

APPENDIX B

RECORD OF COMPLIANCE

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) Street 209 Partition Street	3. NEW YORK STATE MAILING ADDRESS (If different) Street	
City/State/Zip Code Rensselaer, NY 12144	City/State/Zip Code	
4. TYPE OF ORGANIZATION <input checked="" type="checkbox"/> Company <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Other <input type="checkbox"/> Partnership		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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? a. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
9. If any answer to questions 8a 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? <input type="checkbox"/> Yes, amount \$ <input checked="" type="checkbox"/> 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:		
ITEMS 12 THROUGH 15 TO BE COMPLETED BY AN APPLICANT OTHER THAN AN INDIVIDUAL		
12. SPECIFY UNDER WHAT LAW APPLICANT WAS ORGANIZED New York Limited Liability Company Law	13. STATE NY	14. DATE OF ORGANIZATION January 31, 2007
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: 1/13/2022 Signature:  Print Name: Curt Taylor		

Summary of Consent Orders

<u>Consent Order</u>	<u>Subject(s)</u>	<u>Status</u>
R4-2018-0228-27	<ol style="list-style-type: none">1. Use of access points (gates) not identified in the Mined Land Use Plan.2. Exceedance of truck trip limit due to moving sand to an adjacent parcel.3. Silt-laden runoff leaving one of the gates identified above.4. Visible dust leaving the site.	<p>\$100,000 penalty, \$50,000 of which was suspended.</p> <p>\$225,000 Environmental Benefit Project.</p> <p>Schedule of Compliance Items Complete.</p>
R4-2019-0129-7	<ol style="list-style-type: none">1. Liner system component deviation	<p>\$2,700 penalty, \$1,700 of which was suspended</p> <p>Schedule of Compliance Item Complete.</p>
R4-2019-0409-24	<ol style="list-style-type: none">1. Deviation from Mined Land Use Plan (hydromulching) without approval.2. Failure to apply palliatives to prevent visible dust from leaving the site.	<p>\$35,000 penalty, \$15,000 of which was suspended</p> <p>Schedule of Compliance Items Complete, except to permit and construct berm per this application.</p>
R4-2020-0312-41	<ol style="list-style-type: none">1. Visible dust leaving the site.2. Inadequate cover.	<p>\$17,500 penalty.</p> <p>Schedule of Compliance Items Complete.</p>
R4-2021-0316-18	<ol style="list-style-type: none">1. Deviation from Dust Control Plan (temporary removal of dune fence).2. Visible dust leaving the site.	<p>\$24,000 penalty, \$6,000 of which was suspended.</p> <p>Schedule of Compliance Items Complete.</p>