

PUBLIC NOTICE

NOTICE OF APPLICATION FOR A NEW SURFACE MINING PERMIT
Luminant Mining Company LLC
Proposed Big Brown - Turlington Mine Docket No. C9-0008-SC-00-A

Luminant Mining Company LLC ("Luminant"), 500 N. Akard Street, Dallas, Texas 75201 has submitted a new surface mining permit application entitled **Big Brown - Turlington Mine**, ("Application"), to the Railroad Commission of Texas Surface Mining and Reclamation Division ("Commission"). A five-year permit term is proposed by this application. The proposed Big Brown - Turlington Mine, consisting of approximately 10,397 acres, is located adjacent to the existing Big Brown Mine, Permit 3E and shares a common boundary to the north. The extreme northwest permit boundary contains a narrow "strip" that ties into an existing industrial complex facility associated with the Big Brown Power Plant. Hereafter, and throughout the permit application, the Big Brown - Turlington Mine may be referred to only as the "Turlington Mine." Please note "SD" refers to a supplemental document filing and a corresponding number refers to which supplement. For example, SD1 refers to Supplemental Document No. 1, etc.

A copy of the complete Application entitled, **Big Brown - Turlington Mine**, dated October 17, 2008, consisting of 14 volumes, labeled Volumes 1 through 14; **Big Brown - Turlington Mine, SD1** dated August 4, 2009, consisting of 3 volumes, labeled Volumes 1 through 3 and **Big Brown - Turlington Mine, SD2** dated December 18, 2009, consisting of -2 volumes may be inspected in the main office of the Railroad Commission of Texas at 1701 North Congress, William B. Travis Building, Austin, Texas, or at the office of the Freestone County Clerk, Freestone County Courthouse, 103 E. Main, Fairfield, Texas, 75840.

This permit application may be supplemented from time to time, with supplemental or revised information (including revised maps, drawings and plates) placed in separate volumes and filed for public inspection. Interested persons should contact the Hearings Examiner or continue to check the public copies of the applications to determine the current status.

Ownership of all affected lands in the proposed 10,397 acre Turlington Mine is described in Section 116 of the Application. Surface mining activities at the Turlington Mine are expected to continue for approximately twelve (12) years, subject to Commission approval of a permit renewal(s). Copies of the Application are on file with and available for public inspection at the agencies and locations identified below.

As depicted on the map included with this public notice, the proposed Turlington Mine is located approximately seven (7) miles east/northeast of Fairfield, Texas. The proposed permit area is generally described as follows: the northern boundary is adjacent to the existing Permit 3E boundary and also formed by Freestone County Road (FCR)-235. The eastern boundary is also formed by FCR-235 and various property boundaries, and is located approximately four (4) miles due west of the Trinity River. The southern boundary is formed by various property boundaries, and is located approximately three (3) miles north of Highway 84 near the community of Antioch. The western boundary is located immediately due east of Lake Fairfield and along various property boundaries. The permit area is contained within the "Butler", "Young", "Yard" and "Turlington" U.S. Geological Survey 7.5 minute, quadrangle maps.

Luminant proposes to mine approximately 1,014 acres during the initial five-year permit term. During the initial permit term, there will be approximately one to two years of start-up construction activities and approximately four years of mining production (see Table 119-1, SD1, Volume 1). Once the permit is issued, initial construction activities will begin on the support structures such as: office/shop facilities, sedimentation ponds, diversions and roads. During construction of the sedimentation ponds and/or diversions, lignite coal may be encountered and if so, will be salvaged and stockpiled at the coal loading facility area. The permanent relocation of Myrtle Branch is proposed is SD1, Volume 3.

