



Florida Department of Environmental Protection

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Charlie Crist
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Michael W. Sole
Secretary

May 29, 2009

James Daniel, Plant Manager
CEMEX Construction Materials Florida, LLC
10311 Cement Plant Road
Brooksville, Florida 34605

RE: Florida Crushed Stone Company
Modification to Conditions of Certification
DEP Case Number PA 82-170
OGC Case Number 09-0593

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Daniel:

The Siting Board authorized the construction and operation of the steam electric power plant at the Florida Crushed Stone Company Brooksville South Cement Plant on March 12, 1984 (PA82-17). The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on fourteen other occasions.

On April 6, 2009, the Department initiated a modification to the Conditions of Certification in response to a Notice of Intent to Transfer Certification received on March 9, 2009 from CEMEX Construction Materials Florida, LLC. Additionally, Condition XXIX, which addresses modifications, is being updated by the Department for consistency within the program. (Pursuant to 403.516 (1)(c), Florida Statutes ("F.S."), the Department may initiate a modification of the terms and conditions of a site Certification upon its own initiative.) Finally, pursuant to 403.516 (1) (b), Florida Statutes ("F.S."), the Department may modify specific Conditions of a Site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. On August 22, 2008 and February 27, 2009, notices of intent to issue permits 0530021-015-AC (PSD-FL-351A) and 0530021-013-TV were published in the St. Petersburg Times respectively. On September 10, 2008, the Department issued Final Permit 0530021-015-AC (PSD-FL-351A). Final Permit 0530021-013-TV was issued on April 15, 2009.

Pursuant to 62-17.211(3), F.A.C., parties shall be given opportunity to object to transfer of the certification. On or before April 6, 2009, 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.

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Additionally, on April 17, 2009, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW).

Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; 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; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

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

I. Air

The construction and operation of the ~~Florida Crushed Stone Company ("FCS")~~ CEMEX Construction Materials Florida, LLC 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-227, PSD-FL-090, PSD-FL-091, PSD-FL-351 (0530021-009-AC), PSD-FL-351A (0530021-015), 0530021-006-AC, 0530021-010-AC, and 0530021-012-AC as amended (attached as Appendix B through H). The Facility shall also be operated in conformance with the title V Air Operation Permits No. 0530021-011-AV and 0530021-013-AV (attached as Appendix A) and any subsequent renewals, revisions or corrections to these permits.

II. Water

A. and B. No Change

C. Water Monitoring Programs

1. and 2. No Change

3. Shallow Aquifer Monitoring Wells

After consultation with the DEP and SWFWMD, ~~FCS~~ the Licensee shall install a monitoring well network to adequately monitor groundwater quality horizontally and vertically in the surficial and Floridan aquifers. Groundwater levels and flow directions will be determined twice a year (May and September) at the site through the preparation of seasonal piezometric contour maps. From the maps, the water quality monitoring well network will be located. Monitoring well locations and designs shall be submitted to the Department and SWFWMD for review and approval. Approval or disapproval of the locations and design shall be granted within 60 days. Monitoring wells of adequate design and number shall be installed up gradient and down gradient from each liquid waste sump and each coal pile storage area. Two additional monitoring wells will be placed immediately down gradient of the cooling pond. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water equal to two casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly

thereafter. Results shall be submitted to the Department and the SWFWMD by the tenth (10th) day of the month following the month during which such analyses were performed. The Analysis shall follow the methods set forth in the current edition of *Standard Methods for the Examination of Water and Wastewater* by APHA-AWWA-WPCF or *Methods for Chemical Analysis of Water and Wastes* by the U.S. Environmental Protection Agency, with the methods used being specified. Results shall be submitted on the tenth day of the following month. Background water quality data shall be provided with data collected and submitted a minimum of twelve months prior to start-up of the power plant. The District may require further water quality testing if the pH levels decline significantly from ambient (baseline) as established during the pre-operational study period. Testing for the following constituents is initially required and may be modified by the approved Groundwater Monitoring Plan:

TDS	Zinc
Conductance	Copper
pH	Nickel
Sulfate	Selenium
Chloride	Chromium
Iron	Arsenic
Aluminum	Beryllium
Cadmium	Mercury
Silver	Lead
Barium	Manganese
Sodium	Fluorine

Gross Alpha, Ra²²⁶ (when Gross Alpha activity exceeds 15 pCi/l)

4. through 11. No Change

D. Emergency Shortages

In the event an emergency water shortage should be declared pursuant to Section 373.175 or 373.246, F.S., by Southwest Florida Water Management District for an area including the location of the FCS Licensee's withdrawal points, the Department pursuant to Section 403.516, F.S., may alter, modify, or declare to be inactive, all or parts of Condition II.A. An authorized Water Management District representative, at any reasonable time, may enter the property to inspect the facilities.

