

State of New York
Conservation Commission.

In the Matter

- of -

the Application from the WELLSVILLE WATER
COMPANY of the Village of Wellsville,
Allegany County, State of New York to the
Conservation Commission, for a change of
source of water supply for the Village of
Wellsville and the vicinity thereof.

DECISION.

W. S. A. # 137

Application filed April 4, 1913.

Hearing held in Wellsville, May 1, 1913.

Decision, July 8, 1913.

Approved.

Wellsville Water Company on April 1, 1913 made applica-
tion to the Conservation Commission for its approval of the
acquisition by that company of a new and additional source of
water supply and of the construction of the works necessary for
making such supply available. This application was filed in
the office of this Commission April 4, 1913. On April 10, 1913
the proposed new and additional source of supply was inspected
by one of the engineers in the employ of this Commission.

After due notice, published in the Allegany County Dem
of Wellsville and the Wellsville Daily Reporter, a hearing wa
on this application at the City Hall in the Village of Well
on May 1, 1913 at 10 A. M. At this hearing the Commission
sidered the petition, maps and plans submitted, examined wi
and heard arguments for and against the project, as shown b
minutes. The petitioner was represented by George C. Bra
Esq., Attorney, George M. Gadsby, a director of the Wellsv
the

Water Company and Sanitary Chemist therefor, and George W. Biggs, Jr., Chief Engineer for the applicant. Objections to the granting of the application were filed by the Board of Trustees of the Village of Wellsville and by the Board of Water and Light Commissioners of that village, who were represented by Jesse L. Grantier, Esq., and F. B. O'Connor, Esq., Attorneys for the Village, by J. A. Wetherby, Village President, F. M. Leonard, Acting Clerk, John C. Darcy and W. J. Hoyt, Trustees, by George C. Rosa, Chairman, and J. L. Moore, S. F. Booth, F. C. Boyce and J. M. Higgins, Commissioners of the Board of Water and Light Commissioners.

Wellsville Water Company desires to take, as a new and additional source of supply, such portion of the flow of the Genesee River above the village as may be necessary. To this end it proposes to install the following works: A wooden intake crib in the bed of the Genesee River, about 3000 feet upstream from the existing pumping station. A pipe line which will carry water by gravity from this crib to a receiving basin near the present pumping station. This pipe line is to be laid on the right bank of the river and will be about 3000 feet in length and 16 inches in diameter. It is to be of wooden stave pipe, except for the crossing of the Genesee River, which is to be of cast-iron. One triple expansion duplex condensing steam pump of 2,000,000 gallons per day capacity and one induction-motor-driven centrifugal pump of the same capacity, to pump water from the receiving well to a sedimentation tank. This tank is to be of steel, 30 feet in diameter and 18 feet high, placed at such an elevation as to feed the filters by gravity. Apparatus for the introduction of coagulant into the water as it enters the sedimentation tank. Two mechanical gravity filters of the

"American" type of reinforced concrete with false bottoms of steel plate, with sand filter beds and with suitable apparatus for operation, regulation, control and washing. This apparatus is so designed that the output from either bed may be separately controlled and measured. An elevated wash water tank. A 50,000 gallon reinforced concrete clear water basin underneath the filters. From this basin water is to be pumped into the present distribution system by the existing pumping equipment, which consists of two Worthington horizontal compound duplex non-condensing steam pumping engines of one and one-half million gallons per day capacity each. New boilers are to be installed for the operation of the steam pumps mentioned herein, as well as for the steam driven equipment of the Wellsville Electric Light, Heat & Power Company, an allied concern. Electricity for the operation of the motor-driven pump is to be furnished by the generators of this latter company. The proposed piping is to be so arranged that water can be drawn from the existing source of supply, if necessary, and filtered before being delivered to the consumers.

On behalf of the village authorities objection was made to the granting of this application, on the plea, that inasmuch as the village is considering the purchase of the plant of this company or the construction of a new municipally owned plant, that no public necessity for the proposed change in the source of supply exists at this time, and further that proper provisions for the sanitary control of the watershed are not to be made; that the plans proposed are not just and equitable to the inhabitants of the Village of Wellsville and that suitable fire protection will not be afforded on account of the existing condition of the distribution system.

