To:   NJDEP Well Permitting
To:   Federal Energy Regulatory Commission
Cc:   John King, Executive Hunterdon County Freeholders
Cc:   Holland Township Committee
Cc:   Holland Township Police Chief John D. Harris
Date: 7/21/2015
From: Maya K. van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network

Re:  Report of Illegal Drilling Activity and Pollution by PennEast (FERC Docket No. PF15-1-000) on July 20 – July 21, 2015, Holland Township, Hunterdon County, NJ.

July 20, 2015 approximately 10:30 am PennEast Pipeline showed up at 82 Old River Road, Holland Township, NJ. The property, according to public records, is owned by ---redacted for owners privacy---. The property is located diagonally across from property owned by Bob Rader at 75 Old River Road, Holland Township, NJ, Hunterdon County.

The drilling trucks on site were labeled as belonging to Craig Test Boring and Craig Geotechnical Drilling.

PennEast set up a drilling rig and began drilling activities at the 82 Old River Road property at a location that is adjacent to a natural spring fed pond located in the flood way of the Delaware River. Wood Turtle live in the pond, as well as a variety of other species.

Over the course of the day residents became concerned about the drilling operations and its affect on the pond.

The evening of July 20 the Delaware Riverkeeper Network was contacted about the activities.

First thing Tuesday morning, July 21, 2015, at approximately 8:30 AM Bob Rader reported the situation to the NJDEP Hotline (1 877 927 6337) to express concern over the apparent water withdrawals from and pollution discharge to the natural pond. He provided location information as well as details of the ongoing activities. Bob received a call back from Laura with NJDEP at approximately 9:30 am, he reiterated the reported location of the incident and the pollution...
and water withdrawals he was witnessing. He was given case number 15207210922-55. During that call he provided his full address including street address, township, and county.

Ed Rodgers from the Delaware Riverkeeper Network arrived on scene shortly thereafter and began video documenting the activities. Lorraine Crown and Bob Rader were also on site and collected photo documentation of the scene.

Maya van Rossum, the Delaware Riverkeeper, arrived on the scene approximately 11:50 pm. Drilling operations were still under way. van Rossum also took videos and witnessed the ongoing drilling, pollution discharging from drilling operations and flowing toward the natural pond, as well as hoses running to and from the pond. van Rossum witnessed the murky water in the pond, a situation that did not exist several months before when van Rossum had visited the pond and where the water was so clear that you could see the bottom despite the depth of the water. (Comparative photos from December 2014 available upon request to keepermaya@delawareriverkeeper.org)

van Rossum and Rader secured a sample from the pond. The sample was placed in a cooler bag while a lab could be located. The sample was later transferred to Faith Zerbe, Monitoring Director for the Delaware Riverkeeper Network.

During the drilling operations on 7/21/15, water was not being used from the water tank truck located on the site. And polluted water was not being collected in the empty containers located on the back of another truck also located on the site, the tanks remained empty as polluted water was apparently discharged through the hoses and as the result of overland flow, directly to the natural pond.

After photo documenting and investigating the situation van Rossum called the NJDEP hotline 877 927 6337 to find out why NJDEP had not arrived on scene to witness the activities.

van Rossum provided the case number and was told, upon review of the file, that the call/case had been dispatched to the southern office and to call 609 292 5080. van Rossum called the number and spoke with emergency response. Eventually van Rossum spoke with who she believes was a Mike Mariano who informed her that because the event was in Hunterdon county that she needed to call the Northern office and provided her that number for follow up, 973 631 6385.
van Rossum called the number and spoke with a Patrick. Patrick proceeded to challenge the emergency nature of the call. van Rossum pressed for review and investigation. Patrick informed van Rossum that the case number she had provided did not exist. There was back and forth discussion. van Rossum pressed. Patrick proceeded to tell her the case number should have been 1507210922-55. van Rossum pressed him to look that number up. Patrick told her there were no reports for Hunterdon county, that the case number referred to a report of drilling operations in Evesham Township, Burlington County, NJ. van Rossum stated clearly that that was not the site of the report and pressed for investigation. Patrick told van Rossum that the duty officer who would have received the call would have been Laura – van Rossum noted that Laura had called Bob Rader and had discussion with him and that absolutely the correct address had been given, and that the follow up calls from van Rossum all specifically referred to Hunterdon County and there was no disagreement form the Southern office folks.

