



# 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

March 2, 2012

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

Mr. 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

**NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION**

Dear Mr. Hopkins,

On October 17, 2011, the Siting Coordination Office received a petition from Florida Power Development, LLC and CEMEX Construction Materials Florida, LLC for a modification to the site certification and Conditions of Certification for the Florida Crushed Stone Company's Brooksville South Cement Plant's Steam Electric Generating Plant and for a transfer of the power plant site certification. On January 27, 2012, the petition was amended to reflect that Central Power & Lime, LLC is the co-petitioner and the future co-licensee following the final modification of the site certification, replacing Florida Power Development, LLC. 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 amended petition is also seeking, and indicates notice of intent, to Transfer 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. On February 15, 2012, the Department received an executed Notice of Intent to Transfer Certification to Central Power & Lime, LLC for the conversion and operation of the electrical generating facilities. 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.

The Conditions of Certification and site certification are being modified to address the above described changes. Modifications to the Conditions of Certification are contained in the attached draft Final Order. Copies of the existing Conditions and the draft Conditions of Certification are

available at the following file transfer protocol site:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/Cemex\\_CrushedStone/CEMEX-FPD%20Mod%20P/NOI/](http://publicfiles.dep.state.fl.us/Siting/Outgoing/Cemex_CrushedStone/CEMEX-FPD%20Mod%20P/NOI/)

A copy of the complete set of the draft Conditions (strikethrough/underline notation) and all other appendices can be obtained by contacting the Siting Coordination Office, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, (850) 245-2002.

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 this notice by mail to such party’s last address of record in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Weekly (“FAW”) regarding this Intent to Modify the Conditions of Certification and Transfer Site Certification. 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 FAW to object in writing. Pursuant to Rule 62-17.211(3), F.A.C., parties have 30 days to file in writing with the Department any objections to transfer of the certification. Failure to act within these timeframes constitutes a waiver of the right to object to the modification and transfer of certification.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification and Transferring Site Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to Rule 62-17.211(1)(b)6., F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S. and Rule 62-17.211(1)(b)7., F.A.C., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification and Transfer Site Certification should be directed to Bobby Bull at (850) 245-2001. Questions regarding legal issues should be referred to the Department’s Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the proposed modification.

March 2, 2012

Sincerely,



Cindy Mulkey  
Administrator,  
Siting Coordination Office

Enclosure: Draft Final Order

CC by email:

FDEP District Director: Gary Colecchio [gary.colecchio@dep.state.fl.us](mailto:gary.colecchio@dep.state.fl.us)

FDEP Siting Liaison: Danny Stubbs [danny.stubbs@dep.state.fl.us](mailto:danny.stubbs@dep.state.fl.us)

District ERP Section: Allyson Minick [mark.langford@dep.state.fl.us](mailto:mark.langford@dep.state.fl.us)

District Industrial Wastewater Section: Yanisa Angulo [yanisa.angulo@dep.state.fl.us](mailto:yanisa.angulo@dep.state.fl.us)

District Solid Waste Section: Susan Pelz [susan.pelz@dep.state.fl.us](mailto:susan.pelz@dep.state.fl.us)

District Domestic Wastewater Section: Jeff Hilton [jeff.hilton@dep.state.fl.us](mailto:jeff.hilton@dep.state.fl.us)

CEMEX Construction Materials, LLC: James Daniel [jdaniel@cemexusa.com](mailto: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.

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Clerk

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Date

**Service List:** CC by certified mail:

Toni Sturtevant, Esquire  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, Florida 32399-3000  
[toni.sturtevant@dep.state.fl.us](mailto:toni.sturtevant@dep.state.fl.us)

Kelly Samek, Esquire  
Fish and Wildlife Conservation Commission  
6230 South Meridian Street  
Tallahassee, FL 32399-1600  
[emily.norton@myfwc.com](mailto:emily.norton@myfwc.com)

Julie Evans  
Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, Florida 32399  
[julie.evans@deo.myflorida.com](mailto:julie.evans@deo.myflorida.com)

Kimberly Menchion, Esq.  
Assistant General Counsel  
Department of Transportation  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0458  
[kimberly.menchion@dot.state.fl.us](mailto:kimberly.menchion@dot.state.fl.us)

Lawrence N. Curtin, Esquire  
Holland and Knight  
Post Office Drawer 810  
Tallahassee, FL 32302-0810  
[Larry.curtin@hklaw.com](mailto:Larry.curtin@hklaw.com)

Jacob D. Varn, Esquire  
Fowler, White, Boggs, Banker  
P.O. Box 11240  
Tallahassee, FL 32302  
[jvarn@fowlerwhite.com](mailto:jvarn@fowlerwhite.com)

Martha A. Moore, Esquire  
Southwest FL Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899  
[martha.moore@swfwmd.state.fl.us](mailto:martha.moore@swfwmd.state.fl.us)

Joe Walsh  
FL Fish & Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600  
[joe.walsh@myfwc.com](mailto:joe.walsh@myfwc.com)

David Jordan, Esquire  
Department of Economic Opportunity  
Office of General Council  
107 East Madison Street  
Tallahassee, Florida 32399  
[David.Jordan@dca.state.fl.us](mailto:David.Jordan@dca.state.fl.us)

Adam Teitzman, Attorney Supervisor  
Florida Public Service Commission  
Office of General Counsel  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)

Douglas S. Roberts, Esquire  
Brooke E. Lewis, Esquire  
Hopping, Green, and Sams  
119 South Monroe Street, Suite 300  
Tallahassee, FL 32301  
[brookel@hgslaw.com](mailto:brookel@hgslaw.com)

Garth Collier, Esquire  
County Attorney  
Hernando County Attorney's Office  
20 North Main Street, Suite 462  
Brooksville, FL 34601-2850  
[cao@co.hernando.fl.us](mailto:cao@co.hernando.fl.us)

Fred Landt, Esquire  
Withlacoochee Regional Planning Council  
1241 SW 10<sup>th</sup> Street  
Ocala, FL 34471-0323  
[Fl3swim47@aol.com](mailto:Fl3swim47@aol.com)

S. Jason Nabors, Attorney  
Vulcan Materials Company  
1200 Urban Center Drive  
Birmingham, AL 35242  
[naborsj@vmcmail.com](mailto:naborsj@vmcmail.com)

Lynn Capehart  
1601 NW 35th Way  
Gainesville, FL 32605-4846  
[lynneinfla@aol.com](mailto:lynneinfla@aol.com)

C. Thomas Davidson  
Davidson McWhirter P A  
400 N Tampa St Ste 2450  
[TDAVIDSON@MAC-LAW.COM](mailto:TDAVIDSON@MAC-LAW.COM)

Connie Mitchell  
Florida Department of Transportation  
605 Suwannee Street, MS 30  
Tallahassee, FL 32399  
[connie.mitchell@dot.state.fl.us](mailto:connie.mitchell@dot.state.fl.us)

Bruce Day  
Withlacoochee Regional Planning Council  
1241 SW 10<sup>th</sup> Street  
Ocala, FL 34471-0323  
[bday@wrpc.cc](mailto:bday@wrpc.cc)