

From: Boyer, Bruce@Energy
Sent: Friday, June 07, 2013 10:42 AM
To: 'Jewell Hargleroad'
Cc: Roberts, Blake@Energy; Ogata, Jeffery@Energy; Marxen, Chris@Energy; Knight, Eric@Energy
Subject: RE: Status of RCEC 01-AFC-7C
Attachments: TN 71073 05-31-13 CalPilots Letter to CEC Record Correction FAA Plume Model.pdf

Thank you for the interest in the Russell City Energy Center. The CalPilots document was received and docketed on Friday May 31, 2013. It is in the process of being published to the web now.

Staff is currently preparing the analysis for the remaining portion (VIS-10) of the petition to amend. The completed staff analysis will be docketed and posted to the web as soon as it is completed. CEC staff recognize the importance of VIS-10 to the project and are working to complete its analysis as soon as possible. Thank you again.



From: Jewell Hargleroad [<mailto:jewellhargleroad@mac.com>]

Sent: Thursday, June 06, 2013 2:03 PM

To: Boyer, Bruce@Energy

Cc: Energy - Docket Optical System; Cross, Catherine@Energy; Awolowo, Ollie@Energy; Parrow, Donna@Energy; Lorton, Michele@Energy; Ernesto Pacheco; Bacon, Vinnie; Andy Wilson; Audrey LePell; Jennifer Ong; Nancy Van Huffel; Kirby, Glenn

Subject: Status of RCEC 01-AFC-7C

Bruce,

On behalf of the League of Women Voters of the Eden Area, please explain why you are failing to docket these important communications below from Cal Pilots?

Also, please explain why nothing is scheduled for RCEC when still pending is Calpine's request to modify its license for RCEC for a fourth time to delete or modify VIS 10, the offsite landscaping, which now has resulted in this significant stationary source of pollution, the fifth dirtiest in the 9 Bay Area Counties, including the refineries (second dirtiest of the power plants), about to start up and there are not even any plans for landscaping nor has one shovel of dirt been dug for one plant? Where is the staff report on this and why the delays to the substantial detriment to the community, which happens to be an economically disadvantaged community which is already too polluted as acknowledged by BAAQMD?

Please advise when you anticipate having a staff report on this November 2012 request to amend RCEC's license on VIS10. It has been eight months.

Jewell J. Hargleroad, Esq.
Law Office of Jewell Hargleroad
Ph: 510-331-2975
San Francisco East Bay, California
<http://www.jewellhargleroad.com>

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----- Forwarded Message -----

From: Andy Wilson <andy.wilson@calpilots.org>

To: "Catherine.Cross@energy.ca.gov" <Catherine.Cross@energy.ca.gov>; "Ollie.Awolowo@energy.ca.gov" <Ollie.Awolowo@energy.ca.gov>; "Kathleen.McDonnell@energy.ca.gov" <Kathleen.McDonnell@energy.ca.gov>; "Donna.Parrow@energy.ca.gov" <Donna.Parrow@energy.ca.gov>; "Michele.Lorton@energy.ca.gov" <Michele.Lorton@energy.ca.gov>

