



State of Ohio Enviro



* D D G W 1 3 1 1 4 2 0 0 9 U I C N O V *

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

January 14, 2009

Ronald K. Bird, Executive Vice President
Buckingham Coal Company, Inc.
21525 State Route 13
Glouster, Ohio 43752

Certified Mail

RE: Notice of Violation

9171082133393109725466

Dear Mr. Bird:

This letter is to inform you that Buckingham Coal Company, Inc. is in violation of the Ohio Revised Code (ORC) Chapter 6111. and Ohio Administrative Code (OAC) Chapter 3745-34 Ohio EPA Underground Injection Control Permits: UIC 05-05-05-PTD-V and UIC 05-05-05-PTO-V (issued on January 25, 2008).

1. **Part II (A) WELL CONSTRUCTION AND COMPLETION of the permits requires that Ohio EPA be notified in writing thirty (30) days prior to the installation of each injection well and prior to the use of each well.** Buckingham Coal Company, Inc. was also required to submit a construction report providing the actual construction details of each well including detailed, as-built drawings to scale for each well. When I contacted you by telephone on January 5, 2009, you indicated that the wells had already been installed but you were unsure as to when they were installed.

Please submit the certified copies of the driller's logs; construction logs and a construction report providing the actual construction details of each well including detailed, as-built drawings to scale for each well within thirty (30) days of receipt of this letter.

2. **Part II (E) MONITORING of the permits requires monitoring of both the fluids injected and the injection zone (the mined out portion of the Middle Kittanning Coal Seam).** Within ninety (90) days of the effective date of the permits, Buckingham Coal Company, Inc. was required to submit a plan for the sampling and analysis of the water in the permitted injection zone. The plan was to include at a minimum: a map to scale showing the sampling location and a detailed description of the sampling and analytical methodology. Buckingham Coal Company has not submitted a sampling and analysis plan as required.

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

Ronald K. Bird, Executive Vice President

January 14, 2009

Page Two

Buckingham Coal Company, Inc. must submit a plan for the sampling and analysis of the water in the permitted injection zone within thirty (30) days of receipt of this letter. The plan must include at a minimum: a map to scale showing the sampling location and a detailed description of the sampling and analytical methodology.

3. A monthly report is required to be submitted providing the daily measured flow rate and the average monthly flow rate for each well. The monthly report is to include the monthly analysis of the of the injected fluid to include the following constituents: *total solids, total dissolved solids, total iron, total manganese, arsenic, cadmium, chromium, lead, total acidity, total alkalinity, conductivity, pH and sulfate*. Buckingham Coal has been injecting into the mine but has not submitted any data as required.

Buckingham Coal must submit within thirty (30) days of receipt of this letter all data required from the missed monthly operating reports dating back to when injection began. These reports must be submitted for the duration of the permit or as long as injection continues should Buckingham cease injection prior to the permit expiration.

4. A quarterly report is also required to be submitted that includes analyses of both the injected fluid and the injection zone for the following constituents: *calcium, magnesium, sodium, carbonate, bicarbonate, chloride, cyanide, fluoride, nitrate, total dissolved solids, potassium, barium, boron, strontium, arsenic, cadmium, aluminum, antimony, cobalt, chromium, lead, mercury, phenol, selenium, silver, zinc and dissolved oxygen*. Buckingham Coal has been injecting into the mine but has not submitted any data as required.

Buckingham Coal must submit within thirty (30) days of receipt of this letter all data required from the missed quarterly reports dating back to when injection began. These reports must be submitted for the duration of the permit or as long as injection continues should Buckingham cease injection prior to the permit expiration.

To date, **none of the requirements stipulated in the permits has been submitted.**

Buckingham Coal Company, Inc. must submit all of the specified plans and reports within thirty (30) days of receipt of this letter to avoid additional enforcement action which could include the possible termination of the permits.

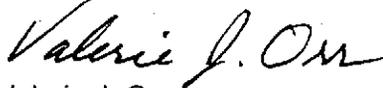
Please be aware that per OAC Rule 3745-34-17, all information submitted such as plans and reports must be signed by a principal executive officer of at least the level of vice president and each submission must include the following certification:

Ronald K. Bird, Executive Vice President
January 14, 2009
Page Three

"I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

If you have any questions concerning these requirements please contact me at (614) 644-2752.

Sincerely,



Valerie J. Orr
Class V Coordinator
Underground Injection Control Program
Division of Drinking and Ground Waters

Buckinghamcoal.nov.doc

cc: Lindsay C. Taliaferro III, UIC Manager
Albert Siemer, Buckingham Coal Company Inc.