



U.S Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

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

March 9, 2007

Mr. Ross Dubarry
Acting Airport Manager
Hayward Executive Airport
20301 Skywest Drive
Hayward, CA 94541-4699

DOCKET	
01-AFC-7C	
DATE	MAR 09 2007
RECD.	MAR 12 2007

Dear Mr. Dubarry:

Re: Russell City Energy Center, 145-foot Above Ground Level Exhaust
Stacks for a Power Plant Facility

The Federal Aviation Administration (FAA) has recently received notification of the proposed power plant facility. An airspace review is under way for two exhaust stacks. The information provided by the building proponent, Russell City Energy Center, indicates that the proposed facility is located 1.58 nautical miles, (9,687 feet), from the Hayward Executive Airport (HWD).

The city of Hayward is a grant recipient under the Airport Improvement Program (AIP). The federal airport grants obligate the City to take appropriate measures to ensure that the airport environs remain clear of above ground obstructions, man made or natural. The AIP grants contain a list of Airport Sponsor Assurances that require the City's planning and zoning process to take into consideration development that may have an adverse effect on the navigable airspace for the airport and other areas necessary for the continuous operation of FAA navigational equipment and the management of air traffic.

A building proponent must provide notice to the FAA under Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace*. Under Subpart B of Part 77, paragraph 77.13 (a) (4) and (5) notice is required if the construction will have the potential to effect an instrument flight procedure currently in existence. Therefore, adequate notice must include not only the above ground height of any structures but other features such as exhaust gas emissions, light and flare effects, wind turbulence effects, and any electromagnetic emissions from antenna installations.

In our February telephone conference call regarding the proposed energy plant with Mr. Jim Adams, California Energy Commission; Ms. Cindy Horvath, Alameda County Airport Land Use Commission; and Ms. Jenny Donnelley of the city of Hayward; it was noted that the helicopter operators based at HWD routinely traverse the airspace within the vicinity of the proposed facility. We also discussed the known airport traffic pattern for HWD and the over flight of air traffic arriving and departing the Oakland International Airport (OAK) and HWD. In our discussion we noted the fact that small fixed wing aircraft traverse the area on occasion due to local air traffic conditions at HWD.

We strongly recommend that the City require the building proponent to file notification under FAR Part 77 with a complete project description for all components of the power plant facilities included for the operation of the energy plant. The description should not be limited only to the height of the structures. If it is known that the facility requires exhaust gases to be emitted above the height of any exhaust stack or cooling tower structure the air plume must be included in the project description. The FAA must have sufficient information to analyze the effects of the proposed construction in order to make a determination as to the effects on the navigable airspace. The purpose of the airspace review is to ensure the safety of people in the air as well as those on the ground.

We respectfully request that City planning approval requirements include the FAA airspace determination as a condition of final building permit approval.

If you have questions regarding the airspace review process please contact me at (650) 876-2778, extension 610.

Sincerely,

*Original signed by
Joseph R. Rodriguez*

Joseph R. Rodriguez
Supervisor, Environmental Planning and Compliance Section

CC: Gary Cathey, Caltrans Division of Aeronautics
Jim Adams, California Energy Commission
Cindy Horvath, Alameda Co. ALUC