The Application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Chapter 134 (Vernon 2009) and the Coal Mining Regulations, Texas Railroad Commission, 16 TEX. ADMIN. CODE (Ch.12) (West Group 2009). Notice will be published once a

week for four consecutive weeks. Requests for public hearing must be submitted within 45 days of the last date of publication of this notice. Interested persons are invited to submit written comments on the Application. All written comments, objections or requests for public hearing or informal conference on the Application should be directed to:

Marcy J. Spraggins, Hearings Examiner
Office of General Counsel - Hearings Section
C/o Docket Services, Docket No. C9-0008-SC-00-A
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

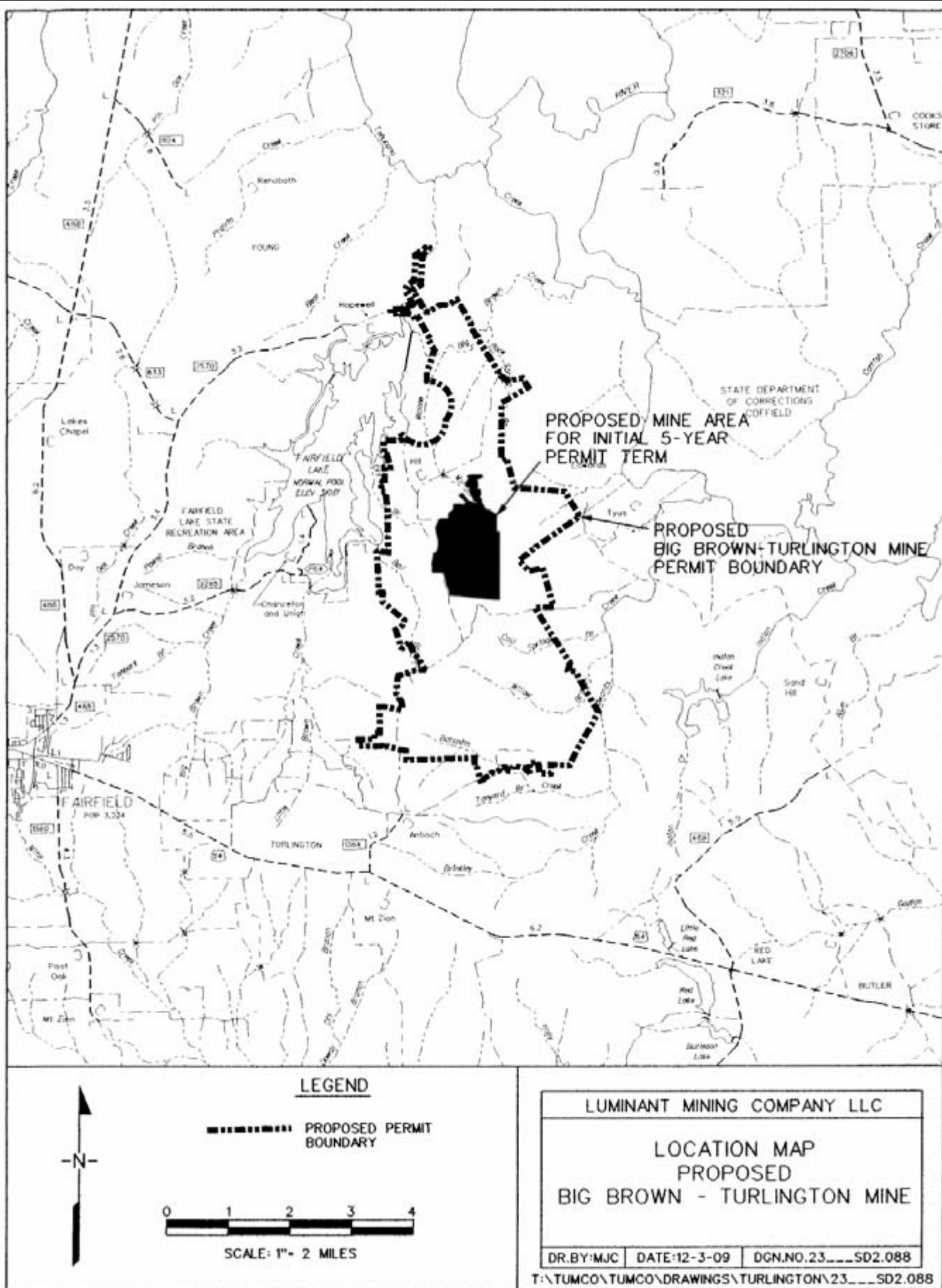
Lignite production will be accomplished through the use of draglines, hydraulic excavators, hydraulic backhoes, front-end loaders, end-dump trucks, haulers, scrapers, dozers and motor graders. Lignite recovered will be transported by haulers to the Big Brown Power Plant. See Life of Mine Maps in Section .125 and Plates 125-1 and 125-2 (Volume1, SD2); Operations Plan Maps in Section .139, Plates 139-1 through 139-1-9 (application, and SD2, Volume 1 for Plates 139-1-6 and 139-1-7) and Table 119-1 located in Section .119 (SD1, Volume1).

