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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

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MORIAH HYDRO, LLC Project No. P-12635-002
- - - - - x New York

MINEVILLE ENERGY STORAGE PROJECT
Draft EIS Meeting

Moriah Central School Auditorium
39 Viking Lane
Port Henry, New York 12974

Tuesday, July 30, 2019

The evening scoping meeting, pursuant to notice,
convened at 7:07 p.m.

1 P R O C E E D I N G S

2 MR. MILLARD: Folks, I apologize for the delay;
3 we have some difficulties with the audiovisual equipment.
4 Has everybody had a chance to sign in? There are some sign-
5 in sheets up in the lobby there. It's important that folks
6 get an opportunity to sign in so we know who is attending,
7 and such.

8 Has everybody had a chance? If not, I can maybe
9 send this around.

10 AUDIENCE: Send it around.

11 MR. MILLARD: Send it around, okay.

12 All right, folks. Thanks so much for coming out
13 this evening. I appreciate your showing up here for what's
14 a fairly important part of the process for the Federal
15 Energy Regulatory Commission as we go through the licensing
16 for the proposed Mineville Energy Storage Project.

17 My name is Chris Millard, I'm a fish biologist
18 with FERC down in D.C. I also happen to be the project
19 coordinator for the Mineville Project. And I have with me
20 today Andy Brenick, a colleague of mine from FERC, is in the
21 back operating the slides. Andy is a wildlife biologist.
22 He was responsible for putting together the terrestrial
23 resources section of the Draft EIS that we issued recently.
24 And also worked on the geology and soils section, and also
25 the threatened and endangered species; he had kind of a full

1 plate in putting together the Draft EIS.

2 I also have Bernward Hay. Bernward is a
3 consultant with WSP. We reached out because of the
4 complexities of this project for the geology section; and
5 Bernward and his associates at Rizo Associates --another
6 consulting firm -- put together most of the geology section;
7 do kind of heavy lifting with that, looking at the
8 geotechnical analyses and such.

9 It's a team effort, of course, to put together
10 this Draft EIS, and we're happy to have it out in June.

11 So the purpose of the meeting, I think as most of
12 you know, we're looking to gather comments and feedback on
13 our analyses for the Draft Environmental Impact Statement
14 that we issued, as I mentioned, on June 18 of this year.
15 We're asking that folks, if you have any oral comments to
16 provide, to do so tonight. That's something where you can
17 say we did something well; we didn't do something well
18 enough; any ideas, any comments, any suggestions that you
19 might have to improve the document would be great.

20 If there's something that you don't think of
21 tonight, and it's something that can be submitted through
22 writing, that's another option; and that can be done through
23 eLibrary which, if you're not familiar with, and if any of
24 you folks have interest in pursuing that in terms of
25 submitting comments, I can give you a hand with how to

1 navigate that after the meeting.

2 Oral and written comments and anything we can
3 gather here tonight, which is going to be recorded with a
4 court reporter -- which I'll talk about in just a second --
5 all of that would be addressed in our Final Environmental
6 Impact Statement, which is going to be due in February of
7 2020. But the comment period for the Draft EIS ends on
8 August 19th, and so all comments and questions and
9 suggestions should be submitted by then. That's a Monday.

10 As I mentioned, we do have a court reporter,
11 because everything we talk about tonight will be captured
12 and put on the project record. And the idea is to properly
13 allocate all the comments to the folks that make them, and
14 make sure they are available for everybody to see them; and
15 they live forever on eLibrary.

16 So if you do decide to speak and make comments,
17 please keep that in mind. He doesn't know all of you folks,
18 so if you could state your name, your affiliation if it's
19 just a citizen or if you're affiliated with some other
20 group; just name that, and please speak kind of clearly and
21 loudly.

22 I will mention that Dan is probably have some
23 trouble hearing in here; that if you do have questions and
24 comments, go ahead and just raise your hand and I'll try to
25 get this microphone over to you, and we can go from there.

1 Next slide. One of the other parts of this
2 meeting -- this morning we had the same sort of meeting, the
3 same overall presentation with a lot of folks that were
4 representing some of the state and federal agencies that are
5 involved; and the idea was the same, was to get comments on
6 our Draft EIS; and we also took an opportunity to go to the
7 proposed project site and review it one more time. Some
8 folks were kind of new to the area, hadn't seen it, so we
9 did that this afternoon and of course we're finishing up
10 here this evening.

11 Next slide, Andy.

12 So by this timeline, I'm sure most of you folks
13 are familiar with when this project started and about the
14 stage that we're in right now. We originally got the
15 license application back in February of 2015 and then held
16 scoping meetings, which I see some familiar faces from back
17 in December of 2016. And generally speaking, after the
18 scoping meeting, we usually issue our Ready for
19 Environmental Analysis, which is that third set of texts
20 down from the top there.

21 In this case that took a little bit longer; we
22 had some outstanding issues, some lingering questions, and
23 we didn't feel we had all the information necessary to go
24 ahead and put together our environmental document; and so we
25 didn't issue that Ready for Environmental Analysis notice

1 until February 5th of last year, February 5th, 2018.

2 At that point we started down the road of putting
3 together our environmental assessment, which is what we had
4 intended to do. But as we got deeper into the project
5 record and we took a look at what our analyses, which we're
6 going toward, we kind of saw this as being more of a major
7 federal action that might constitute an impact on the human
8 environment which in short terms means that we had toward an
9 environmental impact statement.

10 So it was a little more involved; and that came
11 through at the beginning of this year. By the time we got
12 the logistics sorted out and also extended, some of the
13 analyses and some of the write-ups for the environmental
14 analysis document, we finally issued the Draft EIS in June
15 of this year, June 18th.

