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In the Matter of the Application of ROCHESTER AND  
LAKE ONTARIO WATER SERVICE CORPORATION for  
Approval of Its Existing Plant and System Known  
as Its Rochester Plant

Water Supply Application No. 649

(Water Power and Control Commission, October 28, 1931)

**Application approved as modified.**

By THE COMMISSION.—William R. Edwards, vice-president of Rochester and Lake Ontario Water Service Corporation, acting on behalf and in the name of that corporation, on July 9, 1931, made application to the Water Power and Control Commission for approval of the Rochester plant of that corporation and for such other approval or ratification of past acts as may be necessary to establish the status of that plant and of the sources of water supply now developed in connection therewith, as far as the jurisdiction of this Commission is concerned. This application was filed in the office of the Commission on July 15, 1931.

After due notice, published in the *Rochester Democrat and Chronicle* and in the *Rochester Times-Union*, the hearing on this application was held in the office of the applicant, room 440, Powers building, Rochester, on August 26, 1931, at 10 o'clock (standard time) in the forenoon. At this hearing the applicant was represented by Thomas F. Murphy, its attorney. Irving E. Matthews, superintendent of the water division of the department of public works of the city of Rochester, represented the commissioner of public works of that city.

After due study of the petition and its exhibits, the evidence and arguments given at the hearing and the

report of the engineers of this Commission on the application, it appears as follows:

Rochester and Lake Ontario Water Company was formed to supply water in the then village of Brighton, the village of Fairport and in the towns of Greece, Gates and Brighton, all in Monroe county. Its certificate of incorporation was filed in the office of the Secretary of State on December 30, 1902. Thereafter it proceeded to construct a water works system, which, as modified and extended, is that now under consideration. On July 5, 1927, said company filed in the office of the Secretary of State a certificate of extension of territory naming the towns of Irondequoit, Pittsford, Perinton and Penfield, all in Monroe county, as additional areas to be supplied by it.

Rochester and Lake Ontario Water Company and Clyde Water Supply Company were consolidated to form Rochester and Lake Ontario Water Service Corporation, the petitioner herein, by certificate of consolidation filed in the Department of State on January 26, 1928. This corporation is a subsidiary of Federal Water Service Corporation.

On June 13, 1912, said Rochester and Lake Ontario Water Company made application to our predecessor in office, the Conservation Commission, for approval of its project for the extension of its mains into the town of Irondequoit. That application was approved by said Commission on July 31, 1912 (Water Supply Application No. 120).

This plant supplies water to individuals, plants, villages and water districts in Monroe county about the city of Rochester. It also sells water to Rochester (largely for the supply of the recently annexed village of Charlotte), supplies individuals and plants in certain portions of that city, including the former village of Brighton, and retails water from some mains installed by the city.

In Rochester, water supplied by applicant is used in parts of the tenth, eighteenth, twenty-first and twenty-fourth wards and in all of the twenty-third ward.

Outside of the city, in addition to retail customers in the various towns above named, water is sold, wholesale, to the following:

Greece: Lake Shore, Latta road, Ridge road, Eddy and Stone roads and part of West Gates water districts.

Gates: East Gates, North Gates and West Gates water districts.

Brighton: Clover street, Browncroft, Council Rock Estates, Highland, Highland-Clinton, Monroe avenue and Elmwood water districts.

Pittsford: Knollwood and Long Meadow water districts and village of Pittsford.

Irondequoit: Summerville, Sea Breeze, Seneca Park and Joseph avenue, North Goodman Park and Helen-dale water districts.

Penfield: Penfield water district.

Perinton: Village of East Rochester.

Parma: Parma Ridge road water district.

Ogden: Part of West Gates water district.

The total population supplied is about 95,000. Water consumption averages 6.7 million gallons daily in 1928, 7.9 million in 1929 and 8.3 million in 1930. Rates for the maximum month and day were 10.8 and 12.8 million gallons daily, respectively.

