

# JT MUNI 322

From: **Drew, Tim** <[Timothy.Drew@des.nh.gov](mailto:Timothy.Drew@des.nh.gov)>  
Date: Thu, Jul 13, 2017 at 12:59 PM  
Subject: RE: DES question  
To: Kris pastoriza <[krispastoriza@gmail.com](mailto:krispastoriza@gmail.com)>

Good afternoon, Ms. Pastoriza.

I checked with our Legal Unit for any administrative rules contained within our jurisdiction for drilling muds and any additives, and we have none that directly apply to this practice. I did find the following fact sheet that discusses these methods and relies on the contractor using Best Management Practices while directional drilling: <https://www.des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-21-4.pdf>.

Tim Drew

**From:** Kris pastoriza [mailto:[krispastoriza@gmail.com](mailto:krispastoriza@gmail.com)]  
**Sent:** Wednesday, July 12, 2017 5:08 PM  
**To:** Drew, Tim  
**Cc:** Egan, Cali  
**Subject:** Re: DES question

I'm interested in any DES standards and protocols for HDD; classification of bentonite and the myriad HDD additives (are they waste, hazardous waste, liquid waste?), disposal requirements for HDD filtered waste, de-watering standards (does DES regulate disposal of water filtered from slurry?), etc.

DOT has HDD BMPs but they are all recommendations and nothing is required. DOT also considers anything outside the road ROW as outside their purview, so this would fall to DES. Does DES have any *requirements* for HDD? I don't mean disaster plans, but normal operating procedure requirements.

I do not know of any large scale, non-private HDD that has taken place in NH so can not direct you to projects you may have regulated.

Anything you have connected with your regulation of HDD and its products, or HDD as it is proposed for Northern Pass is what I am interested in.

Kris

1 A. (Taylor) That's my understanding.

2 Q. And did you have the opportunity to review  
3 the draft DOT -- or the DOT permit that was  
4 issued in this matter?

5 A. (Taylor) I believe I've reviewed that  
6 document, yes.

7 Q. So I want to remind you of Condition 10 in  
8 that DOT permit, which only granted approval  
9 for work to be done in the right-of-way. And  
10 DOT said, quote, "The Department cannot and  
11 does not grant permission to enter upon or  
12 use any privately-owned land," close quote.  
13 Do you remember that?

14 A. (Taylor) Sounds familiar.

15 Q. And are you aware that the Applicants did not  
16 seek an exception to that requirement?

17 A. (Taylor) I'll accept that as true.

18 Q. So if that's the case, is it fair to say that  
19 the Applicants fully intend to comply with  
20 that requirement?

21 A. (Taylor) I can't speak for the Applicants.

22 Q. Are you familiar with the use of bentonite  
23 slurry?

24 A. (Taylor) Generally at a high level.

1 Q. How about you, Mr. Zysk?

2 A. (Zysk) Yes.

3 Q. This may be a place for you to chime in, too,  
4 Mr. Bascom. We'll see. I'll ask you some  
5 questions later about it.

6 It's a naturally-occurring clay; is that  
7 right?

8 A. (Zysk) Yes.

9 Q. And it's fair to say that it's commonly used  
10 in drilling applications, like water wells  
11 and HDDs that we've heard so much about here?

12 A. (Zysk) Yes, it is.

13 Q. In fact, Dewberry has used bentonite slurry  
14 on its projects; right?

15 A. (Zysk) Yes, we have.

16 Q. So I want to call up Applicant's 364. This  
17 is an article that we took off the Dewberry  
18 web page. Are either of you familiar with  
19 this article?

20 A. (Taylor) I am not.

21 A. (Zysk) Not specifically.

22 Q. This is talking about the drilling of a  
23 2500-foot water main project 12 feet below a  
24 6-lane interstate highway project. Do you

From: **Arcand, Richard** <[Richard.Arcand@dot.nh.gov](mailto:Richard.Arcand@dot.nh.gov)>

Date: Mon, Oct 9, 2017 at 12:51 PM

Subject: RE: questions

To: Kris pastoriza <[krispastoriza@gmail.com](mailto:krispastoriza@gmail.com)>

Hi Ms. Pastoriza,

No, we have not requested any frac-out risk or subsidence studies at this time.