Eventually van Rossum was put back in touch with Laura who apologized for the run around, who asserted that the wrong address must have been given to the hotline number, to which van Rossum strenuously disagreed and pointed out, as had been pointed out to Patrick at the Northern office, that there had been enough follow up phone calls and dialogue since the 8:30 am report to make clear that the incident was in Holland Twp, Hunterdon County and for the error to be corrected. Laura said she would advance the call to her supervisor. van Rossum insisted that her supervisor call her back at some point to address the significant and concerning error that had occurred and to address the ‘run around’ that had occurred over the course of the 5 plus hours since the first call came in – a delay that prevented DEP staff from coming to the scene while drilling operations were ongoing. van Rossum was told the supervisor was Pat Degange 973 631 6385. Mr. Degange never called van Rossum back.

At approximately 12:45 to 1:00 drilling operations ceased at the site, some of the equipment was put away, pipeline was pulled from the pond, polluted water in the metal box associated with the drilling was drained and collected in buckets which were then poured into the empty waste containers located on the Craig Geotechnical truck.

Laura called van Rossum back to inform her that the Dept of health was dispatching an officer to investigate – this call was received at 1:20 pm, the officer was to arrive within the half hour. The officer expected was Paul Kaszas.

Approximately 1:30 Holland township police chief Harris arrived on scene to talk to PennEast, to van Rossum and to Rader. He was unable to ascertain whether or not there was any illegal activity occurring.

Mr. Kaszas, Public Health Investigator, arrived on scene around 2:00 pm.
Mr. Kaszas spoke with PennEast representatives who indicated that permits would be “forthcoming”. This information was shared with van Rossum, Rodgers and Rader at approximately 2:15.
At 2:35 representatives from Hatch Mott McDonald arrived on scene.

van Rossum phoned the DEP well permitting office at approximately to 2:50 to inquire as to permits for the drill rigs on site. 609 984 6831. van Rossum spoke with Lynn Steff. van Rossum was told that on 7/21 there were two permits in the possession of PennEast for Hunterdon county, the permits were for boring.

- Permit issued July 16, E201507953 for 100 foot boring on the Georgia Pacific property (this is the property adjacent to where PennEast was drilling – there was no drilling happening on the Georgia Pacific Property and so this permit had no bearing on the events of the day)
- Permit issued July 21, 2015 E201508201 for boring on the property of Richard and Ann Thompson. The application for this permit was submitted at 2:33 pm on July 21, 2015; the permit was issued at 1:14 pm on July 21, 2015. (according to the information provided van Rossum).

van Rossum sought copies of the permits on NJDEP Data Miner at 7 pm July 21, 2015, the permit was not apparently available on the site.

**Clearly, PennEast had been drilling for a day and a half (from approximately 10:30 am on July 20, 2015 until approximately 12:30 pm on July 21, 2015) on the property located at 82 Old River Road, Holland Township, without the necessary permits – i.e. this was an illegal/unpermitted drilling operation for the duration of the time it was taking place from July 20 to July 21, 2015. And it was a drilling operation that resulted in clear and obvious pollution of a spring fed pond, in the floodway of the Delaware River, important to a variety of species including Wood Turtle.**

van Rossum inquired about submitting a report for the record and was told to email her report to: wellpermitting@dep.nj.gov. This report with photos will be sent to that address upon completion.

Mr. Kaszas was told, by PennEast, that their drilling resulted in fracturing of the rock and that water they were using for drilling purposes had been discharging through the fractures into the natural pond. That PennEast believed that because this discharged water was “theirs” that they had the right to take it back and so put in place the hosing necessary to withdrawal that water so they could reuse it in drilling operations, and that was in fact what they were doing. That PennEast was talking with DEP about the need to recapture the material that had entered the pond from their operations, this conversation was ongoing.
PennEast asserted to Mr. Kaszas that the pond was a mere trickle, a few inches of water. Rader and van Rossum showed Kaszas the actual pond to demonstrate that PennEast was giving him false information regarding the pond.

There are many species that utilized the pond, including wood turtles.

