19, 1941  
Philadelphia, Pennsylvania

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The war emergency will, undoubtedly, affect the staff, facilities, and work-program of Incodel either separately or collectively.

On Monday, December 8, 1941, Chairman Turner directed that telegrams be sent to the Governors of Delaware, New Jersey, New York, and Pennsylvania, reading as follows:

"Staff and facilities of Interstate Commission on the Delaware River Basin available to you and your State Defense Council during emergency for purpose of expediting sabotage prevention programs on municipal water works and other utilities or for any assigned purpose. Our extensive experience in organizing and developing unified plans of action calling for coordination and cooperation among public officials and governmental units is at your service. Respectfully yours."

The same day a telegram was directed to Frank Bane, Executive Director of the Council of State Governments, who is also serving at this time as the head of the State and Local Government Branch of the Civilian Supply Division of the Office of Production Management, reading:

"Staff and facilities of Interstate Commission on the Delaware River Basin available to you and Council of State Governments during emergency for local, regional, or national defense purposes".

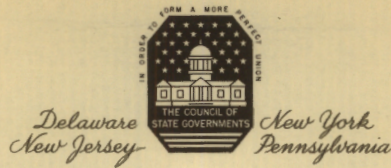
During the organization phases of the nation's defense effort the normal Incodel program will be carried on as rapidly as possible.

Today's calendar reflects, I believe, this determination.

Respectfully yours,

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David W. Robinson  
Executive Secretary



# INTERSTATE COMMISSION

*on the Delaware River Basin*

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SENATOR ROBERT C. HENDRICKSON  
VICE CHAIRMAN

DAVID W. ROBINSON  
EXECUTIVE SECRETARY

MEMBERS OF COMMISSION

*DELAWARE*

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STATE SANITARY ENGINEER

HON. JOHN M. CONWAY  
MEMBER OF HOUSE OF REPRESENTATIVES

MR. CHARLES H. GANT  
MANAGER AND SECRETARY,  
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SENATOR BURTON S. HEAL

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SENATOR ROBERT C. HENDRICKSON

DR. CHARLES P. MESSICK  
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HON. JOSEPH C. PAUL  
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MRS. MARY G. ROEBLIN  
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*THE COUNCIL OF  
STATE GOVERNMENTS*

WAYNE D. HEYDECKER  
REGIONAL REPRESENTATIVE

## INCODEL BUSINESS MEETING

Philadelphia, Pennsylvania  
December 19, 1941

- I. Minutes of the Previous Meeting.
- II. Report of Executive Secretary.
- III. Report of Committee on Planning.
- IV. Report of Committee on Quantity.
- V. Report of Committee on Quality.
- VI. Report of Committee on Information and Research.
- VII. Finances.

Incode1 Calendar  
Business Meeting

NUMBER I:

Reading of Minutes of Previous Meeting.

By: The Executive Secretary

ACTION REQUIRED:

ACTION RECOMMENDED:

By:

ACTION TAKEN:

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

SUMMARY

of

MINUTES OF INCODEL MEETING  
Philadelphia, Pennsylvania  
October 24, 1941

A business meeting of the Interstate Commission on the Delaware River Basin was held on Friday, October 24, in the Commission offices, Philadelphia. The following Commissioners were present: from Delaware: Messrs. Beckett, Gant, and Heal; from New Jersey: Messrs. Hendrickson, Paul, and Mrs. Roebling; from New York: Messrs. Thompson and Warner; from Pennsylvania: Messrs. Heyburn and Turner; from the Council of State Governments: Mr. Wayne D. Heydecker.

The Commission having requested attendance at this business meeting of the members of its Advisory Committees, also noted the attendance of the following members of these groups: Messrs. Critchlow, Forbes, Rudolfs, Ryder, and Saville.

Calendar of Business

With Chairman Turner presiding, the meeting convened at 10:40 A.M. with a reading of the minutes of the previous meeting held in Philadelphia on July 25, 1941. Upon motion made by Mr. Paul, seconded by Senator Hendrickson and agreed to, the minutes were approved as read with a correction on page 3 indicating a motion made by the Chairman at the previous business meeting which motion was made by Commissioner Gant of Delaware.

There followed a reading of the Report of the Executive Secretary which covered a schedule of the meetings to be held during the day both in the office and at the Engineers Club. Office activities were briefly reviewed

as relating to (1) the advance planning and management of the conference on water pollution abatement in the Delaware River Basin; (2) a continuation and extension of the work on the Quantity Committee's program; and (3) a special investigation of the economic effects of salinity upon large industrial users of water in the lower Delaware River.

The Report of the Executive Secretary also reviewed reports issued by the Commission since its last meeting and included a statement of progress on the development of an interstate program covering fish and wild life resources, which is being prepared for the Advisory Committee. Upon motion made by Senator Warner, seconded by Senator Heal, and agreed to, the report of the Executive Secretary was approved for filing.

#### Committee Reports

No report for the Incodel Advisory Committee on Planning was submitted.

An informal staff report covering the activities of the Incodel Advisory Committee on Quantity of Water in the Delaware River Basin was read and discussed in detail both among the Commission and with Messrs. Critchlow and Ryder, representing the Committee. The Commission, noting that an agreement had been reached in regard to each of the three reservations made by Committee members in their "Survey and Report Relating to Rules Governing the Operation of Water Supply Projects Involving the Diversion of Delaware River Waters", and that a finally revised report covering the Committee's recommendations on all points is to be submitted at the next business meeting of the Commission, extended a special vote of thanks to the members of the Committee for the completion of this significant task. The motion was made by Senator Heal, seconded by General Thompson, and agreed to.

Further noting the recommendation of the Committee that the next step should be to refer the technical engineering agreement to a legal consultant for a review of its legal features, as well as for the purpose of putting the agreement into the form of a statute for submission to the four state legislatures, the Commission instructed its Executive Committee to give immediate consideration to this matter and to be prepared to report their findings back to the Commission at its next meeting. This motion was made by Mr. Paul, seconded by Senator Heyburn, and agreed to.

