

REPORT OF THE LEGISLATIVE COUNCIL
COMMITTEE ON THE POTOMAC RIVER

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Potomac River Commission - 1963

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COMMITTEE ON THE POTOMAC RIVER

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H. WINSHIP WHEATLEY, JR.

R. LEE BENSON, Reporter

APPOINTED BY THE LEGISLATIVE COUNCIL OF MARYLAND

Address Communications to

311 City Hall

Baltimore, Maryland 21202

EIGHTH REPORT OF THE POTOMAC RIVER COMMITTEE

To the Members of the Legislative Council:

The Legislative Council has appointed this Special Committee annually since 1956 and has charged it with two principal duties, first, to review and to advise the General Assembly on the proposed plan of the United States Army Corps of Engineers for development of the Potomac River, and secondly, since 1960, to encourage the orderly development of the Patuxent River so that it will remain free of pollution.

We have reported our progress to the Council and to the General Assembly; our previous reports and recommendations are contained in the Reports of the Legislative Council for each year commencing with 1957.

In our last Report to the Legislative Council we noted the delay until 1963 in the release of the Corps of Engineer's Potomac River Basin Report. We also censured the Director of the Department of Forests and Parks for his inaction in carrying out the provisions of Chapter 450 of 1961, which created the Patuxent River Watershed Plan. The Council at the conclusion of the presentation of our report requested that a letter be written to the Board of Public Works stating the position of the Council that control of State matching funds under Chapter 450 should be vested in the Board of Public Works. The Secretary of the Board subsequently acknowledged the letter and expressed the approval of the Board to the requested change.

The Committee was reappointed with some changes in membership pursuant to the request in House Resolution 71 of 1963 for the continuation of our work. Delegates Robert Benner and Thomas R. O'Farrell were added to the Committee by the Council during November of 1963 and have not participated in any of the meetings of the Committee.

The Legislative Council referred to the Committee for disposition Item 90, a joint resolution introduced at the 1963 Session by the Chairman of this Committee. It urged consideration of a Patuxent River Valley Authority to administer the provisions of Chapter 450 of 1961 and to develop a program of pollution prevention for the Patuxent River.

Our organizational meeting was held on June 18, 1963 in Baltimore and we concluded our work on November 20, 1963. The Committee wished to inspect the sites of the dams proposed in Maryland in the Report of the Corps of Engineers and a three day inspection trip was made to Western Maryland. The dams proposed at Bloomington, Savage II, Town Creek, Tonoloway Creek and Licking Creek were inspected. Invaluable assistance was rendered to the Committee on the trip by the representatives of the

Corps of Engineers, the State Planning Department and the Interstate Commission on the Potomac River Basin. During October, a comprehensive hearing was held in Annapolis to discuss the pollution of the Patuxent River, which was attended by representatives of the State Planning Department, the State Health Department, the Department of Forests and Parks, the Natural Resources Institute, the Park and Planning Commission, the Washington Suburban Sanitary Commission and by local officials.

The Committee has received copies of the Corps of Engineers' Potomac River Basin Report, which was released this year, the 1961 Patuxent State Park Report, the Benjamin Beavin Company Report of January, 1963, and the 1961 Wolman Patuxent Regional Sewerage Report.

I. The Potomac River

Potomac River Basin Report

The appointment of this Committee in 1956, coincided with the beginning of a review of the development of the Potomac River by the Corps of Engineers of the United States Army. The study was requested by resolution of the Public Works Committee of the U. S. Senate adopted on January 26, 1956. The resolution directed the Corps to review an earlier report of 1946 (House Document 622, 79th Congress, 2nd Session), and to prepare a comprehensive plan for the control of floods and the development and conservation of the water and related resources of the Potomac Basin. A subsequent resolution of the Senate Committee (July 6, 1959) directed the plan to encompass flood control, recreation, the development and conservation of municipal and industrial water supply and pollution abatement.

