



December 28, 2022

Attn:

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Re: 14-Inch Twin Oaks to Newark Jacobs Creek (JC) Pipeline Relocation Project – Inquiry on Bentonite Release Update and Proposed Detention Basin.

To Whom It May Concern:

Delaware Riverkeeper Network (DRN) is reaching out today because DRN has been monitoring the Jacobs Creek Pipeline Project and has submitted several file reviews as we follow the status of the project. Our latest OPRA request has raised several questions and concerns which we have explained below.

In an OPRA we sent to the NJDEP office, there was a note that E2PM was requesting a temporary detention basin for collecting drilling runoff from the directional drilling operations of the JC project. Has this basin been installed? We did not see any documents in our OPRA request confirming either a copy of an amendment to the permit/insert to the permit/approval of this basin by NJDEP.

In that OPRA request as well we saw there was mentioned a SUP needed by Sunoco to insert their vibration monitoring equipment for the project. This SUP was also not one of the included documents in the response to our request so we wish to know the status of this as well.

DRN sends this letter and makes these update requests to your offices because we are concerned that Jacobs Creek be properly protected and those measures needed for its protection are implemented to prevent issues such as runoff or return water entering in Jacobs Creek. Given that there was a bentonite spill onto the upland by the creek on Dec. 7th 2022, there clearly has been a problem with environmental protection

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protocols. We want to make sure the proper measures are implemented for protection so that there is no repeat of such an incident. DRN is also concerned this proposed retention basin will be placed within the protected riparian area and the 100-year floodplain, which will have negative environmental impacts due to its placement, especially given that it seems there was no planning for this basin in the original permit of the project.

We request that you please share with us any additional Inadvertent Returns (IR) that may have occurred since that Dec. 7th bentonite spill. This incident heightens our concerns that similar spills may occur in the future and threatens not just Jacobs Creek but also the Delaware River. We are aware this spill was reported to the NJDEP hotline but we also wish to know if there was a violation issued by NJDEP or any other agency for the spill? Our OPRA request showed the spill was surrounded with a temporary filter sock and cleaned up with hand tools, noted "the area will continue to be monitored". Has this continued monitoring occurred, are there reports available of the monitoring, and what is the final outcome of the result of the spill to date? Was it confirmed by a NJDEP inspector that the bentonite did not enter the creek?

Thank you for your time and consideration and we look forward to your response. If you have any concerns you may contact Anneke, DRN's Advocacy and Policy Coordinator at anneke@delawariverkeeper.org or tracy@delawariverkeeper.org.

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