



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

Airports District Office
831 Mitten Road, Room 210
Burlingame, CA 94010

October 9, 2007

Mr. Bill Pfanner
Project Manager
State of California
California Energy Commission
Energy Facility Siting Division
1516 9th Street, MS 40
Sacramento, CA 95814-5504

DOCKET	
06-AFC-6	
DATE	OCT 09 2007
RECD.	OCT 12 2007

Dear Mr. Adams:

Re: August 23, 2007 Request for Comments on the Eastshore Energy Center, 70-foot Above Ground Level Exhaust Stacks, Hayward, CA

Your office has requested Federal Aviation Administration (FAA) comments as to potential airspace impacts and airport land use compatibility concerns for the proposed Eastshore Energy Center (EEC). In your letter you provided information that we consider pertinent to the airport land use compatibility evaluation of the Hayward Executive Airport (HWD). The EEC would be located within the traffic pattern for Runway 10R/28L. The published traffic pattern altitude is 600 feet for Runway 10R/28L.

In a previous letter the California Energy Commission (CEC) requested our comments regarding the proposed construction of the Russell City Energy Center (RCEC). Our July 18, 2007 letter included recommendations for mitigation to reduce impacts to the navigable airspace due to the proposed construction of the RCEC.

We note for your administrative record that the FAA has completed a prior aeronautical study for the EEC, airspace case number 2007-AWP-1614-OE, based upon the requirements established under 49 U.S.C., Section 44718, Title 14 of the Code of Federal Regulations, Part 77, Objects Affecting the Navigable Airspace. The FAA issued a "Determination of No Hazard to Air Navigation" letter to the project proponent on May 17, 2007. The FAA safety study report, *Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes*, (DOT-FAA-AFS-420-06-1), included in your list of references is considered to be advisory information. The report contains recommendations for changes to FAA Order 7400.2E, *Procedures for Handling Airspace Matters*, regarding the effects of industrial plumes that have not yet been implemented for Part 77 obstruction evaluations.

The Safety Risk Analysis (SRA) study on industrial exhaust plumes (DOT-FAA-AFS-420-06-1) defined the risk of an accident or incident associated with a small aircraft flight through a plume to be acceptably low. To further reduce the risk, the SRA recommended that pilots avoid overflight of plumes at less than 1,000 feet above the site. It should be noted that the SRA is a statistical analysis of accident and incident databases. It is not based on actual flight

tests. The risk to an aircraft flying through a plume is low but not nonexistent.

The CEC approved the RCEC proposal at its September 26th hearing. The primary mitigation for the RCEC location near the Hayward Executive Airport is that pilots are expected to see and avoid the site when operating below 1,000 feet above the site. The EEC facility would require the same mitigation. The cumulative affect of both facilities within the confines of the Category B VFR airport traffic pattern and the VFR arrival and departure area would make the mitigation impractical. Due to the low visual affects of the RCEC and Eastshore plumes, pilots would be required to divert their attention from the traffic pattern and safe operation of the aircraft to acquire visual sighting of both facilities on the ground, then maneuver the aircraft around both plumes. The mitigation would be unreasonable and in some cases unattainable.

We concur in your assessment that effective enforcement of mitigation measures to reduce impacts from the EEC exhaust plumes to less than significant levels will be difficult to implement when combined with the RCEC mitigation. The potential for constraints to airport operations create a tangible impact on the future use of the Hayward Executive Airport if the facility is approved at this location.

Thank you for allowing the FAA to provide comments on your staff assessment study. If you have additional question please contact me at (650) 876-2778, extension 610.

Sincerely,



Joseph R. Rodriguez
Supervisor, Environmental Planning and Compliance Section

CC: Gary Cathey, Caltrans Division of Aeronautics
Cindy Horvath, Alameda Co. ALUC
Robert Baumann, City of Hayward