16 Like I mentioned, there's a 45-day comment period
17 that takes place. If you do the math, you'll notice that
18 between June 18 and August 19 there's a little more than 45
19 days, but that's because there's a lag time there where we
20 have to go by an EPA calendar. As I mentioned, the
21 deadline for filing the comments will be August 19th;
22 coming up soon.

23 I think I also mentioned, the final EIS will be
24 available in February of 2020. Next slide, Andy.

25 That's kind of an overview of where we've been

1 and what this process is; and what I'd like to do is open
2 the floor to questions; but what I'll probably do is go
3 ahead and give an overview of each of the sections

4 Can you guys hear me okay? [Loud A/C starts]

5 AUDIENCE: That's loud, so if you can talk up.

6 MR. MILLARD: Okay, maybe I can talk up a little
7 bit. [Adjusting microphone] Is that a little bit better?
8 Okay.

9 So what I'd like to do is go ahead -- you know
10 there's various resource sections within the Draft EIS, and
11 you don't necessarily have to have read every single word in
12 it; nonetheless I'll go ahead and summarize some of our
13 findings, some of the issues that we looked at, some of the
14 environmental measures that Moriah Hydro proposed to offset
15 those environmental issues, and then also talk about what
16 our recommendations are.

17 So at the end of each section, each resource
18 section, I'll go ahead and ask you folks if there's any
19 questions or comments or concerns that you have; and then
20 you can fire away. And between myself, Bernward and Andy,
21 we can hopefully answer the questions. If not, as I
22 mentioned, all the questions will be addressed in the Final
23 Environmental Impact Statement.

24 Next slide, Andy.

25 I can break this slide down a little bit easier

1 than what it looks like up here. Geology and soils was kind
2 of a complex issue here, clearly, with this being a
3 decommissioned mine in kind of a seismically active area,
4 there are a lot of things to take a look at. And so the
5 four major issues that we looked at -- I should note that
6 this isn't supposed to be an exhaustive list; there are
7 other things that we looked at besides what I'm presenting
8 here, but these are the major ones.

9 The four issues that we looked at in particular
10 are highlighted in blue; so the first being seismicity,
11 structural integrity of the proposed facilities, and then
12 also dimensions of the facilities. When I mention
13 dimensions of the facilities, that's mostly with respect to
14 the proposed project reservoirs, and so that's what we'll
15 discuss in the second.

16 As I mentioned, our concerns under that issue is
17 that is a seismically active area, the project under its
18 operation would basically be moving water between both
19 project reservoirs. The bedrock within the project mines
20 includes some marble, and the concern was that maybe the
21 marble would have some sort of dissolution during the
22 project operation with the water sloshing back and forth.
23 And also we wanted to look at the elevations of the proposed
24 project reservoirs and their volumes as well.

25 We also wanted to look at subsidence in the

1 former mine shafts; and I'm sure some of you are familiar
2 with this -- and we certainly became more familiar as we
3 toured the site today; there's a number of shafts that have
4 had cave-ins and have been subsiding some, so we're look at
5 that and looking at the hazards surrounding that sort of
6 issue.

7 We're also looking at hydrologic connectivity; so
8 how the adjacent mines are connected and how water moves
9 between them; we want to take a look at that and fully
10 understand what's happening within that network and all
11 those underground drifts and taverns and tunnels and so on
12 and so forth that might connect these various mines.
13 That's something that we want to understand better. And in
14 particular how it affected, how it affects the movement of
15 water from the New Bed Mine into the project mines.

16 And then finally we'll want to look at
17 controlling soil erosion, and that is basically looking at
18 sites that were proposed to have some sort of ground
19 disturbance, and trying to minimize that disturbance to
20 prevent overland runoff and soils running into the adjacent
21 streams.

22 Next slide, Andy.

23 So the proposed measures, again keeping in mind
24 those considerations that we just looked at, Moriah Hydro
25 has proposed some measures to kind of combat some of those

1 issues; and under seismicity and structural integrity, the
2 first blue listed text there, they offered to conduct
3 geotechnical investigation, mostly looking at seismic risk;
4 and also the stability of the bedrock within the project
5 mines; and they also proposed to monitor the seismicity or
6 some of the potential tremors that could come in the region.

7

8 And they proposed doing both two months before
9 project construction and then 12 months after the start of
10 project operation.

11 In terms of subsidence of the filled former mine
12 shafts, they proposed to reseal all shafts and all openings
13 in the project boundary; and that was with the exception of
14 the 21 Pit. Also, for hydrologic connectivity, again
15 related to the New Bed Mine, there's a West Drift that's
16 purported to reach from the project mines over to New Bed
17 Mine; and their intention was to go ahead and seal that
18 drift -- again, isolate the project mines and prevent water
19 from flowing from New Bed over to the project mines, and
20 also seal any other kind of water-bearing seams that might
21 have the water become more variable in the project mines.

22 And then in terms of soil erosion, they sought to
23 implement -- and I have an acronym there, but that ESCP, the
24 erosion and sediment control plan. So they looked to
25 implement a sediment and erosion control plan; so for any

1 ground disturbance there would be considerations for how to
2 mitigate those disturbances.

3 Next slide, Andy.

4 And in terms of what we did, after we did our
5 analyses, our recommended measures mostly fell in line, I
6 think, with what Moriah had proposed; though we requested
7 some modifications. We asked for the development of a full
8 geotechnical investigation plan to kind of plan out all
9 these various studies and monitoring, and that would be
10 relevant for ten years following construction.

