

Appendix H: Stack Height Determinations



OHIO DEPARTMENT OF TRANSPORTATION AVIATION

2829 W. DUBLIN-GRANVILLE ROAD • COLUMBUS, OH • 43235-2786

October 30, 2013

Carroll County Energy LLC
Attn: Jonathon Winslow
31 Milk Street, Suite 1001
Boston, MA 02109

Proposal: Stack
Lat: N40°-36'-15.88"
Lon: W81°-3'-33.04"
Height: 275 ft AGL 1495 ft AMSL

Subject: CONSTRUCTION/ALTERATION PERMIT
Aeronautical Study No: 2013-DOT-2150-OE

To Whom It May Concern,

In response to the application received on the above date concerning the proposed construction/alteration described above, a study has been conducted under provisions of Ohio State Law Chapter 119, Section 4561.34 of the Revised Code to determine whether proposed construction would be an obstruction to air navigation. The findings of that study are as follows:

The proposed construction exceeds obstruction standards adopted under Section 4561.32 of the Ohio Revised Code, but will not effect the safe and efficient use of the airports nor effect the safety of persons and property on the ground. However, the following applies to the construction proposed:

☒ [X] Notice is required if the project is abandoned or modified; maximum height 1495 feet AMSL.

☒ [X] Obstruction Marking and/or Lighting is required.

☒ [X] The structure should be obstruction marked and lighted per current FAA Advisory Circular (AC 70/7460-1K) "Obstruction Marking and Lighting".

☒ [X] Required lighting SHALL be maintained in operable condition.

☒ [X] Compliance with the FAA conditions of approval.

This authorization to initiate construction/alteration of the subject proposal expires on April 30, 2014 unless it is extended, revised or terminated by the Ohio State Department of Transportation. This permit does not exempt you from contacting local zoning authorities regarding compliance with local zoning ordinances.

If you have any questions, please call; (614)387-2350.

Respectfully,

John P. Carpico, Aviator
ODOT Office of Aviation
2829 W. Dublin-Granville Road
Columbus, OH 43235



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Subject: CONSTRUCTION/ALTERATION PERMIT
Aeronautical Study No: 2013-DOT-2151-OE

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ODOT Office of Aviation
2829 W. Dublin-Granville Road
Columbus, OH 43235



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76137

Aeronautical Study No.
2013-AGL-5225-OE

Issued Date: 09/13/2013

Jonathan Winslow
Carroll County Energy LLC
31 Milk Street
Suite 1001
Boston, MA 02109

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Stack - CTG/HRSG 1
Location:	Carrollton, OH
Latitude:	40-36-15.88N NAD 83
Longitude:	81-03-33.04W
Heights:	1220 feet site elevation (SE) 275 feet above ground level (AGL) 1495 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part I)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

This determination expires on 03/13/2015 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 13, 2013. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, Airspace Regulations & ATC Procedures Group, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 23, 2013 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2013-AGL-5225-OE.

Signature Control No: 190527949-198165442

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

AERONAUTICAL STUDY No. 2013-AGL-5225-OE

Abbreviations

VFR- Visual Flight Rules AGL - Above Ground Level RWY - runway
IFR - Instrument Flight Rules MSL - Mean Sea Level nm - nautical mile
AMSL - Above Mean Sea Level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Objects Affecting Navigable Airspace

1. LOCATION OF PROPOSED CONSTRUCTION

This study is for a proposed Stack at 275 feet AGL/1495 feet AMSL that would be located 15,014 feet (2.47 nm) north of the existing RWY 25 threshold of the Carroll County-Tolson Airport (TSO) in Carrollton, OH Part 77 protected surfaces:

2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.17(a)(2) - A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport with its longest runway more than 3,200 feet in actual length. The proposed Stack would exceed TSO by 75 feet.

3. EFFECTS ON AERONAUTICAL OPERATIONS

- a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: Study for possible VFR effect disclosed that the proposal would have no effect on any existing or proposed arrival or departure VFR operations or procedures. It would not conflict with airspace required to conduct normal VFR traffic pattern operations at TSO or any other known public-use or military airports. At 275 feet AGL, the proposed stack would not have a substantial adverse effect on VFR en route flight operations.
- b. The impact on arrival, departure and en route procedures for aircraft operating under IFR follows: Aeronautical study disclosed that the proposed stack would have no effect on any existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations or procedures.
- c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities nor would the proposed increase to the existing antenna tower affect the capacity of any known existing or planned public-use or military.
- d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures follows: The cumulative impact of the proposed increase to the existing antenna tower, when combined with other proposed and existing structures, is not considered to be significant.

4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circularized for public comments on July 26, 2013. No comments were received as a result of the circularization.

5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed stack does not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft.

6. CONDITIONS

The structure shall be lighted as outlined in chapters 4, 8 (M-Dual) & 12, of Advisory Circular AC 70/7460-1K. The advisory circular is available online at https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf. It is also free of charge, from the Department of Transportation, Subsequent Distribution Section, M-494.3, 400 7th Street, SW, Washington, DC 20590.

Within five days after the structure reaches its greatest height, proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This Actual Construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76137

Aeronautical Study No.
2013-AGL-5226-OE

Issued Date: 09/13/2013

Jonathan Winslow
Carroll County Energy LLC
31 Milk Street
Suite 1001
Boston, MA 02109

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Stack CTG/HRSG 2
Location:	Carrollton, OH
Latitude:	40-36-17.22N NAD 83
Longitude:	81-03-33.01W
Heights:	1220 feet site elevation (SE) 275 feet above ground level (AGL) 1495 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

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Signature Control No: 190527950-198165515

(DNH)

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/15/2013 1:25:31 PM

in

Case No(s). 13-1752-EL-BGN

Summary: Application Appendix H: Stack Height Determinations electronically filed by Ms. Miranda R Leppla on behalf of Carroll County Energy LLC