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
Secretary

April 17, 2012

***Sent by Electronic Mail – Received Receipt Requested***

Daniel A. (Tony) Hopkins
Central Power & Lime, LLC
700 Louisiana Street, Suite 1000
Houston, TX 77002

RE: Florida Crushed Stone Company Brooksville South Cement Plant's
Steam Electric Generating Plant
Modification to Conditions of Certification and Transfer of Site Certification
DEP Case Number PA 82-17P
OGC Case Number 11-1499

**FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION AND TRANSFERING SITE CERTIFICATION**

Dear Mr. Hopkins:

The Governor and Cabinet (Siting Board), issued the Site Certification for the Florida Crushed Stone Company Brooksville South Cement Plant's Steam Electric Generating Plant on March 12, 1984. The certification authorized the construction and operation of a 125-megawatt (MW) coal-fired electric generating facility in Hernando County. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on fifteen other occasions.

The Department has reviewed CEMEX Construction Materials, Florida, LLC's and Central Power & Lime, LLC's petition dated October 17, 2011, as amended on January 27, 2012 for modification to the site certification and Conditions of Certification and transfer of the site certification for the electrical generating unit and associated onsite and offsite facilities to Central Power & Lime, LLC as a co-licensee. The petition is to allow for the existing 125-MW coal-fired electrical generating unit to be converted to a 70- to 80-MW biomass-fired electrical generating unit, including installation of new biomass fuel delivery, unloading, storage and handling facilities, resulting in modification of the existing certified site boundary. The Petition is also seeking, and the Department received a notice of intent for the transfer of the site certification for the electrical generating unit and associated onsite and offsite facilities from CEMEX Construction Materials Florida, LLC, to Central Power & Lime, LLC as a co-licensee. CEMEX Construction Materials Florida, LLC, will continue to operate portions of the existing

certified site that support operation of its existing cement manufacturing facility and will remain responsible for the existing separate waste tire processing facility.

On or before March 2, 2012, all parties to the certification proceeding were provided with notice by electronic or certified mail of the Department's intent to modify the Conditions of Certification for this facility and to transfer the site certification, along with a copy of the proposed Order Modifying Conditions of Certification and Transferring Site Certification.

On March 2, 2012, notice of the Department's intent to modify the Conditions of Certification and transfer the site certification for this facility was published in 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 that notice by mail to such party's last address of record in which to file a written objection to the modification; 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; parties have 30 days to file written objections to the transfer of the certification; failure to act within the timeframes constitutes a waiver of the right to object; and the Department will issue an Order Modifying the Conditions of Certification and Transferring Site Certification for this facility if no written objections are received by the Department.

No objections to the modification or the transfer of certification have been received by the Department. The site certification for the electrical generating unit and associated onsite and offsite facilities is transferred from CEMEX Construction Materials Florida, LLC, to Central Power & Lime, LLC as a co-licensee. The Petition for Modification is approved and the Conditions of Certification are hereby modified. The modified Conditions of Certification PA82-17P (Attachment A to this document) replace the existing Conditions of Certification PA82-17Q (Attachment B) in its entirety. Several existing conditions have been moved to different sections of the document. Attachment C provides the revisions, additions and deletions between the two documents in strikethrough underline notation.

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.

Sincerely,

Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:
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CEMEX Construction Materials, LLC: James Daniel jdaniel@cemexusa.com

FILING AND ACKNOWLEDGMENT

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

Essie Turner 4-17-12
Clerk Date

**Service List**: CC by email (return receipt requested):

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