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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DIVISION OF WATER SUPPLY AND GEOSCIENCE

BUREAU OF WATER ALLOCATION AND WELL PERMITTING

401 EAST STATE STREET

P.O. BOX 420

Trenton, NJ 08625-0420

TEL: # (609) 984-6831

FAX # (609) 633-1231

www.nj.gov/dep/watersupply

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Governor

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August 6, 2015

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SECRETARY OF THE
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2015 AUG 17 A 10:47
FEDERAL ENERGY
REGULATORY COMMISSION

Maya van Rossum, the Delaware Riverkeeper
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, Pennsylvania 19007

SUBJECT: Reported Drilling Activities dated July 21, 2015
82 Old River Road, Lot 12, Block 18
Holland Township, Hunterdon County

Dear Ms. van Rossum:

The NJDEP Bureau of Water Allocation & Well Permitting (BWA&WP) is in receipt of your above referenced report dated July 21, 2015 which outlined drilling activities conducted on the above referenced site on July 21, 2015. Based on the information contained in your report,--as well as conversations with the licensed driller, onsite consultants, and a representative of the Hunterdon County Health Department who was onsite on July 21st-- a staff member of the Well Permitting Section of the BWA&WP was dispatched to the site on the morning of July 22, 2015 to observe and evaluate onsite conditions.

A representative of the BWA&WP arrived at 8:05 am on July 22, 2015, observed the drill site, nearby drainage feature and discussed the events of the previous day with representatives of the drilling company and the consultant. The BWA&WP representative remained onsite the entire day until drilling operations ceased. A representative of the NJDEP Northern Bureau of Water Compliance and Assistance was also at the site on July 22, 2015.

In accordance with N.J.A.C. 7:9D-1.11(g) test borings which are 50 feet or less in depth do not require a well permit. Although the driller obtained a well permit on July 21, 2015, BWA&WP staff determined through the inspection of corings taken and labeled on July 21, 2015 that drilling operations that day had not advanced beyond 50 feet below grade, therefore a well permit was not required. This was further confirmed on July 22, 2015 when at the commencement of drilling operations the BWA&WP representative observed that the bottom of the borehole was approximately 46 feet below grade. When drilling operations continued on July 22, 2015 and the boring was advanced beyond 50 feet below grade, the driller already possessed the necessary well permit.

Your report references impacts to a nearby drainage feature as a result of the drilling activities. It includes observations of concerned residents, various photographs and a link to a video taken on July 21, 2015. Your report contends that there were pollutant discharges to and unauthorized water withdrawals from the drainage feature. When the BWA&WP representative arrived onsite July 22, 2015 the driller stated that potable water for the purpose of drilling was obtained from the Holland Township Fire Department. The driller also stated that some drilling fluid seeped laterally from the borehole through subsurface fractures in the bedrock. This drilling fluid, which is typical of this type of drilling, consisted of potable water, inert bentonite clay and crushed rock in suspension. PennEast Pipeline stated in a letter dated July 24, 2015 that the driller recycled and reused, the water which seeped along subsurface fractures, back into the drillers water tanks and then into the boring to continue cooling the drill bit.

The Hunterdon County Health Department on July 21st, and representatives of the BWA&WP and Northern Enforcement on July 22nd, did not observe hoses or any other evidence of an overland flow discharge of drilling fluid into the drainage feature. The video taken on July 21st referenced in your report is edited and inconclusive. The driller installed hay bales and silt fences on July 22, 2015 in order to prevent overland flow of drilling fluids in the immediate vicinity of the drilling site.

The BWA&WP has determined that the drilling was conducted in accordance with the permitting and licensing requirements of NJDEP's Well Drilling Regulations, N.J.A.C. 7:9D. However, because any reuse of recovered drilling fluid from a nearby drainage feature is a violation of the construction requirements of N.J.A.C. 7:9D-2.2(a)2, a Notice of Non-Compliance (NONC) with respect to the alleged reuse of recovered drilling fluid has been issued to the driller and the drilling company. The NONC provides the driller forty five (45) days to refute the perceived violation by submitting relevant documentation regarding the reuse or proper handling of recovered drilling fluid from the drainage feature.

If you have any questions regarding this letter please contact me at (609) 984-6831.

Sincerely,



Terry D. Pilawski, Chief

Bureau of Water Allocation & Well Permitting

c: Kimberly Bose, FERC
John King, Hunterdon County Freeholders
Ken Vogel, Holland Township Committee
Chief John Harris, Holland Township Police Department
Paul Kaszas, Hunterdon County Health Department
Richard Paull, Chief Northern Bureau of Regional Enforcement