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ENVIRONMENTAL ENGINEERING MISTAKE ON MARGATE'S BEACH

It is with great disappointment that we provide the article from the Philadelphia Inquirer below, which highlights a judge's important decision to promptly eliminate a public health issue because of an environmental mistake made on Margate's beaches. It is common knowledge that it is never appropriate to impound urban stormwater; an error which should have been detected and it is clear that permits should not have been issued for this project. It is with great disappointment that we provide the article from the Philadelphia Inquirer below, which highlights a judge's important decision to promptly eliminate a public health issue because of an environmental mistake made on Margate's beaches. It is common knowledge that it is never appropriate to openly and with no environmental design, impound urban stormwater; an error which should have been detected at the time of permit application review and it is clear that permits should not have been issued for this project.

Normally when projects such as this are proposed, appropriate studies are completed before permits are issued, which assure that infiltration can take place. With everyone having fundamental knowledge of long term tidal rise, it should have been realized at the time of permit processing that without sound engineering and testing on the beach, and with Margate's beachfront streets always having stormwater flow onto the beach that this problem would occur. The project did not include making appropriate provisions for stormwater to flow into the ocean, a practice which has gone on in Margate for about 100 years.

We agree that dunes can be a practical environmental engineering practice for storm protection, but they should never be designed to stop and impound urban stormwater on the beach, disregarding the potential effects.

The judge has taken appropriate action and let's hope that if dunes have to be placed on the beach, they are placed appropriately and in sections but never are placed to impound potentially contaminated stormwater, causing an unacceptable environmental and public health condition.

*- Gary R. Brown, P.E.
President
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The full article follows:

ATLANTIC CITY - Superior Court Judge Julio Mendez issued a sharp rebuke to state and federal agencies overseeing a dune-construction project in Margate, ordering the project immediately halted Thursday and calling photos of lake-size ponding of standing water on the beach "horrendous and alarming."



Mendez granted a seven-day emergency restraining order preventing the project from proceeding down the beaches of Margate, saying it was interfering with the rights of residents to "enjoy the natural resources" of their beach, and causing irreparable harm by putting health and safety in jeopardy.

The work, which continued until the end of the shift Thursday, was stopped in its tracks at Iroquois Avenue, about midway through the town's nearly two-mile-long beachfront, where orange fencing remained in place and a security guard remained at his post under beach umbrellas by the surf.

"I was so happy," Barbara Zelmanoff, standing on the open side of Iroquois Avenue, said of the ruling. She was a refugee from her normal beach on Clermont Avenue, blocked off after days of being flooded with standing water.

"What I want is, I just want my beach back," said Zelmanoff, of Philadelphia. "It's so depressing."

Mendez noted that in earlier testimony - and in a decision he made during an earlier case involving Margate's fight to stop the project before it began - officials with the Army Corps of Engineers had promised they would not leave an area "worse off than when they went into it." Mendez had ruled in favor of the state in its effort to seize Margate land for the project.

"The bottom line is, this needs to be corrected right now," Mendez said Thursday from the bench.

"I have a lot of hesitation about doing this project in the middle of the summer," Mendez said. "If this was done in September or October, there would be not as much of a concern in trying to find a solution, and with the impact it has on the enjoyment of the natural resources, the impact on the economy, and the people of the coastal areas of Margate who rely particularly in the summer for their economic livelihood."

Mendez said he was especially concerned about the project's timing, which Dave Apy, a state Department of Environmental Protection attorney and assistant attorney general, attributed to the Army Corps and the contractor, Weeks Marine. Apy said the timing was unavoidable. "If you try to work around the summer, the cost would escalate significantly," he said. He estimated the stoppage would

cost \$100,000 a day.

The judge ordered that the corps be added to the case, a decision that could send the dispute to federal court, and that the parties engage in immediate discussions on a remedy. A meeting is planned for Friday morning, Margate officials said.

Weeks Marine was represented by Tom Valen of the Gibbons Law Group, a firm with close ties to Gov. Christie, who ordered the dune work along the entire 127-mile stretch of New Jersey coastline.

Margate Mayor Michael Becker, who attended the hearing, said he was elated by the judge's decision.

"I'm ecstatic," he said. "It's the right thing to do. We just can't allow this to continue. We live this in Margate every day. It's not just pictures. We walk through the mud. We have people getting sick."

Margate's attorney, Jordan Rand, who also represented the city in efforts to block the project before it began, noted that the drainage problems were anticipated by Margate.

"It's not speculative," he said. "It's real. It's affecting people. People are getting sick. We want them to stop moving forward."

Margate closed beaches from Fredericksburg to Gladstone Avenues because of concerns over bacteria levels in the standing water, and Commissioner John Amodeo said the beaches would remain closed until the city can ensure people are not having to walk through the water. Margate attorney John Scott Abbott said two lifeguards were being treated for bacterial infections.

The state said Thursday that ocean-water quality in Margate had tested within acceptable levels and that Margate could reopen those beaches.

Beaches from Gladstone to Jerome Avenue were closed because of dune construction work, which did not immediately halt after the ruling.

Apy, the DEP attorney, blamed the ponding on a near-100-year rainstorm, but acknowledged that the design of the dunes called for digging out behind the dunes to a level too close to the ground water, calling it "overly aggressive." He said future work would dig out to a higher elevation. And he acknowledged that DEP and the Army Corps were too slow in responding to concerns about the ponding.

He said the water brought in as part of construction would also contribute to saturation. "It takes a month or two for the sand to drain and for a safe condition to return," he told Mendez.

The judge ordered the parties to try to work out a solution in the next seven days and set another hearing for next Friday.

Earlier Thursday, contractors were seen trucking sand from Ventnor's dune work into Margate to fill in the infested ponds, dismissed by one Margate resident, Kelley Blanchet, on Facebook as "the latest bandaid on an epic fail, jam job, political payback by Christie and his Cronies."

Then in the afternoon, there was joy in Margate as word got around.

"Thank God, it was in the nick of time for me," said Christy Hollin, 54, of Gladwyne, who has a beachfront home just beyond the work area and nearly canceled a girls' week as work closed. "I was beyond devastated. They were changing the beach for a problem that we didn't have."

"There was a huge cheer through Margate after the ruling," said Beach Patrol Lt. Chuck LaBalle.

By: Amy S. Rosenberg - Philadelphia Inquirer - 8-4-17



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