Water is pumped from Lake Ontario, the pumping plant being just outside the Rochester city limits and about 1.5 miles west of the mouth of Genesee river. The intake pipe is twenty-four inches in diameter and 3,900 feet long, terminating in a crib in twenty-three feet of water at the outer end and in an intake well at the land end. This intake can carry thirteen million

gallons daily. Low lift pumping units are: a steam driven centrifugal pump at five million gallons daily, electric motor driven centrifugals at six and eight million gallons, electrically operated deep well type pumps at eleven and thirteen million gallons daily. Water is dosed with aluminum sulphate and, at times, with potassium permanganate in the intake. The low lift pumps deliver it into a 900,000-gallon, covered, concrete coagulation basin. On leaving this basin the water is treated with chlorine and, at times, ammonia. High lift pumping units are: two steam pumps at three million gallons daily, an electric pump at four million gallons daily, and electric centrifugals at six and seven million gallons daily. The necessary boilers and auxiliaries are provided. All water is pumped through a battery of pressure filters, containing twenty-two units of 0.5 million gallons daily capacity each. These are of the "New York" type and are provided with rate controllers and other facilities for operation. All of this equipment is housed in the main pumping station and various smaller buildings near the landward end of the intake. Only the electrical equipment is now in use.

From the pumping station a twenty-inch main runs southerly about eight miles, to the tracks of the New York Central railroad; thence easterly, along the railroad right of way, 4.5 miles to a point near Brighton Station; thence south and west, about a mile, to the standpipes on Cobbs hill. From Brighton Station, a twelve-inch branch follows the railroad easterly to Fairport, about seven miles. A second twenty-inch main runs southerly from the pumping station, about one mile, to Latta road; thence easterly, across Genesee river, into Irondequoit and easterly and southerly to connect to the first line, near Cobbs hill, a distance of about fourteen miles; thence a twenty-four-inch line extends to the standpipes.

Booster stations are installed as follows: Ridge road, 8.5 million gallons daily; Culver road, 4 million gallons daily; Culver road, 7 million gallons daily; East Rochester, 2 million gallons daily; Pittsford, 250 gallons per minute; Cobbs hill, 1,100 gallons per minute.

There are two steel standpipes on Cobbs hill, about 400 feet above the level of the lake. The first is 150 feet in diameter and twenty feet high and holds 2.64 million gallons. The second, built in 1930, is 200 feet in diameter and twenty-five feet high and holds six million gallons. In the town of Gates there is a 200,000-gallon elevated steel tank, ninety feet high. This gives a total of elevated storage of over 8.5 million gallons.

The piping system consists of: 4,527 feet of 24-inch, 144,095 feet of 20-inch, 52,453 feet of 12-inch, 5,000 feet of 10-inch, 172,063 feet of 8-inch, 218,600 feet of 6-inch, 8,394 feet of 4-inch, 65,930 feet of small diameter pipe. All pipe is cast iron, except that less than four inches in diameter. There are 1,071 fire hydrants (653 owned by the applicant) and 13,004 meters. Applicant's mains are connected to those of the city of Rochester at five places.

The entire plant was well built and is well maintained and operated. It is capable of meeting the present demands of its customers and supplying water of good sanitary quality at all times. There have been occasional troubles with tastes and odors which have been combatted with some success with ammonia and permanganate. As is inevitably the case with an old plant which has been greatly enlarged, there are portions of this system which are not what would be installed today, but even these are functioning in a satisfactory manner. The most serious error in the original layout of the plant was the construction of the intake so near Genesee river. Removal of the

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sewage of Rochester from that stream and its treatment and discharge into the lake at a point east of the river, have remedied this defect to some extent.

Applicant desires that we delimit the territory in which, without further application to us, it may extend its supply and distribution mains. We think it may be permitted to do this anywhere in the towns in which it claims franchise rights or in areas in which it now supplies water, provided that it does not enter into competition with its own customers or invade the territory of municipalities and districts otherwise supplied with water.