Committee on Quality

The informal staff report submitted in behalf of the Incodel Committee on Quality briefly reviewed the legal proceedings undertaken by the City of Philadelphia in connection with a sewer rental ordinance which was held to be unconstitutional by the lower court of Philadelphia County, and appealed to the State Supreme Court where the decision of the lower court was affirmed. Incodel's participation throughout these proceedings was noted.

By reason of this situation, two resolutions, one on domestic water pollution in the Delaware River Basin with particular reference to the City of Philadelphia and the other on industrial waste pollution, were proposed and adopted upon motion made by Senator Hendrickson, seconded by Senator Heal and agreed to. Copies of these two resolutions are appended.

The Chairman then discussed the problem of Schuylkill Valley mine drainage and coal culm wastes which is of such importance to the City of Philadelphia and, in lesser degree, to the interstate program of water pollution abatement and control. Following this discussion, the Chairman was authorized to state, on behalf of the Commission, at the Conference to follow that Incodel would be glad to offer the services of its staff and facilities for a unified city, state, and federal planning and programming

effort to eliminate the sources of pollution from mine operations, if requested to do so by the authorities of the three levels of government.

Finances

The Report of the Incodel Treasurer comprised statements of Incodel Accounts Current and Payable for the months of February-June, 1941. These accounts totalling: for February, \$2,033.97; for March, \$2,278.87; for April, \$3,099.76; for May, \$2,256.02; and for June, \$2,575.84, were approved for payment upon motion made by Mr. Paul, seconded by Senator Heyburn and agreed to.

Following approval by the Commission at its business meeting of July 25, an independent audit of Incodel's fiscal operations for the year 1940-41 was undertaken by the accounting firm, E. B. Revell & Co. Copies of this audit were available to each Commissioner; an additional copy is included with this material for review. Formal approval of this audit will be requested at the next business meeting of the Commission.

There being no further business, the meeting of the Commission adjourned at 12:05 P.M.

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

I.

A RESOLUTION

on

DOMESTIC WATER POLLUTION

IN THE DELAWARE RIVER BASIN

(with particular reference  
to the City of Philadelphia)

as adopted on

Friday, October 24, 1941

1. WHEREAS, the discharge of untreated sewage into the waters of the Commonwealth of Pennsylvania has been prohibited by the General Assembly under the Act of April 22, 1905, followed later by the Act of June 14, 1923, and most stringently demanded by the Anti-Pollution Act of June 22, 1937, currently in effect, and,
2. WHEREAS, the City of Philadelphia, under the terms of the 1905 Purity of Waters Act, was directed to prepare a comprehensive plan for the collection, treatment, and disposal of the City's domestic wastes, which plan was presented to and accepted by the State Department of Health in 1915 with the requirement that the City embark upon an immediate construction program to carry out the detailed specifications of its comprehensive plan, and,
3. WHEREAS, the execution of this plan was delayed by the first World War and its aftermath, with the result that a supplemental agreement was made between the Commonwealth and the City, in 1922, under the terms of which the City obligated itself to spend a minimum of three million dollars annually on sewage works construction until the completion of its program, and,

A Resolution on Domestic Water Pollution - 2

4. WHEREAS, the City complied with the terms of this agreement for a period of only six years, during which less than twenty million dollars was appropriated for sewage collection, treatment, and disposal, and,
5. WHEREAS, since 1929, no substantial appropriations have been made by the City, leaving it in excess of 38 million dollars in arrears on its sewage construction program, with the result that the Sanitary Water Board has refused to issue permits for the City to continue its discharge of untreated sewage into the Delaware and Schuylkill Rivers and has demanded that the City proceed forthwith to comply with the law, and,
6. WHEREAS, various methods for the financing of this urgently needed public improvement are available to the City, including (1) the Act of May 28, 1937, authorizing municipalities engaged in the construction of sewage disposal projects to issue non-debt revenue bonds, to be secured by sewer rentals, or (2) the Act of July 18, 1935, as amended May 14, 1937, conferring upon municipalities broad powers to construct sewage treatment works by contracting with a Public Authority for the furnishing of sewage treatment services and to impose an annual rental or charge for the use of sewer systems, or (3) the Act of June 27, 1937, which similarly confers upon municipalities the power to issue and sell non-debt revenue bonds and secure the same by the pledge of sewer rentals, and,
7. WHEREAS, communities in the Delaware River Basin above Philadelphia have, with relatively few exceptions, constructed at considerable expense, and are now maintaining, sewage collection and treatment facilities, and,

8. WHEREAS, communities in the Delaware River Basin below Philadelphia have constructed at considerable expense, and are now maintaining, sewage collection and treatment facilities and are rightly demanding that their source of water supply, the Delaware River, be protected from pollution by the daily discharge of 350 million gallons of raw sewage into the River by the City of Philadelphia, and,
9. WHEREAS, the Cities of Camden, Gloucester, and Beverly and the Boroughs of Riverton, Palmyra, and Swedesboro, in the South Jersey section of the Delaware River Basin have been served with legal orders to cease their present discharge of untreated wastes into the waters of the Delaware River Basin as issued under the authority of the New Jersey Department of Health:

NOW, THEREFORE, BE IT RESOLVED, by the Interstate Commission on the Delaware River Basin:

That the Sanitary Water Board of the Commonwealth of Pennsylvania be urged to make use of the powers granted to it for such purposes by the General Assembly of the Commonwealth under the Act of June 22, 1937, and proceed in the name of the Commonwealth upon relation of the Attorney General to institute suit in equity or at law, in the manner prescribed in the Act of the General Assembly, to prevent the continued and unlawful discharge of untreated domestic sewage into the waters of the Delaware and Schuylkill Rivers by the City of Philadelphia.

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

II.