Cc: "john.speckin@faa.gov" <john.speckin@faa.gov>; "Bobby.Sanders@faa.gov" <Bobby.Sanders@faa.gov>; "Nadine.grundy@faa.gov" <Nadine.grundy@faa.gov>; "david.flores@energy.ca.org" <david.flores@energy.ca.org>; "bboyer@energy.state.ca.us" <bboyer@energy.state.ca.us>; "bboyer@energy.state.ca.us" <bboyer@energy.state.ca.us>; "publicadviser@energy.ca.gov" <publicadviser@energy.ca.gov>; "docket@energy.ca.gov" <docket@energy.ca.gov>; "fran.david@hayward-ca.gov" <fran.david@hayward-ca.gov>; "michael.lawson@hayward-ca.gov" <michael.lawson@hayward-ca.gov>; "michael.sweeney@hayward-ca.gov" <michael.sweeney@hayward-ca.gov>; "marvin.peixoto@hayward-ca.gov" <marvin.peixoto@hayward-ca.gov>; "Barbara.halliday@hayward-ca.gov" <Barbara.halliday@hayward-ca.gov>; "Mark.Salinas@hayward-ca.gov" <Mark.Salinas@hayward-ca.gov>; "Greg.Jones@hayward-ca.gov" <Greg.Jones@hayward-ca.gov>; "al.mendall@hayward-ca.gov" <al.mendall@hayward-ca.gov>; "john.collins@aopa.org" <john.collins@aopa.org>; "gary.cathey@dot.ca.gov" <gary.cathey@dot.ca.gov>; "dennis.jacobs@dot.ca.gov" <dennis.jacobs@dot.ca.gov>; "henryo@nasao.org" <henryo@nasao.org>; "Melissa.sabatine@aaae.org" <Melissa.sabatine@aaae.org>; "coswald@sci-ni.org" <coswald@sci-ni.org>; "michael.levy@energy.ca.gov" <michael.levy@energy.ca.gov>

Sent: Friday, May 31, 2013 11:17 PM

Subject:

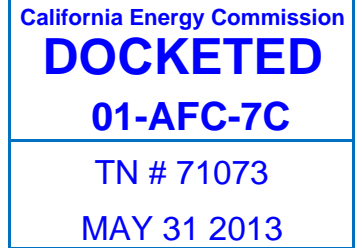
Honorable Commissioners,

Attached is California Pilots Association (CalPilots) request correction to the Record at the California

Energy Commissioners Business Meeting May 8, 2013, Agenda Item No. 6, RCEC (01-AFC-7C
Amendment No. 4. California Energy Commission.

Regards,

Andy Wilson
CalPilots Director-at-Large
www.calpilots.org
C 510-303-9027
www.calpilots.org



Sent by Email Only

California Pilots Association
C/O Andy Wilson
31438 Greenbrier Lane
Hayward, CA 94544

May 31, 2013

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Attention: Robert B. Weisenmiller, Commissioner, MS-33, <mailto:Catherine.Cross@energy.ca.gov>
Karen Douglas, J.D., Commissioner, MS-31, <mailto:Ollie.Awolowo@energy.ca.gov>
David Hochschild, Commissioner, MS-32, <mailto:Kathleen.McDonnell@energy.ca.gov>
Andrew McAlister, Commissioner, MS-31, <mailto:Donna.Parrow@energy.ca.gov>
Janea A. Scott, Commissioner, MS-32, <mailto:Michele.Lorton@energy.ca.gov>

Subject: Correction to Record and Requests by California Pilots Assoc. (CalPilots)

Reference: California Energy Commissioners Business Meeting May 8, 2013, Agenda Item No. 6,
RCEC (01-AFC-7C Amendment No. 4.

Honorable Commissioner's,

California Pilots Association (CalPilots) would like to thank the Commissioner's for the opportunity to express our Hayward Executive Airport (HWD) Airport aviation concerns during these proceedings before the Commission. Other commenters included Hayward Area Recreation Dept. (HARD), Sierra Club and Miss. Audrey LePell and Citizens Against Pollution (CAP). And especially Chairman Weisemiller for his latitude in the meeting procedures, Commissioner Mcalister for his questions to CalPilots about the RCEC power plant location relative to the airport¹ and Commissioner Douglas for her monitoring and ensuring the General Public were heard even at the Commissioners time consumed on this Agenda Item. I say this as a CalPilots Board Member and U. S. Army Veteran.

1. 05/31/13, Pg. 193, Amendment No. 1, Commissioners Final Decision, October 2007,
<http://www.energy.ca.gov/2007publications/CEC-800-2007-003/CEC-800-2007-003-CMF.PDF>

CalPilots is requesting the Record be corrected as follows:

During this Hearing Chairman Weismiller to paraphrase said *The FAA should tell us* when referring to CalPilots comment before the Commissioners the FAA has completed its Power Plant Plume Model Study as requested by the CEC and has notified the CEC Staff and Compliance Officer of RCEC of this new information.