After due study of the petition and its exhibits, the evidence and the arguments given at the hearing and the report of the Commission's engineer, it appears as follows:

Wellsville is an incorporated village in the southeasterly portion of Allegany County. It is situated on the line of the Erie and the Buffalo and Susquehanna Railroads and on the Genesee River. This village has an estimated population of about 4,600 persons. The Wellsville Water Company, the applicant in this proceeding, is a domestic corporation existing and operating under the provisions of Chapter 737 of the Laws of 1873, having filed its certificate of incorporation with the Secretary of State September 29, 1883. This company has an outstanding bond issue of \$75,000, an issue of common stock, not representing physical values, of \$50,000 and a floating indebtedness of \$38,437.21. The amount actually expended on the water works plant to date is \$113,437.21. This company is the successor and assignee of W. S. Kuhn, et al, who on the 30th day of August, 1883 were granted a perpetual franchise for the operation of a water supply system within the village and entered into a contract with the village for the supply of water for fire and public purposes for a period of thirty years from July 1, 1883. The water company, upon its organization, took over this contract and franchise. Associated with this company is the Wellsville Electric Light, Heat & Power Company, which uses the same plant. Both companies are controlled and managed by the American Water Works and Guarantee Company of Pittsburg.

Originally the Wellsville Water Company obtained its supply from an impounding reservoir on Crowner Brook. This reservoir has a capacity of 5,000,000 gallons and supplied the village by gravity. On account of the limitations of the use of this water, by an injunction suit brought by an owner of

riparian rights below the dam, this supply was later supplemented by water pumped from the Genesee River into the reservoir, the intake and ~~pumping station~~ being established at the site of the present works. As the supply from the river was objectionable, its use was abandoned later and a number of wells were sunk along the left bank of the stream within the limits of the village and the present pumping station erected. These wells are the present source of supply for the company. There are eight wells from 20 to 27 feet deep, driven into a water-bearing gravel, and one driven well 175 feet deep. A large dug well or collecting basin, about 19 feet in diameter and 16 feet deep, with a number of well points driven in the bottom, was later added. Water from the driven wells flows to this collecting basin and thence is pumped into the village mains. In 1905 the State Department of Health condemned the Crowner Brook supply and the valve ^{the} on _^ connection with this reservoir was closed and sealed by the village authorities. A connection now exists with the Genesee River, which is used only in case of conflagration, and the valve thereon is ordinarily closed and sealed. The average amount of water pumped from these wells is about 500,000 gallons per day.

For some years the inhabitants of the village have complained of the quality of water from these wells. Analyses show that the water is somewhat hard, the iron content high and B. coli have occasionally been found. The large quantity of iron in this water causes deposits which stop up service pipes and reduce the capacity of the mains. Furthermore, the water of these wells is at times contaminated with waste products from an oil refinery situated a short distance above them. Owing largely to this dissatisfaction with the quality of the water, there has been

considerable agitation in the village for municipal ownership of the water works, either by the purchase of the existing plant or by the construction of a new system. The project discussed has been to acquire or parallel both the water and light systems of the village. Although there has been much discussion, the only authoritative action so far has been the rejection by the taxpayers of a proposition to renew the existing contract with the company at an election held January 29, 1912. Since 1908 negotiations have been had with the company, with a view to the purchase of its works, but so far no price has been agreed upon. On February 26, 1913 the village appointed a committee to investigate the situation, which committee reported February 24, 1913. The majority recommended the execution of new contracts with the water and light companies, these being similar to the existing contracts, with the addition of stringent regulations, conditions and penalties with regard to the quality of the supply, pressures to be maintained, etc. A minority of the committee recommended the purchase of the existing works at a price named by them. The company states that it will not sell for this price. No official action has been taken by the village upon these recommendations, and at the present time the village authorities have not by vote been authorized to renew existing contracts, to make new contracts, to purchase the existing works, or to install municipally owned and operated systems.