A RESOLUTION

on

INDUSTRIAL WATER POLLUTION

IN THE DELAWARE RIVER BASIN

as adopted on  
Friday, October 24, 1941.

1. WHEREAS, municipal sewage treatment and disposal problems are of primary importance in the Philadelphia-Camden zone of the Delaware River Basin where the sewage volume is directly proportional to the dense concentration of population; and,
2. WHEREAS, the industrial trade waste treatment and disposal problems in the Delaware River Basin, as elsewhere, vary much in difficulty and in the degree to which the industries may be expected to meet the cost of construction, so that it is impossible to devise any standardized form of treatment that could satisfactorily and economically produce the desired result for all industries; and,
3. WHEREAS, by the construction, maintenance, and operation of municipal sewage collection, treatment, and disposal systems, a substantial part of industrial trade wastes, now discharged into municipal systems, would receive treatment; and,
4. WHEREAS, this Commission, as a public agency, has held and maintained the view that adequate municipal sewage collection and treatment facilities must be secured before the industrial waste problem can be vigorously attacked,

A Resolution on Industrial Water Pollution - 2

NOW, THEREFORE, BE IT RESOLVED, by the Interstate Commission on the Delaware River Basin:

That the water pollution problem of first priority in this watershed is the construction, maintenance, and operation of adequate municipal sewage collection, treatment, and disposal systems, and further, that immediate resumption of work in carrying forward to speedy completion the City of Philadelphia's plan of domestic waste disposal is by far the most important project in the entire Delaware River Basin.

Incode1 Calendar  
Business Meeting

NUMBER II: Report of the Executive Secretary

STATEMENT: See attached copy.

ACTION REQUIRED: Review and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

REPORT OF EXECUTIVE SECRETARY

Incodel Meeting, December 19, 1941  
Philadelphia, Pennsylvania

In the six weeks that have elapsed since the last Incodel meeting, the staff has been engaged in three major activities: (1) a follow-through on the water pollution abatement and control program which successfully highlighted the conference at the Engineers Club; (2) completion of the engineering features of the interstate water supply diversion agreement; and (3) a continuation of the investigation on possible multiple-purpose developments in the watershed.

The first of these is separately reported upon in the informal staff report submitted in behalf of Incodel's Advisory Committee on Quality; the second and third items are covered in the staff report for the Quantity Committee. A consideration of the latter constitutes the major business for this meeting.

Publications

The abridged proceedings of the conference held in Philadelphia on October 24 under the joint sponsorship of Incodel and Engineers Club affiliates, were prepared and published by the Commission early in November under the title, "Water Pollution Abatement in the Delaware River Basin, with special reference to the City of Philadelphia." This pamphlet was widely distributed to the Incodel general mailing list as well as to those who registered at the conference.

Publicity

The Engineers Club meeting was well covered, particularly by the local press and by professional journals. Coming as it did near the end of a peak publicity period on water conditions in Philadelphia's rivers, the "timing" of the discussion at the meeting was especially fortunate.

Considerable additional publicity was received by the Commission during the past three weeks in connection with our efforts to speed along Philadelphia's sewage treatment and disposal program by clearing away federal impediments. Having made several direct and indirect inquiries to the Federal Security Administrator, Paul V. McNutt, as to when the City might expect action on its application for federal assistance (an application that was prepared and filed with the federal authorities at their specific request) and having been given no satisfaction, another letter was drafted and sent to Governor McNutt.

This letter was made available to the newspapers. It was treated constructively by all local papers (with the exception of the Philadelphia RECORD, which somehow lost its voice on water matters early in November); it was upheld editorially by the INQUIRER and by the EVENING BULLETIN.

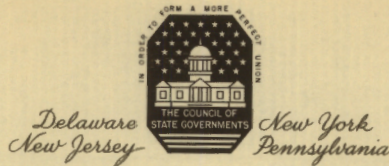
Governor McNutt's response, dated December 13, is attached, along with a copy of the Commission's original inquiry.

Respectfully submitted,

David W. Robinson  
Executive Secretary

ADDENDUM: Through the Incodel Chairman, your Secretary is on temporary loan to the Office of Production Management.

The Chairman will desire to make an explanation of this arrangement and possibly other related matters.



# INTERSTATE COMMISSION

*on the Delaware River Basin*

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December 1, 1941

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*THE COUNCIL OF  
STATE GOVERNMENTS*

WAYNE D. HEYDECKER  
REGIONAL REPRESENTATIVE

Hon. Paul V. McNutt  
Director, Federal Security Administration  
Washington, D. C.

Dear Governor McNutt:

A month ago, on the third of November, you issued a statement outlining your preliminary findings as a result of the federal survey of water supply and water pollution difficulties in Philadelphia. You indicated that these are local problems and, as such, that their correction must be locally financed. You inferred doubt as to the possibility of federal assistance.

More than thirty days having elapsed since the federal government's survey of water pollution in Philadelphia's rivers, I believe that the city is entitled to a direct and final answer as to whether or not the federal government is willing and able to assist this municipality in the financing of its comprehensive plan of sewage collection and treatment.

Realizing, as they do, the urgency of this situation, I should think that the city authorities would nevertheless hesitate to embark upon a local program of correction and control until some final word is received from Washington.

If this situation is as important to national defense today as it was the early part of November, federal authorities can expedite a solution by decisive action on the city's application for a grant of federal funds.

If the federal appropriation under the Lanham Act has been completely allocated to other areas and if no other source of grants-in-aid or loans is available, I believe these facts should be stated and the city informed that it has no chance at this time to secure federal funds.

The danger in delay lies in the fact that it is difficult to press for local action (action that the municipal government may be willing to take) as long as the possibility of federal aid remains.

Respectfully yours,

David W. Robinson  
Executive Secretary

DWR:BC

FEDERAL SECURITY AGENCY  
Washington

COPY

December 13, 1941

Dear Mr. Robinson:

This will acknowledge receipt of your letter of December 1 making inquiry as to the status of the application by the City of Philadelphia for Federal financial assistance in the construction of intercepting sewers and sewage treatment facilities under the Defense Public Works program.