Luminant proposes to construct a lignite cleaning facility during the initial permit term utilizing the density separation clean coal technology. The facility location can be seen in Section 139 of the permit on plate 139-1-6 (SD2, Volume2). The clean coal will be hauled to the power plant utilizing mine haulage equipment and the mine dilution material from this process will be temporarily stockpiled then hauled back to the open pit as part of the reclamation process.

Luminant proposes to conduct mining operations on property owned by Luminant Big Brown Mining Company LLC and Big Brown Power Company LLC and on property where a valid coal and lignite lease exists. Luminant does not propose any surface mining operations on any property for which it does not have a valid right-of-entry for. Information on the right-of-entry and property ownership is detailed in Sections 116 and 117 of the permit application (SD1 and SD2, Volume 1). The applicable tracts are shown on the "Property Ownership" map located in Section 116 of the application and SD2, Volume 1, Plates 116-1 and 116-2. There are producing oil or gas wells located within the proposed permit area and can be seen in Section 128, Plate 128-3 (Volume 3) and listed in Appendix 128-E, (Volume 4). Luminant's proposed pipeline relocations are shown on Plates 136-1 and 2 in Section 136 (SD2, Volume 1). See Section 116, Appendix F for all oil/gas leasehold and right-of-entry information for those property tracts proposed to be disturbed and/or mined during the permit term.

Luminant's permit application contains a great deal of detailed information, but there are some sections that could be of interest to the general public and are listed as follows: general hydrology and geology of the permit area in Sections 126 and 127, (Volume 2); water well inventory location map, Plate 128-2, Section .128, (Volume 3); surface water information, Section .129, (Volume 4 and Volume 1, SD1); descriptions of fish and wildlife, Section 133, (Volume 6) and a protection plan, Section .144, (Volume 9 and Volume 2, SD1); soil resources information, Section .134, (Volume 7 and Volume 2, SD1); a request for a determination that there is no prime farmland located within the areas proposed for mining and mining-related disturbance, Section .138, (Volume 7); reclamation plan, including a reclamation timetable (Section 145), Figure 145-1 (Volume 2,SD2), and post mine soil testing plan (Volume 9 and Volume 2, SD1). The application contains a proposal for selective handling and haulback of overburden material.

Luminant's plan for the protection of the surface water and groundwater can be seen in Section 146, Appendix D in (Volume 10). Luminant has conducted computer simulations to show the maximum extent of simulated five feet of drawdown for wells that may be impacted by the dewatering Plate 146(d)-1, SD1 for the Life of Mine. The surface water control plan is located in Section .148 (Volume 10) and also shown on Plate 148-1 (Volume3, SD1) and 148-2 (Volume 2, SD2). The application proposes the use of oxidized overburden as a topsoil and subsoil substitute for a reclaimed material for the top four feet of reclaimed soils (Section 145) and approximately 30 permanent water impoundments are planned during the life of the mine (Section 139). The estimated percentages



of the proposed postmine land uses, including alternative postmine land uses, are: pastureland, 45%; fish and wildlife habitat, 48%; developed water resources, 5%; industrial/commercial <1% and undeveloped 2% (Section 147 of the application, SD1 and SD2).