E. Minimum Water Level Restrictions

The Department and SWFWMD may, at a future date pursuant to Section 403.516, F.S., establish a minimum water level in the aquifer or aquifers hydrologically associated with these withdrawals, which may require FCS the Licensee to reduce or cease withdrawal from these groundwater sources at times when water levels fall below these minimums.

F. Water Withdrawal Limits

~~Florida Crushed Stone~~ The Licensee is authorized to make a combined average annual withdrawal of 4,800,000 gallons of water per day with a maximum combined withdrawal rate not to exceed 11,860,000 during a single day. The total ground water requirements of the power plant facility are 20,080,000 gallons per day. Reuse water will be supplied by the crushed aggregate facility when available. In the event sufficient reuse water quantities are not available from the crushed aggregate facility, ~~Florida Crushed Stone~~ the Licensee is authorized to substitute ground water withdrawals for reuse water up to 20,080,000 gallons per day average annual withdrawal and 27,178,000 gallons maximum daily withdrawal. Withdrawals are authorized as shown in the table below.

WELL I.D.	WITHDRAWAL POINT		GALLONS PER DAY AVERAGE	GALLONS PER DAY MAXIMUM
	LATITUDE	LONGITUDE		
4	28 35 25	82 26 15	1,260,000	2,160,000
5	28 35 25	82 26 15	2,310,000	4,320,000
6	28 35 25	82 26 15	2,730,000	5,040,000
7	28 35 25	82 26 15	840,000	1,728,000
8	28 35 51	82 26 29	4,620,000	8,352,000
9	28 35 51	82 26 29	3,990,000	7,200,000
10	28 35 51	82 26 29	840,000	1,728,000
15	28 35 14	82 26 37	2,500,000	7,200,000
17	28 35 06	82 26 00	*3,170,000	*3,170,000
18	28 35 06	82 26 03	4,580,000	5,040,000
Combined Totals			20,080,000	27,178,000

NOTE: * = Standby

G. Flow Measurement

~~Florida Crushed Stone~~ The Licensee shall maintain and operate flow measuring

devices as approved in writing by the Director of the SWFWMD Resource Regulation Department on all groundwater withdrawal points listed in condition II.F. Such devices shall have and maintain an accuracy within five percent of the actual flow under installed conditions. Total flow from each designated withdrawal point shall be recorded on a monthly basis and reported to the District in a format based on the methodology developed and defined by ~~Florida Crushed Stone~~ the Licensee and approved by the District. This methodology shall be submitted by April 1, 1987. ~~Florida Crushed Stone~~ The Licensee shall submit a breakdown of water used by the power plant, crushed stone plant, cement plant, lime plant, and combined total. This data shall be reported to the District by the tenth day of the following month.

Reports shall be addressed to:

Processing and Records Section
Southwest Florida Water Management District
2379 Broad Street
Brooksville Florida 33512

H. Runoff

There shall be no runoff from ~~Florida Crushed Stone's~~ the Licensee's property as a result of the withdrawals permitted.

I. Water Sampling

The DEP SW District and the SWFWMD reserves the right, at all reasonable times, to collect water samples for analysis. The District may, upon prior notice, collect water samples from any or all withdrawal points listed, or may, at the option of the District, provide mailable containers to ~~Florida Crushed Stone~~ the Licensee, and require ~~Florida Crushed Stone~~ the Licensee to forward samples from any or all withdrawal points within a reasonable period of time prescribed

J. Water Conservation

Water conservation shall be practiced by ~~Florida Crushed Stone~~ the Licensee to increase the efficiency of transport, application, and use, to decrease waste and to minimize runoff from the site. At such times the SWFWMD adopts specific conservation criteria, ~~Florida Crushed Stone~~ the Licensee will be subject to such criteria upon notice and after a reasonable period for compliance.

