

Dear Judge Schneider and Counsel,

Below please find the Corps' report for August 21, 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 dry sand, with some localized standing water and saturated sand near the bulkhead at Huntingdon and Douglas Avenues. Within four hours, as shown in the image titled “8.21.17 Douglas Ave (1104),” the water at Douglas had percolated.
- 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 last 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 – The results of the first round of testing on the samples taken indicate that there are not elevated levels of enterococci in the samples taken from the area of Project construction. A sample was taken in standing water south of Project construction, at Nassau, and came back with substantially elevated levels of enterococci. Shown in an earlier image submitted to the Court, it appears the City of Margate has not chosen to limit public access to this water by installing fencing. As noted, 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 Corps respectfully directs the Court to its previously-submitted summary of the areas at which limited ponding at bulkheads in certain specific areas appears to contain groundwater and thus not be practicable to pump. The Corps notes that although the ponding against the bulkhead might exceed 4 inches, the ponding at all three previously-identified 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 – 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, and will evaluate the effectiveness of the mats, and look into other options as needed, 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 Friday’s email.
- 2. Project Activities and Plans - The dredge continued to operate today. Basins north of the pier were graded, and basins south of the pier were being filled with sand.
 - 3. Other Relevant Activities, Information, Problems and Communications – The parties communicated about the date for the Preliminary Injunction Hearing, and the Corps requested that Margate consider a request for relief from or clarification of one provision of the temporary restraining order. The Corps also, by this email, is sharing the data gathered to date in the Corps’ ongoing investigation of the factors contributing to the temporary ponding. Attached please find the Corps’ summary of its efforts made and conclusions developed thus far, as well as the supporting information. Of particular note is the high enterococci levels in the ponded water south of the Project, and the low levels of enterococci in the samples taken within the Project.
 - 4. Photographs – I have attached 14 photos of the basin areas, taken this morning, and a photograph of the bulkhead at Douglas about four hours later. Also attached is the Corps’ memo on its information-gathering to date, with supporting documentation (Enclosures 1-5).

Please let me know if you have any questions.

Respectfully,

/s/ Anne B. Taylor

Anne B. Taylor
Assistant U.S. Attorney
401 Market Street, 4th Floor
Camden, NJ 08101