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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. FIFTH APPLICATION

Water Supply Application No. 1525

(March 31, 1942)

**Application approved as modified, waterworks system approved as constructed and operation thereof by city of Rochester authorized.**

BY THE COMMISSION.—Louis B. Cartwright, city manager of the city of Rochester, in Monroe county, acting on behalf and in the name of said city, on January 23, 1942, 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 for the city. This application was filed in the office of the Commission February 3, 1942.

After due notice, published in the *Rochester Times-Union* and in the *Rochester Democrat and Chronicle*, the hearing on this application was held in the council chamber in the City Hall, in the city of Rochester, on February 25, 1942, at ten o'clock 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 the Hon. William H. Emerson, Corporation Counsel (Hon. Charles B. Forsyth, Deputy Corporation Counsel). No objections were filed and no one appeared in opposition.

On July 24, 1934, this Commission authorized the city of Rochester to make a connection between the city mains and the privately-owned waterworks system of Eastman Kodak Company for the purpose of obtaining a supplementary supply of water for the city during certain seasons of the year. The taking

of such water, however, was limited to a five-year period extending to December 31, 1939, and was made further subject to the terms of the agreement between the city and the Kodak Company which limited the amount of such taking to 4,000,000 gallons per day.

The city now asks the Commission to renew this permit to take Kodak water for public water supply purposes through the equipment installed and operated under the previous approval in 1934. This equipment consists of a steel tank with a capacity of about 16,500 gallons installed near the intersection of Dewey avenue and Ridge road in the city, and a pumping station. Water from the Kodak system is to be metered and discharged into the above tank and thereafter is to be pumped from the tank into the city distribution system by means of a single electric motor-driven centrifugal pump with a capacity of 4,000,000 gallons per day. All of the water so utilized is to be treated with chlorine and ammonia.

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

Rochester is the third largest city in New York State in point of population, and is located on Lake Ontario near the mouth of the Genesee river. According to the 1940 census, the city had a population of 324,694 and it is an extensive railroad center, as well as an industrial community of considerable importance. The assessed valuation of all the taxable real property located within the city limits is \$529,368,653 and the city has net bond and note indebtedness to an extent of \$55,485,528.42.

A public water supply system was first installed in Rochester many years ago and at the present time all of the water distributed in the city is obtained either directly from the city sources of supply, Hemlock and Canadice lakes, or by wholesale purchase from the Rochester and Lake Ontario Water Company, which obtains its supply of water by pumping from Lake

Ontario. In addition, the company also distributes water itself in certain areas within the city. The water obtained from any of these sources of supply is, with the treatment now provided, of satisfactory quality.

Fear of water shortage in the city dates back at least to 1927. The demand for water in the city has slowly but progressively been increasing, while due to more or less general rainfall deficiencies, the city's ability to meet these demands through existing facilities has been lessened from year to year. The present application is the fourth attempt of the city in recent years to meet these deficiencies. During the past year the rainfall on the Hemlock and Canadice watersheds reached an abnormally low figure, and although the effect of this condition caused the impounded storage in the two reservoirs to reach an almost unprecedented low point, this condition lately has been somewhat offset by considerable precipitation between the time of filing of this application and the hearing on it. There is still grave danger that before the end of this year, unless additional water is provided, storage will again be pulled down to a point of serious depletion. It seems imperative that the city make arrangements which will augment the amount of water available for use, either through the development of an auxiliary source of supply as now proposed, or better still, through the development of an additional permanent source of water supply.

On January 13, 1942, the Rochester City Council adopted an ordinance authorizing the purchase of water from the Kodak Company and the leasing of the land on which the city's pumping station is located.

Arrangements have been made with the Eastman Kodak Company for the taking of this water and a contract with regard to the matter has already been negotiated and signed by both parties.

Eastman Kodak Company pumps water from Lake Ontario at a point about two miles west of the mouth of the Genesee river where it has an intake pipe ex-

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tending for about 8,000 feet into the lake. The water is purified by passage through slow sand filters 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. It is estimated that the company can furnish the city up to 4,000,000 gallons daily, although it is quite probable that at certain seasons of the year, even such an amount will not be available. It is this excess over and above the plant's own usage that the city proposes to buy.

The purification given this water by the company appears to be such that with subsequent chlorination and ammoniation, as proposed, it will be of suitable sanitary quality for use in the city's distribution system. Nevertheless, the Commission must reserve the right to require the city to take additional sanitary precautions or provide additional treatment or purification of this water, if in the future, such action appears necessary.

The carrying out of this project has in no way adversely affected the water supply interests of any other part of the State.

All of the construction work in connection with this project has already been completed under the 1934 approval, and therefore, at this time, it will be possible to give final approval of this work as required by section 524 of the Conservation Law.

It is the understanding of the Commission that this connection primarily has been intended for temporary use during the existing war emergency, but the city has requested that it be permitted to retain this connection indefinitely in the future as a permanent auxiliary source of supply. There does not appear to be any reason why such permit should not be given, but the city must realize that if its demands continue to increase and its facilities for meeting these demands continue to diminish, provision should be made for additional city-owned sources of supply, and it is

therefore suggested that further studies be made with such an end in view.

The legal damages which may be caused by the execution of the plans of the petitioner are not such as to require any special consideration or legislative enactment in order that they may equitably be 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, that the application, maps and plans submitted should be modified to conform to the following :

1. The city of Rochester, under this decision and approval, is authorized to take not to exceed 4,000,000 gallons of water per day from the Eastman Kodak Company in the manner proposed at this time, but before any of this water shall be distributed in the city for any purpose, it must have been treated by applications of chlorine and ammonia as now suggested.

2. The Commission reserves the right to require the taking of further sanitary precautions or the further treatment or purification of the water from this source, should future analyses or inspections show a need for so doing.

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.

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*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 modified, and does also approve of the waterworks system as constructed and authorizes the operation thereof by the city of Rochester.

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In the Matter of the Application of the HICKSVILLE  
WATER DISTRICT for Approval of Its Plans for En-  
largement and Improvement of Its Water Supply  
System. THIRD APPLICATION

Water Supply Application No. 1527

(March 31, 1942)

**Application approved as modified.**

BY THE COMMISSION.—John Puvogel and Harry Borley, chairman and secretary, respectively, of the board of water commissioners of Hicksville Water District in the towns of Oyster Bay and Hempstead,