

**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 appli-
cation 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 applica-
tion, 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.

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 accom-
plished through the use of
draglines, hydraulic excavators,
hydraulic backhoes, front-end load-
ers, 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 equip-
ment and the mine dilution material
from this process will be temporari-
ly stockpiled then hauled back to
the open pit as part of the reclama-
tion process.

Luminant proposes to conduct min-
ing operations on property owned
by Luminant Big Brown Mining
Company LLC and Big Brown
Power Company LLC and on prop-
erty where a valid coal and lignite
lease exists. Luminant does not
propose any surface mining opera-
tions 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 per-
mit 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 con-
tains a great deal of detailed infor-
mation, but there are some sections
that could be of interest to the gen-
eral public and are listed as follows:
general hydrology and geology of
the permit area in Sections 126 and
127, (Volume 2); water well invento-
ry 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 pro-
tection 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 dis-
turbance, Section .138, (Volume 7);
reclamation plan, including a recla-
mation timetable (Section 145),
Figure 145-1 (Volume 2,SD2), and
post mine soil testing plan (Volume
9 and Volume 2, SD1). The applica-
tion contains a proposal for selec-
tive handling and haulback of over-
burden 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 simula-
tions to show the maximum extent
of simulated five feet of draw-
down for wells that may be impact-
ed by the dewatering Plate 146(d)-
1, SD1 for the Life of Mine. The sur-
face 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

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,
reseeding, erosion repair, dragline
walk, and other such activities asso-
ciated with normal mining, construc-
tion 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, contin-
uing 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 construc-
tion 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, contin-
uing 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 con-
struction, road construction, dewa-
tering activities, regrading, reseed-
ing, 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.