Under the Act providing for the construction of needed public works in defense areas, the Federal Works Agency is charged with the responsibility of administering the funds which were appropriated. We are advised by the Federal Works Agency that practically the entire \$150,000,000 which was made available under P. L. 137 has been allocated for projects already approved for construction. There would seem to be no chance of obtaining funds for the proposed Philadelphia sewerage work from the appropriation already made.

The Act under which Federal grants for defense public works have been made provides that these are authorized for the construction of works necessary to the health, safety, or welfare of persons engaged in national defense activities to the extent that national defense activities would be impeded if the necessary works were not provided. The U. S. Public Health Service, a bureau of the Federal Security Agency, has cooperated with the Federal Works Agency in determining where Federal aid should be extended for projects providing for health and sanitation needs in defense areas.

The Philadelphia sewerage project has not as yet been referred to the Public Health Service for formal recommendation. However, from data at hand, it does not appear that the local nuisance conditions adjacent to the rivers in Philadelphia, however disagreeable to the population in the vicinity, are such that defense activities would be impeded if sewage treatment were not provided. Although Federal financial assistance on the proposed project probably can not be recommended under the existing limitations for Defense Public Works projects, this fact does not detract from the needs for sewage treatment at Philadelphia nor the desirability of installing facilities therefor at an early date.

Sincerely yours,

(signed) Paul V. McNutt

Administrator

Mr. David W. Robinson  
Executive Secretary  
Interstate Commission on the Delaware River Basin  
Broad Street Station Building  
Philadelphia, Pennsylvania

IncoDel Calendar  
Business Meeting

NUMBER III: Report of Committee on Planning

STATEMENT: See attached copy

ACTION REQUIRED: Review, discussion, suggestions,  
and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

IncoDel Calendar  
Business Meeting

NUMBER IV: Report of Committee on "Quantity"

STATEMENT: See attached copy.

ACTION REQUIRED: Review, discussion, suggestions, and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

SUPPLEMENT TO

INFORMAL STAFF REPORT

ADVISORY COMMITTEE ON QUANTITY OF WATER

Incode1 Meeting, December 19, 1941  
Philadelphia, Pennsylvania

Legal Consultant

The Incodel Advisory Committee on Quantity has recommended that the technical engineering agreement on water supply diversions that they have formulated should receive the benefit of legal review and draftsmanship. They have further suggested that, in view of the long history of litigation over state rights and responsibilities in the Delaware River Basin, such a consultant might preferably be secured from outside of this four-state area. Specifically, they suggest the importation of legal talent from the New England states where a water controversy similar to the Delaware River Case occurred between the States of Connecticut and Massachusetts in 1931.

At its last meeting the Commission instructed its Executive Committee to give immediate consideration to this matter and to be prepared to report their findings back to the Commission at this meeting.

An Alternative

Whereas the Quantity Committee has made a definite recommendation, another point of view might reasonably be taken and should be considered by the Commission.

What Incodel seeks is a general legal review of the engineering agreement covering the conditions under which water supply diversions may be made in the Delaware River Basin. This would seem to involve three major problems:

(1) a review and revision, if necessary, of the language of the agreement, particularly as to the phrasing of definitions;

(2) a review and recommended revision, if necessary, of the proposed administrative features of the agreement; and

(3) a structural arrangement of the material under (1) and (2) as reciprocal legislation for consideration by the States of New Jersey, New York, and Pennsylvania.

Inasmuch as the body of the proposed legislative bill will be composed of the technical sections and formulae drafted and agreed upon by the Committee and in which no changes--other than in form of expression--will be possible, and since the questions pertaining to administrative features are largely matters of policy which will have to be referred to the Commission itself for final determination, the major task of a legal consultant would appear to be restricted to legislative bill drafting. Accordingly, the Commission may not be disposed to seek legal counsel of a character and cost incommensurate with the job.

On the other hand, you are aware of the struggle we have had in arriving at this interstate agreement; you are cognizant of the fact that, by reason of past conflicts, intense rivalries and jealousies do exist among the states in this watershed over the resources of the Delaware River Basin; you are familiar with the tremendous amount of pioneering work that has been done, through Incodel, on this subject, which should result in substantial recognition.

You may, therefore, prefer to accept the recommendation of your advisory committee.

Personnel

Acting upon the suggestion of the Quantity Committee and the direction of the Commission, an effort has been made to discover and to interview possible and available legal consultants.

Working through General Sanford H. Wadhams, Director of the State Water Commission of Connecticut, and through Senator Henry Parkman, Jr., of Boston, Massachusetts, several possibilities were explored, including Mr. Bentley W. Warren of Boston who served as Senior Counselor for the State of Massachusetts in their Supreme Court case over water diversions from the Connecticut River Basin, and Colonel Ernest S. Averill, of Connecticut, who during the 1931 litigation was serving as State Attorney General and was in charge of the presentation of Connecticut's case.

Either of these gentlemen would be admirable; both are intimately acquainted with the character of our problem.

A third possibility, and one suggested by each of the above, is Mr. R. Ammi Cutter of Boston who was Junior Counselor for Massachusetts in the Connecticut River Case and who did the bulk of the work in preparing for that litigation. Inasmuch as the Connecticut-Massachusetts case followed the Delaware River Case by a short time (and was subsequently decided by the Supreme Court on the same basis as the Delaware case), Mr. Cutter followed the details of the New York-New Jersey-Pennsylvania conflict with great care and is thus familiar with its ramifications.

I requested Mr. Cutter to write a letter to the Commission covering his interest and qualifications along with some indication as to his estimate of a reasonable fee.

A copy of that letter is attached.

PALMER DODGE BARSTOW WILKINS & DAVIS

(Storey Thorndike Palmer & Dodge)

53 State Street  
Boston

December 9, 1941.

