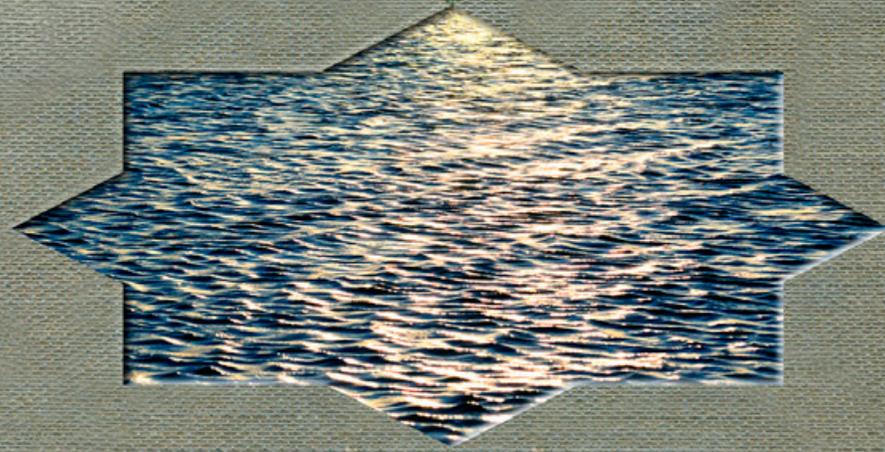


ENSURING FUTURE GENERATIONS INHERIT

Clean Waterways

HRSD's First 75 Years

BY TONY LILLIS



Visionary citizens of the region,  
on November 5, 1940,  
passed the referendum that established  
the Hampton Roads Sanitation District,  
a political subdivision of the  
Commonwealth of Virginia.



As it prepares to commemorate  
the 75th anniversary of its creation,  
HRSD is paying tribute to those with the  
courage to vote to eliminate sewage pollution  
in the tidal waters of the Chesapeake Bay by  
publishing the story of their legacy. We hope  
that by understanding HRSD's contributions to  
the health of area waterways and the economy of  
Coastal Virginia, those we serve will appreciate  
their role in "Living the Legacy."



FEBRUARY 2015



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# Chapter

## The *Second* Referendum

Only two days after the 1938 referendum failed, there was an immediate, aggressive push by the group known as the Norfolk Committee to have a law enacted in the next General Assembly that would ban sewage dumping and require Norfolk, and all the other local communities, to build its own facilities.

The Norfolk group was comprised of two members of the Norfolk City Council, Joseph D. Wood and Leonard P. Roberts, Jr., along with J. Watters Martin, J.C. Council, R. M. Wilkinson, J. McBryde Webb, E. C. Power and Charles E. Jenkins.

They were “unalterably opposed” to creation of a sanitation district, had fought vigorously against it in the run up to the referendum, and instead, said the city of Norfolk was “capable of planning, financing, building and operating their own plants.”

In a lengthy statement released on Thursday, November 10, they declared the original referendum was flawed because it would not have required all communities to stop pumping their raw sewage into local waters. They also objected to having a district that reported to the governor, which prevented the communities “who were paying for the service from having a voice in its management.”

They pronounced they were “heartily in favor” of eliminating pollution in local waters and proposed that the state contribute funds toward construction costs and that the federal government build facilities for the Naval Base and Navy Yard. “We feel confident by allowing each community to take care of this function, as a part of its own local self-government, our sewage disposal problem will be eliminated from the political field, which is greatly to be desired.”

They also called for “drastic penalties” for those who continued to dump raw sewage and that courts “be empowered to restrain its violation.”

Meanwhile, in late November, at the request of Norfolk City Council, City Manager Charles B. Borland appointed a three-man Norfolk Sewage Disposal Commission to explore the city building its own plants, either by itself or in cooperation with other communities. He picked two people on opposite sides of the solution, and one in the middle to cast the “deciding” vote.

The commission was chaired by Charles E. Jenkins of the Norfolk Committee. George H. Lewis, of the HRSDC Citizen’s Advisory Board was a member, along with Tazewell Taylor.

Also around this time, in early December, Robert Preston and HRSDC met to discuss plans for continuing its educational activities and reviving a plan to establish a Hampton Roads Sanitation District. While it supported Norfolk’s effort under the new commission to explore independent options, they remained committed to the benefits of a region-wide solution.

## *Congress* Prepares New Legislation

There was a flurry of activity in Congress as the New Year began. The House Rivers and Harbors Committee pursued anti-pollution legislation as one of its top priorities. Three bills were introduced that would account for Roosevelt’s objections to the Vinson Bill by giving the president executive review and approval of projects requiring federal funds.

Newport News Representative Otis Bland introduced legislation to establish a division of water pollution control under the U.S. Public Health Service. Bland's bill was designed to help states address pollution abatement and prevention by encouraging uniform state laws and cooperation between state agencies on the discharge of sewage and industrial wastes.

It would provide federal grants or loans no greater than one-third of monies in the cost of labor and materials to execute prevention and abatement activities. It would be directed by a five-person board, which would make recommendations to the Surgeon General. Bland's bill had the support of Representative-Elect Colgate W. Darden of Norfolk and State Health Commissioner Dr. I.C. Riggan.

Norfolk City Manager Borland appointed Preston and Director of Public Welfare Henry G. Parker, both with opposite approaches to the problem, to represent Norfolk in hearings at the House Rivers and Harbors Committee on the bills designed to control pollution.

Under Chairman Robertson (D-Virginia) of the House Committee on Wildlife there was "renewed demand for federal anti-stream pollution legislation" as well as other efforts for wildlife conservation and restoration. His goal also was to accomplish the objectives of the Vinson bill.

**President Roosevelt acknowledged the time was "overdue for the federal government to take vigorous leadership" to end stream pollution, and noted that much was already being done via the PWA. His National Resources Committee completed a study, sent to Congress, which declared there must be "long range programs for abatement of stream pollution and conservation of energy resources."**

He said that the "responsibility rests primarily with municipal government and private industry," but that that federal government "must lend financial support and technical stimulation." He said it should be "supplemented by a system of federal grants-in-aid and loans organized with due regard for the integrated use and control of water resources and for a balanced federal program for public works of all types."



