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*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 that filtration is at the present time unnecessary.

*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 village of South Corning, as thus modified.

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In the Matter of the Application of ROCHESTER AND LAKE ONTARIO WATER SERVICE CORPORATION for Approval of Its Proposed Construction of Additional Intake Capacity in Lake Ontario and the Taking of Additional Water Up to Approximately 18,000,000 Gallons Daily, Through the Existing and the Additional Intake Pipes. THIRD APPLICATION.

ROCHESTER PLANT

Water Supply Application No. 1544

(May 26, 1942)

**Application approved as modified.**

BY THE COMMISSION.—C. M. Chenery, president of Rochester and Lake Ontario Water Service Corporation, acting in the name and on behalf of said corporation, on April 27, 1942, made application to the Water

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Power and Control Commission for approval of the plans of said corporation for the acquisition or taking of an additional water supply for its Rochester plant and of the construction proposed in connection therewith. This application was filed in the office of the Commission May 1, 1942.

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 204, in the Triangle Building, in the city of Rochester, on May 20, 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 Russell H. Neilson, its attorney. No objections were filed and no one appeared in opposition.

On May 20, 1942, the Commission caused an engineering inspection to be made of the site of the proposed work and of the existing water supply facilities of the company.

Rochester and Lake Ontario Water Service Corporation now proposes to increase its intake capacity from its present figure of 12,600,000 gallons per day to approximately 18,000,000 gallons per day. This is to be accomplished by the construction of a new intake line consisting of approximately 2,500 feet of 36-inch cast iron or reinforced concrete pipe paralleling the outer 2,500 feet of the existing 24-inch intake of the company and distant approximately 100 feet therefrom and terminating in a new intake crib to be constructed in Lake Ontario about three-quarters of a mile offshore from the existing pumping station. This new section of intake is to be connected to the existing intake through a 30-inch pipe at the inner end of the new section. Water is to be taken through both new and old intakes to the existing pumping station and filter plant and thence to the distribution system. The total estimated cost of this work as based on the use of cast iron pipe is \$139,800.

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

Rochester and Lake Ontario Water Service Corporation is the successor in interest to the Rochester and Lake Ontario Water Company which was formed about 1902, to serve water to a considerable portion of Monroe county surrounding the city of Rochester and including certain parts of the county now within the boundaries of that city. The source of water supply for the company has always been the same, that is, Lake Ontario, and water from that lake is obtained by pumping through a plant located on the shore of the lake at a point about 1.5 miles west of the mouth of the Genesee river. On July 15, 1931, the corporation applied to this Commission for general approval of this plant and for a delimitation of the area in which it might, without further application to us, extend its supply and distribution mains. In the decision on this application which was approved on October 28, 1931 (*Water Supply Application No. 649*; 41 State Dept. Rep. 263), there has been included a complete description of the plant and property of the company, and with minor exceptions, notably the addition of a new sedimentation and coagulation basin, the present plant is substantially the same as described therein.

For some years, the capacity of the intake has been insufficient to meet peak loads on the system, but generally, there has been more than adequate water in storage to make up for this deficiency and to provide water until such peaks have passed. With the normal yearly increases in demand now being experienced and the very rapid increase within the last few months due to higher industrial demands occasioned by war work being carried out in the many industrial plants served by the company, these conditions of inability to meet peaks have become more frequent and of longer duration. In the past, on many occasions, the company has been able to purchase some water during such periods from the city of Rochester, but the city now finds it-

self unable to furnish this water and the company therefore, must make provision in its own plant for an additional supply.

