



State of Ohio Environment



## STREET ADDRESS:

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May 18, 2010

**CERTIFIED MAIL**

9171082133393109718826

Ronald K. Bird  
Executive Vice President  
Buckingham Coal Company, Inc.  
P.O. Box 400  
Corning, Ohio 43730

<b>NOTICE OF VIOLATION</b>
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Dear Mr. Bird:

Ohio EPA's Division of Drinking and Ground Waters Underground Injection Control (DDAGW-UIC) Program has reviewed the Construction Report submitted on May 12, 2010 and the e-mail dated May 14, 2010 from Robert Smith of Strategic. Ohio EPA DDAGW-UIC finds that Buckingham Coal Company is in violation of both Part II (A) of the Class V Permit (Number UIC 05-05-05-PTD-V) and Buckingham Coal Company's construction plan submitted on March 11, 2010.

The Class V permit to drill requires that casings be continuously grouted from the mine void to ground surface. Buckingham Coal Company's construction plan states that a proposed ten inch surface casing will be removed either before or after grouting. Buckingham Coal Company did not remove the installed 11 inch surface casing nor grout behind that casing from the mine void to the ground surface.

Please provide a written justification within fifteen days (15) as to why Buckingham Coal Company cannot tremie grout into the annular space along the outside of the 11" casing and provide an explanation of how leaving the annular space uncemented is protective of the underground sources of drinking water (USDW) at the permitted location. In addition, the well construction report must be revised to include the actual construction details since they deviated from both the permit and the construction plan.

Sincerely,

Lindsay C. Taliaferro III, Manager  
Underground Injection Control Program  
Division of Drinking and Ground Waters

Buckinghamconst.nov

cc: Mike Baker, Chief, DDAGW  
Kim Rhoads, Legal  
Ken Baughman, Compliance Assurance, DDAGW

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director