Richard

**From:** Kris pastoriza [mailto:[krispastoriza@gmail.com](mailto:krispastoriza@gmail.com)]

**Sent:** Wednesday, October 04, 2017 12:00 PM

**To:** Arcand, Richard

**Subject:** questions

Dear Richard,

Has DOT required the Applicant (NPT) to submit any frac-out risk studies or subsidence studies?

Both of these issues are described as "design issues that must be addressed" in the Horizontal Directional Drilling Best Practices Guidelines referenced in DOT's Utility Accommodation Manual.

Kris

Complaint Received



Inbox x



**Bishop, Robert** <Robert.Bishop@des.nh.gov>

to me

Nov 2



Good Morning,

I'm writing to let you know that we are in receipt of your complaint pertaining to hydrocarbon odor being encountered at boring drilled in Franconia. This issue is being addressed as part of a broader complaint regarding borings pertaining to the Northern Pass Project. Our petroleum remediation section is investigating and anticipates issuing a letter soon.

I attempted to call you using number 823-9063, is this a correct number for you.

Best Regards,

Bob

Robert Bishop, Administrator  
Spill Response & Complaint Investigation Section  
New Hampshire Department of Environmental Services  
[603-271-3440](tel:603-271-3440)

## **Easton – SUMMARY OF NP-RELATED COMMUNICATION**

### **2010: Northern Pass presentation in Easton, four members of the public in attendance**

**“Comment from the public- “I will do everything in my power to fight and stop this line.””**

#### **Partial Summary of Communication Efforts (no form letters)**

Selectboard Public Meeting	1	
CC Public Meeting	1	
Petitions to Intervene	23	DOE, SEC, PUC
Comment Letters to SEC site	22 in opposition	18 additional via petition
Town Expendable Trust Fund	7 years funding opposition	2011-2017 Total \$50,000.
Other Correspondence	18 Municipal	Letters to Applicant & Agencies

#### **Public Meetings:**

CC request to meet with NPT: July 2013

Selectboard-initiated meeting with NPT: 11/9/15

Conservation-Commission-initiated meeting with NPT: 2/11/16

#### **Petitions to Intervene:**

2010: Easton Selectboard petition to intervene in Presidential Permit.

2010: Easton CC petition to intervene in Presidential Permit.

2010: Roy and Deborah Stever petition to intervene in Presidential Permit.

12/14/10: Pastoriza/Ward petition to intervene in Presidential Permit.

12/15/10: Schibanoff/Kennard petition to intervene in Presidential.

12/16/10: Betsy Baker petition to intervene Presidential Permit.

4/18/13 Easton requests Consulting Party status in Section 106.

2013: Kris Pastoriza and Susan Schibanoff request Consulting Party status in Section 106

1/8/16: Easton CC Petition to Intervene in SEC docket.

1/20/16: Easton Planning Board Petition to Intervene in SEC docket.

1/31/16: Campbell McLaren Petition to Intervene in SEC docket.

2/1/16: Eric and Barbara Meyer Petition to Intervene in SEC docket.

2/2/16: Town of Easton Petition to Intervene in SEC docket.

2/3/16: Bob Thibeault Petition to Intervene in SEC docket.

2/4/16: Susan Schibanoff Petition to Intervene in SEC docket.

2/4/16: Lee Sullivan and Steven Buzzell Petition to Intervene in SEC docket.

2/4/16: Carl and Barbara Lakes Petition to Intervene in SEC docket.

2/3/16: James Page petition to Intervene in SEC docket.

2/3/16; Dennis Ford Petition to Intervene in SEC docket.

2/5/16: Robert Craven Petition to Intervene in SEC docket.

3/27/16: Roy and Deborah Stever Petition to Intervene in SEC docket.