CalPilots respectively submits Emails (Attachment 1) confirming the FAA has sent their Plume Model results to the CEC Staff.

Email_03_27_13_From_CEC_to_CalPilots

Email_03_29_13_From_FAA_to_CalPilots

Email_04_12_13_From_FAA_to_CalPilots

This confirms the FAA has completed another step as outlined in their 2006 FAA study entitled “Safety Risk analysis of Aircraft Overflight of Industrial Exhaust Plumes” to analyze industrial and power plant thermal plumes and their potential effect on aircraft flight and safety.² CalPilots is of the opinion that this new information now makes any and all references to the Australian Katestone Consultants plume model calculations obsolete and no longer can be used for Calpine RCEC or any future power plant plume calculations.

Staff Comments on FAA Stack Lighting and Perimeter lighting.

Before the Commission CalPilots requested confirmation that the RCEC site that all RCEC site perimeters lighting and stack lighting was installed and inspected by the Compliance Project Manager for certification. During CEC Staff’s presentation before the Commissioners Staff confirmed that no site inspection had been conducted for either lighting requirements.

CalPilots shares the same beliefs that CEC Staff concluded that the accumulative Trans-10 mitigations could:

“If the amendment is approved, Staff recommends that a Condition of Certification require notice to pilots that they should not fly over the power plant. See Condition TRANS-10. Staff believes, however, that such a restriction will create its own impacts by reducing the navigable airspace around the Hayward airport and violate Hayward Municipal Code Section 10-6.35’s prohibition against uses that would endanger aircraft maneuvering. The restriction would increase the workload of pilots and air traffic controllers who would no longer have the option of flying in the removed area. (Ex. 100, pp. 4.5-16 – 4.5-18; RT, 171 – 173.) Helicopter traffic leaving the airport is directed in a cone shaped pattern generally headed toward the RCEC site. The cone ends just before reaching the project site. (RT, 166.)”³

2. 05/31/13, Pg. 179-193, Appendix A, Amendment No. 1, Commissioners Final Decision, October 2007, <http://www.energy.ca.gov/2007publications/CEC-800-2007-003/CEC-800-2007-003-CMF.PDF>

3. 05/31/13, Pg. 184, Amendment No. 1, Commissioners Final Decision, October 2007, <http://www.energy.ca.gov/2007publications/CEC-800-2007-003/CEC-800-2007-003-CMF.PDF>

Airport Sponsor

With this new FAA plume information The City of Hayward, CA as the HWD Airport sponsor is required to review and evaluate what affect this new information will have on the airport operations under FAA Grant Assurances they have signed.

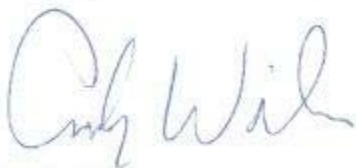
CalPilot's Requests:

The Siting process and mitigations especially Transportation Aviation Trans-10 are to ensure the proposed Calpine RCEC power plant is designed and operated in a manner to protect environmental quality to assure public health and safety on the ground and the air and to operate in a safe and reliable manner.

Based on the new FAA thermal plume model information and the fact the CEC Staff did not inspect the lighting and concluded the accumulative Trans-10 mitigations would severely restrict air space around the Hayward Airport as stated above and require pilots to fly closer to the shoreline in the path of bird migration flyways CalPilots requests the following:

1. CEC Staff immediately contact Mr. John Speckin, FAA, Direct (816)-329-3053, john.speckin@faa.gov to discuss the FAA Plume Model.
2. The CEC inform CalPilots in writing how they plan to proceed with this new information.
3. CEC does not authorize the RCEC Power Plant Testing or Start-up until all Aviation Trans-10 are met and confirmed by inspection as outlined in the Commission's Final Decision to ensure RCEC is in full compliance for Conditions of Certification.
4. CalPilots, the FAA and the City of Hayward (HWD Airport Sponsor) should be notified in writing when each Trans-10 mitigation, including FAA Lighting and perimeter Lighting has been met, site inspected and confirmed all are in place as per the RCEC Project Compliance Manager.
5. As per instructions by Commissioner Robert B. Weisenmiller, CalPilots is requesting a meeting with the RCEC Project Compliance Manager during the week of June 1, 2013 to discuss these and other issues concerning aviation.
6. The Commission (er's) immediately open an Evidentiary Hearing for at the very least Transportation Aviation and Biological.

Regards,



Andy Wilson
CalPilots Director-at-Large
C 510-303-9027
www.calpilots.org

CC: CalPilots File

FAA, John Speckin, john.speckin@faa.gov

FAA, HWD Operation Supervisor/ Frontline Manager, Bobby Sanders, Bobby.Sanders@faa.gov

FAA, HWD, ATM, Nadine.grundy@faa.gov

CEC, Chief Counsel, Michael J. Levy, michael.levy@energy.ca.gov

CEC, Siting, Transmission, and Environmental Protection Division, David Flores, CEC, david.flores@energy.ca.org

CEC, RCEC Compliance Project manager, Bruce Boyer, bboyer@energy.state.ca.us

CEC, Siting, Transmission and Environmental Protection (STEP) Division, bboyer@energy.state.ca.us

CEC Public Advisor, publicadviser@energy.ca.gov

CEC Docket, docket@energy.ca.gov

City Manager, Fran David, fran.david@hayward-ca.gov

City Attorney, Michael Lawson, michael.lawson@hayward-ca.gov

Mayor Michael Sweeney, michael.sweeney@hayward-ca.gov

Council Member, Marvin Peixoto, marvin.peixoto@hayward-ca.gov

Council Member, Barbara Halliday, Barbara.halliday@hayward-ca.gov

Council Member, Francisco Zermeño, Francisco.Zermeño@hayward-ca.gov

Council Member, Mark Salinas, Mark.Salinas@hayward-ca.gov

Council Member, Greg Jones, Greg.Jones@hayward-ca.gov

Council Member, Al Mendall, al.mendall@hayward-ca.gov

Cindy Horvath, Alameda County Airport Land Use Commission, Cindy Horvath, cindy.horvath@acgov.org

AOPA John Collins Aircraft Owners and Pilots Association (AOPA), john.collins@aopa.org

State of CA Department of Trans., Div. Aeronautics Gary Cathey, gary.cathey@dot.ca.gov

State of CA Department of Transportation, Div. of Aeronautics, Dennis Jacobs, dennis.jacobs@dot.ca.gov

Henry Ogrodzinski, henryo@nasao.org

President National Association of State Aviation Officials (NASAO)

Melissa Sabatine, Melissa.sabatine@aaae.org

Vice President, Safety and Regulatory & Environmental Affairs

American Association of Airport Executives (AAAE)

Chris Oswald, coswald@sci-ni.org

Vice President, Safety and Regulatory Affairs

Airport Council International – North America (ACI-NA)

Attachment No. 1

Subject: CEC Transportation Contact

From: Roberts, Blake@Energy (blake.roberts@energy.ca.gov)

To: andy.wilson@calpilots.org;

Date: Wednesday, March 27, 2013 12:06 PM

Andy,

Below is the contact information for the lead transportation staff person at the Energy Commission:

David Flores

Siting, Transmission, and Environmental Protection Division

California Energy Commission

1516 Ninth Street, MS-40

Sacramento, CA 95814

(916) 654-3861

David.Flores@energy.ca.gov

Please let me know if you need anything else.

