06/02/94

BEFORE THE STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re:	)
Florida Crushed Stone Company	)
Power Plant Certification	)
Modification Request	)
No. PA 82-17C	)
Hernando County, Florida	)
	)

FINAL ORDER

MODIFYING CONDITIONS OF CERTIFICATION

The Department of Environmental Protection, after notice and opportunity for hearing, modifies the Conditions of Certification for the Florida Crushed Stone (FCS) power plant in Brooksville pursuant to the Florida Electrical Power Plant Siting Act, Section 403.516(1), Florida Statutes, and Condition XXV, Modification of Conditions, which delegates authority to modify conditions to the Department.

In January of 1993, the Department determined that modification of the Conditions of Certification transferring approval of dike modifications for the above referenced facility from the Southwest Florida Water Management District

to the department would facilitate enforcement and implementation of industrial waste permitting of noncertified facilities on site. A subsequent meeting was held with FCS and SWFWMD resulting in an agreement to modify.

Copies of the department's proposed action were distributed to all parties to the certification proceeding and made available for public review. On December 30, 1993, a Notice of Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. As of April 11, 1994, all of the parties to the original proceeding had received copies, sent by certified mail, of the intent to modify. The notice specified that a hearing would be held if a party to the original certification hearing objects within 45 days from receipt of the proposed notice of modification or if a person whose substantial interests will be affected by the proposed modification objects in writing within 30 days after issuance of the public notice. Written objections to the proposed modifications were not received by the Department.

Accordingly, in the absence of any dispute,

IT IS ORDERED THAT:

The proposed changes to the conditions of certification for the Florida Crushed Stone power plant are approved based on the absence of any written objections. The Department hereby approves the modification, and, pursuant to section 403.516(1)(b), F.S., the Department hereby modifies the

conditions of certification for the Florida Crushed Stone facility as follows:

II.C.8. Impoundment Dam Construction

Any modifications to existing impoundments or construction of new impoundments must, as a minimum, be designed, constructed, and operated ~~to~~ in accordance with Chapter ~~17-9~~, 17-672, Florida Administrative Code. Before any construction is initiated on impoundments, ~~SWFWMD~~ the Department must review and approve all design plans and parameters ---.

NOTICE OF RIGHTS

Any party to the this Order has a right to seek judicial review of this Order pursuant to Section 120.68, Florida Statutes, by the Filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, andby filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 2nd day of June 1994, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell

Virginia B. Wetherell
Secretary

Certificate of Service

I hereby certify that a copy of the Final Order Modifying Conditions of Certification of the Florida Crushed Stone Company was sent to the following parties by United States mail on the 7th day of June, 1994.

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