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January 11, 2022

SENT VIA EMAIL AND CERTIFIED MAIL

Mark McClardy  
Director, Airports Division, Western-Pacific Region  
Federal Aviation Administration  
777 S. Aviation Blvd., Suite #150  
El Segundo, CA 90245

Re: Response to Notice of Informal Investigation Under 14 C.F.R. § 13.1.

Dear Director McClardy:

This letter is in response to your Notice of Informal Investigation Under 14 CFR § 13.1, dated December 22, 2021, your supplemental letter dated January 4, 2022, and your email dated January 10, 2022 to Eric Peterson, Director of Airports. The County takes seriously its obligation to comply with all applicable laws, regulations, and grant assurances in the operation of Reid-Hillview Airport (RHV) and San Martin Airport (“E16”) (collectively, “County Airports”).<sup>1</sup> We appreciate the opportunity to respond to the Federal Aviation Administration’s (FAA) concerns. The County’s intention is to protect the communities surrounding the County Airports, while providing for continued aviation infrastructure in Santa Clara County in a manner consistent with the County’s federal obligations. The County welcomes the FAA’s partnership in striking that balance.

The County is committed to ending the threat of lead exposure to its residents. To this end, since 2000, the County has played a leading role in successful and groundbreaking litigation against lead paint manufacturers to remedy harms from lead exposure. The County is equally determined to eliminate lead exposure from the largest remaining source of aerial lead emissions,

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<sup>1</sup> We interpret your request for “all property records related to land granted to the County from the United States or purchased or acquired by the County using funding from the United States” to refer to the County Airports. Neither RHV or E16 were constructed on land acquired from and/or granted to the County from the United States. Property records for the acquisition of RHV, the only County airport for which the FAA provided funds to assist with purchase, are included as Exhibit A.

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leaded aviation fuel (“avgas”). Due to its urban location and the volume and nature of its operations, RHV poses one of the highest lead exposure risks of any general aviation airport in the nation. To address this public health crisis, the County has recently issued fueling permits to fixed base operators (FBOs) at RHV that authorize the use of four County-owned fuel tanks exclusively for unleaded fuel and prohibit the permittees from storing, selling, or distributing leaded fuel at County Airports. This limited, but important, action is consistent with all applicable laws, regulations, and contracts.

The following provides a summary of the principal allegations raised in your correspondence and our summary responses, with further detail provided in the letter below:

- **Allegation:** The County is improperly banning the use of leaded fuel at the County Airports.

**County Response:** The County has not banned the use of leaded fuel at the County Airports.

- **Allegation:** The County is improperly banning the sale of leaded fuel at the County Airports.

**County Response:** Each of the five FBOs selling fuel at the County Airports uses a County-owned fuel tank. Using its proprietary authority over these County-owned fuel tanks, the County has negotiated fuel permits to require that only unleaded avgas is being sold from these tanks. Permittees are prohibited from storing, selling, or distributing leaded fuel at County Airports. The County’s goal in negotiating these terms with the FBOs is to promote the use of unleaded avgas at County Airports to protect nearby populations from lead poisoning. The County’s actions are consistent with 49 U.S.C. § 47107(a), the Commerce Clause of the U.S. Constitution, the Clean Air Act, and all applicable grant assurances with the FAA, including the County’s obligation to provide access to the County Airport on a reasonable basis and without unjustly discriminatory terms.

- **Allegation:** The County did not request the FAA’s approval to prohibit the sale of leaded fuel.

**County Response:** The County is not required to seek the FAA’s approval for the action it has taken.

- **Allegation:** The County is only offering month-to-month leases to existing FBOs at RHV.

**County Response:** The County has taken appropriate action to enter into new leases with prior existing FBOs to improve the financial stability of the airport

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enterprise fund. After good-faith negotiations between the County and existing FBOs, each of the existing FBOs agreed to new leases, with one-year terms.

- **Allegation:** The County is *de facto* closing RHV.

**County Response:** The County's actions do not *de facto* close RHV. To the contrary, RHV is fully operational with four FBOs providing services. The only difference is that FBOs are exclusively selling unleaded avgas.

- **Allegation:** The County has not demonstrated its readiness to act as the proprietary exclusive provider of fuel at the County Airports.

**County Response:** The County is not operating as a proprietary exclusive provider of fueling services at either County Airport, and any plans to do so are still preliminary in nature. The County will comply with all rules and regulations, obtain all necessary permits, and ensure that staff are properly trained if it moves forward with exercising its right to act as the exclusive provider of fueling services. The County does not intend—and has never stated an intention—to operate a “full-service FBO.”

- **Allegation:** The County has not addressed the runway and signage safety issues at RHV identified in prior letters from the FAA to the County.