The study was begun by the Corps on February 1, 1956. It was directed by a special unit in the office of the District Engineer for Maryland and the District of Columbia. Assistance was obtained from specialists of the Federal agencies concerned with water resources. The final report was released on April 18, 1963, containing the plan recommended by the District Engineer and the North Atlantic Division Engineer. The report now goes to the Board of Engineers for Rivers and Harbors, which will in turn report to the Chief of the Corps of Engineers. After the Chief has submitted the report to the Federal agencies involved and to the Basin states, the program will be sent to Congress for approval.

Content of the Report

The report presents a comprehensive plan of development of the Potomac River Basin for flood control, recreation, the development and conservation of municipal and industrial water supply, and water quality control. The plan will satisfy existing needs and provide a flexible solution to future needs in the next 50 years. The report

shows an increasing need for flood control, municipal and industrial water supply, water quality control and recreation in the Potomac Basin. The most feasible and economical means of providing for these needs over the next 50 years is through a comprehensive plan utilizing major multiple-purpose reservoirs, small headwater reservoirs, local protection projects, watershed treatment and waste control measures.

Recommended Plan

The plan recommended includes 16 major reservoirs (one at Bloomington already authorized), 418 small headwater reservoirs, three small flood control projects (all authorized under Public Law 685), and land management and conservation measures to reduce erosion and runoff.

This final plan was evolved out of the four preliminary basin wide plans under consideration in 1962. One plan was subsequently eliminated (the alternative major tributary), and the remaining three were evaluated and rated as follows:

Main Stem and Upper Basin Plan	First
Upper Basin Plan	Second
Major Tributary Plan	Third

The final plan combines the first and second plans by moving the main stem dam from Riverbend to Seneca and adding four dams from the Upper Basin Plan. (North Mountain, Licking Creek, Town Creek, Tonoloway Creek) The 16 dams are described in detail in the Report. Projects 5 (Six Bridge on Monocacy above Frederick), 12 (Town Creek, near Cumberland) and 14 (Savage River Dam No. 2) are entirely within Maryland. Project 1 (Bloomington) is a joint project with West Virginia. Projects 10 (Licking Creek) and 16 (Tonoloway Creek) are close to the Maryland-Pennsylvania border, and would be joint projects between Maryland and Pennsylvania. Cost figures for all 16 projects and the division of benefits are set out in the Report.

Cost of the Plan

Total estimated cost of the entire plan is \$498,096,000 to be expended over a 50 year period. Cost of the 16 major reservoirs is \$393,341,000, of which the Federal share would be \$329,559,000 and the local share would be \$63,782,000.

Recommendation of the Corps of Engineers

The District Engineer of the Corps of Engineers recommends that the plan as formulated in the Potomac River Basin Report be adopted as the comprehensive plan for development of the water resources of the Potomac River Basin. He recommends that the projects designated as Royal Glen, Chambersburg, Staunton, Six Bridge, West Branch, Brocks Gap, Winchester and Seneca be authorized for construction for the purposes of flood control, water supply, water quality control and recreation as

applicable at a total estimated cost of \$248,200,000 for construction and \$3,823,000 annually for maintenance, operation, and major replacements, providing that non-federal interests give certain assurances including repayment of costs for water supply, now estimated at \$23,676,000 for construction and \$163,000 annually for maintenance, operation and major replacements. The District Engineer also recommends that the projects in the plan designated as Licking Creek, Mount Storm, Town Creek, North Mountain, Savage II, Back Creek and Tonoloway Creek be authorized for site preservation.

Status of State Action

The Governor of Maryland has designated James J. O'Donnell, State Planning Director, as coordinator of State agencies and departments and local Maryland interests, governmental and private. He has distributed the Corps report to all affected State and local departments and agencies and requested their comments and opinion at the earliest possible date. He plans to hold meetings with local groups to explain the plan and secure their opinion. The replies he receives will be transmitted to the Governor who will then report the official position of the State to the Chief of the Corps of Engineers.