11 What we're looking to do is basically to expand
12 the number of borings, these geotechnical borings that would
13 be used to investigate the various geologic features around
14 the project mines. Also conduct additional geotechnical
15 tests within the project reservoirs, again with respect to
16 the pillars that are present down in the mines, and looking
17 at their structural integrity.

18 I also want to evaluate potentially lowering the
19 maximum elevation level of the upper reservoir and also
20 reassess what the proposed storage capacity is of the
21 overall project.

22 In terms of subsidence of the former mine shafts
23 again, our recommendation was to come up with a formalized
24 plan, and the idea was to more or less take a look at each
25 of the subsiding mine shafts individually, and treat them as

1 such. So not just a one-fix solution, because they present
2 themselves differently, and so we wanted to take that into
3 consideration with this plan.

4 Next, Andy.

5 Also, so with hydrologic connectivities in the
6 New Bed Mine, yet again we asked for development of a
7 project mine sealing plan. Again, this is to isolate what
8 would happen to the project mines, to really keep the water
9 that's in those project mines, keep it stable and not allow
10 any sort of flow into, or minimize the flow into or out of
11 the project mines; and thereby kind of maintaining the
12 integrity of some of the adjacent mines.

13 We also wanted to develop a groundwater
14 monitoring plan, and this was to monitor groundwater at
15 multiple locations. One of the things that we were a little
16 bit concerned with, there was no real spatial understanding
17 of groundwater dynamics and hydrology in the project area;
18 and so because some of that information is missing, we saw
19 fit to request that sort of information -- and better get a
20 sense for how groundwater is flowing in and around the
21 project mines, and to better evaluate mine connectivity.

22 Sediment erosion -- sorry, control of soil
23 erosion. We were going to modify the proposed plan that
24 Moriah had, again to kind of do more site-specific measures
25 to each of the disturbances through project construction or

1 operation. And that would also include a plan for the
2 disposal and reuse of any excavated materials; to take that
3 in consideration.

4 So with that, that kind of gives an overview of
5 our geology and soils section. If there are any comments
6 based on anything you've read, anything you've heard or
7 anything that's on your mind at all, this would be the time
8 to go ahead and mention it if you'd like.

9 AUDIENCE: A question.

10 MR. MILLARD: Yes, sir. Do you mind if I give
11 this to you? This -- [mic]

12 AUDIENCE: That's all right. I can speak loud
13 enough. William Jenks (ph), a citizen.

14 Has anybody been down in the mines?

15 MR. MILLARD: Tell me your name again.

16 AUDIENCE: Has anybody been down in the mines?

17 MR. MILLARD: No, that I heard; just your name.

18 AUDIENCE: Ed.

19 MR. GORALCZYK: Ed Goralczyk. Don't try to spell
20 it.

21 MR. MILLARD: Okay. So the mines right now, the
22 project mines are filled with water. And they currently
23 overflow into the tributary that runs right adjacent to the
24 proposed project area. So it's not possible to go down
25 there and do any investigation at the moment. That's

1 honestly been the challenge, is that -- the data could be
2 available, the information could be available with the
3 exception of the fact that the mines are currently filled
4 with water.

5 MR. GORALCZYK: Just wondering what the
6 conditions of the mines are now down there.

7 MR. MILLARD: No, unless Jim, if you have
8 anything to add to it, but I don't think there's much
9 information about that.

10 MR. BEECHAL: Nobody's been down.

11 MR. MILLARD: No, no.

12 Yes, ma'am.

13 MS. TROMBLEE: Katrinka Tromblee. For a project
14 that was ten years after the mine itself shut down, we had
15 tremors all the time. And when I say all the time, they
16 were happening weekly until the mines filled with water. So
17 we're questioning how secure those shafts are, how much, you
18 know, -- and they were sizeable, a lot of them were; I lived
19 right near. And they felt -- And as I pointed out before,
20 the government didn't send for someone to put in equipment
21 that measured how much the tremors were as far as their
22 resonance on the scale.

23 So somewhere out there there is information
24 pertaining to how much tremors did, actually we felt.

25 MR. MILLARD: I think I remember that same

1 comment, question from a few years back, and was that -- a
2 university that had done that --? It was.

3 (Simultaneous discussion)

4 MS. TROMBLEE: I know that they have them up on
5 Mount Tom. They had them on Mr. Patero's (ph) property they
6 had one of them. But we were getting tremors to the point
7 that a new home was built on South Silver Hill Road, and on
8 occasion it popped the nails right out of the new home,
9 right out of the wall.

10 Some of them was very seismically exposed. We
11 have questions on how much of a -- where this is occurring
12 and how much it affects the actual mine shaft.

13 MR. MILLARD: Yes. And I said, that was a part
14 of our thinking, honestly, because we've discussed that as a
15 group. I recall your question, and it's listed in the
16 transcripts as well. So it was in the forefront of our
17 mind. And I think, if I can speak for Bernward, it was part
18 of his thinking during the analysis -- Bernward, I don't
19 know if you have anything else to add to it.

20 MR. HAY: So we looked at the seismic risk with
21 the information that was available and that was on file so
22 far. As part of the mining operation there will be
23 stresses that will occur on a regular basis, that would have
24 occurred on
25 many centuries, including at the closure of the mine.

1 AUDIENCE: Can't hear you.

2 MR. HAY: Sorry about that. So let me repeat.

3 Over there, 200 years as part of the mining, as
4 you excavate rock from the subsurface, you would have
5 stresses build up, and those stresses are expressed in
6 tremors, due to natural conditions, typical conditions as
7 part of mining.