# *Virginia Beach* Opens Its Sewage Disposal Plant

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Meanwhile, in early January 1939, a year after construction began, the resort town Virginia Beach opened its long awaited sewage treatment plant on 29<sup>th</sup> Street (extended) with a pumping station at Pocahontas Drive and Atlantic Boulevard.

Said Mayor Roy Smith at the dedication, “In view of existing conditions, the increasing pollution of Hampton Roads, and proposed plans for sewage disposal and the control of waterway pollution in the entire area, Virginia Beach takes this opportunity especially to invite the people of the neighboring communities to visit and inspect the new sewage treatment plant, and to join in this material effort to protect the future health and prosperity of Tidewater Virginia.”

The plant was described as a “modern and efficient biochemical plant” that replaced a small “partial” treatment plant that had been inadequate. It noted that it was “attractively designed from an architectural standpoint” and would after landscaping have “a very pleasing appearance.”

More importantly, it said the plant would “eliminate the cause of the terrific odor which has been so noticeable near the Laskin Road Bridge at Virginia Beach.” It was anticipated that with advent of the new facility that the odor “gradually is expected to be eradicated from the adjacent marshes.”

The plant, financed by \$93,000 in bonds coupled with a PWA grant of \$76,000, was designed by Wiley & Wilson to serve the resort area until 1960. It featured two new sedimentation tanks and the flexibility for a winter population of 3,500 up to a summer high of 50,000. Funding to operate the plant was provided by a tax of 25 cents per month added to water bills.

# *Norfolk* Explores Its Options

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Meanwhile, the three-member Norfolk Sewage Disposal Commission held its first meeting December 16, 1938, followed by five public hearings. Among the first to testify were Robert Preston and other members of HRSDC. Samuel Greeley testified in late January that the best approach was for the entire region to band together as a unit in battling the pollution problem.

But with the opening of the new Virginia Beach facility, there were other voices that offered different advice, one more in line with the approach of the Norfolk Committee. M. Martin Johnson of Wiley & Wilson contended that if Norfolk alone treated its sewage that the problem in Hampton Roads “would be largely eliminated.” Johnson said he “saw no advantage” to the communities banding together, and that it was more economical go it alone.

When the report was released in late March, all three members agreed that abatement of pollution was “not only desirable but well nigh imperative.” They even agreed that the problem was “so diffused that action by any one community would be useless.”

But there was dissension. Charles C. Jenkins and Tazewell Taylor determined that the best way forward was for Norfolk to build its own plants. George H. Lewis, chair of the HRSDC Citizens Advisory Board, urged that the most “efficient and economical remedy was a cooperative action by all the communities involved.”

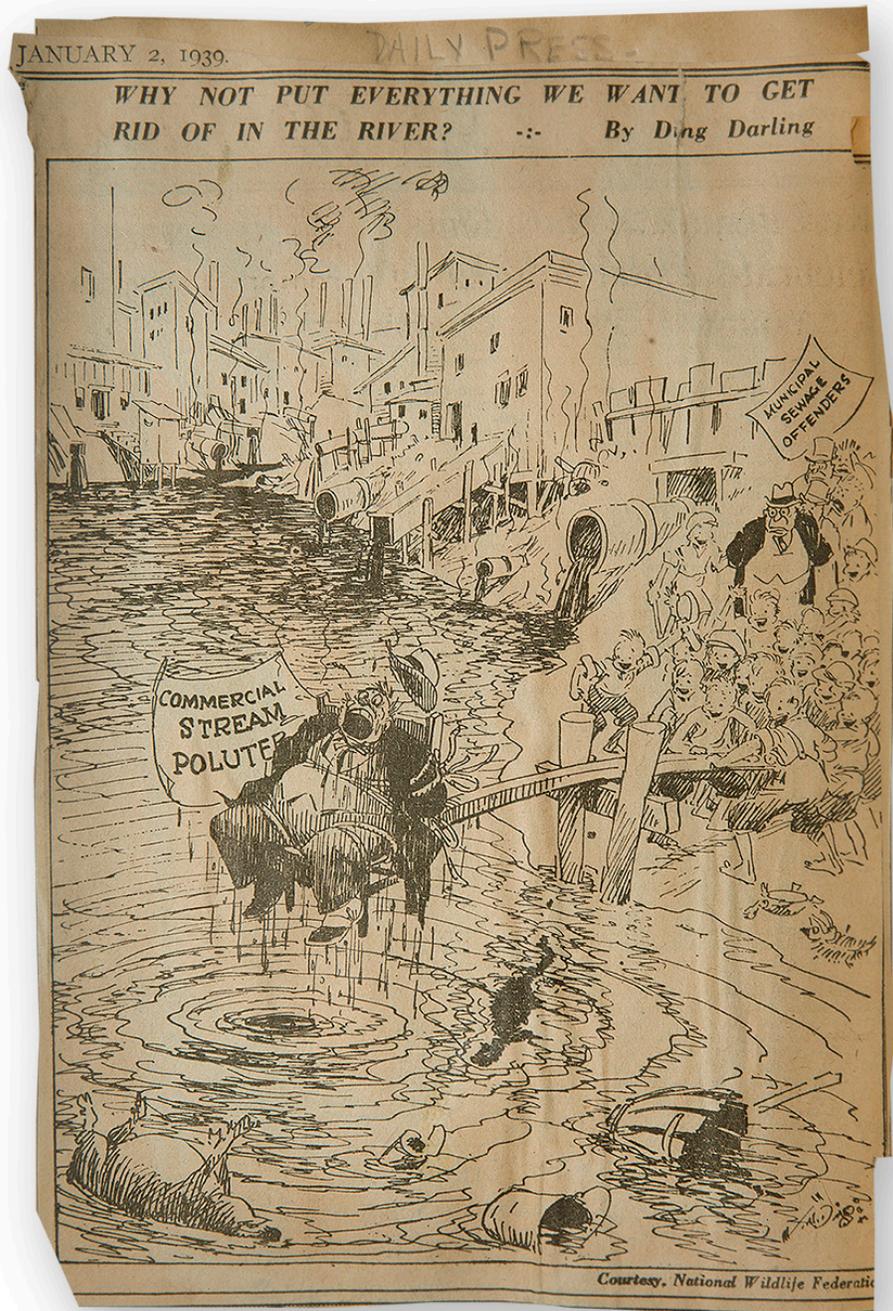
Jenkins and Taylor objected to a regional approach on grounds it would cede an important municipal function to “alien control as to policies and expenditure.” They advocated Norfolk building its own sewage treatment plants so that the city would not surrender “the right to contract for, supervise, control and operate its independent system.”

