



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

February 1, 2017

Kirt Tatton, General Manager
Canyon Fuel Company, LLC
P.O. Box 1029
Wellington, Utah 84542

Subject: Approval of Permit Renewal, Soldier Canyon Mine, Canyon Fuel Company, LLC,
C/007/0018, Task ID #5286

Dear Mr. Tatton:

The permit renewal for the Soldier Canyon Mine is approved effective February 3, 2017. Enclosed are two (2) copies of the renewed permanent program permit for the Soldier Canyon Mine.

Please read the permit to be sure you understand the requirements, then have both permits signed by the designated authority and return one signed copy to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,

John R. Baza
Director

JRB/DRH/sqs
Enclosures
O:\007018.SOL\PERMIT\2017\BazaLetter.doc



**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

**Canyon Fuel Company, LLC
Soldier Canyon Mine
C/007/0018
Carbon County, Utah**

February 1, 2017

CONTENTS

- * Administrative Overview
- * Permitting Chronology
- * Findings
- * Permit
- * Affidavit of Publication
- * AVS Recommendation

ADMINISTRATIVE OVERVIEW

Canyon Fuel Company, LLC
Soldier Canyon Mine
C/007/0018
Carbon County, Utah

February 1, 2017

PROPOSAL

Canyon Fuel Company, LLC made application to the Division of Oil Gas and Mining for a five-year permit Renewal for the Soldier Canyon Mine on September 30, 2016.

BACKGROUND

The Mining and Reclamation Plan (MRP) for the Soldier Canyon Mine (Soldier Creek Coal Company [SCCC]– permittee) was originally approved by the Division of Oil, Gas and Mining (DOG M) and the Office of Surface Mining Reclamation and Enforcement (OSMRE) on June 10, 1985. The approved permit area consisted of two federal coal leases, SL-051279-063188 and U-50722, encompassing 2,143.81 acres. The Bureau of Land Management (BLM) administered 590 of those acres and the remainder were privately owned.

In June of 1986, SCCC was sold to the Sun Company. A new MRP was submitted which incorporated two new state coal leases (ML-21994 and ML-22675) and portions of two other state leases (ML-42648 and ML-42649), held by affiliates of Sun Company, into the permit area. The new MRP was approved by DOGM on February 3, 1987, bringing the permitted area to a total of 4,347.99 acres. Due to the extensive additions to the permit area and submittal of a complete new MRP, a new five-year permanent program was issued.

SCCC acquired state lease ML-44365 on April 3, 1989 and requested that it be added to the permit area on April 17, 1989. The lease encompassed 557.20 acres. A revised mining permit incorporating lease ML-44365 was issued on August 8, 1989. This brought the total permit acreage to 4905.19 acres.

A topsoil/substitute topsoil storage site, consisting of an additional 4.5 acres was added to the permit area on May 28, 1991, bringing the total permit acreage to 4909.69 acres.

In order to accommodate an increase in production and additional expansion at the mine site, SCCC required more space. A surface expansion was approved in June 1991. The applicant proposed to increase intake capacity for the ventilation network and update the coal handling and transportation facilities at the mine. The total increased area of surface disturbance for the site was 5.6 acres and increased the disturbed area from 32.2. to 37.8 acres. The stretch of county road going through this area was also relocated.

On May 14, 1996 an incidental boundary change was approved to allow mining in the Alkali Lease (UTU-69635). This consisted of only 276 acres of the lease and was done to allow SCCC to continue mining while the application for the entire lease was being processed. The application for the entire Alkali Lease was submitted on May 31, 1996.

However, SCCC encountered burn in the incidental boundary change and quickly needed to alter their mining sequence. Therefore, a second incidental boundary change was submitted on October 3, 1996 for 186 acres and was approved on November 5, 1996 by the Division and received mining plan approval on December 19, 1996. The significant revision to mine the entire Alkali Lease Tract was eventually approved on June 20, 1997 and the mining plan approval was signed on August 20, 1997.

On December 20, 1996, the permit was transferred from Soldier Creek Coal Company to Canyon Fuel Company, LLC. Production continued under Canyon Fuel Company until 1999 when the mine was shut down due to poor market conditions. This mine has been in temporary cessation since March 25, 1999. The Division of Oil, Gas & Mining continues to conduct inspections at the mine site, which continues to be maintained by Canyon Fuel Company.