8 So as the mine closed, most likely the mine
9 adjusted to itself, to that state; and I think as the water
10 filled in there was some additional stresses that occurred.
11 We had a seismic expert on our team that has looked at these
12 stresses and the potential risk as part of the project; and
13 we have made recommendation that Chris has shown, and as
14 Moriah has proposed to do additional geotechnical
15 investigation -- again, that's Moriah's proposal -- and we
16 have an additional layoff investigation as part of those
17 geotechnical investigations that include a seismic risk
18 assessment to look in more detail at those kinds of
19 questions.

20 MS. TWOMBLEE: Do you anticipate further tremors
21 once you start emptying the mine out of water? Taking the
22 water out once you get the -- allowing it to fill or pumping
23 it back in and then it would drain with the pressure on the
24 inside? Do you anticipate us getting more tremors?

25 MR. HAY: Again, I can speak for the seismic risk

1 person that has been on the team, and he said the risk that
2 is anticipated from this project would be low, but it would
3 be something that needs to be investigated further as part
4 of the geotechnical analysis that Moriah plans to perform.

5 MS. TWOMBLEE: So would that alter the project if
6 it started, what you got started? In other words, you
7 started pumping out the mines to put in the gates. You
8 said you were going to put like gates that are going to hold
9 a lot of water, to fill back in behind them and then release
10 the pressure to let the water out?

11 If you start having tremors, we start having a
12 lot of tremors, we start getting -- Is that going to affect
13 the whole project?

14 MR. HAY: Well, maybe you should let Jim answer
15 that question.

16 Jim, do you want to respond to that question?
17 Again, from our perspective, we don't anticipate major
18 risks, seismic risks. Using the current level of
19 information that is available. Again, there will be
20 additional information available.

21 It is competent rock; it's granite. We're
22 talking very competent rock; magnetite and granite,
23 metagaple (ph); those are all very strong, competent rocks;
24 they can handle a lot of stress. And the mining would have
25 been much more stressful than what is proposed here at this

1 project; but again, I'll let Jim answer that question.

2 MS. TWOMBLEE: There is also buckshot iron ore.

3 The -- was number one iron ore grade in the
4 world, actually in the 1960s and the early -- Sixties, late
5 Fifties, early Sixties. It was buckshot iron ore. With
6 buckshot iron ore you -- you know, it breaks down real easy,
7 right? Compared to other iron ore.

8 MR. BEECHAL: I can't comment on the type of
9 material that was there other than that it was very high
10 iron, about 55 percent.

11 To answer your question about seismicity, it's an
12 active seismic area, and some of that work that Columbia did
13 was part of that New York State network of earthquake
14 stations and seismic stations they put in in the '70s and
15 '80s. Some of that was discontinued. I wouldn't expect any
16 unusual seismic activities from this. The mine
17 construction itself was probably a lot more active from the
18 standpoint of seismicity, as they were mining that. We're
19 not mining any significant amounts from the mine, just from
20 the shaft itself. So I would not expect any.

21 MR. HAY: Thank you.

22 MR. MILLARD: Are there any other comments
23 related to geology and soils?

24 Yes, sir.

25 MR. MULLEN: Dennis Mullen.

1 MR. MILLARD: Dennis what?

2 MR. MULLEN: Mullen, M U L L E N.

3 MR. MILLARD: Yes, sir.

4 MR. MULLEN: All the transformers in the mine had
5 PCBs in them. Were they all removed over the years? Or are
6 any of those still underground.

7 MR. MILLARD: If you can wait five minutes, I'll
8 get to that.

9 The next section that we're covering is the
10 aquatics and water quality. And so I can briefly address it
11 then, if you can hold out.

12 MR. MULLEN: Okay. The other question I have is,
13 from what I've seen on your slides, you currently do not
14 have a plan for sealing shafts Pit and Drift. Is that
15 correct?

16 MR. MILLARD: No, but that's what we recommended,
17 was to develop a plan.

18 MR. MULLEN: Can you give me the exact locale you
19 will go about doing that?

20 MR. MILLARD: I'll defer to our geologist, I
21 guess, on that one.

22 MR. HAY: Again, Jim may have the opportunity to
23 have some comments to this one, as well.

24 So basically Moriah proposed to seal all the
25 shafts and pits in the project area to mitigate the risk

1 from subsidence. What they have proposed is to excavate the
2 -- correct me if I'm wrong, Jim -- to excavate the shaft --
3 I'll let him fill in the details. In addition to that,
4 beside from what Moriah proposes, the Commission has
5 expanded the plan to first investigate each individual pit,
6 because what we have seen in the record is each shaft was
7 handled somewhat differently; there were different
8 approaches with different shafts. Also, the dimensions of
9 each shaft and entry pit are somewhat different.

10 So it has to be a custom-tailored approach to
11 ultimately make sure that they don't cave in again. That's
12 the goal.

13 MR. MULLEN: But how do you physically field it?

14 MR. BEECHAL: Okay, when Republic the mine back -
15 - right after they closed the mine, they let out a contract
16 to seal the shafts, and we got all the data from what they
17 did. So in most cases they put timbers underground, then
18 filled it with rubble, which is just stone, and then
19 sometimes put a concrete cap on it.

20 Well, of course over the years the timber has
21 rotted out, the stone has subsided, and in a few cases the
22 concrete has moved downwards, like up near the firehouse.
23 That was probably a good 20 or 30 year fix; it isn't a real
24 permanent fix. So what we were proposing would be site-
25 specific for each shaft, but generally will involve

1 removing that material, putting steel beams in, and then
2 filling that with structural concrete to a certain point so
3 that it's keyed into the rock with structural concrete, so
4 that there's no chance of just loose backfill subsiding
5 again; much more permanent type of structure. As the rest
6 of the structures in the project were also obviously
7 reinforced concrete.