They contended that the city’s resources were the best mechanism for an “accountable, efficient, and well-engineered” facility and that an alliance with Newport News, separated by many miles and an expanse of water, didn’t make as much sense as alliances between “contiguous counties” into a sanitation district.

They said that individual plants constructed by each community would attract more bidders and increase competition. Lewis countered that even under a region-wide sanitation district, there would be bids and competition for each plant.

However, despite their defense of city control, the final conclusions by the majority were that the city not invest “at this time” in any facilities but that it support legislation prohibiting discharge of untreated sewage into local waters.

Lewis, in his dissenting opinion reported in *The Virginian-Pilot*, offered that HRSDC had shown



that “sanitation districts, under state laws” were the most effective method of controlling region-wide water pollution; that the U.S. Public Health Service, after an exhaustive survey, had recommended the “best and least costly” solution was creation of a district; that Greeley and Hansen had advocated the district approach as the most effective and economical; that the Virginia General Assembly in 1938 “recognized the soundness” of a proposed sanitation district by appropriating \$100,000 and establishing a referendum vote; and that the HRSDC, after several years of study, had demonstrated the problem was best handled through a sanitation district.

Perhaps most significant, Lewis said financing was better accomplished through a state authority since revenue bonds could be sold without becoming a financial burden of any community. He also said that financing, particularly from the federal government, was more easily accomplished through the structure of a sanitation district. He also cited several bills in Congress establishing government aid in the control of pollution of rivers and waters.

He said that individual laws over the last 20 years, including one to ban untreated sewage being dumped into Lynnhaven River, had done nothing to protect shellfish and the problem had actually gotten worse, and said the question of public health, perhaps the most important issue, had not even been brought up until the efforts of HRSDC had brought it to the attention of the public.

He concluded the recommendations made by HRSDC offered the best approach and stated that laws should be enacted prohibiting the discharge of untreated sewage into local waters and that a sanitation district be set up under “authority of the state to properly administer its affairs.”

*The Virginian-Pilot on March 29, 1939, summarized these opposing viewpoints with the following prediction: Communities could choose to go their own way with the necessity of outlays so large they would “of their own accord seek a collective solution that promised greater economy.”*

## *Momentum Gathers* by Fall 1939

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By September 1939, there was indeed a new push for another referendum, and new momentum. Robert Preston and HRSDC met with Governor Price, and again with William R. Shands, and announced, without providing any details, that “certain desirable and necessary” amendments would be added to the previous bill.

In October, the first of several conferences with members and nominees of the General Assembly was held by HRSDC to consider suggestions on how to proceed. Three main suggestions came out of the discussion, the first being that the State Corporation Commission pre-set the individual cost rates, which was estimated at \$3.60 annually for a family of five.

There also was the suggestion of an appeals process should as many as 100 persons petition the SCC that costs were too high. And finally, the district should be treated as a whole without any individual community being allowed to vote itself out.

The *Portsmouth Star*, questioning whether HRSDC even had had the legal standing to still exist after defeat of the referendum in 1938, wrote that a “Force Bill” was being proposed, one that would require communities to assume the cost of sewage disposal whether they wanted to or not. They wrote that the city must preserve its independence.

But the issue was not going away; in fact, it was picking up steam. In November, Harper was asked by Delegates Hillard, Cassell and Walton to name a committee to investigate sewage disposal because discussion of a district was likely to continue as a “matter of controversy until eventually settled.” Harper agreed to do so only after assurances that the delegation would fight to reserve the right to opt out.

Alarm was increasing among state legislators from other localities over the “serious decline” of Virginia’s seafood industry.

State Senator Vivian Page noted that 13,639 licenses had been issued in 1930 to those engaged in oysters, crab, clam and fish net business; but by 1939, the total had declined to 9,382. In 1930, there were 28 million pounds of oysters harvested (valued at \$2,750,000), which by 1936 had fallen off to 15 million gallons (at \$1,250,000). Crab production dropped from 32 million pounds in 1930 (at \$740,000) to 26 million pounds in 1936 (at a value of \$600,000).

More bad news was issued by R. A. Nesbit of the Federal Bureau of Fisheries chronicling the “sad condition” of shad production. He concluded that compared with the year 1900, Virginia, Maryland and North Carolina fishermen were estimated to be losing \$500,000 annually due to a drop from 22 million pounds of shad to only six million pounds. Meanwhile, it was estimated that 30 million tons of raw sewage was being discharged every day.

The *Pilot* reported on December 10, 1939, that new boundaries for a sanitation district were studied with plans for a new referendum. The new boundaries would seek to remove some of the localities that were against the district.

District lines were redrawn to consist of Nelson, Grafton and Poquoson districts of York County and to eliminate Suffolk, Smithfield and “all the magisterial districts of Princess Anne County except Lynnhaven and Kempsville, and all the Norfolk County districts except Tanners Creek, Washington, Western Branch and the northern half of Deep Creek.”

# A War of Ads & Editorials

For the most part, editorial opinion across the various Hampton Roads newspapers was supportive for creating a sanitation district. The exception was the *Portsmouth Star*. As each referendum approached, competing ads and editorials presented both sides of the argument.