The bond was reduced from \$3,238,000 to \$1,593,000 during the midterm review in 2004 due to the removal of the refuse pile (which was proposed but never built). The bond remains in force and is due to be escalated during the next mid-term permit review.

RECOMMENDATION

The application for a successive permit renewal has met the requirements for approval. The permit renewal was advertised in the Sun Advocate on October 13, 20, 27, and November 3, 2016. The comment period ended on December 3, 2016 and no comments were received. It is recommended that the permit be renewed for another 5 year term.

PERMITTING CHRONOLOGY

Canyon Fuel Company, LLC
Soldier Canyon Mine
C/007/0018
Carbon County, Utah

February 1, 2017

September 30, 2016	Canyon Fuel Company, LLC submitted the application for permit renewal.
October 6, 2016	Permit renewal application determined administratively complete.
October 6, 2016	Letter from Division to federal, state and local agencies to notify them about the permit renewal for Soldier Canyon Mine.
October 13, 20, 27, and November 3, 2016	Publication notices in the <u>Sun Advocate</u> about the permit renewal for the Soldier Canyon Mine.
December 3, 2016	Comment period ends. No comments received.
February 1, 2017	Permit renewed effective February 3, 2017.

PERMIT RENEWAL FINDINGS

Canyon Fuel Company, LLC
Soldier Canyon Mine
C/007/0018
Carbon County, Utah

February 1, 2017

1. Application for a permit renewal was made on September 30, 2017 (R645-303.233.100).
2. The terms and conditions of the existing permit are being satisfactorily met (R645-303-233.110).
3. The present underground coal mining activities are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The permittee has provided evidence of having liability insurance (National Union Fire Insurance Company #GL6576428) (R645-303-233.140).
6. The permittee has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the permit period. (Lexon Insurance Co. #1093365 with full guarantee rider by Ironshore Indemnity Inc. #1093365 in the amount of \$1,593,000) (R645-303-233.150).
7. For the most recent permit term, permit changes have been incorporated into the permit.



Permit Supervisor



Associate Director of Mining



Director

FEDERAL

PERMIT
C/007/0018

February 3, 2017

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/007/0018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOG M) to:

Canyon Fuel Company, LLC
255 North 5th Street, Suite 900
Grand Junction, Colorado 81501

for the Soldier Canyon Mine. Canyon Fuel Company, LLC is the lessee of federal, state and fee-owned property. A performance bond is filed with the DOGM in the amount of \$1,593,000.00, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1: STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2: PERMIT AREA - The permittee is authorized to conduct coal mining and reclamation operations on following described lands within the permit area at the Soldier Canyon Mine situated in the state of Utah, Carbon County, and located:

Township 13 South, Range 12 East, SLBM

Section 4: All;
Section 5: All;
Section 6: All;
Section 7: All;
Section 8: All;
Section 9: NW1/4;
Section 17: NW1/4;
Section 18: N1/2N1/2, SE1/4NE1/4, S1/2NW1/4, portions of NE1/4SW1/4NE1/4 and NW1/4SW1/4NE1/4; and
Section 19: Portions of W1/2SW1/4SW1/4.

Township 13 South, Range 11 East, SLBM

Section 1: All;
Section 2: All;
Section 3: Lots 5, 6,7;

Section 10: N1/2,E1/2SE1/2, NW1/4SE1/4, NW1/4SW1/4;
Section 11: All;
Section 12: All;
Section 13: N1/2NE1/4, W1/2, NE1/4SE1/4, SE1/4NE1/4;
Section 14: N1/2, N1/2S1/2, SE1/4SE1/4;
Section 15: NE1/4NE1/4;
Section 23: N1/2NE1/4NE1/4;
Section 24: N1/2N1/2NW1/4, portions of E1/2SE1/4SE1/4; and
Section 25: Portions of N1/2NW1/4SE1/4 and S1/2SW1/4NE1/4.

This legal description is for the permit area of the Soldier Canyon Mine. The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of the leases, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3: COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4: PERMIT TERM** - This permit expires on February 3, 2022.
- Sec. 5: ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.
- Sec. 6: RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- A. Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
 - B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7: SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 8: ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. Any accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. Immediate implementation of measures necessary to comply; and
- C. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9: DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec.10: CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec.11: EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec.12: RECLAMATION FEE PAYMENT - The operator shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.

