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In the Matter of the Application of the CITY OF ROCHESTER for Approval of Its Acquisition of an Emergency Source of Water Supply and of Its Plans for the Construction of an Emergency Pumping Station and Connecting Mains. THIRD APPLICATION

Water Supply Application No. 857

(Water Power and Control Commission, July 24, 1934)

Application approved as modified.

BY THE COMMISSION.—Harold W. Baker, city manager of the city of Rochester, Monroe county, acting on behalf and in the name of that municipality, on June 27, 1934, made application to the Water Power and Control Commission for approval of the plans of said city for the acquisition or taking of an additional water supply and of the construction proposed in connection therewith. This application was filed in the office of the Commission on June 28, 1934.

After due notice, published in the *Journal and Post Express*, the *Times Union* and the *Democrat and Chronicle*, all of Rochester, the hearing on this application was held in the council chamber, in the city hall, in Rochester on July 17, 1934, at 10 o'clock (eastern standard time) in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. The petitioner was represented by Harold P. Burke, corporation counsel. No objections were filed and no one appeared in opposition.

Rochester proposes, as a temporary and emergency project, to supplement the supply of water now avail-

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able for the municipal waterworks system of that city, by the purchase during the warm months of the current year of about 4,000,000 gallons of water daily from Eastman Kodak Company.

On land owned by that company and leased by the city, situated near the intersection of Dewey avenue and Ridge road, a steel tank twenty feet in diameter by eight feet deep and holding 16,500 gallons of water is to be erected. The Kodak Company is to discharge water into this tank over the upper edge thereof. The water so discharged is to be measured by a meter. Adjacent to this tank the city is to construct a pumping station in which are to be installed electrically operated centrifugal pumps of a combined capacity of 4,000,000 gallons daily. These pumps are to draw water from the tank and force it through new connecting pipe lines into the existing city mains. All water is to be chlorinated in the pump suction pipes. The estimated cost of this entire project is \$21,500.

After due study of the petition and its exhibits, the evidence and arguments given at the hearing and the report of the engineers of the Commission on this application, it appears as follows:

Rochester is a city in Monroe county, situated on Genesee river and Lake Ontario. It is an important industrial center. The present population is 325,000.

For many years Rochester has owned and operated a public water supply system, water for which is obtained by gravity from Hemlock and Canadice lakes. Certain portions of the city recently annexed to it are supplied with filtered and chlorinated water pumped from Lake Ontario by Rochester and Lake Ontario Water Service Corporation.

For some years it has been known that the demand for Hemlock water has been close to the safe yield of that watershed. Conditions became so threatening

that in 1927 the city made application to this Commission for an auxiliary supply from Carney creek and Quanz brook (Water Supply Application No. 438, dismissed August 18, 1932) and for approval of an additional supply to be obtained from Honeoye creek (Water Supply Application No. 439, conditional decision December 14, 1927, approved June 22, 1928, approved modified December 9, 1930), but the city has found itself to be financially unable to start building the Honeoye project.

During the past few years there has been a serious deficiency in precipitation in this region and during the past twelve months the Hemlock watersheds have been particularly drought stricken. Even though the current depression has somewhat reduced consumption in the city, it now seems that, barring an almost impossible rainfall, the city will be short of water late in 1935 or in 1936. It seems imperative that the city make arrangements which will augment the amount of water available to it.

On June 25, 1934, the council of the city adopted an ordinance authorizing this project.

Arrangements have been made with Eastman Kodak Company for the taking of water and a contract with regard to that matter has been negotiated and signed by the company; it has not yet been signed by the city. This contract provides for the supplying of water by Eastman Kodak Company when it has a surplus of such water during the current year, with the provision that the arrangement may be extended to include the next year.

Eastman Kodak Company pumps water from Lake Ontario at Rigneys Bluff, about two miles west of the mouth of the Genesee river. Here there is an intake pipe extending about 8,000 feet into the lake. The water is purified by passage through slow sand filters

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and is pumped to the company's plant. No chemical treatment is given to this water nor is such treatment possible as the particular use thereof is as process water in the manufacture of photographic films and such chemicals would ruin the product. The company can spare approximately 4,000,000 gallons daily during the summer and it is this excess which the city proposes to buy.

The plans and specifications for this work which have been submitted are generally satisfactory but are not quite complete and it should be required that complete plans be submitted to and approved by this Commission before the work of the structures is started.

The purification given this water by the company appears to be such that, with subsequent chlorination by the city, it will be of suitable sanitary quality. Nevertheless, the Commission should reserve the right to require the city to take such additional precautions or provide such additional treatment or purification of this water as future analyses or inspection may show to be necessary.

The carrying out of this project will not adversely affect the water supply interests of any other part of the State.

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, 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, and to make safe all dams or reservoirs to be constructed by said plans that the application, maps and plans submitted should be modified to conform to the following:

1. All work to be constructed by authority of this decision and approval, and particularly the proposed steel tank, shall be fully completed in strict conformity with plans thereof and specifications therefor which have previously been submitted and approved by this Commission.

2. All water pumped by the city of Rochester from the tank which is to be filled by Eastman Kodak Company shall, before distribution for any purpose, be treated by the city with liquid chlorine or other satisfactory sterilizing agent.

3. The Commission reserves the right to require the city to take additional sanitary precautions, to purify or give additional treatment to this water should future analyses or inspections show need for so doing.

4. It is understood that this is a temporary and emergency measure, that the agreement between the city and the company is only for the year 1934, but that it may be extended. By virtue of this decision and approval and with the consent and agreement of the company, the city may continue so to acquire water from the company until December 31, 1939, unless this Commission shall, for good and sufficient reason, rescind or modify such approval.

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:

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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 city of Rochester as thus modified.