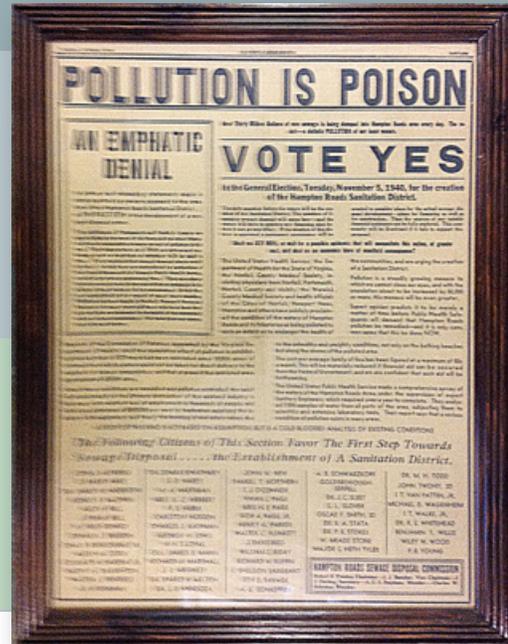


*“This sewage disposal proposition seems to be indeed a many-headed cobra, already once smashed under heel, but now again rising to strike. It begins to look as though we shall have to get out the old crotched stick to scotch it again.”*

– **PORTSMOUTH STAR EDITORIAL**  
DECEMBER 10, 1939

*“The problem created by sewage pollution is a general problem and its solution depends upon the cooperation of all the communities which contribute to the creation of the problem.”*

– **THE NORFOLK LEDGER-DISPATCH EDITORIAL** DECEMBER 13, 1939



As plans for the legislation evolved, the most significant changes were that communities could not vote themselves out, charges would not constitute a lien on property and there would be an appeals process to State Corporation Commission. Water could be turned off after two months if a bill was not paid unless it was deemed to be a health risk. Also, 50 persons signing a petition could appeal to the State Corporation Commission for review of fees and rates, subject to appeal by the new sanitation commission.

The new plan received positive reviews in a December 13, 1939, *Ledger-Star* editorial, which said it offered a reasonable approach to a solution of this problem. “This is the democratic way, we believe. The other plan was not in keeping with the accepted practice of the majority rule.”

“The problem created by sewage pollution is a general problem and its solution depends upon the cooperation of all the communities which contribute to the creation of the problem. If the plan is to be effective it must be based upon the rule of the majority.”

The *Portsmouth Star*, meanwhile, took a typically embattled view in a December 10 editorial entitled “Just Won’t Stay Dead.”

“Some propositions, like turtles and snakes, just won’t stay dead even after you have chopped off their heads. That seems to be the case with the Hampton Roads Sewage Disposal Commission, which now bobs up again after decisive defeat in the public referendum in 1938....”

“Now comes the old commission, still acting, in spite of the election which some legal authorities have claimed “liquidated” it as well as its proposal, with two new bills.

“This sewage disposal proposition seems to be indeed a many-headed cobra, already once smashed under heel, but now again rising to strike. It begins to look as though we shall have to get out the old crotched stick to scotch it again.”

# 1940 - The General Assembly Convenes

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Things heated up as the cold New Year settled in. “Hot Pollution Fight Appears Likely in General Assembly” declared a January 7, 1940 headline.

Portsmouth and Norfolk County were not happy with the new legislation that did not provide any chance for individual communities to opt out. They were determined to “fight for autonomy.”

Hillard, in line to be chair of Senate Committee on Fish and Game, said he was “unalterably opposed” to the proposed bill unless Portsmouth and Norfolk County were “allowed to vote as separate units not as small parts of a large district that includes Norfolk.” Delegates Cassell and Walton planned to work in cooperation with Senator Hillard for the amendment. Their hope was to either amend the bill or kill it.

Portsmouth city council unanimously adopted a resolution strongly opposing the anti-pollution bill as drawn. Harper continued to argue that the new bill did not provide for anti-pollution, since it contained no provisions against ships dumping bilge water into the harbor, or any provisions for control at the area’s large government facilities. He said the plan would cost Portsmouth residents \$1.5 million “for not one cent of benefit,” where as if the city built its own plants the cost would only be \$350,000.

Meanwhile, the HRSDC plan received the following endorsement of a study by members of the State Conservation Commission, the Commission of Game and Inland Fisheries and the Commission of Fisheries:

“Be it resolved that this committee whole-heartedly approves and endorses the efforts now being made to create a sanitary district in the Hampton Roads area, and offers HRSDC and others who are proponents of this legislation its aid in obtaining the necessary action of the General Assembly toward this end.”

At the same time, a bill introduced by Senator Hunsdon Cary of Henrico was designed to eliminate polluting Virginia waters no later than the end of 1943. The Virginia Manufacturers Association objected to the bill as “too drastic,” though it would allow industry to petition the State Department of Health for an extension.

A “less drastic” solution was proposed by N. Clarence Smith, chair of a committee from four state departments that would set forth a general policy against contaminating streams by industry or municipalities; prohibit pollution of streams that are not now contaminated and regulate waste dumping in others; and create a commission to study the problem without making “unreasonable demands on any group.” Ultimately, it recommended continued study of the issue and that any legislation be delayed until the next General Assembly in 1942.

# *Anti-Pollution Bill*

## Introduced in House

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On January 31, 1940, Delegate A. E. S. Stephens of Isle of Wight formally introduced the legislation providing for creation of a new Hampton Roads Sanitation District. The bill by majority vote would create a sanitation district and would not allow any town, city or county to vote itself out of the district if a majority voted for the district.

The bill included the redrawn lines of the district to include Hampton, Newport News, Norfolk, Portsmouth and South Norfolk, and Elizabeth City and Warwick Counties and parts of the counties of Norfolk, Princess Anne, Isle of Wight and York. Suffolk, Smithfield and Virginia Beach were not included. A five-person commission appointed by the governor would take the place of HRSDC and \$50,000 annually would be appropriated for the commission.