As a result of the failure to sell the works to the village, the company decided that it would be advisable to seek a source of supply which would not be open to the objections raised against the present source. Therefore, the present project was adopted by the company and the making of this application was authorized at a directors meeting held in Pittsburg April 1, 1913 and confirmed, on account of legal objections raised by the village,

at another meeting held in Wellsville May 25, 1913.

Water is to be diverted from the Genesee River at a point about fifty miles below its source and at which the tributary drainage area is about 200 square miles. The yield of this watershed will be sufficient for the probable needs of the village for many years to come.

Analyses of the water and the physical conditions on the watershed indicate some pollution, and without filtration this water would be unsuitable for domestic use. A considerable portion of this watershed lies in the State of Pennsylvania and it is on this portion that the most dangerous source of pollution, the Village of Genesee, exists. This village, however, has no sewerage system and it is understood that the authorities of the State of Pennsylvania will not allow the installation of a system such as to cause dangerous contamination of the river. Wastes from a wood alcohol factory formerly were discharged into this stream, but this discharge has been stopped by the Pennsylvania State authorities.

The proposed filtration plant, if carefully operated under intelligent supervision, will make the water suitable for domestic consumption, provided that, in addition to this filtration, the Wellsville Water Company takes steps to have suitable rules enacted for the sanitary protection of this watershed in the States of Pennsylvania and New York, and provided further that suitable apparatus be installed and, when necessary, operated to introduce disinfecting agents into the effluent from the filters. The company has the organization and facilities necessary for proper operation of this plant.

The estimated cost of the proposed project is \$27,163.24 and this expenditure has been authorized by the company.

The works, if properly constructed in accordance with the plans submitted, with suitable materials and careful workman-

ship, will be safe and, with the provisos mentioned above, will be able to supply water in sufficient quantity and of suitable quality for the needs of this village.

No land will have to be acquired for the installation of the proposed structures, except for the intake crib and the right of way for the pipe from it to the collecting basin; the remainder of the works will be built on land already owned by the company.

Various alternative sources of supply exist, but it appears that a gravity supply of sufficient pressure would be unduly expensive and other sources, from which water could be pumped, do not appear to offer material advantage over the proposed project.

The taking of water from the Genesee River by the Wellsville Water Company for the use of the people of the Village of Wellsville will not adversely affect the 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 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.

In consideration of the above, the Commission therefore finds and determines:

FIRST: That the plans proposed are justified by public necessity.

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

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

FOURTH: 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.

FIFTH: 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.

Provided, however, that the said application, maps and plans, as submitted, shall be modified and the said Commission does hereby determine that they be modified and the work done thereunder be subject to the following conditions:

1. All the work proposed in this application in connection with the diversion, taking, filtration and pumping of this water shall be completely constructed in accordance with the plans as hereby revised.

2. After permit to operate these works has been issued, all the water pumped into the distribution system shall be filtered in a manner satisfactory to this Commission.

3. Enactment by the New York State Department of Health of rules for the sanitary protection of that portion of the watershed of the Genesee River above the proposed intake that lies within the limits of the State of New York shall be obtained as promptly as possible, and similar action shall, if possible, be obtained from the authorities of the State of Pennsylvania.

4. Approved apparatus for the introduction of chlorinated lime, or other sterilizing agent, into the effluent from the filters shall be installed.

5. Without further permission from the Conservation Commission, the average diversion of water from the Genesee River by the Wellsville Water Company, shall be limited to 1,000,000 gallons per day.

6. After the works have been constructed and before they are put into operation, they shall be inspected by and be subject to the approval of this Commission, as provided by Section 523 of the Conservation Law.

WHEREFORE, the Conservation Commission does hereby approve the said application of the Wellsville Water Company as thus modified.

IN WITNESS WHEREOF, the Conservation Commission
has caused this determination and approval
to be signed by the Commission and has
caused its official seal to be affixed
hereto and has filed the same with all
maps, plans, reports and other papers
relating thereto in its office in the
City of Albany this 8th day of
July, 1913.

CONSERVATION COMMISSION

W. E. Van Dusen

Wm. H. Fleming

J. L. Wood

Conservation Commissioners.

Albert J. DeGay

Secretary to Commission.