



July 27, 2015

Ms. Kimberly Bose
Federal Energy Regulatory Commission
Office of the Secretary
888 1st Street, NE
Washington, DC 20428

Re: Docket No. PF15-1-000: Comments Regarding PennEast Pipeline Project, Scoping Period

Dear Ms. Bose,

The PennEast misinformation campaign continues as PennEast, with their July 24th letter submission to the record, has attempted to cloud and rewrite the facts regarding their drilling operations in Holland Township, NJ in an effort to obscure several substantive issues from public and regulatory review.

It seems pretty clear, PennEast has the Delaware Riverkeeper Network and local residents to thank for alerting them to their failure to obtain needed permits for their Holland Township test boring on July 20 & 21 before they passed the 50 foot depth that would have put them in violation of that particular regulatory mandate. There exists clear evidence that PennEast's driller intended to drill to 100 feet without first obtaining the necessary permits – it was vigilant community action and response that prevented it.

PennEast asserts that it came to the site in Holland Township with no intention of drilling beyond the 50-foot limit which requires a permit. However, experts have reviewed photos of the equipment on the site, including the core boxes onsite used for monitoring drilling progress and housing the borings collected, and concluded that it is likely that the driller intended to collect at least 90 feet of core during their drilling operations at that site. When the 90 feet of core is added to the 4 feet of overburden drilling, that total depth is nearly 100 feet.

These observations confirm the statements made to Robert Rader on July 21 by the drilling workers, who stated that PennEast intended to drill to roughly 100 feet.

The drilling clearly stopped in response to the concerns we expressed regarding the pollution pouring into the natural spring fed pond, and the intention to drill past 50 feet without a permit.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawareriverkeeper.org
www.delawareriverkeeper.org

Contrary to the suggestion in PennEast's letter to FERC, there seems to be no evidence to support the assertion that multiple test bores were drilled, or were going to be drilled, to determine the right place to drill the test bore that day before pursuing a permit. One bore was drilled, and only one bore, and multiple core boxes, far exceeding what would be needed for drilling a 50 foot depth, were brought on site from the start of drilling operations at least on July 21st, as demonstrated by our photo documentation.

The record supports that PennEast got lucky, because the Delaware Riverkeeper Network and the public were on-site and monitoring their activities so diligently they were forced to stop drilling before they exceeded the fifty-foot limit that required them to have a permit. Having realized the situation they were in, PennEast promptly called DEP about the necessary permitting. Assertions to the contrary ring false when viewed with all the facts, and for those who were on the scene the entire day to witness and hear first hand all that was going on.

Furthermore, PennEast was drawing water from a natural pond for use in its drilling operations, and despite previous denials, now admits the truth.

While PennEast did obtain and bring on scene water from an offsite source initially on July 21, shortly after drilling began PennEast put hoses into the natural pond to draw water used in their drilling operations – this is confirmed by both photographic evidence, admissions to officials on scene on July 21, and from the very letter filed by PennEast.

“CTB placed a hose in the Surface Depression so that it could recycle and reuse the water that was escaping through rock fissures by pumping the water back into CTB's water tanks and then into the boring hole to continue cooling the drill bit.”

And so PennEast spokesperson Patricia Kornick either intentionally misled reporters and the public, or was grossly misinformed about the improper water withdrawal, when she stated:

"At no time was [PennEast] using source water from a local pond,"
[\(http://www.mycentraljersey.com/story/news/local/hunterdon-county/2015/07/22/penneast-pipeline-problems/30533823/\)](http://www.mycentraljersey.com/story/news/local/hunterdon-county/2015/07/22/penneast-pipeline-problems/30533823/)

While PennEast has a self-manufactured excuse for why they were drawing the water from the pond, it is irrelevant and does not alter the fact that they were drawing water from a natural waterbody without prior consultation or approvals from any agency officials.

In addition, in their July 24 letter to FERC, PennEast confirmed what in the press they sought to avoid and deny, drilling fluid was released into the natural water body through fractures/fissures in the rock where they were drilling:

“As boring activities continued on the morning of July 21, CTB observed that the water pumped into the bore hole to cool the drill bit was resurfacing through existing rock fissures and collecting in a depressed area approximately 100 feet down-gradient of the boring equipment

(the “Surface Depression”).”

And so while water was discharging into the natural pond, water was also being pulled from the pond for use in drilling. PennEast had neither prior discussions nor sought or received permissions from officials to discharge water (directly or indirectly) into the natural water body, or draw water out of the natural pond for use in their drilling operations. PennEast’s drillers made their own independent determination they were entitled to draw the water because they were discharging drilling water into the pond through rock fissures. In fact, when officials became aware on July 21 of PennEast’s conduct, PennEast’s driller was told to use the approved source water they had on site but had stopped using once they started to draw water from the pond.

The quote from Pat Bono of DEP referenced in PennEast’s letter is odd and out of place – no DEP inspectors were on site during drilling operations, despite the efforts of the Delaware Riverkeeper Network and residents requesting their presence during drilling operations so they could directly witness the events of the day. In addition, because the hoses were extended into, and drawing water from, a natural pond, PennEast was not simply reusing “spent water” from their drilling operations, they were drawing water from a natural surface waterbody. Therefore, any attempt to justify those actions by citing to the permit they eventually received is irrelevant, as the permit did not specifically approve the withdrawal and use of water from the natural pond at the site. Additionally, the permit was not obtained until after drilling had begun, and until after water had already been withdrawn from the natural pond, so it has little, if any, relevance to the events of July 21.