8 But we kind of know what they did. In retrospect
9 they probably could have done a more permanent job, but it
10 is what it is.

11 AUDIENCE: How deep would you expect to be going
12 to put steel beams --

13 MR. BEECHAL: I would guess probably 40 feet from
14 the surface. Until we get to either competent rock or
15 sufficient ground support to hold the cap up. It's
16 essentially a cap. The shafts go down quite deep in some
17 cases; you're not filling the entire shaft, you're putting a
18 cap on the surface that's not going to move and is going to
19 provide the necessary support.

20 MR. MILLARD: Okay, one last call for geology and
21 soils before we move on?

22 Okay. So here's the aquatic resources section.
23 Again a non-exhaustive list. Our most prominent issue that
24 we looked at was water quality in the local streams, and
25 this was mostly with respect to the dewatering of the mines.

1 As I mentioned, the mines are filled right now, and so it's
2 anticipated that for a period of about one to two years
3 there will be some dewatering of the project mines into the
4 adjacent tributary, which is C86-5; it doesn't have a name
5 as far as we know.

6 And our concern was that that water quality might
7 change as the dewatering occurs, and then once the project
8 is up and running, there would be a constant flow out of the
9 stream, out of the project mines, rather; into the stream,
10 much like what's happening right now, there's a constant
11 flow out of there. But essentially all the groundwater that
12 would be coming in from the mines when they're operational
13 would then be pumped out so you'd maintain the same water.

14 Nonetheless, our concern was what the -- those
15 different treatments and those different discharges would do
16 to those local streams. And so the proposed measures that
17 Moriah Hydro had were to monitor water quality at the Don B
18 outfall, which is that occurring outfall that's going into
19 Tributary C86-5, and do that for the life of the project.

20 They also want to treat the water to conform with
21 New York DEC water quality standards.

22 So our recommendation -- here's where I get to
23 the answer for you on the PCBs. Moriah Hydro --

24 Andy, would you go to the next slide.

25 Moriah Hydro proposed several parameters, all of

1 which are listed up there; you can see them: Temperature,
2 pH, conductivity, turbidity, DO is dissolved oxygen, TOC is
3 total organic carbon, and then two metals which are iron and
4 manganese. And then we proposed to add PCBs because of
5 course a lot of the mining operations did use materials
6 containing PCBs, and we weren't necessarily convinced yet
7 that there aren't any PCB-containing materials down there.

8 And so our recommendation was to include that
9 particular parameter in the monitoring, in the water quality
10 monitoring. One other thing that we did was, we didn't
11 necessarily think it was appropriate to do the water quality
12 monitoring and treatment for the duration of the project and
13 the life of the project, because it could be something that
14 after five years, that's it. There's no water quality
15 issues, and so it wouldn't be proper to force that action
16 necessarily.

17 So what we proposed was treatment, treatment and
18 water quality monitoring one year prior to construction and
19 then during project construction, and then for three years
20 following the operation of the project with an opportunity
21 to continue it if deemed necessary. And again, that's if
22 things aren't in compliance with state water quality
23 standards or any other considerations for those constituents
24 that are up there.

25 So that's what we have for aquatic resources.

1 Again, there are other issues that we bring up in the draft
2 EIS, but this was the most prominent.

3 Does anybody have any questions or concerns with
4 water quality? Jim?

5 MR. BEECHAL: Let me just add what we understand
6 about the PCB situation. There's extensive documents in the
7 files in various places from Pat Ferrel, who was the mine
8 engineer. And this was back before they closed the mine,
9 just as they were closing it; and that question came up.
10 Because in Fisher Hill there were underground transformers
11 that had PCBs in them. They were not believed -- there was
12 no record of any PCB transformers in the Old Bed or the
13 Harmony, but in Fisher Hill there was.

14 And the records are very detailed as to what they
15 did. In that particular case, they drained the
16 transformers, they decontaminated them, had an outside
17 company do it, then they encased those transformers in
18 concrete.

19 Now presently, as you know, the State of New York
20 takes water from the Fisher Hill shaft and mines for
21 drinking water at that shock incarceration, and that was
22 tested on a monthly basis, I guess. So we know that's what
23 happened up there is PCBs -- there's no record in any of the
24 correspondence with Pat Ferrel or anyone about any
25 underground transformers with PCBs in them in the Old Bed

1 and Harmony; what we understand is most equipment, as far as
2 any electric locomotives or anything, was taken out of
3 there. We expect what was left there was just timbers and
4 steel rails and that type of thing.

5 MR. MILLARD: Okay. One last call for aquatic
6 resources? Yes, ma'am.

7 MS. CUNNINGHAM: Ronnie Cunningham.

8 Have they started to do the one year-prior to
9 construction tests, the treatments?

10 MR. MILLARD: No. So that would be after a
11 license issuance. This is all post-licensing work that that
12 would be started, then. Because there would be presumably a
13 lag time between a license issuance and the start of
14 construction.

15 AUDIENCE: I have a question.

16 MR. MILLARD: Ma'am, were you done with that?

17 MS. CUNNINGHAM: I am.

18 AUDIENCE: With the mines full, that water
19 currently is going into the brook out of those mines,
20 correct?

21 MR. MILLARD: It's overflowing.

22 AUDIENCE: The overflow.

23 MR. MILLARD: Right.

24 AUDIENCE: Why is DEC not monitoring that now?

25 MR. MILLARD: Well --

1 AUDIENCE: I mean, if the concern is water
2 quality in DEC, the mine is already going into it, that
3 water is already overflowing into that brook, into that
4 stream.