K. Groundwater Use

The use of groundwater herein authorized for power plant use is a modification of use of currently authorized quantities in conjunction with existing mining operations at the ~~Florida Crushed Stone~~ the Licensee's Brooksville Mine permitted under Consumptive Use Permit No. 200215, and is not to be construed as the grant of new or increased use of groundwater. ~~Florida Crushed Stone~~ The Licensee shall modify consumptive Use Permit No. 200215 prior to power plant start-up to reduce the total withdrawal of groundwater in connection with all other activities on its properties at this mine by the amount herein authorized for power plant use. Jurisdiction to regulate groundwater and surface water withdrawals for use for all purposes except power plant use at ~~Florida Crushed Stone~~ the Licensee's Brooksville Mine is specifically reserved to the SWFWMD.

L. No Change

M. Water Use Plan

~~Florida Crushed Stone~~ The Licensee shall make maximum utilization of recirculated water from its cooling pond/impoundment up to the combined total of 216 mgd of cooling pond water and groundwater as shown in its Water Use Plan (Figure 3.3-1) as shown on page 7 of Exhibit 1 attached. Water withdrawals at the site shall be used in accordance with such water Use Plan, including recirculation and reuse of cooling pond water. Prior to construction of new ponds in addition to 4, 5, and 7, ~~Florida Crushed Stone~~ the Licensee shall provide to the Southwest Florida Water Management District design calculations and other information needed to demonstrate that ponds comprising the revised surface water management system will have adequate storage capacity to capture seasonal excess rainfall needed for subsequent withdrawal during dryer months to satisfy the water use plan.

N. through O. No Change

III. Lime Rock Processing Operations

The operation of the ~~Florida Crushed Stone Company (FCS)~~ Licensee's limerock processing operations shall be in accordance with all applicable provisions of the Department of Environmental Protection's (DEP) regulations as found in Chapters 62-4, 62-302, 62-520, 62-522, 62-550, 62-620, 62-660, and 62-672, Florida Administrative code (F.A.C.).

IV. through X. No Change

XI. Transformer and Electric Switching Gear

The foundations for transformers, capacitors, and switching gear necessary for connecting the ~~FCS~~ Licensee's facility to the existing distribution system shall be constructed of an impervious material and shall be constructed in such a manner to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

XII. through XVI. No

XVII. Transmission Lines, Access Road and Rail Spur

A. through H. No Change

I. Construction Plans

All proposed transmission line ROW areas, plant access roads and railroad lines which are designed to traverse a stream, lake, pond, canal, swamp, marsh or other natural or artificial system which functions to store or convey water and would require a permit under Chapter 40C-4 or 40C-6, FAC, shall have said design plans and specifications reviewed by the SWFWMD staff. The staff shall determine if such plans are consistent with the Site Certification Application, the Recommended Conditions of Certification and applicable District rules. To determine such consistency, information to include but not be limited to the following item shall be submitted to the District 60 days prior to construction:

1. A centerline profile of existing topographic features along proposed access road(s).
2. Preliminary design of proposed access road(s) with elevations marked.
3. Typical cross-section of access road(s).
4. Cross-section of each stream or creek at those points to be crossed by

access road(s) or other facilities.

5. Specifications showing size and type of water control structure (pipe, culvert, etc.) to be placed within or on waters of the District, with proposed flowline elevation marked.

6. Specifications showing design capacity of all water control structures to be employed.

7. Specifications showing location and type of each transmission tower and access road(s) to be constructed within or on the waters of the District.

8. Computer rates of flow for streams or water courses before and after construction during a one hundred (100) year flood.

9. Any other information needed by FCS the Licensee to show compliance with standards in Rule 40C-4 and 40C-6, FAC.

XVIII. through XXVIII. No Change

XXIX. Modification of Conditions

The conditions of this Certification may be modified in the following manner:

~~A. The Board pursuant to 403.516(1), F.S., hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to consumptive use of water, monitoring of air or water, sampling, groundwater, mixing zones, zones of discharge, leachate control programs, effluent or emission limitations and transmission line construction.~~

A. Pursuant to Section 403.516(1)(a), F.S., Section 120.569(2)(n), F.S., and Rule 62-211, F.A.C., the Siting Board hereby delegates the authority to the Department of Environmental Protection to modify, after notice and receipt of no objection by a party or other substantially affected person, any conditions which would not otherwise require approval by the Siting Board.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. ~~Florida Crushed Stone~~ The Licensee shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. DEP shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Sections 403.516, F.S.

XXX. through XXXII. No Change

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website:

CC by Email (received receipt requested) or by Certified Mail:

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