The Bloomington Dam

The first project in the Corps' plan, the proposed dam on the Potomac at Bloomington, can be constructed whether the remainder of the plan is adopted or rejected. Therefore, the Congress during 1962 authorized the construction of this project. The House of Representatives has appropriated funds this year in the public works appropriations bill for design of the structure and it is expected that the Senate will likewise approve the funds. There is no known objection in the State of Maryland to the construction of this dam. Its construction would have a beneficial economic effect on Western Maryland in addition to its long range effect on flood control.

The question concerning the Bloomington dam is the securing of local assurances of financing the non-federal benefits. Discussions are being undertaken by the Corps of Engineers and the State Planning Department with the State of West Virginia and with the political subdivisions in Garrett and Allegany Counties.

Recommendation on the Bloomington Dam

Our recommendation regarding the Bloomington Dam is that all action possible be taken to accelerate its construction. We urge the State of West Virginia to join with us in support of the dam. We urge the members of the Senate and House of Representatives from Maryland to give their support to the Bloomington project.

Recommendation on the Potomac River Basin Report

This Committee has in its seven reports supported the position of the Corps of Engineers that any plan of development for the Potomac is useless unless it is a comprehensive multiple-purpose plan. The Committee has supported by letters to our Senators and Representatives in Congress the budget requests of the Corps to continue the study. The Committee has never endorsed any particular plan or dam, preferring to await release of the Corps' final report. In its 1961 report, the Committee endorsed the concept that development of the Potomac should be administered and financed by the United States, seeking reimbursement from the States for their local share of the cost.

We do not believe that it is appropriate for us to support or reject the Corps' plan for Potomac River development at this time. The position of the State of Maryland is still being prepared by the State Planning Department which will forward its recommendation to the Governor. We would want to examine the Department's recommendations. In addition, an independent analysis of the Corps' plan is being prepared. We do not intimate what our position will be, but we wish merely to reaffirm our desire to delay our decision until all the facts are available.

It appears to us that the State's position will be announced during 1964 and we further assume that the Corps of Engineers will present the report to Congress for approval next year. We therefore request the Legislative Council to reappoint the Committee for 1964 to continue its review of Potomac River development.

II. The Patuxent River

The Committee's concern in the Patuxent River is that the watershed will be developed in an orderly manner to prevent the pollution of the river. This in the opinion of the Committee requires action in two directions.

1. Patuxent Regional Sewerage Report.

The ^{action} first calls for implementation of the 1961 Wolman, Geyer and Beavin "Patuxent Regional Sewerage Report." The report set forth a comprehensive plan for sewerage on the Patuxent River, including five recommended regional sewerage plants on the river. The regional Parkway plant at Laurel, the Anne Arundel County Sanitary Commission's plants include the Washington Suburban Sanitary Commission's plant on Towsers Branch, the plant serving the communities of Bowie and Belair, the proposed Washington Suburban Sanitary Commission plant on the Western Branch, and the municipal plant for Savage.

One additional major sewerage plant on the Patuxent not recommended in the Wolman Report has now been authorized by the State Board of Health and Mental Hygiene, that serving the Maryland City development which will be operated by the Anne Arundel County Sanitary Commission.

Recommended in the Wolman Report as a corollary to the regional sewerage plan was the acquisition of public title to lands along the river and up its tributaries for short distances to a certain contour for sewerage use and for stream preservation.

The State Department of Forests and Parks by contract with the Benjamin E. Beavin Company under date of September 21, 1962, requested this firm to determine what lands should be acquired for sewerage use and for stream preservation. The report of the Beavin firm was submitted to the Department under date of January 1963. It listed the properties recommended for acquisition to the 20 foot contour in tidewater and to approximately 20 feet above stream level in non-tidal regions of the river. The report noted that these proposed areas should be extended as desired by interested governmental agencies for public park and recreation purposes.

The Beavin report included a survey of the Patuxent River from its headwaters downstream to Chalk Point on the west side of the river, about 25 miles from the river's mouth, and to Deep Landing on the east side of the river, about 29 miles from the mouth of the river.

