APPENDIX B

RECORD OF COMPLIANCE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RECORD OF COMPLIANCE-Permit Application Supplement

Please read all instructions on reverse side before completing this application.

1. FULL NAME OF APPLICANT
S. A. Dunn and Company, LLC

2. MAILING ADDRESS (Principal Place of Business)
209 Partition Street
City/State/Zip Code: Rensselaer, NY 12144

3. NEW YORK STATE MAILING ADDRESS (If different)

4. TYPE OF ORGANIZATION
☑ Individual ☐ Partnership ☐ Other

☑ Company ☐ Corporation
If other than individual, provide Federal Taxpayer ID Number:
41-2240567

5. Does the applicant currently hold any permit issued under the Environmental Conservation Law?
☑ Yes ☐ No

6. a. Has the applicant been denied a permit or has the applicant had a permit revoked or suspended under the Environmental Conservation Law? or
b. Is the applicant currently the subject of an enforcement action under the Environmental Conservation Law?

☑ Yes ☐ No

7. If any answer to questions 5, 6(a), or 6(b) is YES, provide details on a separate page and attach it to this form.

8. Has the applicant, and if the applicant is a corporation, has any officer, director, or large stockholder (owner of 25 percent or more of not publicly-traded stock) of the corporation, within the last ten (10) years, been:

a. found in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency?

☑ Yes ☐ No

b. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which during the time such person was an officer, director or large stockholder was determined in an administrative, civil or criminal proceeding to have violated any provision of the Environmental Conservation Law (ECL), any related order or determination of the Commissioner, any regulation promulgated pursuant to the ECL, the condition of any permit issued thereunder, or any similar statute, regulation, order or permit condition of any other state or federal government agency?

☑ Yes ☐ No

c. convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations, or fraud, bribery, perjury, theft, or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at $25,000 or more.

☑ Yes ☐ No

d. an officer, director or large stockholder (owner of 25% or more of not publicly-traded stock) of a corporation which during the time such person was an officer, director or large stockholder was convicted of a criminal offense under the laws of any state or federal government agency, which involves environmental statutes or regulations, or fraud, bribery, perjury, theft, or an offense against public administration as that term is used in Article 195 of the Penal Law, or an offense involving false written statements as those terms are defined in Article 175 of the Penal Law? Out-of-state history may be limited to misdemeanors, felonies and civil penalties assessed at $25,000 or more.

☑ Yes ☐ No

9. If any answer to questions 6a through 8d is YES, provide details on a separate page and attach it to this form.

10. Does the applicant currently owe any regulatory fees pursuant to Article 72 of the Environmental Conservation Law to the Department of Environmental Conservation?

☑ Yes, amount $ ☐ No Under dispute for year(s) Amount $

11. CERTIFICATION (By Applicant who is an Individual)
I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: Signature: Print Name:

12. SPECIFY UNDER WHAT LAW APPLICANT WAS ORGANIZED
New York Limited Liability Company Law

13. STATE ☑ NY

15. CERTIFICATION (By an Applicant Other Than an Individual)
I hereby affirm under penalty of perjury that I am Region Engineer (title) of S.A. Dunn & Company, LLC (entity), that I am authorized by that entity to make this application, that this application was prepared by me or under my supervision and direction, and that information provided on this form and attached statements and exhibits is true to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: Signature: Print Name:

1/13/2022 Curt Taylor
## Summary of Consent Orders

<table>
<thead>
<tr>
<th>Consent Order</th>
<th>Subject(s)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4-2018-0228-27</td>
<td>1. Use of access points (gates) not identified in the Mined Land Use Plan.</td>
<td>$100,000 penalty, $50,000 of which was suspended.</td>
</tr>
<tr>
<td></td>
<td>2. Exceedance of truck trip limit due to moving sand to an adjacent parcel.</td>
<td>$225,000 Environmental Benefit Project.</td>
</tr>
<tr>
<td></td>
<td>3. Silt-laden runoff leaving one of the gates identified above.</td>
<td>Schedule of Compliance Items Complete.</td>
</tr>
<tr>
<td></td>
<td>4. Visible dust leaving the site.</td>
<td></td>
</tr>
<tr>
<td>R4-2019-0129-7</td>
<td>1. Liner system component deviation</td>
<td>$2,700 penalty, $1,700 of which was suspended</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schedule of Compliance Item Complete.</td>
</tr>
<tr>
<td>R4-2019-0409-24</td>
<td>1. Deviation from Mined Land Use Plan (hydromulching) without approval.</td>
<td>$35,000 penalty, $15,000 of which was suspended</td>
</tr>
<tr>
<td></td>
<td>2. Failure to apply palliatives to prevent visible dust from leaving the site.</td>
<td>Schedule of Compliance Items Complete, except to permit and construct berm per this application.</td>
</tr>
<tr>
<td>R4-2020-0312-41</td>
<td>1. Visible dust leaving the site.</td>
<td>$17,500 penalty.</td>
</tr>
<tr>
<td></td>
<td>2. Inadequate cover.</td>
<td>Schedule of Compliance Items Complete.</td>
</tr>
<tr>
<td>R4-2021-0316-18</td>
<td>1. Deviation from Dust Control Plan (temporary removal of dune fence).</td>
<td>$24,000 penalty, $6,000 of which was suspended.</td>
</tr>
<tr>
<td></td>
<td>2. Visible dust leaving the site.</td>
<td>Schedule of Compliance Items Complete.</td>
</tr>
</tbody>
</table>