Representation on the commission would be two commissioners from Norfolk, Norfolk County and Princess Anne County; one from Newport News and Warwick; one from Hampton and Elizabeth City County; and one from Portsmouth, South Norfolk, Isle of Wight and Norfolk County.

Editorialists at the *Portsmouth Star* were none too happy. First, they poked fun by wondering if now “Anti-Air Pollution” was going to be the next “billion or more dollar” bond issue. “Now with the necessity, we are told of great bond issues for anti-pollution of our tidal waters we are simultaneously advised by “experts” that our air is seriously polluted.”

On a more serious note, it wrote that Portsmouth was “in no position at this time to provide costly sewage disposal plants but we must be thinking of the time ahead when this probably will have to be done.” It suggested that “within eight or ten years” might be the right time, after the city paid off the municipal water plant.

## A “Defeatist Amendment”

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Meanwhile, in mid-February, Portsmouth found an ally in its battle against the legislation in Norfolk. Norfolk Councilman Leonard P. Roberts, a member of the Norfolk Committee, asked the bill be amended to allow that the city “if it elects, build and operate its own sewage disposal plant, provided its treated sewage meets the proper standards of purification.”

What’s more, city council unanimously approved the amendment and Norfolk Mayor John A. Gurkin agreed. City Manager Harper of Portsmouth said he thought that proposal “a very proper one” and that he would “be glad to join Norfolk in requesting the amendment.”

*A Pilot* editorial expressed outrage at the “Defeatist Amendment.” The city has “always had the right to build and operate their own sewage disposal plants. They have never exercised this right. They have preferred to dump their sewage poisons into the tidal streams.”

It further noted the amendment would be a “hindrance rather than a help to the coordinated pollution control objective” and that “once the bill is loaded down with autonomy reservations of this type, it ceases to be a measure for the coordinated eradication of the pollution menace . . . and destructive of all uniform effort and all simultaneity of action.”

“From the viewpoint of early, unified action against a menace that cannot well be dealt with by individualized community effort, it is a defeatist proposal.”

## “Hearing *Thrown* into Uproar”

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The *Portsmouth Star* reported on February 16 that the House Committee on the Chesapeake and its Tributaries heard “heated arguments” on the Stephens bill. Harper, the *Star* reported, “threw the hearing into an uproar when he charged that if a \$10 million bond issue bearing six percent interest were authorized, bond brokers could immediately turn the issue over at a profit to themselves.”

He said those bonds would be resold within 24 hours in cities like New York, Chicago and Philadelphia for \$12 to \$15 million. Harper said the rate should be reduced to no more than three percent to remove the interest of “bond promoters.”

Delegate G. Alvin Massenburg of Hampton took offense and demanded if Harper meant to “imply that any one of the committee has any such idea as this?”

“I am not speaking about the committee,” Harper said.

“I’m a patron on this bill and I want to know who you are speaking about,” Massenburg shouted.

Stephens demanded that Harper name the “promoters,” which he declined to do. Later, Stephens said there was no “scheme to benefit bond brokers, there was no foundation for the belief.”

Massenburg ruled Harper out of order and told him to “stop dealing in insinuations and personalities.”

Said Harper, “You can put me in jail, but I will represent the city of Portsmouth to the best of my ability. We defeated the bill two years ago and we will defeat it again.”

Harper continued: “It is not an anti-pollution bill as presented, the people are just asked to take on a debt which will not accomplish a thing – you can’t regulate the dumping of ships.” Harper also said there were no provisions for pollution abatement on federal property. Portsmouth, he said, could build its own system for \$350,000 while under the district the city’s share would be \$1.5 million. “The people won’t vote for a bond issue that accomplishes nothing. We will kill it deader than a door nail.”

Norfolk County Delegate James N. Garrett supported Harper's position saying it would allow a sanitation district commission to have the "taxing powers of the State Legislature." He said the commission would wield more power than the state and would be unanswerable to the people.

"It's true we need to do something, conditions are not good," Garrett said, "but Norfolk County has just put down hundreds of thousands of feet of sewer lines which, under the present bill would have to be sold or condemned. Why should we have a commission sitting over us? We defeated the plan last time and we will do so again."

Two days later, the *Portsmouth Star* editorial board defended Harper: "News dispatches from Richmond gave rather sensational report of resentment by certain committeemen when Manager Harper brought out dangerous bonding debt features of the so-called sanitation authority measure. Seemingly, committeemen hearing the measure would have been glad to welcome rather than become resentful of the development of such salient points, vitally affecting the public interest, as those emphasized by Manager Harper on Friday."

"Whether those in authority at Richmond desire to listen or not, the people back at home do not propose to have rammed down their throats some such super authority as the pending sanitation district measure would in its present form impose. If the Legislature insists on such enactment the people will answer when referendum time comes. Let all be sure of that."

"Legislative committeemen did themselves great injustice in their surprising resentment of what was only being offered in public behalf and public protection."

## *Norfolk Pushes Forward* **Plans in Hearing**

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Norfolk continued to push forward its plan to allow any locality to vote itself out of the district as long as it were to create its own sewage disposal facilities.

Within six months of passage of bonds to fund the sanitation district, the Norfolk plan would have allowed localities to declare their intention to build their own plants. Those plants would then have to be completed within 12 months of when the Hampton Roads Sanitation District plants began operation.

George Lewis did not favor the Norfolk plan, nor did Robert Preston, who said that sanitation districts were being operated nationwide, and that if the district was approved, the federal government would more likely cooperate in funding local facilities. Another concern was that there might not be enough localities to be in a "district" if too many voted to build and operate their own facilities.

Stephens declared he was "absolutely opposed" to the Norfolk amendment since it could undermine the entire sanitation district plan. Senator Major M. Hillard of Portsmouth said the Norfolk proposal was "the only democratic way" the plan could work.