4/25/26: Campbell McLaren Petition to Intervene in PUC DE 15-460

5/6/16: Easton CC Petition to Intervene in PUC DE 15-460

**Comment Letters to SEC:**

4/26/15: Kent Butterfield  
9/11/15: Ned and Lisa Cutler  
10/1/15: Isabell Costa and Phil Parker  
11/3/15: Barbara Meyer  
1/21/16: Ronnie Sandler  
2/12/16: Susan Schibanoff  
3/8/16: Janice and Michael Lahey  
3/5/16: Anita Craven  
3/28/16: Anita Craven  
7/15/16: Avid Kamgar  
2/7/17: Joyce and Chris Thoma  
2/17/17: Melissa Elander  
2/18/17: Aaron Cockrell  
3/13/17: Melissa Elander, petitions  
3/20/17: Genesis Miller  
3/26/17: Carl Lakes  
6/3/17: John Vail  
6/28/17: Ronnie Sandler  
7/20/17: Brenda Shannon-Adam  
8/1/17: Aleda Stith  
8/10/17: Dorothy Farrell  
8/30/17: Wren Miller  
10/7/17: Mike Kenney  
(This list excludes 45+ comments submitted by Kris Pastoriza)

**Town Expendable Trust Fund for Legal Expenses Opposing Northern Pass:**

2011: \$2,500.  
2012: \$2,500.  
2013: \$2,500.  
2014: \$7,500.  
2015: \$7,500.  
2016: \$7,500.  
2017: \$20,000.

**Other Correspondence:** (partial list)

4/26/11: Easton residents, (5) open letter to Gary Long.  
6/10/13: Easton CC presentation on Northern Pass to Tom Wagner and WMNF staff.  
7/2/13: Easton CC letter to Gary Long requesting meeting.  
7/31/13: Easton CC letter with 26 questions sent to Northern Pass.

8/2/13: Easton CC **requests meeting with Northern Pass**

8/25/13: Easton CC letter to Gary Long **expressing disappointment at Northern Pass's refusal to meet.**

3/24/14: Easton CC letter to Jerry Fortier, **response to late and incomplete answers to questions.**

6/4/14; Easton CC letter to Northern Pass, **request for updated maps.**

3/24/16: Easton CC letter to Eversource/Dana Bisbee requesting creation of wildlife corridors on existing ROW.

5/6/16: Easton CC resends the above letter due to absence of response.

4/7/16: Easton **objection to Applicant request for partial waivers.**

5/5/16: Easton CC letter to DES/SEC/ACE/EPA **expressing concerns about water resources and Northern Pass potential blasting.**

**8/8/16:** Easton CC letter to ACE/SEC **expressing concerns over lack of correct survey by Northern Pass.**

7/30/16: Kris Pastoriza **e-mail to DOT and WMNF, expressing concerns about water withdrawal from local streams, sedimentation, chemicals, and disposal of slurry during geotechnical boring.**

8/17/16: Kris Pastoriza letter to **Dana Bisbee expressing concerns with geotechnical boring and lack of BMPs, MSDS and PPE.**

9/3/16: Easton SB letter to DOT/SEC **expressing concerns with geotechnical boring by Northern Pass.**

10/8/16: Easton CC letter to NPT requesting hard copy of visual simulations.

11/3/16: Easton CC letter to NHDHR/DOT/NPT/SEC **expressing concerns about trespass by archaeological crews and lack of survey.**

11/10/16: Kris Pastoriza letter to DOT **expressing concerns with Northern Pass's incomplete plans, coal ash in concrete, duct bank as french drain...**

4/22/17: 52 pages of documentation regarding ROW widths from Bethlehem to Woodstock submitted by Kris Pastoriza to NPT, DOT and the SEC.

5/9/17: Easton CC letter to Eversource/SEC expressing concerns with cleared width of overhead ROW and refusal to establish wildlife corridors.

8/17/17: Easton SB to DOT Commissioner Sheehan and SEC **expressing concerns with lack of ROW width documentation by Northern Pass.**

9/25/17: Easton SB letter to DOT/DES/ and SEC **re. new Easton Zoning Ordinances.**

10/24/17: Easton SB letter to DOT **expressing concerns about ROW and survey and requesting meeting and clarification of survey conditions.**

This list does not include individual e-mails to agencies, or Municipal or individual submissions to the Rulemaking, DOE, the Section 106 review or public statements at NPT/SEC public meetings.