David W. Robinson, Esq.,  
Interstate Commission on the Delaware River Basin,  
Broad Street Station Building,  
Philadelphia, Pennsylvania

Dear Mr. Robinson:

Sunday presented me with an opportunity to go over the material you left with me. I think I understand in general the problem which now confronts the Commission.

I have talked with some of my partners about the suggestion, made by you, that I might be retained as counsel to draft appropriate reciprocal legislation for introduction in the legislatures of the several states affected, and they are entirely willing that I undertake this work. The problems involved interest me very greatly, particularly because of my former connection, as assistant counsel for Massachusetts, with the case of Connecticut v. Massachusetts, which was before the Supreme Court of the United States at about the time the Delaware River case was being tried.

The time which will be consumed on any law matter is always hard to estimate in advance, and the time which will be needed for the proposed work seems to me especially difficult to predict. Accordingly, I suggest that, if the Commission decides to retain me for this work, it be upon a per diem basis when I am away from Boston and on an hourly basis when I am here. A reasonable per diem figure for public work of this nature would seem to me to be \$100 a day plus normal travel and other expenses when away

December 9, 1941.

from Boston. A reasonable hourly charge while in Boston would be \$15 an hour plus actual disbursements for mimeographing, long distance calls, and similar matters. I should probably want to have one of my junior associates work with me on some phases of this work - and would normally charge \$5 an hour for his time. For any legal work done by my partners (and some such work may be desirable if speed is essential) I should expect to charge on the same basis as for my own time. I make these suggestions in detail because I recognize that you will wish to discuss these matters with the Commission or some of its members.

I should suppose the work would fall into the following general categories:

I. Preliminary Examination of the Problem

This would involve

A. Consultation with the Engineering Committee (Messrs. Critchlow, Ryder and Suter) with a view to obtaining a full understanding of their recommendations and program.

B. Examination of available reports of the Commission and Agencies of the various states dealing with the problem.

C. Consultation with the Commission or with representatives of the Commission to obtain their views of the problem.

D. Examination of the available material on the legal problems involved, so far as this material has been gathered by the Commission or others. Of course, from my work in the Connecticut v. Massachusetts case, I am familiar with some, at least, of the material.

II. Determination of legal problems requiring further or special study. Some of these problems, of course, in various respects must already have been given consideration in connection with the pollution bill.

David W. Robinson, Esq. -- 3.

December 9, 1941.

III. Drafting the proposed legislation on the basis of the December 1, 1941 report of the Engineering Committee, in consultation with members of that Committee and representatives of the Commission.

The amount of time involved in each phase of the work cannot readily be foreseen. If only a short time is available, some of the work will have to be compressed. I submit this brief outline merely to give you my understanding of the problem as you outlined it, when you came to my office on Friday morning. If I have misunderstood what is involved, I assume you will let me know.

I hope this letter contains the material for which you asked. If there is any further information which I should have furnished, please inform me.

If you think it desirable, I shall be glad to examine in the near future such of your publications as you feel I should look at promptly. It would seem to me (from their descriptions in the pamphlet "Incode Publications") that Series A, Nos. 1, 3, 4, 5, 6 10, 11, 12, 14, 17, 21 31a and b and 32 and your Base Map C (B-20) would be particularly useful. Series A 22 might indicate in considerable detail what other material is available.

Very truly yours,

(signed R. A. Cutter

P.S. After dictating the above the package of additional material which you sent me arrived and is hereby acknowledged with thanks.

R.A.C.

Incodel Calendar  
Business Meeting

NUMBER V: Report of Committee on "Quality"

STATEMENT: See attached copy

ACTION REQUIRED: Review, discussion, suggestions  
and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

INFORMAL STAFF REPORT

INCODEL ADVISORY COMMITTEE ON QUALITY

Philadelphia, Pennsylvania  
December 19, 1941

In Pennsylvania

During the last business meeting of Incodel, two Resolutions were adopted dealing with domestic and industrial water pollution, respectively.

Copies of these Resolutions were sent to the State Sanitary Water Board in Harrisburg along with a covering letter explaining that the discussion of these two Resolutions by the Commission led to the following conclusions: (1) that the Sanitary Water Board should not longer remain inactive on the Philadelphia water pollution problem since, to do so, would unfairly expose the Board to continuing public criticism; (2) that the City of Philadelphia should not be permitted further procrastination inasmuch as there are several alternate methods for financing the City's sewage disposal program. It was further explained that the Commission believed its proposed procedure would result in relieving both the Sanitary Water Board and the City of Philadelphia of official and unofficial, public and private, pressures.

Receipt of these two Resolutions was formally acknowledged by the Secretary of the Board, J. R. Hoffert, without comment.

City of Philadelphia

On Monday, November 17, the Chairman arranged a conference with Hon. Bernard Samuel, the Mayor of Philadelphia, to discuss a method of financing the City's sewage disposal program. The Mayor was attended by the City Solicitor and the Director of Public Works.

Following a lengthy discussion of the various possibilities available to the City, the Incodel Chairman proposed a definite program for proceeding with this work which, with some refinements proposed by the City authorities, was agreed upon as a feasible and progressive solution.

A sewer rental system based upon water use (that is, a levy based upon  $1/4$  of individual water bills up to \$100.00 and  $1/8$  of individual water bills over that amount) was agreed upon as a reasonable and--in view of the direct invitations contained in previous court decisions--wholly constitutional method of financing a portion of the cost of the improvements. Such a levy would produce approximately  $1\frac{1}{2}$  million dollars annually.

For the year 1942, the Mayor agreed to request City Council to appropriate a million dollars from the City's general funds for sewage collection and treatment purposes.

A third source of revenue, for 1942, amounting to \$750,000 is available from past borrowings, authorized but not drawn upon.