The present average demand for water from the company system is approximately 8,800,000 gallons per day, substantially below the present intake and filter plant capacity, but peak demands in 1941 extending over periods of about six days ran as high as 13,200,000 gallons per day with single days running as high as 14,500,000 gallons per day. The present intake capacity is limited to a figure, depending on lake levels, of about 12,600,000 gallons per day with approximately 300,000 gallons of this needed as wash water for the filters. On the other hand, there have been numerous occasions when the capacity of the intake has been lowered even below this figure during abnormally low water in the lake. The company expects that based on figures for the first quarter of 1942, the demands this year will be substantially above those of 1941, and in the report of the company's engineer, it has been stated that a comparable six days' average peak demand for this year probably will be about 15,650,000 gallons per day. In addition to this, there is a possibility that the New York Central railroad, which is now one of the company's biggest customers, may require for a new water station at Coldwater, a further supply of about 2,000,000 gallons per day. The company has considered the advisability of increasing the capacity of the intake to about 15,000,000 gallons per day, which probably would be sufficient to meet present demands, but has found that it would be relatively less expensive to design at this time for the even greater capacity of 18,000,000 gallons per day, and the present project therefore contemplates such greater development.

The carrying out of this project and the making of an application to the Commission for approval thereof, was authorized by a resolution of the board of directors of the company on May 19, 1942.

All of the engineering work in connection with this

project is to be carried out under the supervision and direction of Thomas H. Wiggin of New York, consulting engineer for the company and a licensed professional engineer. Mr. Wiggin appeared for the company at the hearing on this application.

The question of the quality of the water which will be distributed by the company upon completion of this project, is of some concern, particularly as this project will make available a quantity of water considerably in excess of the present rated capacity of the company's filter plant. The company now has installed some twenty-two filter beds with a rated capacity of 500,000 gallons per day each, or a total maximum plant capacity of 11,000,000 gallons per day with all beds in operation. Such rated capacity is based on an assumption that the quality of the raw water will be poor, but during the majority of the year such an hypothesis can hardly be justified, as under most conditions, the quality of the raw lake water at the plant is excellent and this water is reasonably easy to treat. Even with present facilities, the capacity of the filter plant is somewhat below the intake capacity, but the quality of the effluent of the plant, at least from a sanitary point of view, has always been satisfactory. Nevertheless, even with normal allowable overloading of the filter plant and on the assumption that the raw water is of good quality, the company is dangerously near the possible maximum capacity in this plant and it should seriously consider the necessity and desirability of installing greater filter capacity. The Commission, in approving this application, must reserve the right to require the installation of such additional filters, the taking of further sanitary precautions or the further treatment of the water from this plant, if in the future, analyses or inspections shall show need for such action.

The plans for the new intake, as submitted in connection with this application, provide for satisfactory construction, and it must be required that all of the construction work be carried out in strict accordance with such plans.

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The total estimated cost of this project, as submitted with the application, is based on an assumption that the intake will be constructed of cast iron pipe, and since the filing of the application, the company has expressed considerable doubt as to its ability to secure this material. It therefore proposes, if necessary, to construct the new line of reinforced concrete pipe and should such material be used, the company's engineer estimates that a saving of about \$8,000 can be effected over the previous estimate.

The carrying out of these plans will in no way adversely affect the water supply interests of any other municipality or civil division of the State.

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

1. Nothing in this decision and approval contained shall be held to authorize applicant to supply, sell or distribute water from this source of supply for any purpose, unless all such water shall first have been treated and purified by sterilization and filtration in a manner satisfactory to this Commission.

2. The Commission reserves the right to require the installation of additional filter capacity in connection with the plant of this company, the taking of further sanitary precautions or the further treatment or puri-

fication of the water from this source, should future analyses or inspections show need for so doing.

3. All of the construction work in connection with this project must be entirely completed in full accordance with the plans submitted in connection with this application and approved by the Commission.

4. Unless the works authorized by this decision shall have been fully completed by June 1, 1945, or within such extended time as may have been applied for and granted by the Commission, then, and on that date, this decision shall be deemed to have lapsed and to be of no further force and effect.

5. Nothing in this decision and approval contained shall be held to abrogate the provisions of section 524 of the Conservation Law, which forbid the operation of any of these works, until as constructed, they have been approved by the Commission. Such final approval will be given only on due petition therefor. In general, such approval will not be given except for a fully completed system, and it will never be given until all provisions affecting quality of the water and safety of the works have been fully complied with.

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 supply.

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*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 Rochester and Lake Ontario Water Service Corporation, as thus modified.