



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

December 18, 2012

Sent by Electronic Mail – Document Access Verification Requested

Daniel A. Hopkins
Vice President and Secretary
Florida Power Development, LLC
700 Louisiana Street, Suite 1000
Houston, TX 77002

RE: CEMEX/CP&L
Certification Transfer
DEP File Number PA 82-17Q
OGC Case Number 12-1683

FINAL ORDER TRANSFERRING CERTIFICATION

Dear Mr. Hopkins:

The Siting Board authorized the construction and operation of the steam electric generating plant at the Florida Crushed Stone Company Brooksville South Cement Plant on March 12, 1984 (PA82-17). CEMEX Construction Materials Florida, LLC (CEMEX) and Central Power & Lime, LLC (CPL) are co-licensees for the facility. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on fourteen occasions.

On November 14, 2012 the Department received a Notice of Intent to Transfer Certification of the steam electric generating plant from CPL to Florida Power Development, LLC (FPD) pursuant to Rule 62-17.211(3), F.A.C. CEMEX will continue as the licensee for the existing cement manufacturing and tire processing facilities.

On November 14, 2012, all parties to the certification proceeding were also provided with notice of CPL's intent to transfer the Certification for this facility. Pursuant to Rule 62-17.211(3), F.A.C., all parties to the certification proceeding have 30 days from notice to file a written objection to the transfer. After 30 days, the Department must approve the transfer or object to it based on the inability of the new licensee to comply with the Conditions of Certification. Failure of a party to act within the time frame constitutes a waiver of the right to object.

No objections to the transfer have been received by the Department. The Department hereby approves the Transfer of Certification and the Conditions of Certification for the Brooksville South Cement Plant and CPL Generating Plant are hereby updated as follows (words ~~stricken~~ are deletions; words underlined are additions) to reflect the transfer:

Title Page:

CEMEX Construction Materials Florida, LLC's
Brooksville South Cement Plant
and
~~Central Power & Lime, LLC's~~ Florida Power Development, LLC
Steam Electric Generating Plant

SECTION A: GENERAL CONDITIONS (applicable to the Certified Facilities)

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to CEMEX Construction Materials Florida, LLC (CEMEX) and ~~Central Power & Lime, LLC (CPL)~~ Florida Power Development, LLC (FPD) as owners/operators and Licensees of CEMEX's Brooksville South Cement Plant and ~~CPL's~~ FPD's Steam Electric Generating Plant, respectively. Subject to the requirements contained in these Conditions of Certification (Conditions) CEMEX and ~~CPL~~ FPD will operate the facilities described herein and ~~CPL~~ FPD will convert an existing steam electric generating unit to operate as a 70-80 megawatt (MW) electrical generating facility consisting of a biomass-fueled electrical generating unit; biomass fuel delivery, handling and storage facilities; recirculation ponds; water intake and outfall structures and pipes; transmission infrastructure; access roadways and other associated facilities. The electrical generating unit is located on a 125-acre Site which is located in Hernando County, Florida. UTM coordinates are: Zone 17N; 360065.5 km East; 3162512.3 km North.

B. The ~~CPL~~ FPD portion of the Certified Facilities includes, but is not limited to, the following major facilities:

- The electrical generating unit;
- Biomass fuel delivery, unloading, handling, and storage facilities;
- Water intake and outfall structures and pipes;
- Four-mile electrical transmission line extending from the Site; and
- Transmission infrastructure, including an on-Site substation.

The CEMEX portion of the Certified Facilities includes, but is not limited to, the following major facilities:

- Cement plant and kilns;
- Grinding Mills;
- Limerock processing facility;
- Waste tire processing facility;
- Rail spur; and
- Coal delivery, unloading, storage and handling facilities.

C. ~~CPL-SPD~~ and CEMEX will continue to share responsibility for the following portions of the Certified Facilities:

- Recirculation ponds;
- Domestic wastewater treatment plant;
- Water supply wells
- Electrical switchyard;
- Administration building;
- Access roadways;
- Truck wash; and
- Surfacewater management systems

Section A.II to History- No Changes

A complete set of the Conditions of Certification can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Cindy Mulkey, Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

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.

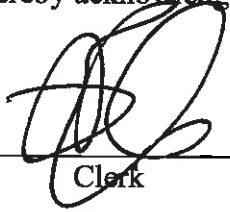
Executed in Tallahassee, Florida.

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", with a large, sweeping loop at the end.

Cindy Mulkey
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.



Clerk Date 12/18/12

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