



Jeb Bush
Governor

Department of Environmental Protection

DEP05-1446

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

September 14, 2005

- **CERTIFIED MAIL - RETURN RECEIPT REQUESTED** -

Mr. Eddie Allsop
President, Cement Division
Florida Crushed Stone Company
10311 Cement Plant Road
P.O. Box 1508
Brooksville, Florida 34605-1508

**RE: Florida Crushed Stone Company
Order Modifying Conditions of Certification
DEP Case Number PA 82-17K
OGC Case Number 05-1838**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Allsop:

On March 7, 1984, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification of the Florida Crushed Stone Company (FCS) Power Plant located in Hernando County, Florida. The site certification order approved the construction and operation of a 125 megawatt (MW) coal-fired power plant, a cement kiln, and associated facilities at the existing FCS limestone mine in Hernando County. In March 1995, FCS filed a request for modification to allow the construction and operation of a second cement kiln and related facilities on the FCS site, subject to the requirements in PSD Permit No. PSD-FL-227. This request was granted and the Conditions of Certification were modified on December 18, 1995. On January 13, 1997, a request for modification of the Conditions of Certification was filed by FCS, based on a revised design for the second cement plant, subject to the requirements of PSD Permit No. PSD-FL-227(A). This request was granted and the Conditions of Certification were modified on April 15, 1997. However, due to economic conditions in the cement industry and other factors, the second cement plant was not built. In 2004, FCS renewed its plans for the second cement plant and a new PSD permit (PSD Permit No. PSD-FL-351; Permit No. 0530021-009-AC) was issued on July 6, 2005. On July 13, 2005, FCS filed a request for modification of the Conditions of Certification to allow the construction and operation of the second cement plant and related facilities in accordance with the provisions of the new PSD permit (No. PSD-FL-351).

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On August 27, 2005, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on August 12, 2005, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's website.

Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing.

No objections to the modification have been received by the Department. Accordingly, the Conditions of Certification for the Florida Crushed Stone Company facility are hereby modified as follows:

I. Air

The construction and operation of the Florida Crushed Stone Company ("FCS") steam electric power plant site shall be in accordance with all applicable provisions of the Department of Environmental Protection's ("DEP") regulations as found in Chapter 62-296, 62-297, 62-301, 62-302, 62-522, 62-701 and 62-702, Florida Administrative Code ("F.A.C."), and permits PSD-FL-090, PSD-FL-091, PSD-FL-351, 0530021-009-AC, ~~PSD-FL-227~~, ~~PSD-FL-227(A)~~ 0530021-006-AC and 0530021-007-AC, as amended.

A. Power Plant Boiler – Essential Potential to Emit (PTE) Parameters –

through

J. Heat Input Rate

No change.

K. Cement Plant 2

Cement Plant 2, and its associated equipment, shall be constructed and operated in accordance with PSD-FL-351 ~~227~~ or ~~227(A)~~.

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There are no other changes to the provisions in the Conditions of Certification.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Hamilton S. Oven
Hamilton S. Oven, P.E., Administrator
Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Janda Korokow 9-14-05
Clerk Date

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CC:

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