The House committee agreed to amend the bill based on a proposal by Norfolk City Attorney Alfred Anderson that would postpone for two years a referendum on bonds so as to permit the localities, if desired, to build their own plants. They also agreed to a change suggested by Portsmouth City Attorney R. C. Barkley that any localities' independent plants be completed by the time any plants within the district were ready.

The bill was referred to a subcommittee, which voted an amendment to eliminate Virginia Beach from the legislation, because it now had a plant, and Smithfield, which had plans to be build one.

Various proposals and amendments were offered and rejected, and more haggling ensued once the amendment came out of subcommittee. When the bill reached the full committee it agreed to an amendment that "would permit that any political subdivision becoming a part of the district to construct its own sewage disposal plants within a three-year period ending in July 1, 1943, and cease to be in the district. The amendment also allowed that if the referendum passed, the sanitation commission could not hold a bond election prior to July 1, 1943.

If a community served notice of intention to construct its own plant, and did not do so within the three-year period, it would automatically come into the district and "be subject to its regulations and charges."

Senator Vivian L. Page of Norfolk amended the Senate version of the House bill to allow any county or city in whole or in part to withdraw from the district within six months after its creation by giving notice that it intended to build its own plants. Plans would have to be completed and construction ready to proceed within one year after creation of the district. Localities building their own plants would need to have them completed within three years.

PAID ADVERTISEMENT

## Vote **TODAY** on the Pollution Problem

**A CLEAR STATEMENT OF FACTS REGARDING THE POLLUTION PROBLEM—EXPRESS YOURSELVES AT THE POLLS TODAY EITHER "FOR" OR "AGAINST" IT - - - BUT, BE SURE TO VOTE**

|   |  |
|---|--|
| <p><b>QUESTION:</b> What is the Hampton Roads Sanitation District?</p> <p><b>ANSWER:</b> <i>The Hampton Roads Sanitation District embraces the Cities of Hampton, Newport News, Norfolk, Portsmouth, South Norfolk, and the Counties of Elizabeth City and Warwick, and part of the Counties of Princess Anne, Norfolk, Isle of Wight, Nansemond and York.</i></p> <p><b>QUESTION:</b> What is the Hampton Roads Sanitation Commission?</p> <p><b>ANSWER:</b> <i>A five man commission appointed by the Governor with representatives for specified areas, so that all parts of the district will have representation therein.</i></p> <p><b>QUESTION:</b> What is the primary object of the Hampton Roads Sanitation Commission?</p> <p><b>ANSWER:</b> <i>To prevent or reduce pollution by sewerage and industrial waste within the Sanitation District.</i></p> <p><b>QUESTION:</b> What does the word "pollution" mean as applied to waters within the sanitation district?</p> <p><b>ANSWER:</b> <i>The making foul and unclean the waters in the Sanitation District by the discharge of sewerage and industrial waste.</i></p> <p><b>QUESTION:</b> Why should pollution be controlled?</p> <p><b>ANSWER:</b> <i>Because unless controlled it will increase obnoxious odors, eliminate sport fishing and other industries, greatly harm the seafood industries, and constitute a grave threat to the business life, recreational facilities, health and happiness of the communities involved.</i></p> <p><b>QUESTION:</b> Is it practicable to control pollution?</p> <p><b>ANSWER:</b> <i>Yes, it is being done in many places.</i></p> | <p><b>QUESTION:</b> If a home is at present connected to a sewer system what would be the approximate cost?</p> <p><b>ANSWER:</b> <i>About \$1.50 per person, per year.</i></p> <p><b>QUESTION:</b> How will the \$9,000,000 necessary for building and operating the sewerage disposal system be raised by the commission?</p> <p><b>ANSWER:</b> <i>\$2,500,000 will be paid with Federal funds with a possibility of even more. The balance will be raised by the issuance of revenue bonds.</i></p> <p><b>QUESTION:</b> What is a revenue bond?</p> <p><b>ANSWER:</b> <i>An evidence of indebtedness, the security of which is based upon income rather than real estate or other physical property.</i></p> <p><b>QUESTION:</b> Does a revenue bond involve levying taxes against real estate?</p> <p><b>ANSWER:</b> <i>No—money for retirement of the bonds is obtained from a service charge not from a tax against real estate.</i></p> <p><b>QUESTION:</b> Is it more economical for each City and County to operate its own sewerage disposal system?</p> <p><b>ANSWER:</b> <i>The question was debated for many months. Several densely settled communities concluded it might be after exhaustive study. The City of Newport News, Hampton, Phoebus, Warwick County and Elizabeth City County concluded it would be more economical to remain in the Sanitary District and permit the voters to express by their vote whether or not they are in favor of ending pollution.</i></p> |
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Days later, there was yet another attempt at amendment. Preston and HRSDC met informally with Norfolk city council to say it wanted any community to declare their intention to build a plant by July 1, 1941, with the bond referendum to be held by December 30, 1941.

*The Virginian-Pilot* took note of all the haggling, and the stall tactics by some in a February 18 editorial and lambasted the Norfolk-sponsored proposal to allow localities to build and operate their own plants outside of a sanitation district.

“Legislative proposals for ending pollution of the tidal waters of the Hampton Roads area began nearly thirty years ago. The opposition began by denying the waters were being polluted. That position was adhered to until it had to be evacuated under the fire of State and Federal agencies which charted the area of pollution and began to enforce its findings with orders closing large contaminated area to the seafood industry.”

“Now the opposition admits that something should have to be done about the pollution menace, but seeks by one means or another to postpone the day of reckoning. Norfolk as the principal contributor to the pollution, heads the procession of delayers.”

Of the Norfolk plan, “Its radical fault was that it offered no assurance that exercise of local options would do more than provide a fractional and staged tackling of the pollution problem.

“Individualized community attempts to deal with an interacting pollution (problem) would still leave gaping holes in the sewage disposal dike.”