These three sources, totalling \$3,250,000 would represent the City's program for next year. The expenditure of this sum of money would further represent all of the construction work that the City could physically undertake during the next twelve months.

Beginning with 1943, the City will regain its borrowing capacity, due to the retirement of bonds, and each year thereafter this condition will improve. Accordingly, the plan calls for the expenditure of approximately 5 million dollars in 1943 for sewage collection and treatment purposes ( $1\frac{1}{2}$  million from sewer rentals,  $3\frac{1}{2}$  from current borrowing); 7 million dollars in 1944; and 10 million dollars in each of the succeeding three years, at the end of which period the City's comprehensive plan should be completed.

This plan has many apparent advantages:

(1) The City will be doing the job as fast as it is physically possible to do it--at this time--without requiring a referendum on a new and large bond issue;

(2) The City will be doing the job as economically as possible, in terms of the cost of borrowing money;

(3) The proposed sewer rental system is not only legally sound but it is not burdensome economically, since 93% of the users will be required to pay an average bill of only \$2.00;

(4) Of probably most importance, the plan is exceedingly flexible in that it can easily be adapted to unforeseen contingencies; the sewer rental pattern, once established, might be fluctuated, in rate, to offset any possible decrease in allotments from the City's future borrowing capacity; if federal funds--under a post-defense public works program--are available, they may be easily absorbed by decreases in the municipality's allocations.

Present Position

An amendment to the municipal ordinance establishing a sewer rental system for Philadelphia (declared unconstitutional) has been prepared and awaits introduction. By reason of the Supreme Court's direct statements, previously cited, that an ordinance basing sewer rentals upon water use is legal, no further court proceedings to verify such legality would be necessary.

If this ordinance were amended by the City Council before January 1, 1942, levies could be instituted and the program undertaken as of the first of the year.

One important deterrent is the lack of definite word from Washington on the City's application for federal aid, under the Lanham Act. Upon the request of federal authorities the City filed such an application the second week in November and--while it is common knowledge that no funds are available--the federal authorities have, up to this time, refused to give the City any definite indication about the possibility of some financial assistance being available.

As a natural consequence, the City is not disposed to proceed.

New Jersey

On November 14, 1941, the New Jersey Board of Health requested the Attorney General of the state to petition the Chancery Court for an injunction to restrain the Cities of Camden and Gloucester from continuing their discharge of untreated domestic wastes into the Delaware River and its tributaries.

Having adopted the practice of assisting the municipalities and states in this watershed in their efforts to perfect administrative machinery and financial programs designed to aid in the prevention and abatement of water pollution, Incodel, through its Vice-Chairman, took immediate steps to support the New Jersey Board of Health.

Senator Hendrickson sent a communication to Dr. J. Lynn Mahaffey, Chairman of the New Jersey Board, upholding his action and indicating that this Commission might be prepared to supplement the legal action recommended by the Board through entering the proposed proceedings.

Dr. Mahaffey enthusiastically accepted this suggestion and recommended that the Attorney General of New Jersey be so advised.

The Vice-Chairman then communicated with Attorney General Wilentz who replied that he had not yet had an opportunity to review the request submitted by the Board of Health but would do so at an early date.

The Commission may desire to adopt an enabling motion to permit Incodel's intervention in the pending New Jersey action.

Frequent conferences were held during the past six weeks with representatives of the City of Philadelphia's law and engineering departments and with members of the Bureau of Engineering of the New Jersey Department of Health.

Incodel Calendar  
Business Meeting

NUMBER VI: Report of Committee on Information  
and Research.

STATEMENT: See attached copy.

ACTION REQUIRED: Review, discussion, suggestions  
and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

Incodel Calendar  
Business Meeting

NUMBER VII:

Finances

STATEMENT:

See attached statements.

ACTION REQUIRED:

Review, discussion, suggestions  
and approval.

ACTION RECOMMENDED:

By:

ACTION TAKEN:

July, 1941

INCODEL ACCOUNTS

CURRENT AND PAYABLE  
(Except where noted)

Classified in Budget Form

I. Personal Services: (Due July 15 and July 31)

1. Commission Executive Secretary . . . . .	\$ 350.00
2. Engineer . . . . .	350.00
3. Chief Draftsman . . . . .	225.00
4. Assistant Draftsman . . . . .	175.00
5. Engineering Assistant . . . . .	175.00
6. Office Secretary . . . . .	125.00
7. Secretary-Stenographer . . . . .	<u>110.00</u>
	\$1510.00

II. Other Expenses:

1. Rent (Due July 1) . . . . .	150.00
2. Equipment	
3. Supplies:	
A. Pomerantz & Co. . . . .	11.48
A. B. Dick Company . . . . .	7.15
Renninger & Graves . . . . .	19.00
4. Printing:	
G. H. McCandless, 3M cards printed . . . . .	9.75
5. Postage and Express	
6. Telephone and Telegraph:	
Bell Telephone Company of Pennsylvania . . . . .	36.97
Ellwood J. Turner, telephone calls on Incodel business . . . . .	17.68
Western Union Telegraph Company . . . . .	6.84
7. Travel: staff and employees:	
David W. Robinson:	
July 1-2, Trenton, New York City . . . . .	38.10
July 7, New York City . . . . .	15.95
July 8, Camden, Gloucester, Woodbury (field inspection trip) . . . . .	10.95
July 9-10, Harrisburg . . . . .	<u>22.74</u>
	87.74
James H. Allen:	
July 3, New York City . . . . .	7.60
July 21-22, New York City and Albany to confer with Horton . . . . .	27.15
July 24, Trenton . . . . .	4.25
July 30, Marcus Hook . . . . .	3.20
July 31, Marcus Hook . . . . .	<u>3.85</u>
	46.05

July - 2

8. Conferences, Commission meetings, Commission and Committee travel:

July 1-4, F. A. Pitkin attending N.Y. Cico meeting at Loon Lake, New York. . . . .	57.85
July 25, Joseph C. Paul, attending Incodel meeting . . . .	4.60
July 25, Luncheon and meeting expenses for annual Incodel meeting . . . . .	17.45