Surface Mining Within 100 Feet of a Public Road

Surface mining activities will not approach nearer than 100-feet of the outside right-of-way line of any public road except as allowed by the regulations and approved by the Commission. However, public road buffer zone variances are being requested for the following locations for the proposed permit term (see Volume 3, Section 152, SD1).

Luminant requests that the Commission approve the following public road buffer variances for the permit term. Activities that will take place in the variance locations listed below will include, but not be limited to, pond construction, diversion construction, road construction, dewatering activities, regrading, reseeded, erosion repair, dragline walk, and other such activities associated with normal mining, construction and reclamation procedures. See Figure 152-1 (Volume 13) of the application. All distances are approximate. Abbreviation of the road name is as follows: Freestone County Road (FCR).

1. **FCR 235** - On the south side, from the intersection of FCR 235 and FCR 234, 8,249 feet, continuing southwest for 2,930 feet.
2. **FCR 235** - On both sides of FCR 235, from the intersection of FCR 235 and FCR 234, 11,179 feet south, continuing southwest for 1,548 feet. This allows for construction of the proposed Turlington D Area Main haul road, and Dragline walkway.
3. **FCR 235** - On the east side, from the intersection of FCR 235 and FCR 234, 3,142 feet, continuing south for 2,927 feet.
4. **FCR 235** - On the west side and south side of FCR 235, from the intersection of FCR 235 and FCR 234, 15,773 feet south, continuing south for 6,884 feet.
5. **FCR 240** - Along the north side of FCR 240, from the intersection of FCR 235 and FCR 240, 3,623 feet, continuing northeast for 591 feet.
6. **FCR 240** - Along the north side of FCR 240, from the intersection of FCR 235 and FCR 240, 6,595 feet, continuing east for 445 feet.

Luminant requests that the

Commission approve the following public road buffer variances for the permit term. Activities that will take place in the variance locations listed below will include, but not be limited to, mining, pre-stripping activities, pond construction, diversion construction, road construction, dewatering activities, regrading, reseeded, erosion repair, dragline walk, and other such activities associated with normal mining, construction and reclamation procedures. See Figure 152-1 (Volume 13) of the application (see Volume 3, SD1).

7. **FCR 235** - On the east side and north side of FCR 235, from the intersection of FCR 235 and FCR 234, 16,069 feet south, continuing south for 6,549 feet.
8. **FCR 235** - On the east side of FCR 235, from the intersection of FCR 235 and FCR 234, 22,619 feet south, continuing south for 2,873 feet.

Road Closures and Relocations

Permanent Closures: There are two (2) sections of FCR 235 that are proposed to be permanently closed and abandoned during the permit term.

- (1) 1,548 feet of FCR 235 will be permanently closed beginning at a point 11,174 feet south from the intersection of FCR 235 and FCR 234. This permanent closure was approved by the Freestone County Commissioner's Court Order on July 6, 2009. See Plate 139-1-6 and 139-1-7. See Freestone County Commissioner's Court Order in Section .152, Appendix A (see Volume 3, SD1).
- (2) 6,407 feet of FCR 235 will be permanently closed beginning at a point 16,069 feet south from the intersection of FCR 235 and FCR 234. This permanent closure was approved by the Freestone County Commissioner's Court Order on July 6, 2009. See Plate 139-1-6 and 139-1-7. See Freestone County Commissioner's Court Order in Section .152, Appendix A (see Volume 3, SD1).

Luminant requests that the Commission approve the 6,407-foot section of FCR 235 as a temporary ancillary road. This county road was designed and constructed under the specifications and supervision of the Freestone County Commissioner's Court and meets the performance standards of Rule §12.400(b) of the Regulations.