PennEast also stated in their July 24 letter that its representatives on the scene on July 21 had communicated to those who were on the scene that “...the boring activities were being conducted in accordance with New Jersey law and that required permits had been obtained.”

However, it is now clear that no permit had been applied for or obtained for the drilling operation to take place when that statement was made, and there was no permit in place to approve the withdrawal of water from a natural water body or to discharge water into said natural water body either through direct discharge, indirect discharge or as the result of overland flow even after the permit was obtained. If PennEast truly believes that no permits were needed for their operations during the time they were drilling, why did it tell people on scene that permits had been obtained?

PennEast’s denial of the existence of the spring fed pond adjacent to their drilling operations into which pollution was clearly being discharged through overland flow and the rock fractures represents a gross mischaracterization of the facts.

PennEast describes the natural pond as:

a “Surface Depression” that “contained only about one-inch of standing water, which appeared to be standing runoff from recent rainfall.”

“The standing water was “algae-filled” ... and had no aquatic life. In fact, this was not a “pristine” water source, as described by the DRN.”

PennEast also asserts the agency official on site that day agreed with this characterization.

In fact, when the agency official on-site on July 21, Mr. Paul Kaszas, was shown the natural pond at issue, the official told both Bob Rader and myself that what he was seeing was vastly different from

what the company representatives had described to him earlier that day. So PennEast's assertions that the agency official on-site agreed with PennEast that there was no natural pond that existed and that the natural pond was actually some sort of small depression with a few inches of rainwater increased by drilling operation waters, is wholly inaccurate and directly conflicts with DRN's conversations with Mr. Kaszas on the scene.

More importantly, photographic evidence of the natural feature confirms that it is indeed a natural pond, and not a depression with a few inches of rainwater. On the left below, is a photo of the natural pond taken on December 19, 2014. The photo shows a natural pond that matches the size and water volume of the pond that existed on site on July 21, 2015 as seen in the photo on the right taken that day. In addition, the photo of the water on the left is clear, in fact if you look closely and at other pictures from the day you can see through the water to the depths of the pond and to the bottom in portions despite that it is a relatively deep body of water. On the right, the water is muddy and cloudy as the direct result of the drilling discharge. A closer photo of the water on July 21 makes clearer the existence of the impact of the polluted discharge from the drilling operations. To suggest this natural pond is nonexistent is a blatant misrepresentation of the facts.



This all begs the question, why would PennEast have suspended its drilling operations at 11:55am to address the concerns of those present if nothing illegal was taking place? Again, the assertions of PennEast's letter are false on their face and do not coincide with the video taken over the course of that entire day.

PennEast's Drilling Operations resulted in the pollution of the natural pond, suggestions that there was not a pollution event during PennEast's drilling operations; assertions to the contrary do not square with the facts or the video and photographic evidence.

While PennEast tries to avoid the fact that it polluted a natural waterbody by claiming the waterway does not even exist and by attempting to insult the Delaware Riverkeeper Network with colorful rhetoric, photos and video of the scene on July 21, clearly document the volume of pollution laden discharge coming from the drilling rig and running down into the location of the pond (see photo next page). In addition, as noted above, PennEast admits in its July 24 letter that drilling water entered the waterbody (however it is they attempt to describe it) through rock fissures.

As the result of the day's operations by PennEast's drillers, the pond became clouded, discolored and polluted as the result of the drilling operations. In fact, it is because of this obvious pollution discharge that on July 24 the company installed haybales, at the instruction of officials, to prevent the ongoing overland pollution discharge to the natural pond (see photo below) and presumably why they were going to install some sort of casing along the length of the borehole to prevent release of water through the rock fissures (a step they said they were going to take to a local resident).



Overland flow of polluted drilling water



Pond obviously polluted by drilling operations



Haybales installed 7/22

Regarding the assertion that there is no valuable habitat at this location, first, DRN is unaware of any PennEast reports or investigations performed at this specific site to inform such an assertion. In the event that such information exists, DRN now requests access to any and all investigation or reports that support this assertion by PennEast.

Residents report sightings of a variety of species, including wood turtle of which "The largest populations in the state currently exist in Hunterdon, Morris, Sussex, Passaic, and Warren counties." This information has been communicated in comment for the record.

Regarding PennEast's assertion that the police admonished us to "cease" making reports to harass PennEast.

PennEast's mischaracterization of a police report to suggest a violation of the law, i.e. the filing of false police reports, is slanderous at best. The report says, and the video of the conversation we have confirms, that in the first instance Chief Harris did talk about people making false reports and did say he would not tolerate the reporting of false claims – this is not a report whereby Chief Harris characterized us as having made a false report. In fact, we had a delightful conversation about the power and importance of citizen monitoring of pipeline projects. We discussed with Chief Harris the history of violations and misrepresentations that pipeline companies routinely engage in, that PennEast surveyors had been caught trespassing on private property and that we supported people exercising their rights to report illegal behavior to the proper authorities, whether it be to DEP or the police.

PennEast's efforts to pit the police against the public and to suggest that people should not be exercising their constitutional or legal rights to report violations of the law or to inquire when they believe there may be a violation taking place is inappropriate to say the least.

PennEast's letter serves to confirm that they view preservation of our environment and the protection of people's rights with total disregard and even disdain. Professionals in any field who are truly dedicated to upholding the law, protecting communities and the environment, and complying with the law do not have to stoop to such tactics; that PennEast does speaks volumes.

For the record,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal line.

Maya K. van Rossum
the Delaware Riverkeeper