## The Bill Gets a Vote

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On the day of the vote, March 5, 1940, Delegate James M. Garrett of Norfolk County tried to add an amendment to allow any community to vote itself out of the district and have no further responsibility to build its own facilities. It was voted down.

According to *The Virginian-Pilot*, Delegate Garrett “unloosed a rapid fire attack on Delegate Stephens,” accusing him of “trying to ram a \$10,000,000 bond issue down our throats for a condition which does not exist.”

“Of course we have some pollution,” he said, “We have mosquitos which bite us too, but we are not asking for an appropriation for it. Our people don’t want it. They defeated it before by a 2-1 majority and they will do it again. Don’t listen to this propaganda,” he shouted at the legislators.

“I’m tired of hearing them run down our beaches and our oysters—there is nothing wrong with them,” he continued. “I eat them and the beaches are the finest in the country. I realize we may eventually have to do something about pollution,” he added, “but if this bill is such a sound idea why not make it statewide—make everybody clean up their rivers and creeks and various bodies of water.”

“Please don’t let them do this thing to us, or at least vote to accept my amendment.”

Despite the plea, House Bill 147 passed 52-37. One of its provisions allowed that the Peninsula, by a vote of a majority, could withdraw from the district and form their own, to be called the Peninsula Sanitation District.

The next day, the Senate passed House Bill 148 by a vote of 34-1, providing for a referendum on creation of a sanitation district, with Senator Hillard voting against. In addition, the Senate voted 31-3 to provide \$50,000 for two years, as approved by the Stephens Bill.

As with Garrett in the House, Hillard tried to add an amendment allowing any unit who voted against it to not be included, but it was defeated. Sen. Hillard also fought any appropriations but failed.

## *Norfolk Conducts a Study* and the Peninsula Demands Action

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In response to the new law, in mid-May at the request of City Manager Borland, the Norfolk City Council appropriated \$5,000 to conduct a study to determine the feasibility of building and operating its own plants. That money was partially used to build “a small experimental sewage disposal plant” at the end of 38<sup>th</sup> Street on property of the Norfolk & Western Railway, used at no cost, because of a “large sewage outfall” near there.

Meanwhile, though applauding Hampton, Phoebus and Elizabeth City County for “a disposition” to clean up the waters, the *Daily Press* decried the “acute” sewage problem for which “officialdom of Newport News continues to refuse to do anything.”

The *Daily Press* detailed the extent of the problem describing six “huge sewers emptying from Newport News into the James River,” located at 58<sup>th</sup> Street, 34<sup>th</sup> Street, 33<sup>rd</sup> Street, 25<sup>th</sup> Street, the Boat Harbor and Salter’s Creek. There were also “a number of sewers” dumping into the James from areas to the north of the city.

In Elizabeth City County and Fort Monroe, there were another six huge sewers, located at Pear Avenue, Robinson’s Lane, the “old Armstrong property,” Phoebus, Fort Monroe and Buckroe Beach. In addition, there were about 60 private sewers “along the Boulevard waterfront.”

“Furthermore, with the arrival of warm weather there is a stench along the Hampton Roads shore line which is all but suffocating.”

“Just what pollution is costing the Hampton Roads in damage to the seafood industry and adverse advertising we do not know. But the sum is a considerable one....”

The *Daily Press* found hope that should a Hampton Roads Sanitation District as a whole fail to pass in the referendum, a Peninsula Sanitation District could be created if a majority of the Peninsula voted in favor as they did in 1938.

Many on the Peninsula felt such urgency to tackle the problem that an effort was made in early July by Newport News City Councilman Harry Reyner and HRSDC member J. S. Darling to move the referendum up in a special election. However, the request was denied by Governor Price, and the referendum was slated for November 5.

# *The Navy* Shows Some Support

Navy officials began to show support for a solution. In the run-up to the referendum vote, Admiral Joseph K. Taussig, commandant of the Fifth Naval District, wrote Secretary of the Navy Frank Knox detailing the serious spread of pollution in Hampton Roads. He noted there were approximately 50,000 Navy people living in the area, including officers, enlisted, civilians and their families.

As a result, in mid-October, Secretary Knox agreed to meet in Washington with Admiral Taussig, HRSDC Chairman Preston, Norfolk City Manager Borland and Representatives Bland and Darden. During the meeting, he agreed to publically state his views in support of their efforts.

Soon after, Secretary Knox wrote a letter giving his “strong endorsement for sewage plants,” and asking senior Navy personnel “to cooperate with the local authorities in every legitimate way in encouraging the development of sewage disposal plants which are necessary to eliminate the pollution of these waters.” He said pollution control was essential to the Navy, and that similar problems had been addressed with the Navy’s expansion in California and the Great Lakes.

Though the endorsement was welcomed, there was no mention of funding, which did not go unnoticed by the *Daily Press*. They wrote that the government should do more “than merely endorsing” the campaign to end pollution. “It should render substantial financial aid and at the same time make it perfectly clear that wherever it is contributing to pollution, or may contribute to pollution, it will make an end of the practice.”

The *Pilot* also called out the Secretary Knox’s endorsement observing that the “Navy does not say anything about any financial aid from the federal government” even as Congressman Darden predicted that “Hampton Roads will be the greatest fleet base in the world with 250,000 to 300,000 Navy men to be based here at times.”

In late October Secretary Knox wrote Admiral Taussig another letter saying he was surprised that cities of Hampton Roads did not have plants, and that he should offer cooperation, calling it “of grave importance to the Navy Department.” He asked Taussig to cooperate with local authorities to have plants built.

Preston went back to Washington to ask Secretary Knox for a financial contribution to build plants.

**PENINSULA CITIZENS**

LISTEN IN TO

**Vice Admiral Taussig**  
Chairman of the Hampton Roads Sanitation Commission

**WHO WILL EXPLAIN**

TO THE VOTERS OF THE  
HAMPTON ROADS SANITATION DISTRICT

**THE BOND ISSUE ELECTION**

★ WGH—Monday, 9:30 P. M. ★ WTAR—Monday, 10:00 P. M.