Thanks,

Blake

Subject: Re: FAA Plume Study notification to CA Energy Commission

From: john.speckin@faa.gov (john.speckin@faa.gov)

To: andy.wilson@calpilots.org;

Date: Friday, March 29, 2013 6:32 AM

Thanks Andy ... I'll reach out to them today

John Speckin
Deputy Regional Administrator, ACE-2
FAA Central Region
(816) 329-3053

From: Andy Wilson <andy.wilson@calpilots.org>
ACE-002, Office of Deputy Reg'l Administrator
To: John Speckin/ACE/FAA@FAA,
Date: 03/28/2013 01:39 PM
Subject: FAA Plume Study notification to CA Energy Commission

John,

Please notify the CA Energy Commission (CEC) the FAA has completed their power plant plume model since the FAA has included their name as one of the requesters for the study. I would recommend including the electronic files on the CD handout during the FAA industry meeting exhaust plumes on January 15, 2013 be sent as an email attachment to the following:

The three people who should be notified are:

David Flores
Siting, Transmission, and Environmental Protection Division
California Energy Commission
1516 Ninth Street, MS-40
Sacramento, CA 95814
(916) 654-3861
David.Flores@energy.ca.gov

Bruce Boyer
Compliance Project Manager
Siting, Transmission and Environmental Protection (STEP) Division
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814
Phone: 916-653-7181
Fax: 916-654-3882
E-mail: bboyer@energy.state.ca.us

Eric K. Solorio
Project Manager
Siting, Transmission and Environmental Protection (STEP) Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814
Phone: 916-651-0966
Fax: 916-654-3882
E-mail: Eric.Solorio@energy.ca.gov

Please copy me on your email.

Regards,

Andy Wilson
California Pilots Association (CalPilots)
www.calpilots.org

C 510-303-9027

Subject: Fw: FAA Exhaust Plume Study

From: john.speckin@faa.gov (john.speckin@faa.gov)

To: andy.wilson@calpilots.org;

Date: Friday, April 12, 2013 7:08 AM

Hi Andy,

Got your voice mail ... been out of the office a ton, so I'm playing catch up.

Here is the message I sent to the California Energy Commission. In the message below, I have the wrong address for Bruce Boyer, but corrected that in a follow- on message. I forwarded this same message to you on the same day without the attachments.

Are they saying they haven't gotten it?

John Speckin
Deputy Regional Administrator, ACE-2
FAA Central Region
(816) 329-3053

----- Forwarded by John Speckin/ACE/FAA on 04/12/2013 09:02 AM -----

From: John Speckin/ACE/FAA
ACE-002, Office of Deputy Reg'l Administrator
To: david.flores@energy.ca.gov, bboyer@energy.state.ca.gov, Eric.Solorio@energy.ca.gov,
Cc: gary_cathey@dot.ca.gov
Date: 04/02/2013 07:44 AM
Subject: FAA Exhaust Plume Study

Good morning,

We wanted to make the California Energy Commission (CEC) was aware that the FAA Airport Obstructions Standards Committee (AOSC) has completed their Exhaust Plume Study and has a plume model under development. This study and model were developed by the MITRE Corporation on the FAA's behalf. We understand that the CEC has been actively engaged in trying to ensure that airport are not impacted by new power plant construction and wanted to keep the CEC up-to-date on the FAA's plume work.

Please find attached a copy of that study and a presentation given at our January Industry Meeting that we held with various aviation organizations. We took several actions from that meeting that we are in the process of completing:

- 1) update the Advisory Circular (AC)150/5190-4 , *Airport Land Use Compatibility Planning* to include impacts from exhaust plumes
- 2) MITRE Corporation will update their model to include light sport aircraft and update their roll calculations to include when an aircraft crosses over the plume while already in a banking turn.

We currently do not have a timeline for the AC update or model completion, but hope to have that timeline in the next 60-days.

We appreciate your continued effort to minimize the impact exhaust plumes have on aviation and we hope you find the attached documents useful.

Respectfully,

John Speckin
FAA Airport Obstructions Standards Committee
(816) 329-3053