Sec.13: AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec.14: COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

- Sec.15: PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec.16: CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec.17: APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.
- Sec.18: SPECIAL CONDITIONS** - In addition to the general obligations and/or requirements set out in the leases and this permit, the permittee shall comply with the special conditions appended hereto as Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease.

The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: 
Date: 2/2/2017

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A
SPECIAL CONDITIONS

- 1) Canyon Fuel Company, LLC must submit water quality data for the Soldier Canyon Mine in an electronic format through the Electronic Data Input web site, <http://linux3.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Carbon,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website, the first publication was on the 13th day of October, 2016, and that the last publication of such notice was in the issue of such newspaper dated the 3rd day of November 2016

Jenni Fasselin – Publisher

Subscribed and sworn to before me this 3rd day of November, 2016.

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 672.00



**PUBLIC NOTICE
SOLDIER CANYON MINE PERMIT RENEWAL
DUGOUT CANYON MINE**

Canyon Fuel Company
P.O. Box 1029
Wellington, UT 84542
MSHA # 42-00077
Permit # C/007/018
Permit Renewed 2/3/2012

Canyon Fuel Company, LLC of Grand Junction, Colorado hereby announces its intent to renew its Coal Mining Permit for the Soldier Canon Mine under the laws of the State of Utah and the U.S. Office of Surface Mining. The currently approved mining permit is number C/007/018.

Canyon Fuel Company, LLC operates the Soldier Canyon Mine with facilities located approximately 12 miles northeast of Wellington, Utah.

Underground coal mining will take place in coal reserves owned or leased by Canyon Fuel Company, LLC. A description of the permit area follows:

Township 13 S, Range 11 E, Salt Lake Base and Meridian

- Section 1: All
- Section 2: All
- Section 3: Lots 5, 6, 7
- Section 10: N1/2, E1/2 SE1/4, NW1/4 SE1/4, NW1/4 SW1/4
- Section 11: All
- Section 12: All
- Section 13: W1/2, NW1/4 NE1/4, E1/2 NE1/4, NE1/4 SE1/4
- Section 14: N1/2, N1/2 S1/2, SE1/4 SE1/4
- Section 15: NE1/4 NE1/4
- Section 23: N1/2 NE1/4 NE1/4
- Section 24: N1/2 N1/2 NW1/4, Portion of E1/2 SE1/4 SE1/4
- Section 25: Portions of N1/2 NW1/4 SE1/4 and S1/2 SW1/4 NE1/4

Township 13 S, Range 12 E, Salt Lake Base and Meridian

- Section 4: All
- Section 5: All
- Section 6: All
- Section 7: All
- Section 8: All
- Section 9: NW1/4
- Section 17: NW1/4
- Section 18: NW1/4, NW1/4 NE1/4, E1/2 NE1/4, NW1/4 NE1/4 SW1/4 NE1/4, NW1/4 SW1/4 NE1/4 SW1/4 NE1/4, NE1/4 SE1/4 NW1/4 SW1/4 NE1/4
- Section 19: Portion of the W1/2 SW1/4 SW1/4

The address of the applicant is: Canyon Fuel Company, LLC
225 North 5th Street, 9th Floor
Grand Junction, CO 81501

A copy of the Soldier Canyon Permit Renewal application may be examined at the office of Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801, and the Carbon County Recorder's Office, 751 E 100 N, Price, Utah. Written comments, objections, or requests for an informal conference may be submitted to the Salt Lake City address. Said comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act. Published in the Sun Advocate October 13, 20, 27 and November 3, 2016.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

February 1, 2017

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, Canyon Fuel Company, LLC

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of Canyon Fuel Company, LLC. Canyon Fuel Company, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

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Application Evaluation

Application Number C0070018 SEQ:6
 Applicant Name 142816 Canyon Fuel Company LLC
 Date Of Narrative 2/1/2017 3:23:19 PM
 Requestor suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