After preparation of its report listing the areas to be

acquired for sewerage sites and stream preservation, the Beavin Company was asked to prepare a further study which was not contemplated in the original Patuxent Sewerage Report. Using the same considerations on stream preservation found in the original report, the Beavin Company was requested to assemble data on the following subjects:

1. Preparation of working maps showing the areas listed in the report of the Beavin Company dated January, 1963.
 2. Reconnaissance of these lands to eliminate those areas prohibitively expensive for sewerage sites, stream preservation or for parks.
 3. Plotting the proposed acquisitions on tax maps to show ownership of the lands involved.
 4. Preliminary investigation of potential sewage treatment sites.
- The working maps described in item one have been prepared and a set was handed to the Committee at its hearing on October 17, 1963. The remainder of the engineering work described above is still in the course of preparation by the Beavin Company.

2. Patuxent River Watershed Act.

Chapter 450 of the Acts of 1961, a bill recommended by this Committee, added Sections 411A to 411U to Article 66C of the Annotated Code, creating the Patuxent River Watershed Act. The act authorizes the County Commissioners of each of the Patuxent River Watershed counties to make and adopt, in cooperation with the State Department of Forests and Parks, a Patuxent River Watershed Plan for the purpose of preventing flooding and erosion, providing conservation, and preventing urban encroachment in the Patuxent River valley.

3. The plan shall show the lands which are to be acquired, either in fee or by easement; for the purposes of the Act and the public uses proposed to be made of these lands, including roads, beaches, parks, recreational areas, natural scenery and open spaces. A hearing is required to be held by the County Commissioners before the adoption of a plan in any county. In Montgomery and Prince George's Counties, the functions of the County Commissioners are exercised by the Maryland - National Capital Park and Planning Commission.

One-half of the cost of any lands acquired under the provisions of the act is to be furnished by matching State funds allocated to the

Department of Forests and Parks. The remaining costs are to be paid by the counties, which may levy a special tax therefor.

The State General Construction Loan of 1961 contained an item of \$150,000 allocated to the Board of Public Works to be used either for outright State purchase of lands in the Patuxent Valley or for matching use under Chapter 450.

An additional item of \$350,000 was placed in the 1963 General Construction Loan at the disposal of the Department of Forests and Parks for the sole purpose of matching funds for land acquisition in the Patuxent under Chapter 450.

we are informed by the Park and Planning Commission that the park taking lines under Chapter 450 for Montgomery county were approved by it on October 18, 1961, and approved by the Department of Forests and Parks on March 27, 1963.

The general development plan for the watershed area was approved by the Commission on February 4, 1963, and a public hearing was held on June 18, 1963.

Proposed is the acquisition of 1,940 acres in the watershed of the Hawlings River and five separate streams which are tributaries of the Rocky Gorge Reservoir. Estimated cost of these areas is \$1,000,000, of which amount the sum \$507,754 has previously been budgeted by the Commission. The Commission has purchased 33 acres with its funds at a cost of \$51,000. Application has been made to the Federal Housing and Home Finance Agency under the federal open space program for funds in the amount of \$507,754 for the acquisition of 806 acres of the 1,940 proposed for acquisition.

In Prince George's County the park taking lines under Chapter 450 were approved by the Commission on October 18, 1961 for the acquisition of approximately 18,000 acres extending the full length of the county along the river. The estimated cost of this acquisition was \$2,250,000, of which the sum of \$322,500 has been budgeted. Development plans for the watershed area were approved on February 6, 1963 and public hearings were held on June 18 and 19, 1963 at two locations in the county. The Commission had as of October 8, 1963 acquired 22 acres of the watershed area, and it is negotiating for purchase of an additional 1,800 acres. Application has been made to HHFA under the new federal open space program for funds to acquire 647.9 acres at an estimate of \$255,700. The Commission is also maintaining a close watch on preliminary plans for subdivisions proposed within the watershed area which would affect the proposed acquisitions.

The Howard County Commissioners announced during the fall that three areas totalling 1,860 acres had been designated as park areas under Chapter 450. Funds for acquisition will come from the proceeds of a \$200,000 county loan authorized at the 1963 General Assembly, and from an application to the HHFA under the open spaces program.