No additional drilling operations were undertaken on 7/21 after operations stopped in the 12:45 to 1:00 pm time frame after reports were being advanced by the Delaware Riverkeeper Network and Mr. Rader with NJDEP.

PennEast representatives told Mr. Rader after the fact that in future drilling they would be lining the borehole to prevent the leakage.

Additional photos available upon request to keepermaya@delawareriverkeeper.org and video of the event can be seen at: https://youtu.be/fbk61-TV22Y
Beginning on Monday, July 20, 2015, I began receiving reports from other Holland Township residents that Craig Geothermal was performing drilling along Old River Road on behalf of PennEast, on the river side of the road between the Rader residence and the Georgia Pacific plant. A request was put out by Holland residents through our community network on Tuesday morning, July 21, for someone to observe the drilling as it was believed the drillers were discharging into a pond. As I was available, I went to observe. I arrived approximately 11 am. Ed Rogers from Delaware Riverkeeper Network was on the scene.

I introduced myself to the geologist working for Hatch Mott McDonald. I requested information regarding the nature of the study and if they had permits. He told me they were doing a seismic study, and that he didn’t have information about the permits but that land agent John Coughlin from Western Land Services was on the way, and he could help answer permit questions. I asked about the drilling materials and noted the water hoses, and he assured me they were only using water to drill. He offered that they were not getting a “return” on the drilling and needed additional water. I asked both the Hatch geologist and the driller from Craig Geothermal if they were using bentonite in their drilling, and the Craig employee emphatically stated that they were not; it was just water.

I stated that I understood that they were discharging into a pond. The Hatch geologist denied this, and said that they were simply discharging into the ground. I asked if he was aware they were in the Highlands and that all water bodies were protected against disturbance. He assured me there was no disturbance. We conversed casually a bit more, me asking if they had found any karst in that location, and he replying that there was karst across the road at Georgia Pacific and across the river in PA, but the geology was different there. He stated that they did find some karst in their samples, however.

I asked if it was ok for me to take a few photos from the road near their trucks, and was told that this was fine. I took a few photos, some of which are included in Ms. van Rossum’s report.

Mr. Coughlin from Western Land Services arrived and we introduced each other. He said he knew me from meetings. I asked him about permits related to drilling in the floodplain, and he gave me his phone number agreeing to obtain that information for me. Our conversation was cordial. About this time I noticed Mr. Rader at the end of his driveway and so walked with Ed Rogers over to see Mr. Rader.

Bob, Ed and I discussed that the hoses in the work area were not drawing from any water truck but were rather drawing from the pond at the back of the drilling area, near the Delaware River, and that the discharge into the ground was significant enough to create a runoff back to the pond. We viewed Mr. Rader’s photo of the muddy character of the water in the pond during drilling. We also discussed that the Craig Geothermal drilling rig was the same one used this past weekend at Baldpate Mountain.
where an oily substance from the rig had contaminated the soil. Photos taken at Baldpate Mountain confirmed that this was the same rig, and we expressed concern over spreading that contamination into this water source if the rig had not been cleaned.

Ms. van Rossum arrived at the Rader’s and they consulted. I returned to the work area, and asked the Hatch geologist if I could ask him one more question and apologized for the interruption. I asked him where the water was coming from for the hoses. He replied it was coming from the pond. I asked him why he denied the involvement with the pond at my previous question, and he replied because I only asked him about discharging into the pond.

Mr. Coughlin then physically placed himself between me and the geologist so that I couldn’t speak to him any further. I reminded Mr. Coughlin that they were in a floodplain and that they were in the Highlands, and that their claim of discharging onto the ground was tenuous because there was significant runoff back to the pond. I told him and the Craig Geothermal employee who was standing nearby that we were concerned about contamination from the rig due to it being the same rig used on Baldpate, where some drilling substance contaminated the soil. Mr. Coughlin told me that I would have to get information on the permits from FERC, and I responded that we would possibly consult with the township or with DEP.

As there was a good deal of runoff from the drilling taking place at this time, Ed, Maya and I took additional photos of the work and returned to the Rader driveway, at which point the drilling stopped. I left. I was there for approximately 90 minutes.

Please feel free to contact me should I be of further assistance.

Lorraine Crown
Holland Township, NJ
908-995-9658
lorraine.crown@yahoo.com