



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

June 10, 2022

VIA UPS NEXT DAY DELIVERY

Ben Hunderman  
Rocky-Top Sand & Gravel, LLC  
7029 Homerich Avenue SW  
Byron Center, Michigan 49315

SRN: P0143; Kent County

Dear Ben Hunderman:

### **SECOND VIOLATION NOTICE**

In January 2022, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), notified Rocky-Top Sand & Gravel, LLC of the requirement to submit a 2021 air pollution report, with the required submittal date of March 15, 2021. In response to the non-submittal of this report, a second letter was sent on April 7, 2022, requesting immediate submittal of the Michigan Air Emissions System (MAERS) forms required pursuant to Rule 202 of the administrative rules promulgated under Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

On May 10, 2022, the AQD sent a Violation Notice (VN) citing a violation of Rule 202 and requested Rocky-Top Sand & Gravel, LLC to complete the MAERS submittal by May 23, 2022. A copy of this VN has been enclosed for your reference.

Please be advised that failure to submit the requested report may result in an escalated enforcement action by the AQD. Please provide the information requested in the VN dated May 10, 2022, by June 24, 2022, which corresponds to 14 days from the date of this letter.

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

Ben Hunderman  
Rocky-Top Sand & Gravel, LLC  
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If you have any questions regarding this matter or the actions necessary to come into compliance, please contact me at the number listed below.

Sincerely,



Jason Wolf  
Enforcement Unit  
Air Quality Division  
517-275-0943

cc/enc: Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Jenine Camilleri, EGLE  
Rex Lane, EGLE  
Cody Yazzie, EGLE