9. Miscellaneous and Contingent:

Robert E. Horton: services of Richard Van Vliet and blueprints	34.23
Research Institute of American, Inc.: business and legislation reports and membership privileges . . . .	36.00
Miscellaneous office petty cash. . . . .	68.94

Paid directly from New York Cico offices:

July 25, Senator Earle S. Warner, attending Incodel meeting	32.65
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TOTAL, Incodel Accounts Current and Payable . . . . . \$2,154.38

August, 1941

INCODEL ACCOUNTS  
CURRENT AND PAYABLE  
(Except where noted)

Classified in Budget Form

I.	Personal Services: (Due August 15 and August 31)	
	1. Commission Executive Secretary . . . . .	\$ 350.00
	2. Engineer . . . . .	350.00
	3. Chief Draftsman . . . . .	225.00
	4. Assistant Draftsman . . . . .	175.00
	5. Engineering Assistant . . . . .	175.00
	6. Office Secretary . . . . .	125.00
	7. Secretary-Stenographer . . . . .	<u>110.00</u>
		\$1510.00
II.	Other Expenses:	
	1. Rent (Due August 1, 1941) . . . . .	150.00
	2. Supplies:	
	Phillips Ribbon & Carbon Co., Inc. . . . .	10.00
	3. Equipment	
	4. Printing:	
	G. H. McCandless:	
	1 M Secretary's annual report. . . . .	74.60
	500 Secretary's annual report. . . . .	<u>28.70</u>
		103.30
	5. Postage and Express	
	6. Telephone and Telegraph:	
	Bell Telephone Company of Pennsylvania. . . . .	14.85
	7. Travel: staff and employees	
	David W. Robinson:	
	August 7-9, New York City . . . . .	45.58
	August 12, Trenton. . . . .	10.05
	August 14, Washington, D. C. . . . .	18.90
	August 11, Harrisburg . . . . .	18.85
	August 15-16, Wilmington, Baltimore . . . . .	20.27
	September 2, Trenton. . . . .	9.60
	September 3-5, State College, Pennsylvania Sewage and Water Works Association meetings . . . . .	<u>60.90</u>
		184.15
	James H. Allen:	
	August 6, Harrisburg. . . . .	8.10
	August 7-8, New York City, Board of Water Supply	19.80
	August 13, Lancaster: Inspection of Safe Harbor.	9.80
	August 14, Inspection trip: Phila. Suburban Water Company Ironworks Creek Dam project . . . . .	<u>3.10</u>
		40.80
	9. Miscellaneous and Contingent:	
	The Hancock Herald, subscription, March 1941-1942 . . . . .	1.50
	Miscellaneous office petty cash . . . . .	60.60
	TOTAL, August Accounts Current and Payable. . . . .	\$2,075.20

September, 1941

INCODEL ACCOUNTS

CURRENT AND PAYABLE  
(Except where noted)

Classified in Budget Form

I. Personal Services: (Due September 15 and September 30)

1. Commission Executive Secretary. . . . .	.\$	350.00
2. Engineer. . . . .		350.00
3. Chief Draftsman . . . . .		225.00
4. Assistant Draftsman . . . . .		175.00
5. Engineering Assistant . . . . .		175.00
6. Secretary-Stenographer. . . . .		110.00
7. Office Secretary. . . . .		<u>125.00</u>
	\$	1510.00

II. Other Expenses:

1. Rent (Due September 1, 1941). . . . .		150.00
2. Equipment:		
Dubin Company: 1 file cabinet. . . . .	\$56.35	
1 walnut bookcase . . . . .	<u>37.00</u>	
		93.35
3. Supplies:		
A. Pomerantz & Co. (August and September). . . . .		54.55
Philadelphia Blue Print Co.. . . . .		7.00
A. B. Dick Company . . . . .		4.90
4. Printing:		
G. H. McCandless:		
500 reply cards. . . . .	\$ 4.65	
500 announcement folders . . . . .	21.10	
1 M announcement folders . . . . .	<u>14.60</u>	
		40.35
5. Postage and Express . . . . .		44.15
6. Telephone and Telegraph:		
Bell Telephone Company of Pennsylvania . . . . .		23.06
Western Union Telegraph Company (August and September) . . . . .		7.05
7. Travel: staff and employees:		
David W. Robinson:		
September 8-9, Harrisburg. . . . .	.\$35.60	
September 11-13, Baltimore, Washington . . . . .	49.05	
September 15, to see Wolman. Baltimore . . . . .	20.80	
September 16-17, Washington. . . . .	<u>37.45</u>	
		142.90

September - 2

7. Travel: staff and employees (continued)

James H. Allen  
August 15, Trenton . . . . . 2.10  
September 3-5, Sewage Works Convention,  
State College, Pennsylvania. . . . . 20.70  
September 11, New York City. . . . . 5.70  
September 12, Harrisburg . . . . . 6.30  
September 18, New York City. . . . . 8.35  
September 21, New York City. . . . . 5.75  
September 26, Chester. . . . . 4.95

53.85

8. Conferences, Commission meetings, Commission and Committee travel:

September 2, Phila. section, A.S.C.E. meeting . . . . . 19.85  
September 10, Quality Committee representatives  
meeting in Trenton . . . . . 14.40

9. Miscellaneous and Contingent:

Public Administration Service: publications. . . . . 1.30  
Miscellaneous office petty cash. . . . . 74.12

TOTAL, September Accounts Current and Payable. . . . . \$2,240.83

October, 1941

INCODEL ACCOUNTS

CURRENT AND PAYABLE  
(Except where noted)