**County Response:** As detailed in the County's letters to the FAA on November 8, 2019 and October 1, 2021, the County is taking action to address the alleged runway and signage safety issues that the FAA has raised in the past. To date, the FAA has neither objected nor responded to the County's clear articulation of the actions it is taking to address these alleged issues.

The following provides further information on our actions relevant to the issues raised in your letters and email. We will provide the exhibits referenced electronically by separate cover in light of the number and length of the documents contained therein. Please let us know if you have trouble accessing the documents. Due to the expedited timeframe for this response, we are still reviewing our records to determine whether the County has additional documents responsive to your requests. We will provide additional documents as they become available.

## **I. Leaded Avgas is Causing a Public Health Crisis in Santa Clara County and Across the Nation**

Emissions from piston engine aircraft collectively account for about 70% of lead released domestically into the atmosphere. This lead settles in the surrounding community and can cause severe and irreversible harm to the nervous, cardiovascular, immune, and reproductive systems of people living in surrounding areas. Lead exposure is also linked to anemia, increased blood pressure, and an increased risk of cancer and death. Children are particularly susceptible to harm

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from lead poisoning. The U.S. Environmental Protection Agency (EPA) has determined that any level of lead in the blood leads to adverse health effects, and that there is *no* safe level of lead in the blood. While lead exposure from avgas affects millions of people across the nation, RHV has one of the highest lead exposure risks in the nation due to its location and the nature of its operations. Additionally, the communities surrounding RHV are particularly vulnerable to the dangers of lead poisoning. Together, these factors make RHV one of the most severe risks in the nation for lead exposure from avgas.

**A. Reid-Hillview Airport Poses One of the Most Severe Exposure Risks from Leaded Avgas of Any Airport in the Nation**

RHV is one of the busiest general aviation airports in the nation. In 2017, it ranked 24<sup>th</sup> nationally in general aviation operations. As RHV's runways can only accommodate smaller aircraft, most of the air traffic consists of lead-emitting piston engine aircraft. Consequently, the EPA found that *RHV emitted 745 pounds of lead in 2017, placing it in the highest 1.5% of landing facilities in the FAA's National Plan of Integrated Airport System in terms of annual lead emissions.* These emission levels place RHV amongst the top sources of airport-based lead emissions in the United States.

The lead emitted from RHV operations is more likely to be deposited in the neighborhoods immediately surrounding the airport due to the nature of operations at RHV. One of the largest uses at RHV is flight training, with several flight training programs operating directly out of the airport. Flight training using leaded avgas powered aircraft is especially dangerous to surrounding communities because training pilots often make numerous take-offs and landings, circle the airport in a pattern at relatively low altitudes, and consequently operate closer to the airport. Accordingly, the lead and other pollutants from such operations are more likely to be deposited in the airport's vicinity.

Lead deposited near RHV is more likely to poison people than lead emitted at most other airports due to RHV's location in a densely populated urban area. RHV is only four miles from the heart of San José, the 10<sup>th</sup> largest city in the nation, and is surrounded by built-out residential neighborhoods where the population density is almost five times higher than the rest of Santa Clara County. An estimated 52,450 people live within a 1.5-mile radius of the airport, including about 12,805 children; and an estimated 31,982 people live within one mile of the airport, setting it apart from the vast majority of other airports in the nation. The combination of a high-volume of operations by leaded avgas powered aircraft and high population density create a particularly high risk of lead exposure. *Even with an extraordinarily high population density around the airport, among the 150 highest lead-emitting airports, RHV's ratio of lead emissions per person living within a one-mile radius is the third-highest in the nation, and is over ten times the median (see fig. 2).* These estimates may understate the actual risk as they do not account for persons who live more than 1.5 miles from the airport but spend time near the airport for work, school, or other reasons. For example, *there are 21 schools and childcare centers located within 1.5 miles of the airport.*

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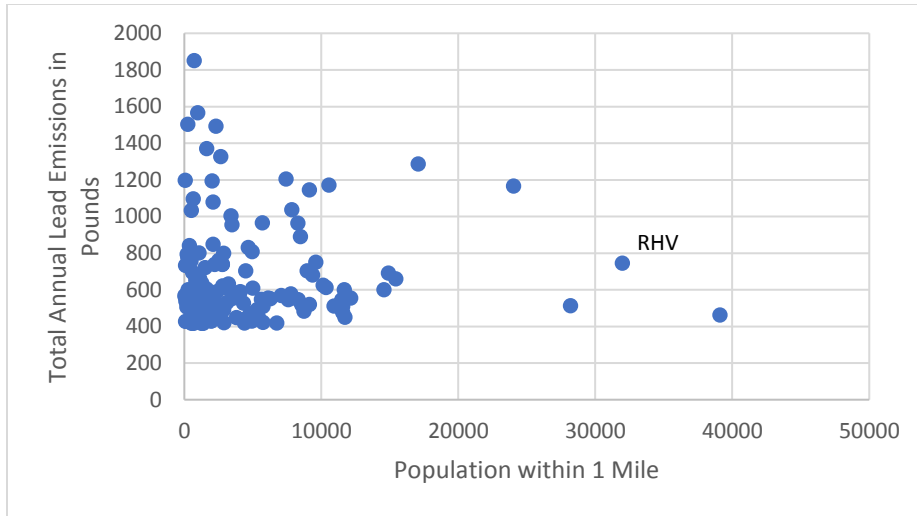


