

New York (State)

111

**DEPARTMENT REPORTS**

OF THE

**STATE OF NEW YORK**

CONTAINING THE

**Decisions, Opinions and Rulings**

OF THE

**State Departments, Officers, Boards  
and Commissions**

---

OFFICIAL EDITION

CARMINE DESAPIO

*Secretary of State*

---

VOLUME 75

1955

---

In the Matter of the Application of the MONROE COUNTY WATER  
AUTHORITY to Purchase Water from CITY OF ROCHESTER. MODI-  
FYING DECISION

Water Supply Application No. 2241  
(August 24, 1954)

**Decision modified as requested.**

**Proceedings**

BY THE COMMISSION.—Franklin W. Judson, chairman of the Monroe County Water Authority, acting in the name of the authority, on May 13, 1952 filed an application with the Water Power and Control Commission for approval of the acquisition of a supply of water for the authority by the purchase of such water from the water supply system of the city of Rochester for resale within the county of Monroe to water districts which are not now served with water. This application was approved by the commission on July 23, 1952.

This decision imposed, among others, the following conditions:

“A. Under this decision and approval, Monroe County Water Authority may and hereby is authorized to purchase surplus water from the conduits of the conduits of the city of Rochester for resale to such water districts as may be created in the towns of Mendon, Rush, Henrietta and in the westerly part of the town of Brighton, all being within the area outlined and described on Exhibit 6 in the proceedings in this matter. No authority is to be construed herein to permit the purchase and resale of water within any other area.

“D. This decision and approval shall have no force and effect until after the city of Rochester has completed its project which is being carried out under *Water Supply Application No. 2030* and the city has applied to the commission and secured its final approval of the completed works constructed under that application. Thereafter the amount of water which the authority may purchase from the city for resale shall not exceed 10,000,000 gallons in any one day.”

On August 24, 1954 the Monroe County Water Authority filed a request asking for a modification of the decision to permit it, at this time, to purchase not to exceed 2,000,000 gallons of water daily from the city of Rochester pending full completion by that city of its proposed new filter plant.

After due study of this recent request, the commission finds as follows:

**Findings of Fact**

1. The new filter plant of the city of Rochester now is nearing completion but, while its full capacity of 36,000,000 gallons daily will

not be available for some considerable time, the plant can now be operated safely at a rate of about 12,000,000 gallons daily.

2. Final approval of the new Rochester Filter Plant has not as yet been given by this commission and present operation of any portion of it must be carried out under the emergency provisions of the state Sanitary Code and under the supervision of the state Department of Health and the local health officers.

3. On August 3, 1954 the city of Rochester received a permit from the health authorities for emergency operation of the new treatment plant at a rate of not to exceed 12,000,000 gallons daily. There have been constructed in the area outlined and described in Exhibit 6 referred to above, several public water supply systems some of which now are awaiting a supply of water from the authority. Chief among these are the water supply systems in Henrietta Water District and in the village of Honeoye Falls.

4. The city of Rochester is willing to make a supply of water available to the authority from partial operation of its new plant after it has been satisfied that such sale of water will not jeopardize the supply for the city.

5. Monroe County Water Authority requests that it be permitted to purchase for resale not to exceed 2,000,000 gallons of water daily from the city pending full completion of the Rochester filter plant.

6. The commission finds that the decision in this matter can be modified to grant the request of the applicant.

#### Determinations

Therefore, *Conditions A and D* of the original decision of July 23, 1952 can be and hereby are revised to read as follows:

A. Under this decision and approval, Monroe County Water Authority may and hereby is authorized to purchase surplus water from the conduits of the city of Rochester for resale to such water districts as may be created in the towns of Mendon, Rush, Henrietta and in the westerly part of the town of Brighton, all being within the area outlined and described on Exhibit 6 in the proceedings in this matter. No authority is to be construed herein to permit the purchase and resale of water within any other area.

D. This decision shall have no force and effect until the city of Rochester has completed its project which is being carried out under *Water Supply Application No. 2030* and the city has applied to this commission and secured its final approval of the completed works constructed under that application. Thereafter, the amount of water which the authority may purchase from the city for resale shall not exceed 10,000,000 gallons in any one day. Temporarily, however, and for a period up to and including June 30, 1955 pending full completion of the city's plant to be constructed under *Water Supply Application No. 2030*, the city may sell and Monroe County Water Authority may purchase for the purposes outlined in the

original decision on this application, a quantity of water not in excess of 2,000,000 gallons daily.

In all other respects the said decision shall remain as originally written.

#### Modifying Decision

*Wherefore*, the Water Power and Control Commission does hereby modify the decision on the said application of the Monroe County Water Authority as requested.

---

In the Matter of the Application of E. C. GRIFFIN & SON, INC. for Approval of Acquisition of Source for Water Supply and Financial and Engineering Plans for Construction of Water Supply System. CEDAR BEACH MANOR. SECOND APPLICATION. MODIFYING DECISION

Water Supply Application No. 2365  
(August 24, 1954)

#### Condition A of original decision modified as requested.

By THE COMMISSION.—On June 2, 1953, this commission approved of a water supply application by E. C. Griffin & Son, Inc. (*Water Supply Application No. 2365*) involving the construction of a water supply system in a real estate subdivision known as Cedar Beach Manor, Sections Two and Three, located at Miller place in the town of Brookhaven in Suffolk county. In its decision approving this application the commission required in Condition A that:

“A. Approval of the construction of the above-described well is given with the provision that Lots Nos. 95 and 96 must be considered as the well field and must be reserved exclusively for water supply purposes. Furthermore the use of all land, public highways not included, within 100 feet of the proposed well in any direction must be owned or controlled by the applicant in such a way that no source of pollution shall be constructed or maintained within that distance.”

The applicant, on July 13, 1954, filed with the commission a letter signed by Harold E. Griffin, vice president, asking that the commission modify this condition so as to allow the sale of the easterly 60 feet of lot No. 96 but stating that no change in the sanitary restriction in that part of lot No. 96 to be sold is contemplated.

After further study of the original papers in this case and the latest data submitted by the applicant and after consultation with the Suffolk County Department of Health, at the request of which department the original sanitary requirements of this decision were made, the commission finds that the desired modification in Condition A may be made.

The Water Power and Control Commission having given due consideration to the above matters, determines and decides that said deci-