12 Violations Found.

1: Revoked Permit	<u>11</u>	IL	Permit:11	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
2: Revoked Permit	<u>128</u>	IL	Permit:128	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
3: Revoked Permit	<u>167</u>	IL	Permit:167	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
4: Revoked Permit	<u>172</u>	IL	Permit:172	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
5: Revoked Permit	<u>192</u>	IL	Permit:192	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
6: Revoked Permit	<u>228</u>	IL	Permit:228	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
7: Revoked Permit	<u>252</u>	IL	Permit:252	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
8: Revoked Permit	<u>267</u>	IL	Permit:267	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
9: Revoked Permit	<u>8</u>	IL	Permit:8	Conditional	1/9/2004
Violator 1:	146616 Jader Coal Company LLC				
10: Bond Forfeiture	<u>8970262</u>	KY	Permit:8970262	Conditional	8/13/1993
Violator 1:	107269 Malachi Coal Company Incorporated				
11: Bond Forfeiture	<u>8970302</u>	KY	Permit:8970302	Conditional	1/8/2001
Violator 1:	101447 Flaget Fuels Inc				
12: Bond Forfeiture	<u>8970302</u>	KY	Permit:8970302	Conditional	1/8/2001
Violator 1:	101447 Flaget Fuels Inc				

Evaluation OFT

Entities: 18

249039 Halas Energy LLC - ()
 ---101448 John Joseph Siegel Jr - (Manager)
 ---101448 John Joseph Siegel Jr - (Member)
 ---249034 Cedars Energy LLC - (Subsidiary Company)
 -----101448 John Joseph Siegel Jr - (Manager)
 -----254567 Bowie Resource Partners, LLC - (Subsidiary Company)
 -----101448 John Joseph Siegel Jr - (Corporate Officer)
 -----101448 John Joseph Siegel Jr - (Director)
 -----128807 James J Wolff - (Chief Financial Officer)
 -----129465 Eugene E Diclaudio - (Chief Operations Officer)
 -----153972 Paul Warner - (Senior Vice President)
 -----254566 Bowie Resource Holdings, LLC - (Subsidiary Company)
 -----101448 John Joseph Siegel Jr - (Corporate Officer)
 -----128807 James J Wolff - (Chief Financial Officer)
 -----129465 Eugene E Diclaudio - (Chief Operations Officer)
 -----142816 Canyon Fuel Company LLC - (Subsidiary Company)
 -----101448 John Joseph Siegel Jr - (Chief Executive Officer)
 -----128807 James J Wolff - (Chief Financial Officer)
 -----129465 Eugene E Diclaudio - (Chief Operations Officer)
 -----129465 Eugene E Diclaudio - (Director)
 -----129465 Eugene E Diclaudio - (President)
 -----153972 Paul Warner - (Vice President)
 -----254573 Brian Settles - (General Counsel)
 -----254573 Brian Settles - (Secretary)

-----254573 Brian Settles - (General Counsel)
 -----254573 Brian Settles - (Secretary)
 -----254573 Brian Settles - (Senior Vice President)
 -----254617 Bruce Lindsay - (Senior Vice President)
 -----254618 Grant Quasha - (Corporate Officer)
 -----254573 Brian Settles - (General Counsel)
 -----254573 Brian Settles - (Secretary)
 -----254573 Brian Settles - (Senior Vice President)
 -----254617 Bruce Lindsay - (Senior Vice President)
 -----254618 Grant Quasha - (Corporate Officer)
 -----254620 Jesus Fernandez - (Director)
 -----259469 Carlos Pons - (Director)
 254568 Galena US Holdings, Inc. - ()
 ---254567 Bowie Resource Partners, LLC - (Subsidiary Company)
 -----101448 John Joseph Siegel Jr - (Corporate Officer)
 -----101448 John Joseph Siegel Jr - (Director)
 -----128807 James J Wolff - (Chief Financial Officer)
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 -----254573 Brian Settles - (Senior Vice President)
 -----254617 Bruce Lindsay - (Senior Vice President)
 -----254618 Grant Quasha - (Corporate Officer)
 -----254620 Jesus Fernandez - (Director)
 -----259469 Carlos Pons - (Director)
 ---254574 Jeffrey Kopp - (President)
 ---254575 Bryan Keogh - (Treasurer)
 ---254576 Jesus Fernandez Lopez - (Secretary)

Narrative

2/1/2017 - Violations 1-12 are coded "conditional," indicating a settlement, payment plan, or pending challenge. Linking entity is John Joseph Siegel Jr. Any state evaluating an entity with conditional state violations, particularly for the purpose of a permitting action, is reminded that they should contact the state(s) that entered the violation(s) to confirm the conditional status of those state violations. DB