

## **Executive Summary**

This thesis presents a case study of an interstate water pollution control compact. An interstate compact is an agreement aimed at improving cooperation and conflict resolution between two or more states.<sup>1</sup> The legal basis for interstate compacts is found in the United States Constitution, Article I, Section 10.<sup>2</sup>

In this thesis, I establish three research questions. First, I examine the approaches and institutions associated with regulating and protecting interstate waters of the United States. I then focus on interstate river and water quality commissions, looking to ascertain their actual and potential roles in improving transboundary coordination of water pollution control and management. Finally, I focus on the New England Interstate Water Pollution Control Commission, (NEIWPC), to assess if it effectively achieves interstate coordination, and the ways in which its role, structure, and activities could be improved.

To address these inquiries, I begin by reviewing the literature on obstacles to coordinated transboundary water governance, the development of regulatory mechanisms and clean water law in the United States, and recent studies of interstate water compacts. After identifying key criteria and aspects by which to assess interstate water compacts, I assess NEIWPC's strengths and weaknesses in achieving coordinated interstate protection of water quality and resources. I then draw conclusions with regard to NEIWPC's strengths and weaknesses, and make structural and policy recommendations.

I found that NEIWPC is strong in the areas of institutional structure, interagency coordination, and stakeholder accountability. However, NEIWPC could still make significant improvements with regard to stakeholder accessibility and involvement. NEIWPC is weaker in the areas of management and allocation oversight, enforcement, and standard harmonization. Based on my findings, I recommend that NEIWPC:

1. Convene formal additional bodies, such as citizens' review panels and public advisory committees;
2. Improve stakeholder accessibility by publishing minutes and budgets electronically and providing greater notification and publicity concerning the open meeting policies;
3. Document its successes and strategies in the area of interagency coordination as an example for other interstate commissions;
4. Develop and implement procedural standards for enforcing compact obligations, remedying compact violations, and protecting downstream states;
5. Convene and coordinate workgroups addressing both water allocation and issue areas that are linked to water, such as air and land-use;
6. Require the member states to delegate authority to the Commission to set harmonized water quality standards for all impaired *interstate* waterbodies and recommend reasonable chemical, physical, and biological standards for all *intrastate* waters.

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<sup>1</sup> Joseph Zimmerman, *Interstate Relations – The Neglected Dimension of Federalism* (Westport, CT: Praeger Publishers, 1996), 33.

<sup>2</sup> U.S. Constitution, Article I, Section 10.