# *A Massive* and Coordinated Effort For—and Against—*Passage*

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As in 1938, there was a massive publicity effort, but this time it was much more extensive and far better coordinated. Each civic league had a captain whose job it was to spread the message. There were often several speeches a day touting the importance of passage.

The Norfolk Association of Commerce became a key advocate, and groups including the Jaycees, PTAs, Churches, Bar Associations, Kiwanis Clubs, the Norfolk Woman's Club, Republican Clubs, the Port Authority, local city councils, the Norfolk Real Estate Board and many more were approached for speeches and formal support.

Proponents of the sanitation district emphasized that a vote of "Yes" did not take away the ability of cities and counties to build and operate their own plants.

In Portsmouth, there was a shift among key constituencies, including the endorsement of the Portsmouth Chamber of Commerce, toward support of the bill.

There were also ad campaigns, some in answer to each other. HRSDC felt compelled to reply to an ad from Harper about the "absurd claim" that members of the Virginia Assembly and other state officials were going to "make an enormous amount of money out of the sale of bonds."

Another ad offered testimonials in favor from the governor and surgeon general of the United States, with the headline: "THINKING PEOPLE Endorse the Establishment of a Sanitation District for the Control of POLLUTION."

But those against the referendum were just as passionate, maybe even more so. Speaking to the Kiwanis Club, Harper continued his fear campaign that "promoters and owners" of the bonds would have power over every householder, declaring "in this law a family could be deprived of drinking water to collect a civil debt."

"Throughout all history, this feature of the so-called anti-pollution bill finds no comparison except in the power of the Roman emperors to deprive their subjects of salt as a disciplinary measure. But without that feature not a bond buyer would consider the sewage disposal bonds."

"No one would deny truthfully that some people are going to get rich off the poor if the plan is carried." He said the origins of the district were in Chicago and New York, and that when he testified in Richmond "there were bond agents hovering about like buzzards around the carrion." He implored that the public was being misled, and said for Portsmouth it was a choice of "two evils:" either join a Hampton Roads Sanitation District or build its own plants.

Concluded Harper, a "Yes" vote will "give more lobster and more champagne to bondholders."

# The Debate

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In a “vigorous debate” sponsored by Norfolk Real Estate Board just prior to the election, HRSDC member Baecher and Portsmouth Senator Hillard discussed the merits of the vote. On the major points of contention, Baecher said the monthly charges were not a lien, but a service charge. Service could be cut off but property could not be taken from those who did not pay their bill.

He also said the bill had a ceiling of six percent interest on the bonds, but that the going rate would likely be closer to three percent. He also reminded everyone that those who wanted to build their own plants could do so.

Hillard said the pollution problem was “greatly exaggerated,” but would support facilities if the costs were paid one-third each by the state, federal government and residents. He acknowledged pollution was hurting the oyster industry and Ocean View, but asked. “Are we going to spend \$10 million to help one industry and one beach?” He said a lien on real estate was the only way to collect charges, and that eventually the General Assembly would go back and make it so.

The *Portsmouth Star* wrote a week before the vote that “this project we are asked to vote upon is simply a big money-making scheme which will not bring about anti-pollution or purification and nobody can truthfully claim that it will.”

The day before the election, J. S. Darling denied the charges of Portsmouth City Council and Norfolk County Board of Supervisors that the fight to eliminate pollution was a “fight between the rich and poor.”

Said Darling, “HRSDC recommended the creation of a Hampton Roads Sanitation District because experience elsewhere has shown it to be an effective, economical and fair method by which adjacent communities can act to control pollution.”

The governor concurred, declaring,  
“This undertaking is one of the first magnitude.”

# The Referendum Passes

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On November 5, 1940, in an “unusually large turnout” due to the presidential election between Roosevelt and Wendall Willkie, the referendum was approved 20,689 to 16,836. As in 1938, Portsmouth (1,568-4307), South Norfolk (434-630) and Norfolk County (847-3,029) voted against it.

Two years earlier, only 21,000 voters from a larger area cast ballots on the issue, which was voted down by 700 votes; this time over 37,000 participated, and it was voted up by over 4,000 votes, offering as one editorial put it, a fairer test of public opinion and “more representative measuring of sentiment.”

# More *Hurdles* to Overcome

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*Yet, with the victory, it was still only a step with more hurdles to overcome, including the bond issue. And it was not yet known which localities would build and operate their own plants.*

The final terms allowed any locality to notify HRSDC within six months of its intention to construct its own plants. Thereafter, it would need to file completed plans for such facilities within a second six months, or not later than November 5, 1941. If approved by the Virginia Public Health Commission, they would have another year to complete construction.

Immediately after the vote, many thought Norfolk would choose to build its own plants. Three council members, Mayor Joseph D. Wood, Lawrence C. Page and L. P. Roberts, Jr., were in favor. Two others, Dr. J. W. Reed and J. Rives Worsham, said they were leaning towards municipal plants.

There was even the question of whether the Peninsula would ultimately decide to form its own district. A provision in the bill allowed Hampton, Newport News, Elizabeth City, Warwick and York counties, within six months after creation of the Hampton Roads Sanitation District, to proceed separately as the Peninsula Sanitation District. However, if such a district did not approve bonds for its own projects, the territory would be restored under HRSD.

In the end, State Senator E. Sclater Montague of Hampton, who had served on the Calrow Commission 13 years earlier, expressed deep satisfaction that the measure passed, as did Newport News Delegate Charles K. Hutchens, who said he was “so enthusiastic that I’d get some building started tomorrow. I’d like to get our community sterilized.”

Paraphrasing John Paul Jones’ heroic utterance, Portsmouth City Manager Harper declared “we have just begun to fight,” promising to carry on against “injustices,” and declaring “we must find some way to prevent it.”

**Meanwhile, members of the HRSDC thanked the public for the victory, and prepared its final report to Governor Price, who would soon name a new five-member commission for the newly created Hampton Roads Sanitation District.**