I. Personal Services (Due October 15 and October 31)

1. Commission Executive Secretary . . . . .	\$ 350.00
2. Engineer . . . . .	350.00
3. Chief Draftsman . . . . .	225.00
4. Assistant Draftsman . . . . .	175.00
5. Engineering Assistant . . . . .	175.00
6. Secretary-Stenographer . . . . .	110.00
7. Office Secretary . . . . .	125.00
8. Legal consultant fee: John V. Diggins: Re Philadelphia litigation . . . . .	<u>100.00</u>
	<u>\$1610.00</u>

II. Other Expenses:

1. Rent (Due October 1, 1941) . . . . .	150.00
2. Equipment: John Wanamakers, Draperies custom made and installed in conference room . . . . .	47.00
3. Supplies: A. Pomerantz & Company . . . . .	9.35
A. B. Dick Company . . . . .	7.35
Fitch Carbon and Ribbon Co. . . . .	26.40
4. Printing: G. H. McCandless: 500 reservation cards . . . . . 3.50 500 announcement folders . . . . . 11.75 200 luncheon tickets . . . . . <u>4.15</u>	19.40
W. T. Peck Co. 300 Color reproductions of map . . . . .	49.10
Printing of brief of law presented by John V. Diggins . . .	26.00
5. Postage and Express . . . . .	19.50
6. Telephone and Telegraph: Bell Telephone Company of Pennsylvania . . . . . 40.25 Less reimbursement by Mr. Ryder for Harrisburg call . . . . . <u>.2.00</u>	38.25
Western Union Telegraph Company . . . . .	11.03
7. Travel: staff and employees David W. Robinson: September 18-19, Trenton, Newark, New York City.. 41.58 September 22-23, Harrisburg . . . . . <u>32.77</u>	74.35

October - 2

7. Travel: staff and employees(continued)

James H. Allen:

September 30-October 9, seven trips to Marcus  
Hook and Chester re salinity survey. . . . . 27.10  
October 13, New York City . . . . . 7.13  
October 14, Trenton . . . . . 4.93  
October 15, Marcus Hook . . . . . 3.25  
October 16, New York City, Confer with Suter. . . 7.08  
October 17, Atlantic City, A.W.W.A. meeting . . 10.75  
October 20, Harrisburg, Confer with Ryder . . . 12.65  
October 22, Trenton, Confer with Critchlow. . . 5.18

78.07

8. Conferences, Commission meetings, Commission and Committee travel:

October 7, J.H.Allen conference with Sheen of  
Betz & Company . . . . . 2.70  
October 9-11, Federation of Sewage Works Associations,  
New York City. . . . . 49.15  
October 14, Phila. section, A.S.C.E., meeting . . . . . 31.25  
October 23, Quantity Committee meeting. . . . . 6.35  
October 23, Russell Suter, attending Quantity  
Committee meeting. . . . . 3.60  
October 24, Joseph C. Paul, attending Incodel meeting  
and conference . . . . . 4.15  
October 24, Luncheon, stenotype reporting, and other  
expenses in connection with Water Pollution Abate-  
ment conference. . . . . 179.95  
September 26-27, New Jersey Sewage Works Association  
meeting. . . . . 27.70

9. Miscellaneous and Contingent:

Miscellaneous office petty cash . . . . . 70.75

Paid directly by New York Cico office:

October 24, Earle S. Warner, Attending Incodel meeting. . . . . 51.89  
October 24, John S. Thompson, Attending Incodel meeting . . . . . 62.48

TOTAL, October Accounts Current and Payable . . . . . \$2,655.77

November, 1941

INCODEL ACCOUNTS

CURRENT AND PAYABLE  
(Except where noted)

Classified in Budget Form

I. Personal Services: (Due November 15 and November 30)

1. Commission Executive Secretary . . . . .	\$ 350.00
2. Engineer . . . . .	350.00
3. Chief Draftsman . . . . .	225.00
4. Assistant Draftsman . . . . .	175.00
5. Engineering Assistant . . . . .	175.00
6. Office Secretary . . . . .	125.00
7. Secretary-Stenographer . . . . .	110.00
	<u>\$1510.00</u>

II. Other Expenses:

1. Rent (Due November 1, 1941) . . . . .	150.00
2. Equipment	
3. Supplies:	
A. Pomerantz & Company . . . . .	20.25
A. B. Dick Company . . . . .	4.90
Thomas-Edward Paper Company . . . . .	13.62
J. H. Weil & Company . . . . .	5.76
4. Printing:	
G. H. McCandless: LM "Water Pollution Abatement" . . . . .	276.40
Woodbury and Company: 3M letterheads and 5M envelopes . . . . .	87.18
5. Postage and Express . . . . .	32.75
6. Telephone and Telegraph:	
Bell Telephone Company of Pennsylvania . . . . .	37.75
Western Union Telegraph Company . . . . .	2.43
7. Travel: staff and employees:	
David W. Robinson:	
October 28-29, Trenton, Newark, New York City . \$41.28	
November 4, Harrisburg . . . . . <u>11.87</u>	
	53.15
James H. Allen:	
October 28, Trenton . . . . .	3.98
October 29, Marcus Hook . . . . .	3.20
November 5, Marcus Hook . . . . .	3.00
November 10, Trenton . . . . .	3.53
November 17-18, Harrisburg, Confer with Ryder .	24.90
November 19, Trenton, Confer with Critchlow . .	6.45
November 20, Chester and Marcus Hook . . . . .	4.15
November 21, New York City, Confer with Suter . <u>7.58</u>	
	56.79

November - 2

8. Conferences, Commission meetings, Commission and Committee travel:	
November 13, New Jersey Quality Committee representatives meeting. . . . .	26.90
November 24, annual meeting of Schuylkill River Valley Restoration Association . . . . .	11.85
9. Miscellaneous and Contingent:	
Peerless Individual Towel Supply Co. (October-November) .	2.80
Remington Rand, Inc.: typewriter service. . . . .	7.85
Miscellaneous office petty cash . . . . .	56.63

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TOTAL, Incodel Accounts Current and Payable. . . . . \$2,357.01