5 MR. MILLARD: Well, there's a question, and I
6 guess probably a concern, that maybe some of that's water
7 that's currently emanating from the mine, is moreso just
8 recently infiltrated water. That's moving down and out as
9 opposed to any sort of -- likely no, little or no
10 circulation of water in the project mines, and the concern
11 is that the water that comes out of there now is not
12 representative of water that might be at several hundred
13 feet.

14 AUDIENCE: But yet they want it monitored for a
15 year prior to construction.

16 MR. MILLARD: Right.

17 AUDIENCE: So my question is, why are they not
18 monitoring the water? This project wasn't on the table,
19 wasn't going to take place, there's no concern for that
20 water that's coming out of the mine right now going to the
21 stream by the environmental law, correct?

22 MR. MILLARD: Well, not that I know, but I can't
23 speak for them. I really don't know. I couldn't really --

24 AUDIENCE: Or the mine shafts that are caving in?

25 I mean, nobody has any responsibility for any of

1 that?

2 MR. MILLARD: Well, I think they're supposed to
3 have responsibility; I just don't know that -- know whether
4 or not --

5 AUDIENCE: The point I'm trying to make -- you
6 know, there's a lot of things happening up there that have
7 been happening. It was never brought to the attention of
8 local government or anyone until such time of this project.

9 MR. MILLARD: Uh-huh.

10 AUDIENCE: So now the whole alphabet soup is
11 involved, trying to get stuff through.

12 MR. MILLARD: No, I understand. I do understand.

13 Again, I think the idea is to get a sense of what
14 that baseline information is before we do get into the
15 depths of the mine.

16 MR. HAY: That's the key thing.

17 MR. HAY: Let me add to that. In order to be
18 able to see the difference between what's down below and
19 what's in the stream naturally, I think it's about the
20 baseline. So you want to start a little earlier to see what
21 conditions are currently to then be able to say 'Okay, now
22 the I'm pumping deep water, this is what the water quality
23 is compared to the baseline.' So that's the logic.

24 MR. BEECHAL: I should mention one thing; there
25 has been water quality testing of the stream. In the

1 stream.

2 MR. MILLARD: In the stream -- well, very
3 limited.

4 MR. BEECHAL: What's coming out of the mine.

5 MR. MILLARD: I should mention that, right. So
6 there have been a couple grab samples, right, is that what
7 you're referring to?

8 There have been some grab samples, and it's just
9 a little bit of information, not something that -- generally
10 speaking when you do water quality surveys, you'd have a
11 look at seasonal variation. It would be just a couple
12 samples here and there. So something more consistent,
13 something that might capture the seasonal variability would
14 be important; that's why you would have it done a year
15 before construction.

16 AUDIENCE: So have they been taking water samples
17 already? Can they go retroactive back to a year, for that
18 year for construction? Or do they have to wait until the
19 permit is issued to start?

20 MR. MILLARD: If that monitoring were to take
21 place, it would be specified in the monitoring plan that we
22 are recommending. So it would be a more formalized plan and
23 approach to water quality monitoring.

24 Anybody else for aquatic resources?

25 Okay. Next, Andy.

1 AUDIENCE: Oh, I've got one question.

2 MR. MILLARD: Yes, sir.

3 [maybe] MR. GORALCZYK: That overflow on -- once you
4 start the pumping process, is this going to affect the town
5 water treatment facility? Are they going to overload it or
6 are they compensating for it, or are they going to affect it
7 in any way?

8 MR. MILLARD: I don't know that -- I know enough
9 about the town's water --

10 (Simultaneous discussion)

11 MR. BEECHAL: That's a different location.

12 MR. MILLARD: Okay.

13 So the next one is terrestrial resources, and
14 threatened and endangered species. Our issues here, we were
15 looking a summer and winter habitat for bat species, which
16 includes federally-listed species, Endangered Species Act,
17 bats, and also there are some state-listed species there as
18 well.

19 The issues that we took a look at were the
20 clearing of forested habitats in and around the project area
21 due to construction; both of the project facilities and also
22 during the sealing of the mine shafts that we mentioned a
23 little bit earlier; and also looking at the adjacent bat
24 hibernaculum at the New Bed Mine; and again there's an issue
25 that we want to explore, because again we talked about those

1 hydrologic connections. The bats are particular for the
2 conditions that they live in in terms of temperature and
3 humidity, and so any potential change in those flow
4 patterns, those groundwater flow patterns that might affect
5 that New Bed Mine, we want to delve into that and look a
6 little closer to see if there would be any impacts.

7 The proposed measures that Moriah Hydro had were
8 to implement that erosion and sediment control plan that we
9 talked about a little bit earlier, so any clearing of trees
10 on the surface would be compensated for, accounted for under
11 that erosion and sediment control plan. And then also they
12 propose to implement a bat protection measures and action
13 plan, which we'll just refer to as a bat plan. And this
14 laid out different mitigation measures to help protect those
15 bat species.

16 Next, Andy.

17 So our recommendation -- you know, we discussed
18 it previously, with the erosion and sediment control plan
19 which was to have that more site-specific approach to
20 particularly identify areas that are disturbed and treat
21 them individually. And we also want to modify the bat plan
22 -- I'll go ahead and go through -- it's a little bit
23 lengthy, but I'll do it nonetheless.

