

**Status of Nicolet Manufacturing Site  
Ambler Borough, Montgomery County**

**Pennsylvania Department of Environmental Protection  
Southeast Regional Office  
March 28, 2011**

The former Nicolet manufacturing property is currently comprised of two adjacent parcels of land, each with a separate owner. The parcel closest to the former Boiler House (Summit Realty) site is owned by Mr. Robert Bast. The parcel east of the Bast parcel is owned by Arnold Frumin. These parcels are considered inactive asbestos disposal sites and are known to have on-site environmental contamination, including asbestos in soils. These parcels were previously proposed for remediation and redevelopment as Ambler Crossings by Westrum Development. That proposal is no longer viable and Bast and Frumin are now partnering with K. Hovanian to remediate and redevelop the combined parcels into residential housing. This proposal is in the very early planning stages.

Issues related to the cleanup and redevelopment of the site will require involvement of the Air Quality, Watershed Management and Environmental Cleanup programs in PA Department of Environmental Protection's (DEP) Southeast Region.

**Air**

DEP regulates active asbestos removal and building demolition under our air quality regulations, 25 Pa. Code 124.3 which adopts 40 CFR Part 61 "asbestos NESHAP" regulations, and the fugitive emission regulations found in 123.1 and 123.2. Asbestos removal from the buildings and demolition of any facility is regulated by DEP and EPA can also inspect these sites at any time. Notifications are required prior to any removal or demolition activities. These notifications must include a facility description, contractor information, a description of asbestos containing material, schedule of operations, and disposal information. The asbestos abatement/demolition notification for the Bast parcel was submitted on June 30, 2010 and although significant work has been done, the demolition portion of the project is not yet complete. There are two remaining end walls of former buildings -- one near Maple Street; another near Chestnut Street, as well as the remaining steel skeleton of what was a sheet metal-sided building on the site. Engineering plans are being developed to address the issues of filling the basement areas of the demolished structures and an underground water course.

The asbestos notification for the Frumin property was received on October 5, 2010. This notification was submitted for the removal of asbestos in a tunnel located between the Frumin and Bast parcels. This removal has been completed. If the property owner intends to conduct any additional work at this site, they are required to submit a new notification form.

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During the asbestos removal and demolition activities, DEP Air Quality staff conducts inspections for compliance of the asbestos and fugitive regulations. Once the asbestos and demolition activities are complete for the surface structures, any disturbance to the asbestos contained in the ground would need a 45 day notification submitted to Air Quality and EPA.

### **The following are the key provisions for regulating the asbestos on these properties:**

1. There should be a fence securing an inactive waste disposal site. However, the owners are conducting renovation/demolition work that may require the gates to be open at times, much like when EPA's contractors are working at the Bo-Rit sites. If the fence is damaged, we will work with the owners or other parties to see that it is fixed in a timely manner. It is DEP's policy that site owners be given 14 days to correct any violation before we would issue a Notice of Violation. If we find that the owner is uncooperative, we can issue a NOV upon discovery of any violation.

If citizens observe individuals causing damage to gates or fencing, they should immediately contact local officials or police to investigate. If the fence is already damaged, citizens should contact DEP's complaint service representative, JoAnn Ache, at (484) 250-5991 to report the problem.

2. While renovation or demolition work is being conducted, property owners and contractors need to have adequate fugitive dust controls in place and to comply with the NESHAP and fugitive emissions regulation (25 Pa. Code Sections 123.1 and 123.2). Such controls could include but are not limited to, wetting of the work areas and grounds, tenting of work areas, and imposing minimum speed limits for vehicles within work areas.

3. When there is no work being done on the site, it reverts back to being an inactive asbestos waste disposal site and must be fenced and posted. The property owners cannot have any visible emissions. They do not have to have any watering or controls even if there is asbestos waste material on the surface of the ground. As long as there are no visible emissions, they are complying with the Asbestos NESHAP regulation.

### **Watersheds**

Permits required for project to proceed:

1. Construction NPDES permit - DEP's Watershed program is awaiting a revised Erosion and Sedimentation plan to amend the existing NPDES permit issued previously to Westrum to reflect the currently planned earthmoving activities. Only minor earthmoving incidental to the asbestos removal is allowed until the plan has been approved.

2. Ch. 105 Water Obstruction and Encroachment Permitting - As a result of DEP's field view of the uncovered stream near the building undergoing demolition, the Department's

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Watershed program requested a plan that would clarify the existing drainage situation and explain how the developers intend to restore or recover the stream. This work will require a permit from DEP.

Submissions to DEP addressing these two issues are expected in the near future.

### **Environmental Cleanup**

DEP approved the Westrum cleanup plan in June 2006 and is awaiting the final report under Act 2 (Land Recycling Program), which will be submitted after the remediation work has been completed. The plan called for specific safety and environmental actions to be taken while remediating the property (including air monitoring requirements). This Final Report will need to meet one or a combination of standards applicable to Act 2. Although Bast and Frumin propose to utilize the cleanup plan approved for the Westrum proposal, DEP has concerns about whether the previously approved plan can actually be used for the new project, since the footprint of the new development proposal may differ from the Westrum proposal. The Department will send a letter to formally advise Mr. Bast and Mr. Frumin of the requirements they must meet and the revisions needed to proceed through Act 2. This process will start with the submission to DEP of a new Notice of Intent to Remediate for the properties.

**In conclusion**, other than enforcing the asbestos NESHAP issues on the properties, DEP does not currently provide any oversight activities. DEP's Watershed program, in consultation with the Environmental Cleanup program and the Montgomery County Conservation District (MCCD), will review the anticipated NPDES and 105 permit applications and, if permits are issued, MCCD and DEP will oversee compliance with the issued permits, which will allow the remediation of the parcels to proceed.