



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

LANSING

**EGLE**  
LIESL EICHLER CLARK  
DIRECTOR

September 21, 2021

UPS NEXT DAY DELIVERY

Mr. Emmanuel Herscheberger  
14380 North Avenue  
Bellevue, Michigan 49021

ID: U082104996; Berry County

Dear Mr. Herscheberger:

**VIOLATION NOTICE**

On September 9, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) conducted an inspection at 12953 M-66, Bellevue, Barry County, Michigan.

The purpose of this inspection was to determine compliance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR), Part 61, Subpart M (National Emission Standard for Asbestos), and Rule 942 of Part 55, Air Pollution Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

According to our investigation, Emmanuel Herscheberger is the owner of the property and performed the burn activities at the site. The individual who demolished the structure is currently unknown. The National Emission Standard for Asbestos (NESHAP) holds the *owner and operator* liable for all violations.

During the investigation staff observed the following:

The subject structure was demolished, and the debris was placed into a pile and burnt. There was no 10 Working Day Notification submitted on EGLE's Asbestos Notification System and no asbestos survey conducted prior to demolition activities. Located within the remaining debris, cementitious asbestos board was found, and a sample was collected. The lab confirmed the presence of asbestos above 1 percent in the material.

Process Description	Section Violated	Comments
Failure to submit 10 Working Day Scheduled Demolition Notification.	40 CFR §61.145(b)(1)	Failure to submit 10 Working Day Scheduled Demolition Notification prior to beginning of demolition activities.
Failure to have an Asbestos Survey conducted prior to demolition activities.	40 CFR §61.145(a)	Failure to thoroughly inspect for asbestos.

## VIOLATION NOTICE

Mr. Emmanuel Herscheberger

Page 2

September 21, 2021

Please initiate actions necessary to correct the cited violations and submit a written response to this violation notice by October 12, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include: the date(s) the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations, and the date(s) by which these actions will take place; and what steps are being taken to prevent a reoccurrence. The *signed* written response from the *owner and operator* to this violation notice, may be submitted by mail and directed to my attention at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. You must also include a copy to Mr. Jason Wolf, Enforcement Unit at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760. The response may be scanned and emailed to BrownJ9@Michigan.gov and WolfJ2@Michigan.gov.

If you believe the above observations or statements are inaccurate or do not constitute a violation of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violations cited above and for the cooperation extended to me during our conversation. If you have any questions regarding the violation notice or the actions necessary to bring this facility into compliance, please contact me at 517-599-7825; e-mail at BrownJ9@Michigan.gov; or the post office box address provided in the paragraph above.

Sincerely,



Jeremiah Brown  
Environmental Quality Analyst  
Air Quality Division

cc: Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Mr. Christopher Ethridge, EGLE  
Ms. Heidi Hollenbach, EGLE  
Ms. Karen Kajiya-Mills, EGLE  
Mr. Jason Wolf, EGLE