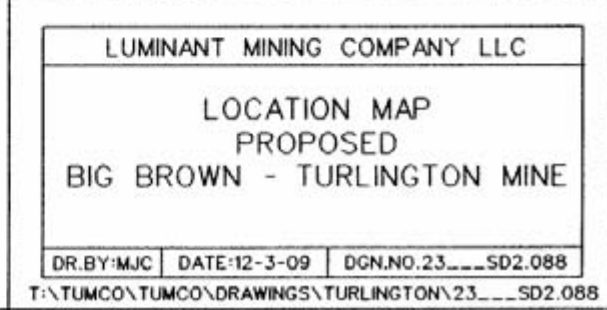
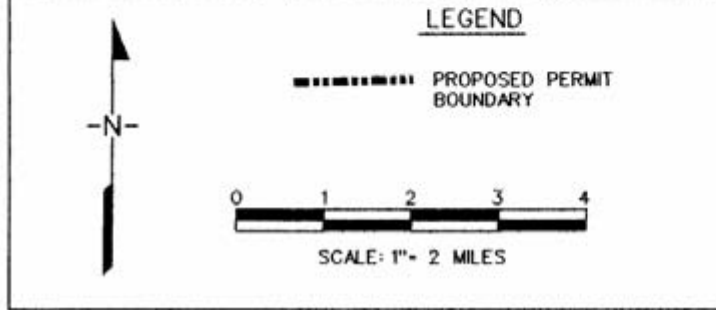
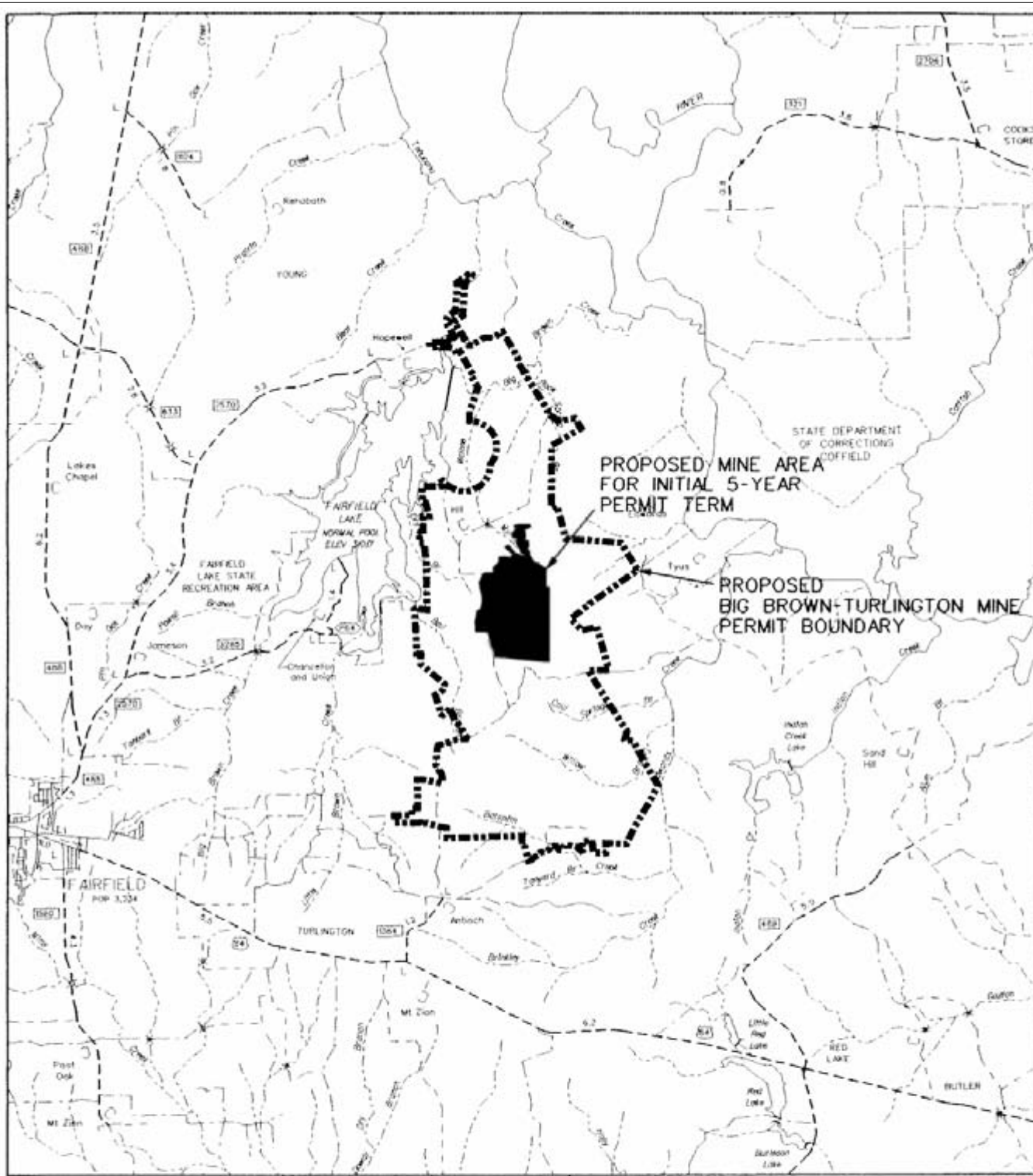
Road Closures and Relocations

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 super-
vision 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 pre-
vent damage to fish and wildlife
resources; control or prevent contri-



A copy of the complete Application
entitled, **Big Brown - Turlington
Mine**, dated October 17, 2008, con-
sisting 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, consist-
ing 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 con-
tact 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 inspec-
tion at the agencies and locations
identified below.

As depicted on the map included
with this public notice, the proposed
Turlington Mine is located approxi-
mately seven (7) miles east/north-
east of Fairfield, Texas. The pro-
posed 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 var-
ious 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 approxi-
mately 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, sedi-
mentation ponds, diversions and
roads. During construction of the
sedimentation ponds and/or diver-
sions, lignite coal may be encoun-
tered and if so, will be salvaged and
stockpiled at the coal loading facility
area. The permanent relocation of
Myrtal 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

Contributions of suspended solids to
stream flow or runoff outside the
permit area; neither cause or con-
tribute 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 dam-
age to public or private property;
and non acid or non toxic-forming
substances in road surfacing.

The reclamation bond will be calcu-
lated 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 north-
east 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 loca-
tion. This temporary closure 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.
- (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 intersec-
tion 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 clo-
sure and/or relocation.

Relocations: There are two (2) per-
manent 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 reloca-
tion 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 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 reloca-
tion 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 perma-
nent 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 estab-
lished 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 meas-
urements 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 com-
ments with the understanding that it
is not intended for use in establish-
ing 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).