

State of New York

Department of Conservation

WATER RESOURCES COMMISSION

Water Supply Application No. 2189-F

In the Matter of the Application

- of the -

SPRING VALLEY WATER WORKS AND

SUPPLY COMPANY

for the approval of the acquisition
of land and the construction of a
dam for an impounding reservoir in
Rockland County, New York

Eighth Application

SIXTH MODIFYING DECISION

Application filed	September 26, 1951
Original Decision	July 23, 1952
Sixth Modifying Decision	November 1, 1982

MODIFYING DECISION ON WATER SUPPLY APPLICATION NO. 2189

PROCEEDINGS

Henry L. DeForest, Vice President of the Spring Valley Water Works and Supply Company, acting in the name and on behalf of that company, on September 26, 1951 filed an application with the Water Power and Control Commission, a predecessor of this Department, for approval of the plans of the said company for the acquisition or taking of an additional water supply, the taking or condemnation of lands for such new source of water supply and for the construction proposed in connection therewith. This application was approved by that Commission by a decision dated July 23, 1952 which was then later modified by five supplementary decisions. After various construction delays, the project was approved, as built, on February 4, 1965.

The original decision was approved subject to certain conditions, some of which read as follows:

- "H. Applicant must at all times maintain in the reservoir a quantity of water in storage and the level of water therein shall never be lowered to reduce the so-called "dead storage" below 1.4 billion gallons.
- "I. Applicant must, upon completion of this project, release from the reservoir at least 9.75 million gallons daily so that a flow equivalent to that amount will be maintained at all times in the stream immediately above the intake works of the village of Nyack. If the village of Nyack should in the future elect to take its water supply directly from this reservoir, the release of water herein required from the reservoir can at that time be reduced by 2 million gallons daily.
- "J. Applicant shall maintain and keep in satisfactory operating condition such measuring devices as are satisfactory to this Commission to record accurately the daily flow of water in the river immediately above the Nyack intake. The readings obtained from these measuring devices shall be kept on file in

the local office of the applicant and be open to inspection at all times.

"K. Should events prove that the amount of water herein required to be released from the reservoir under Condition I above be in error, the Commission, upon application of any party to this proceeding will reopen this case in order to make a suitable adjustment of the amount of flow to be maintained.

"L. Of the daily yield of this watershed at least 10 million gallons are forever reserved for the needs of the inhabitants of Rockland County. No part of these waters shall be transported across the State line through pipes, conduits or artificially constructed ditches or canals."

As a result of severe drought conditions occurring in 1980, Commission Robert F. Flacke of this Department in October of that year directed that a special study be made of water supply conditions in Rockland County. That study was completed and a report issued in June, 1982. As one result of that study and report, proceedings in this application were reopened pursuant to Condition "K", as quoted above.

After due study of the recent report and a review of the original decision, the Department finds as follows:

FINDINGS OF FACT

1. This application involved the creation of a storage reservoir on the Hackensack River near the junction of the east and west branches of that river in the town of Clarkstown, Rockland County, by the construction of an earth dam and concrete spillway and the installation of a mechanical gravity filter plant and pumping station immediately adjacent to and south of the dam.

2. The June, 1982 Report contained several findings, conclusions, and recommendations, not copied herein in full, but incorporated by reference. Certain of these pertain particularly to the so-called Ramapo Well Field, on which a separate but concurrent Modifying Decision is being issued (WSA No. 6507, Original Decision dated September 15, 1976).

3. Of the various Recommendations for Immediate Implementation in the June, 1982 Report, one in particular provides the basis for this Modifying Decision, vis:

1. DEC should initiate actions to modify the 1952 permit for DeForest Reservoir to include a reservoir operating curve, commonly called a rule curve, and other provisions for more effective future operation of DeForest Reservoir to ensure that Rockland County's water supply needs and those of downstream users are met under both normal and drought conditions.

4. On September 24, 1982, the Department issued a Notice of Intent to Modify Permits, relating to Water Supply Applications Nos. 2189 and 6507. This "Notice" was sent by Certified Mail to the Applicant, by regular mail to parties known to have an interest in the matter, and was published in the Rockland Journal-News. The "Notice" provided that any request for a hearing or other comments be submitted to the Department on or before October 15, 1982. The "Notice" further provided that, if no request for a hearing or substantive objections were received, the proposed modifications would be made effective on November 1, 1982.

5. On the same date, September 24, 1982, the Department also issued a Notice of Determination of Non-Significance with respect to the proposed modifications, under the State Environmental Quality Review program (SEQR).

6. As a result of the notices identified in Findings Nos. 4 and 5 above, several comments accepting or supporting the modifications were received, but no request for a hearing or substantive objections were received.

7. In consideration of the foregoing facts, the proposed modifications can be made.

DETERMINATIONS

Therefore, Conditions "H" and "I" of the original decision of July 23, 1952 are replaced by the following operating procedures:

- a. If the DeForest Reservoir storage is below the rule curve (attached) at any time of the year, release from DeForest Reservoir shall be made to maintain a daily average flow of 9.75 mgd in the stream immediately above the intake works of the Village of Nyack.

b. If the DeForest Reservoir storage is above the rule curve at any time of the year and

1) When the total storage in the three downstream water supply reservoirs (Lake Tapan, Woodcliff Lake and Oradell Reservoir with a total combined available storage capacity of 7.74 billion gallons) is more than 50% of their capacity, or 3.87 billion gallons, release from DeForest Reservoir shall be made to maintain a daily average flow of 9.75 mgd in the stream immediately above the intake works of the Village of Nyack.