24 Our suggestions were to modify the bat plan, to
25 identify all project-related ground disturbances and tree

1 clearing -- again because that's important habitat for bats.
2 We also want to identify the number and location of these
3 environmental monitors in the New Bed Mine location --
4 again, those are monitors that will look at things like
5 temperature, humidity and water level.

6 We also suggested developing a protocol to seal
7 that West Drift that runs between the project mines and the
8 New Bed Mine, and identify all associated -- all the
9 associated above-ground activities. Again, Moriah's
10 proposal is to seal that West Drift and any disturbances
11 that would be done above ground during the sealing of that
12 drift would be accounted for with that erosion and sediment
13 control plan.

14 Also, we look to establish a groundwater
15 elevation monitoring station within New Bed Mine -- sorry,
16 not the New Bed Mine, but near the purported seep at the
17 Roe shaft, and also identify the number and design of that
18 exclusion device at the mine openings. One of the things
19 that came to mind was, bats might be using some of these
20 adjacent shafts that are currently open, and we want to be
21 able to protect them from entering those shafts during the
22 construction phase.

23 We also sought to identify the need for any
24 additional bat surveys, as I mentioned in the shafts and
25 pits, as they are proposed to being resealed.

1 So that's the terrestrial resource and threatened
2 and endangered species. Anybody have any comments or
3 questions relating to that topic?

4 [No response]

5 MR. MILLARD: Okay, I see none, so I'll move on.

6 The final one is cultural resources. This is one
7 last recommendation that we made, and something to be looked
8 at pretty closely. The issues that we saw were that we want
9 to be able to protect the cultural resources of the project
10 and highlight the historic mining character of the project
11 area and even to some extent in the local area and region.

12 The measures that Moriah proposed, we're to
13 implement an Historic Properties Management Plan, which
14 would include the development of historic industrial and
15 interpretive displays about the project mines, and about
16 pumped storage facilities themselves.

17 And our recommendations here were to essentially
18 expand on what was proposed from Moriah, which would be to
19 update the -- let me get back to, to revise the proposed
20 HPMP and update the project description to provide an
21 historic background of the area and description of the
22 National Register-listed sites and properties located in the
23 project area. And also explain the significance of those
24 historic sites to the general public.

25 We also sought to kind of train staff in some of

1 the cultural resource issues, and also include more details
2 on some of the signage that would go around the project area
3 describing the history and some of the other cultural
4 resources.

5 So that takes care of cultural resources. Does
6 anybody have any comments or questions about that?

7 [No response]

8 MR. MILLARD: All right. The last slide is, I
9 guess, anything that we didn't necessarily cover here today.
10 Again as I mentioned, it wasn't an exhaustive list of what
11 we looked at in the Draft Environmental Impact Statement,
12 but if you folks have any other concerns or questions and
13 any other topic areas or want to revisit anything, I would
14 be happy to hear about it.

15 Yes, sir.

16 AUDIENCE: During construction or when the
17 project is finishing up and running, is there any damage
18 done to private property at any time facing the sink hole,
19 cave-ins or anything else? What's the liability issue that
20 may arise out of this?

21 MR. MILLARD: Well, we wouldn't be involved in
22 that part of it. That's not for us to determine.

23 If you want to speak to it.

24 MR. BEECHAL: Generally, a contractor or
25 developer is negligent -- the contractor or developer causes

1 something negligently to cause a problem, they're
2 responsible for it, simple as that. And projects this size
3 have insurance, and they have the capability of remedying
4 something if they're found to be negligent in what they did.
5 That's the simplest answer. Like anything else.

6 AUDIENCE: But if they're actually doing what the
7 project is intended for, and something happens like a major
8 cave-in, doesn't necessarily mean they're negligent. So
9 then where does the liability shift? Because our
10 homeowners, if it were --

11 MR. BEECHAL: I think the same thing goes; if
12 it's a cave-in it's because of negligence, generally; it's
13 not something that occurs on its own. It's the
14 responsibility of the project developers who assure that
15 what they're doing is not going to cause any harm; it's as
16 simple as that. That's true with anything, any building,
17 any project of any kind.

18 MR. MILLARD: Yes, sir.

19 AUDIENCE: What is the current extended timeline
20 for the project?

21 MR. MILLARD: There are some things to get past
22 here. I think I showed on the timeline, we're looking to
23 wrap up any comments that we get on the Draft EIS and
24 incorporate them into a Final EIS by February of 2020. And
25 generally speaking for a lot of projects the license

1 issuance follows shortly thereafter.

2 We are waiting -- there's a water quality
3 certificate that has to be issued by the State of New York;
4 there's also a consultation, native species consultation
5 that we have to go through with Fish and Wildlife Service.

6 I wouldn't be comfortable venturing a guess as to
7 when a license might be issued. But presumably, if say for
8 instance was issued next June, then it would just be mainly
9 up to Jim and his folks to decide what the project schedule
10 is before it can move forward.

11 Yes, sir?

12 AUDIENCE: There hasn't been any mention of
13 hydroelectricity being made with the flow of the water being
14 pumped out of mines, and I was wondering why.

15 MR. MILLARD: Has there been a -- no, no. The
16 intent of the meeting was just simply to receive comments on
17 the environmental analyses that we've present in the Draft
18 EIS. Some of those discussions that you're looking for
19 would have been covered during the scoping meeting. Jim did
20 a presentation that discussed some of that.

21 I'll let Jim go on that one.

22 MR. BEECHAL: I can answer that. Yes, we looked
23 at that. It isn't economical. Essentially it's going to
24 cost electricity to pump the water out; but to recover that
25 energy, that water would have to be taken down much lower;

1 and hence we'd not have water in the stream. So it just
2 isn't economical, is the simple answer. We looked at that.