Aside from the above, applicant does not now contemplate the acquisition or development of any new or additional sources of water supply or the exercise of any new franchises. The present management has but recently taken over the property and is not assured that its predecessors in interest have obtained due approval of such steps heretofore taken which may have been within our jurisdiction. It now requests us to give whatever approval may be necessary to establish the legal standing of this plant.

Close determination of just which features of this plant, if any, should heretofore have been submitted to us for approval is unnecessary. The plant as it stands merits our approval, with certain modifications and conditions.

There seems small chance of conflict of interests between this plant and any other aside from that of the city of Rochester. That municipality presumably can, at its pleasure, supply any one within its corporate limits. It has no desire now to take over the territory served by applicant, as the present water supply resources of the city are not more than sufficient to supply the existing demands on the municipal plant. The city was represented at the hearing and voiced no objection to the granting of this application.

The legal damages which may be caused by the execution of the plans of the petitioner do not appear to be such as to require any special consideration or legislative enactment in order that they may be equitably determined and paid.

The Commission finds it to be necessary to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water, to protect the water supply and interests of any other municipal corporation or other civil division of the State and the inhabitants thereof, and to protect the water supply and interests of any other person or waterworks corporation engaged in supplying water to any other municipal corporation or other civil division of the State and the inhabitants thereof, that the application, maps and plans submitted should be modified to conform to the following:

1. This Commission reserves the right to require applicant to take further and additional precautions to maintain the sanitary quality of the water supplied by it and to operate additional treatment or purification processes to improve the sanitary quality of such water, shall need for such action hereafter be found.

2. Without further application to this Commission, applicant is hereby authorized to extend its supply and distribution mains, to supply water and generally to exercise the rights reserved to a municipality by the provisions of the closing sentence of section 521 of the Conservation Law, within the following areas: That portion of the county of Monroe included within the boundaries of the towns of Greece, Gates, Brighton, Pittsford, Irondequoit, Penfield and Perinton, including incorporated villages therein, but exclusive of the area included in any water district or within the limits of any incorporated village which owns or operates a water works system. Those parts of the city of Rochester in which applicant now supplies water to

individual consumers. Certain individual consumers in the village of Fairport long supplied by applicant, but no others.

3. The right to extend mains given in (2) above is permissive only; it shall not be held to grant any exclusive rights to supply such territory, nor shall it be held in any way to limit the right of applicant or of others to make due application, under the provisions of article XI of the Conservation Law, for approval of any project affecting this area; nor shall it be held to allow applicant to dispense with other consents, approvals or permits required by law from other authorities, State or local. Except with the further consent and approval of this Commission, applicant may not supply water from this plant outside of such area; nor inside thereof may it enter into competition with or parallel the distribution mains of any other water works system, publicly or privately owned, now established in this area, or which may hereafter legally be established therein; nor may water from this plant be sold to other such water works systems for distribution by them, unless and until the authorities in charge of such system shall have applied for and obtained such approval of this Commission therefor as may be required by law.

4. The supply of water to the city of Rochester, for distribution in certain parts thereof, is approved and authorized as to the parts now supplied, but not otherwise.

The Water Power and Control Commission, having given due consideration to the said petition and its exhibits, the proofs and arguments submitted at the hearing and the reports of its engineers thereon, determines and decides as follows:

*First.* That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

*Second.* That the plans proposed are justified by public necessity.

*Third.* That said plans provide for the proper and safe construction of all work connected therewith.

*Fourth.* That said plans provide for the proper protection of the supply and the watershed from contamination and for the proper filtration of such additional supply.

*Fifth.* That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

*Sixth.* That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

*Wherefore,* the Water Power and Control Commission does hereby approve the said application, maps and plans of the Rochester plant of Rochester and Lake Ontario Water Service Corporation as thus modified.

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In the Matter of the Application of the CICERO WATER DISTRICT for Approval of Its Acquisition of a Source of Water Supply and of Its Financial and Engineering Plans for the Construction of a Water Supply System

Water Supply Application No. 660

(Water Power and Control Commission, October 28, 1931)

Application approved as modified.

By THE COMMISSION.—David Meneilly, Donald E. Moore and Clayton M. French, water commissioners