

Dear Judge Schneider and Counsel,

**Below please find the Corps' report for August 19, 2017.**

1. Summary of conditions and remediation efforts:

- a. Condition of Basins – The 14 photos from this morning show that most of the basins have wet to saturated sand, with localized ponding adjacent to the bulkhead at Huntingdon, Granville, and Exeter. Margate received about 0.5" of rain between 2030 to midnight on August 18, and the filled and graded basins did not exhibit ponding, as shown in the photos from this morning and the photograph of the basin between Argyle and Brunswick, also attached here. The localized ponding outside of the Corps graded areas at the bulkheads at Granville and Exeter are shown in the photos, which are also attached with file names "image" and "image1."
- b. Fencing – The Corps, through its own employees and Walters (subcontractor), completed the fence installation covered by item 2 of the Order by Saturday morning, August 12, 2017. When mitigation work is done on the basin areas, the fencing may need to be removed temporarily. But, as soon as possible after that work is completed, the fencing will be replaced. Fencing is also installed around the section in which active construction is ongoing. Consistent with the direction provided to the Corps by Judge Schneider at Wednesday's status conference, the Corps will put fencing around the sumps in the basins when the Corps installs the point sump system.
- c. Water Quality Testing – As described in yesterday's report, the Corps took water samples at Exeter. Further, in an abundance of caution, the Corps also took a water sample at Huntingdon Avenue though the ponded water there, as at Exeter, appears to be a preexisting condition unrelated to the Project. As a reference, the Corps also took samples of ponded water at pre-construction locations. The results of these samples will be disseminated with the daily reports, as they become available. The Corps stands ready to commence water quality testing in accordance with item 3 of the Order in any other basin area that contains ponding of 2 inches or more in depth that has sat for more than 24 hours without percolating.
- d. Pumping – Walters (subcontractor) stands ready to pump, as quickly as possible, any ponded water levels that reach 4 inches in depth, in compliance with item 4 of the Order. The ponding at bulkheads in existing and extended trenches outside of the Corps' graded areas at Exeter, Huntingdon, and Granville has not been pumped, even though the depth of that ponding appears to exceed 4 inches, because the Corps believes it would not be "reasonably practicable" to pump water that is actually below the water table. (See item 9 of the Order, stating the preventive measures shall be done to the extent reasonably practicable.) Due to the level of the water table, if the Corps did pump that water, the Corps believes it would just refill with water. In an effort to abate this ponded water, in coordination with the City of Margate, the Corps can infill those locations with sand to the extent that it does not obstruct the City's pipe at that location. If the other parties disagree with the Corps' assessment of the water table at those locations, the Corps' position that pumping would not be reasonably practicable, and the Corps' proposal to infill those locations, please discuss with the Corps. If the Court needs additional information about those locations, the Corps would like to discuss its position further in a telephone conference. Although the ponding against the bulkhead likely exceeds 4 inches,

the ponding at all three locations remains fenced off to prevent access to the ponding by the public.

- e. Excavation – In an attempt to comply with item 5 of the Order, requiring the removal of any sludge layer existing as a result of ponding that did not percolate within 36 hours, the Corps has worked to fulfill the intent of item 5 by scarifying/raking the basins and then covering the area with clean sand. The Corps understands that this practice will neutralize any sludge layer, to the extent one was present, and is consistent with NJDEP's best management practices. While the top layer of material/sand left after water recedes has been described as a sludge layer, the Corps is not sure this is properly described as sludge and may be sand with algae. In any event, whether or not it is sludge or sand with algae, the Corps believes that the scarifying/raking of the basins, which broke up that top layer, and the mixing of that broken up layer with clean sand, complies with the intent of item 5 of the Order and properly remediated/addressed any health concerns about that layer.
  - f. Elevated Walkway – In an effort to comply with item 6 of the Order – which requires the Corps to construct elevated walkways, where feasible, and maintain existing elevated walkways across the basins on the beach to minimize fencing, facilitate safe beach access, and avoid contact with standing water and/or sludge – the Corps has completed its construction of elevated walkways, using built up sand, and is maintaining the existing elevated walkways. In an effort to comply with the Court's directive, given at the status conference of August 14, 2017, to provide ADA compliant walkways at reasonable intervals, the Corps installed Mobi-Mats over all elevated walkways. The Corps anticipates that the mats will improve access for all. The Corps will evaluate the effectiveness of the mats, and look into other options, in an effort comply with ADA access requirements.
  - g. Additional Remediation Actions/Plans – Due to material delay, installation of scupper sump wells will not commence until Tuesday. Installation of the concrete boxes, planned for the two basins between Exeter and Granville, is not yet scheduled due to material delay. The locations for these two types of sump wells are detailed in the initial plans circulated on Monday evening, August 14. On August 18, more detailed plans for these temporary measures were sent via email from Keith Watson to Mayor Becker, Ed Walberg (the City of Margate engineer), and Dave Rosenblatt of the NJDEP. A copy of those plans was attached to yesterday's email.
- 2. Project Activities and Plans - The dredge continued to operate today in accordance comprehensive plans for the temporary mitigation measures were circulated among non-lawyer contacts at the City of Margate and the NJDEP. The basin areas are being graded consistent with this recently-shared plan as the Project moves south. It is expected that there will be some hogging on Monday and a substantial amount of grading required in the basins south of the Margate Pier.
  - 3. Other Relevant Activities, Information, Problems and Communications – The parties have not communicated about any issues today.
  - 4. Photographs – I have attached 14 photos of the basin areas, taken this morning, as well as images of localized ponding against the bulkheads and one additional example of a graded basin after the 0.5" rain event.

Please let me know if you have any questions.

Respectfully,

/s/ Anne B. Taylor

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