Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

January 17, 2018

Sent by Electronic Mail – Document Access Verification Requested

Jeffrey Winkler
Executive Director
J.P.M. Chase
Florida Power Development, LLC
1111 Fannin, Floor 11
Houston, TX 77002
Jeff.Winkler@jpmorgan.com

RE: CEMEX/FPD Brooksville Electric Generating Plant
Modification to Conditions of Certification
DEP Case Number PA 82-17R
OGC Case Number 17-1021

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Winkler:

On March 12, 1984, the Governor and Cabinet (Siting Board) issued the Site Certification for the Brooksville Electric Generating Plant (Brooksville). The certification authorized the construction and operation of a 125-megawatt (MW) coal-fired electric generating facility in Hernando County. On April 17, 2012, a final order modifying the certification was issued which allowed the 125 MW coal-fired electrical generating unit to be converted to an 80 MW biomass-fired electrical generating unit with associated facilities. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for Brooksville by Final Order on seventeen other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), the Department has initiated a modification to Brooksville's Conditions to incorporate a uniform set of general conditions consistent with recent site certifications, and to update antiquated specific conditions that are no longer applicable or consistent with current regulations.

On December 1, 2017, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for Brooksville. On December 12,

2017, notice of the Department's intent to modify the Conditions for Brooksville was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, 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 in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for Brooksville are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated December 1, 2017, that can be downloaded from the following file transfer protocol (ftp) site:
http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPD_Brooksville_PA82_17/Mod%20R/2017_12_1_NOI_Mod_R.pdf.

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website:
http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa82_17_2018_R.pdf

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. 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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,

Cindy Mulkey
Administrator
Siting Coordination Office

CC by electronic mail:
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District Liaison, FDEP: mark.langford@dep.state.fl.us
IHI Power Services Corp: maggie.estrada@ihipower.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.

2018.01.17 10:18:55 -05'00'

Clerk

Date

Service List: ***Sent by Electronic Mail – Document Access Verification Requested***

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