3 AUDIENCE: Isn't the water being pumped out of
4 the mines flowing down --

5 MR. BEECHAL: Yes, we can pump it out; that takes
6 power. And then to recover the energy, you'd have to have
7 another turbine and a place to discharge it down below, much
8 lower; say down here in Moriah Center. And it just wouldn't
9 be--

10 AUDIENCE: Fort Henry, where it used to be.

11 MR. BEECHAL: Yes. It wouldn't be economical.
12 The operations just don't work, because it's only for a
13 short period of time. We did look at it, though.

14 MR. MILLARD: Yes, sir.

15 AUDIENCE: Just for clarification; so you have
16 applied for a second time for your Section 401
17 certification, you've reapplied a second time; because I
18 understand it was denied by DEC?

19 MR. MILLARD: It was, but it wasn't me that
20 applied. That would have been Jim and Moriah; and that
21 hasn't been done yet. The deadline for that, if I recall
22 correctly, is August 12th. So the initial water quality
23 certification was denied without prejudice by DEC. At that
24 point there's an opportunity to petition that decision or
25 reapply, altogether. So that's where we stand with that.

1 Jim can add to it.

2 MR. BEECHAL: It's kind of a timing issue.

3 That's why I believe it was denied without prejudice, so we
4 will be reapplying by August 12th, I think it is.

5 MR. MILLARD: Anybody else?

6 Yes, sir.

7 AUDIENCE: Is the upper reservoir open -- is it
8 open to the atmosphere? Or it's closed.

9 MR. MILLARD: It's all closed, yes. It's all
10 underground. Yes.

11 Okay. Oh, Tom?

12 TOM: Will this be the last environmental
13 hearing?

14 How long does this go on?

15 MR. MILLARD: Well, this is the last step in the
16 process for us in terms of doing public meetings.

17 AUDIENCE: So the point eventually comes, you
18 either say yes or no.

19 MR. MILLARD: Yes, that's correct. We're closer
20 than we were.

21 All right. If no one has any other questions or
22 comments, I'll go ahead and adjourn the meeting.

23 Thank you -- yes, sir, in the back.

24 AUDIENCE: Is there one place where we can find
25 all this information?

1 MR. MILLARD: Yes, there is. Generally speaking
2 if you go FERC.gov and go under eLibrary, if you look up the
3 Mineville project -- I can give you the project number, too.
4 All the documents, all the exchanges that we've had, are all
5 documented on eLibrary. So you can download those and view
6 everything. The Draft Environmental Impact Statement is up
7 there right now, and if you'd like to come see me, I can
8 just give you the website real quick, and the project
9 number.

10 AUDIENCE: Okay. Will we have --

11 MR. MILLARD: I'm sorry?

12 AUDIENCE: This information you gave us today,
13 too? Will be in there.

14 MR. MILLARD: Yes. So this was basically just a
15 summary of the Draft EIS. So yes, you can peruse that and
16 see what you think of the various sections.

17 The timeline is not included on there, although I
18 think it's going to be on the notice of us issuing the Draft
19 EIS. So that should be up there as well.

20 AUDIENCE: Okay, thank you.

21 MR. MILLARD: You're welcome.

22 Okay, with that -- oh, yes, sir.

23 AUDIENCE: If you do find contaminants in that
24 water, have you got a plan for treating that water?

25 MR. MILLARD: Well, as we pointed out, the

1 recommendation is to develop a water quality monitoring
2 plan. Jim and Moriah Hydro have proposed a treatment that
3 was mostly for some of those constituents that I showed
4 earlier, so it doesn't include the PCBs, that would be
5 another thing altogether. But that monitoring plan would
6 include all that information, the proposed monitoring plan.

7 AUDIENCE: And treatment, or no?

8 MR. MILLARD: Yes. Yes. And that would be, our
9 recommendation was to develop that plan, that Moriah Hydro
10 develop that plan in consultation with New York DEC and also
11 with Fish and Wildlife Service.

12 Yes, sir.

13 AUDIENCE: If everything goes like the schedule,
14 when -- a ballpark figure of when this would lead to
15 construction of it? A year, two years, five years?

16 MR. MILLARD: I don't know that I'd feel
17 comfortable setting a date for it, other than to say that
18 our intention is to have the Final EIS out by February 2020.

19 What happens beyond that would just be
20 speculation. I'm sorry I can't give you a definitive
21 answer.

22 Yes.

23 MR. BEECHAL: Without pinning down a date, I can
24 tell you that when the license issues, they generally issue
25 with a requirement to begin construction within three years,

1 and to be completed within five years. That's generally a
2 standard license condition.

3 Having said that, we started this project in
4 1990. let that sink in.

5 (Laughter)

6 AUDIENCE: Only in New York.

7 MR. MILLARD: Okay. One last call.

8 Okay. Thanks so much for everybody coming out,
9 and we'll go ahead and adjourn the meeting. Thank you.

10

11 [Thereupon, at 8:02 p.m., the evening scoping
12 meeting adjourned.]

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 MINEVILLE ENERGY STORAGE PROJECT

8

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15 Docket No.: P-12635-002

16 Place: Port Henry, New York

17 Date: Tuesday, July 30, 2019

18 were held as herein appears, and that this is the original

19 transcript thereof for the file of the Federal Energy

20 Regulatory Commission, and is a full correct transcription

21 of the proceedings.

22

23

24

Dan Hawkins

25

Official Reporter