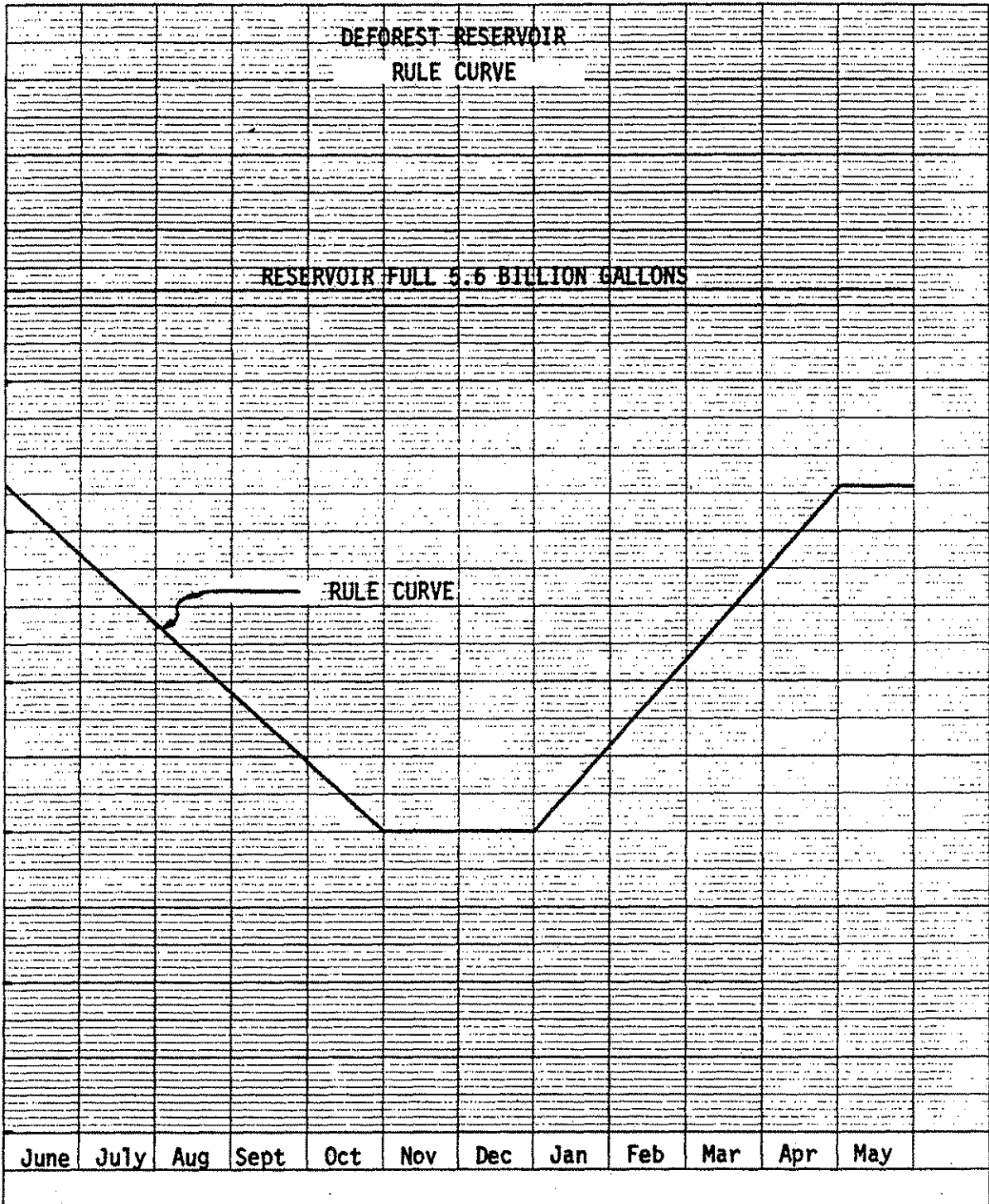
2) When the total storage in the three downstream reservoirs is less than 50% of their capacity and at a higher percentage storage than the percentage storage in DeForest Reservoir, a larger release may be made to maintain a monthly average flow of up to 15 mgd in the stream immediately below the intake works of the Village of Nyack.

3) When the total storage in the three downstream reservoirs is less than 50% of their capacity and at a lower percentage than the percentage storage in DeForest Reservoir, a larger release may be made to maintain a monthly average flow of up to 25 mgd in the stream immediately below the intake works of the Village of Nyack.

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

K&E 1 YEAR BY MONTHS X 150 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

STORAGE - IN BILLION GALLONS



Prepared: Sept. 24, 1982
Effective: Nov. 1, 1982

MODIFYING DECISION

WHEREFORE, the Department of Environmental Conservation does hereby modify the original decision on the said application, maps and plans of the Spring Valley Water Works and Supply Company (now Spring Valley Water Company, Inc.) as indicated herein.

IN WITNESS WHEREOF, the Department of Environmental Conservation has caused this determination and modification to be signed and issued and has filed the same with all maps, plans, reports, and other papers relating thereto at its office in the County of Albany this 1st day of November, 1982.

DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

Robert F. Flacke, Commissioner

BY: Louis M. Conca Jr. P.E.
Chief Permit Administrator