Through normal use, this road will be maintained to control or prevent erosion, siltation and air pollution attendant to erosion control or prevent damage to fish and wildlife resources; control or prevent contri-

butions of suspended solids to stream flow or runoff outside the permit area; neither cause or contribute to violations of State or Federal water quality standards applicable to receiving waters; not seriously alter the normal flow of water in streambeds or drainage channels; control or prevent damage to public or private property; and non acid or non toxic-forming substances in road surfacing.

The reclamation bond will be calculated to support the use of this abandoned public road for surface mining related activities. Detailed design plans will be submitted and approved by the Commission prior to any road design modifications.

Temporary Closures: There are two (2) sections of FCR 235 that are proposed to be temporally closed during the permit term to allow a dragline or draglines to cross FCR 235 in route to the Turlington Mine from the adjacent Big Brown Mine.

- (1) 200 feet of FCR 235 will be temporarily closed to allow the dragline to walk across into the DI North Mining area. The temporary road closure will begin at a point 3,144 feet east from the existing county road bridge located northeast of the Big Brown steam electric station. The dragline crossing may occur after the original FCR 235 has been closed, and in this case the dragline will cross the temporary FCR 235 in the same general location. This temporary closure was approved by the Freestone County Commissioner's Court Order on July 6, 2009. See Plate 139-1-6 and 139-1-7. See Freestone County Commissioner's Court Order in Section .152, Appendix A (see Volume 3, SD1).
- (2) 200 feet of FCR 235 will be temporarily closed to allow the dragline to walk across into the DI North Mining area. The temporary road closure will begin at a point 11,070 feet south from the intersection of FCR 235 and FCR 234. The dragline crossing may occur after the original FCR 235 has been closed, and in this case the dragline will cross the temporary FCR 235 in the same general location. This temporary closure was approved by the Freestone County Commissioner's Court Order on July 6, 2009. See Plate 139-1-6 and 139-1-7. The Freestone County Commissioner's Court Order is located in Appendix 152-A (see Volume 3, SD1).

Interested persons may participate before the Freestone County Commissioner's Court meetings, as posted by the county, whenever county roads are considered for closure and/or relocation.

Relocations: There are two (2) permanent county road relocations proposed during the permit term.

FCR 235 Relocation No.1 will be relocated during the first quarter of year 1. The new permanent relocation will begin at a point 11,179 feet south from the intersection of FCR 235 and FCR 234 then progress 1,902 feet southwest until joining the existing FCR 235 alignment. This permanent relocation was approved by the Freestone County Commissioner's Court Order on July 6, 2009. For location see Plate 139-1-6 and 139-1-7. See Freestone County Commissioner's Court Order in Section .152, Appendix A.

FCR 235 Relocation No.2 will be relocated during the first quarter of year 1. The new permanent relocation will begin at a point 15,773 feet south from the intersection of FCR 235 and FCR 234 then progress 6,588 feet south joining the existing FCR 235 alignment. This permanent relocation was approved by the Freestone County Commissioner's Court Order on July 6, 2009. For location see Plate 139-1-6 and 139-1-7. See Freestone County Commissioner's Court Order in Section .152, Appendix A.

Rights-of-Way Delineation

All county roads within the Turlington Mine area have established fences on both sides and Freestone County maintains the area within these right-of-way fences. Luminant proposes to use these established fence lines as the right-of-way boundary on each side of these roads. Actual field measurements of the right-of-way widths (fence to fence) of several of these county roads yielded an average width of 40 feet. Therefore, where fence lines may not exist, Luminant proposes to use 40 feet as the right-of-way width (or 20 feet on either side of the road as measured from the road centerline). Luminant is providing this information in response to previous Staff comments with the understanding that it is not intended for use in establishing compliance with the Regulations. Luminant will notify the Commission in a timely fashion should applicant become aware of a situation in which a county road right-of-way may differ from the aforementioned width. In the future, a "county road right-of-way" description statement has been added to the legend on Plates 139-1-1 through 139-1-9 in Section .139 of the Application (see Volume 8 of original permit, SD1 and SD2).