

## **Robert van Laer Hartwell**

6705 Springfield Drive  
Mason Neck, Virginia 22079

December 7, 2011

The Honorable Bob McDonnell  
Governor of Virginia  
Richmond, VA 23219

Dear Governor McDonnell:

I am in receipt of Secretary Domenech's October 27 letter to the Virginia Assembly discussing Virginia's decision to withdraw from the Interstate Commission on the Potomac River Basin (ICPRB), to which you appointed me last year. I wanted to point out some glaring errors in this letter and most importantly, show that it will cost Virginia at least \$530,000 should this decision be enacted by the General Assembly.

As a former House Ways and Means Committee tax expert and Chief of Staff, the issue of Static vs. Dynamic scoring frequently was debated. A static estimate looks at a tax provision (expenditure) or spending item as a number with no other related impacts should it be removed or broadened. A dynamic estimate shows how increasing or decreasing that item could impact other program and human behaviors, obtaining either an intended or unintended result. In the case of looking at Virginia's \$151,500 annual appropriation to the ICPRB, a static methodology was obviously utilized, ignoring its impact on other cost-sharing federal programs and EPA grants that benefit Virginia that will be lost, as well as actual funds ICPRB expends on UNIQUE programs for Virginia's benefit not offered by other water quality entities. The following chart provided after exhaustive research by ICPRB and several of our Virginia Commissioners shows this impact directly. (see the enclosure for a detailed description)

### **Fiscal Year 2011 ICPRB Projects Directly Benefitting Virginia**

<b>ICPRB Coordinated American Shad Restoration Program</b>	<b>\$ 15,500</b>
<b>ICPRB Participation as a member of the Department of Environmental Quality James River Study Advisory group</b>	<b>4,000</b>
<b>Tidal Potomac continuous monitoring data analysis</b>	<b>42,000</b>
<b>Chesapeake Bay Restoration Efforts</b>	<b>62,500</b>
<b>Watershed Implementation Plan Modeling</b>	<b>170,000</b>
<b>EPA Section 106 Water Quality Grant, Va Estimate</b>	<b><u>235,000</u></b>
<b>TOTAL COST BENEFIT TO VA</b>	<b>\$ 529,000</b>

The Honorable Bob McDonnell

Page Two

December 7, 2011

Let me now discuss the Secretary's letter.

- In paragraph Two, he discusses the General Assembly's vote to specifically cut ICPRB funding. However, in reviewing your budget amendments, on the page listing the monetary rescission, no item was listed. ICPRB was not mentioned, thus the Assembly did not know it was cutting funding for ICPRB and had little time or no knowledge to discuss this matter.
- In Paragraph Three, the Secretary omitted the Federal Government as a member of the ICPRB. Enacted in 1940, this multijurisdictional compact has coordinated efforts to monitor water flow and flooding and protect the environmental quality of the Nation's River, directly impacting the nearly 36% of Virginians who live in the Potomac basin.
- In Paragraph Four, the Secretary again indicates the General Assembly concurred in Virginia's funding elimination. It did not, as it was not listed. He also mentions that DEQ made the recommendation. It is unfortunate that one of your ex officio appointees, the director of DEQ, has only attended one meeting of the ICPRB in approximately six years of serving as a Virginia Commissioner. Perhaps if he had, this issue would have been much better understood.
- In Paragraph Five, the Secretary claims duplicative services and indicates it will not have a negative impact on the Chesapeake Bay watershed. Unfortunately, no examples are given, and I cannot find anywhere that this is the case. As your appointee on the Commission, it is important that I represent Virginia's interests and I have found that the programs being funded are unique and would not be offered unless Virginia chose to hire new staff at agencies or contract out for services that would be much more expensive than those provided by ICPRB. I have examples of this regarding TDML work showing huge cost savings for Virginia not counted in the chart on page one.
- In Paragraph Six, Secretary Domenech asserts a cost savings of the entire \$151,500 compact membership cost, but fails to calculate the other grants and monies that flow to Virginia as a result of our ICPRB Membership. The EPA Section 106 program alone provides \$235,000 for Virginia water quality activities that would disappear with elimination of Virginia's role in ICPRB.

Governor Bob McDonnell

Page Three

December 6, 2011

- In Paragraph Seven, the Secretary discusses the ICPRB role in Washington metropolitan area public water management issues and describes this as a “local function.” If more than one-third of Virginia’s population is deemed a local function, one must question that definition. The Secretary seems to think the Potomac Basin’s water needs, stretching from the West Virginia border, and including the entire Shenandoah Valley as well as northern Virginia, is a local issue. That is simply not the case.

I must therefore, having researched this issue fully, and knowing that the dynamic impact of such a decision would cost Virginia funds and have a detrimental impact on our environment and our “Nation’s River,” respectfully ask you to withdraw your consideration of pulling out of ICPRB.

As a fiscal conservative alone, this decision does not make sense and is not justified. As an advocate of “conservation” to ensure the quality of life and access to a clean Potomac for more than one-third of all Virginians who live in the area, let alone those who visit, I must also oppose this position.

I support and applaud your efforts to eliminate waste in government and end programs that are not cost effective and no longer make sense. In the case of the ICPRB, this is not one of those items that makes sense. I offered to interact with your office on this issue several times and spoke to Janet who assured me Virginia’s ICPRB Commissioners would be consulted, yet unfortunately, we were not. Therefore, I am offering my findings in the spirit of working under your direction to get to the facts.

Respectfully,



Rob Hartwell

Virginia Commissioner

Interstate Commission on the Potomac River Basin

571-212-2129

Cc: Virginia ICPRB Commissioners

Joe Hoffman, ICPRB Executive Director

Enclosure