STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:	)	
	)	Docket No. 01-AFC-7C
Amendment to the Application for Certification of	)	
the Russell City Energy Center Project	)	
	)	

DOCKET
01-AFC-7C
DATE SEP 10 2007
RECD. SEP 10 2007

PROJECT OWNER'S COMMENTS
ON CONDITION OF CERTIFICATION TRANS-10

September 10, 2007

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Russell City Energy Center (01-AFC-7C) Amendment No. 1
Project Owner's Comments on Condition of Certification TRANS-10

The following are the Project Owner's suggested modifications to proposed Condition of Certification TRANS-10 as found in the Presiding Member's Proposed Decision for the Russell City Energy Center Amendment No. 1. These modifications reflect several factors and some additional information, as follows:

1) The Project Owner recognizes that the intent of TRANS-10 is to provide pilots with sufficient information to navigate safely within the Hayward Executive Airport airspace. It is only the FAA, however, that can authorize NOTAMS, notations or comments in Airport Facility Directories, depictions on Aeronautical Charts, and issue Instrument Approach Procedures (IAPs) or changes to existing IAPs. We have therefore suggested the wording that the project owner would "request that the FAA" perform certain actions. We believe that the FAA is very likely to do so.

2) The condition as written required a modification of the San Francisco Sectional Aeronautical Chart. Because this chart is depicted at a scale of 1:500,000, it would not accurately depict the location of the RCEC within Hayward Executive Airport Class D airspace. For this reason, we've suggested deleting this part of the condition and substituted a requirement to depict the plant's location on the San Francisco VFR Terminal Area Chart, which is scaled at 1:250,000.

3) At the request of the City of Hayward, we have added a requirement that the Project Owner fund the necessary modification of the Hayward Executive Airport's "fly friendly" pilot guides to include the RCEC site.

4) Per Mr. Andy Wilson's comment at the PMPD hearing, we have suggested adding a requirement to notify the Metropolitan Oakland International Airport air traffic control tower in addition to the Hayward Executive Airport tower before commercial operation of the power plant begins.

TRANS-10 The project owner shall ensure that the following mitigation measures are implemented to discourage pilots from flying over or in the proximity to the RCEC. These would include:

1) Request that the FAA:

- ~~have the FAA~~ **a)** issue a Notice to Airman (NOTAM), **Category D,** advising pilots to avoid overflight of the plant;

- ~~have the FAA~~ **b)** revise, **as deemed necessary,** any **I**~~i~~nstrument **A**~~a~~pproach **Procedures for either the Hayward Executive Airport or the Metropolitan Oakland International Airport, which would be affected by the RCEC facility.** ~~that currently directs aircraft directly over the power plant at low elevation;~~

c) Insert a power plant depiction symbol at the RCEC site location on the San Francisco VFR Terminal Area Chart (scale: 1:250,000);

~~• revise the San Francisco Sectional Chart to include a marker showing where the plant is located and adding a recommendation about avoiding overflight; and~~

~~•~~ **d)** add a new remark to the **Hayward Executive** **A**~~a~~irport **S**~~s~~urface **O**~~o~~bserving **S**~~s~~ystem (ASOS) equipment that advises pilots, as they approach or depart the airport **in the southwest quadrant,** to avoid direct overflight of the RCEC.

2) Request that the Hayward Executive Airport submit aerodrome remarks describing the general location of the RCEC plant and advising against direct overflight of the RCEC plant to:

a) the FAA National Aeronautical Charting Office (Airport/Facility Directory, Southwest United States);

b) Jeppesen Sanderson Inc. (JeppGuide Airport Directory, Western Region); and

c) Airguide Publications (Flight Guide, Western States).

~~• request that the FAA add a marker and remark in the Airport Facility Directory and on the San Francisco Sectional Aeronautical Chart indicating the location of the RCEC;~~

3) Modify the Hayward Executive Airport "fly friendly" pilot guides to include the RCEC site, at the Project Owner's expense.

~~•~~ **4)** **I**~~i~~nstall air traffic hazard lighting at the top of each of the RCEC exhaust stacks and ~~non-elevated~~ lights at each corner of the facility **fence line** that would be visible to an aircraft in flight, to be operated 24 hours a day, 7 days a week.

~~•~~ **5)** **A**~~a~~dvise the Hayward Executive Airport **and the Metropolitan Oakland International Airport Air Traffic Control Towers**~~ATC tower~~, in writing, at least 10 days in advance of the first test or commissioning procedure that would produce a thermal plume, and prior to the start of commercial operations.

Verification: Sixty days prior to the start of operation, the project owner shall provide copies of the new FAA improved and implemented NOTAM, instrument approach(s),

San Francisco Sectional Chart, and a transcript of the ASOS recording to the City of Hayward for review, and the CPM for approval.

Dated: September 10, 2007 ELLISON, SCHNEIDER & HARRIS L.L.P.

By _____
Greggory L. Wheatland

Attorneys for Russell City Energy Company, LLC

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PROOF OF SERVICE

I, Karen A. Mitchell, declare that on September 10, 2007, I deposited copies of the attached *Project Owner's Comments on Condition of Certification TRANS-10* by email and in the United States mail in Sacramento, California, with first-class postage thereon fully prepaid and addressed to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.

Karen A. Mitchell

Karen A. Mitchell

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01-AFC-7C

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