We understand that the other four counties of the Patuxent Watershed, Anne Arundel, Calvert, Charles and St. Mary's, have not initiated any steps under Chapter 450 of 1963 to designate watershed areas in their respective counties. We are informed that the Department of Forests and Parks will schedule a meeting with the planning commissions of these four counties to discuss designation of watershed areas.

Recommendation regarding the Patuxent River Watershed.

The provisions of Chapter 450 of 1961 became effective on June 1, 1961. Responsibility for coordination of the seven counties in the Patuxent Watershed was placed in the Department of Forests and Parks. Since the Maryland National Capital Park and Planning Commission in Montgomery and Prince George's Counties had previously designated the watershed areas for these two counties, the Committee in 1962 attempted to obtain a commitment from the Director of the Department of Forests and Parks to utilize part of the \$150,000 to match funds which the

Commission had available. No satisfactory understanding was ever reached with the Director. We understand from the reports of the Department of Public Improvements that \$91,458 of the available funds has been expended for costs of the Beavin Report mentioned under item one above. None of this money has been used for matching local funds for land acquisition. The only action taken by the Department to date in carrying out the duties imposed on it by Chapter 450 has been the letting of the contract in late 1962 to the Beavin Company to perform the services proposed in the Wolman Patuxent Sewerage Report. The Department now informs us that it will call together the planning commissions of the four counties which have not prepared watershed plans for the purpose of supplying the Beavin Company with information needed to complete the second portion of its report to the Department. Acquisitions of land as recommended in the Wolman Report and the designation of watershed areas under Chapter 450 are interlocking proposals.

We are concerned with the lack of responsibility in the Department of Forests and Parks in cooperating with the Patuxent watershed counties. The three counties which have prepared watershed plans for their respective counties have done so on their own initiative, and at times against the objections of the Department. Chapter 450 was adopted from a sense of emergency and with the belief that pollution could be prevented before it had begun. The emergency has been negated by the dilatory action of the Department of Forests and Parks. We have considered amendment of Chapter 450 of 1963 to remove the responsibility for coordination from the Department and to place this responsibility in a more responsible and cooperative State agency. We warn the Department that if reasonable steps have not been taken by January 15, 1964 to meet with the other counties in the Patuxent watershed, we will offer legislation at the 1964 Session to strip the Department of any and all duties under Chapter 450.

We recommend also that in the event there is some action taken toward the preparation of a watershed plan in the four remaining watershed counties, additional State matching funds be included in the 1964 General Construction Loan for the acquisition of lands in the Patuxent watershed.

III. Recommendation on Water Pollution Controls.

In our studies of the Patuxent and Potomac Rivers, one of the long range problems that has constantly confronted us is the maintenance of water quality and the prevention of water pollution. ~~As the economy~~ develops and the population grows, they cause an increase of waste products, which will produce increased stream pollution if control measures are not effected. This is becoming^a serious and costly problem. Water pollution affects the appearance of the streams and their ability to maintain aquatic life; it also affects their use for recreation. Another important factor often overlooked is that water supply requirements, which is in itself a pressing problem, are meaningful only if the quality of the water meets the minimum requirements for its use. ~~Testimony~~ given to this committee has indicated that our laws to control the pollution of our streams are vague and inadequate.

This committee therefore goes on record as recommending that a review of water pollution control laws be undertaken immediately. Any study should consider the establishment of proper legal procedures which will permit the Water Pollution Control Commission to issue a direct order requiring that companies producing industrial and any other form of waste^s cease and desist from polluting the stream. The study should also consider the establishment of a procedure which would require that every proposed modification of a State-owned natural resources be reviewed and specifically approved on behalf of the public interest. A law of this type would provide protection for the total resources of our streams and rivers. We note also that there exists at the present, costly duplication of pollution control functions in tidal and non-tidal waters, and we would suggest the placing of this responsibility in a single State agency ^{which should} be considered in the proposed study.

Respectfully submitted,

Hervey G. Machen,
Chairman