Figure 1 Annual lead emissions and population for top 150 airports by lead emissions

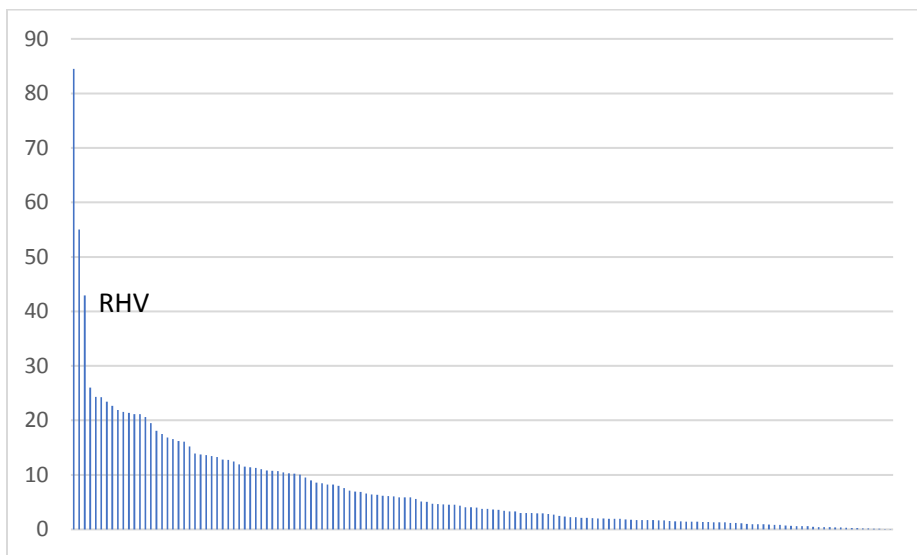


Figure 2 Persons within one mile per pound of lead emissions for 150 highest lead emitting airports

Multiple factors make the communities near RHV more vulnerable to lead poisoning, and underscore why this is one of the most urgent environmental justice crises in the nation. **More than 99% of the population living within 1.5 miles of RHV identifies as nonwhite, and 79% speak a primary language other than English at home.** More than one in four (27%) people in the four zip codes near and around RHV live below 200% of the federal poverty line. Residents of East San José, where RHV is located, also have higher rates of mortality related to cancer, Alzheimer’s disease, strokes, diabetes, and hypertension when compared to other areas of San José and Santa Clara County, and lower rates of health insurance. These conditions can exacerbate the effects of lead poisoning, and prevent individuals from accessing proper information, care, and treatment for lead poisoning.

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**B. A Peer-Reviewed Study Shows that Reid-Hillview Aviation is Responsible for Increased Prevalence and Severity of Childhood Lead Exposure in the Surrounding Neighborhoods**

The lead exposure from aviation at RHV is well documented. In August 2021, the County released a study (“Zahran Study”) conducted by Dr. Sammy Zahran, a leading expert on the economic, health, and social costs of pollution and environmental risks, that provides a detailed and robust account of the effects of RHV’s operations on blood lead levels in local children.<sup>2</sup> The study examined over 300,000 blood lead test results collected by the California Department of Public Health (CDPH) over a 10-year period. The extensive data the study analyzed allowed for it to control for variables such as other sources of exposure to lead and demographic factors. Prior to its completion—and contrary to the assertion in your December 22, 2021 letter—two independent leading experts peer reviewed the study and confirmed the validity of the study’s methodology and its results.<sup>3</sup>

The Zahran Study found higher blood lead levels in children living near RHV based on a variety of metrics. Children within 0.5 miles of RHV have blood lead levels that are about 0.2 µg/dL higher than statistically similar children more distant from RHV. Wind patterns affect where the airborne lead released from piston-engine aircrafts is deposited. Sampled children residing predominately downwind of RHV present with blood lead levels that are 0.4 µg/dL higher as compared to sampled children residing predominately upwind of RHV. Indeed, children living downwind of the airport were 200% more likely than children residing upwind of the airport to have a blood lead level greater than 4.5 µg/dL, the threshold value that CDPH uses when testing for childhood lead poisoning. The gravity of these results constitutes a public health crisis. *In fact, the study found that living downwind of RHV is associated with childhood blood lead level increases comparable to those from the Flint water crisis, and that children living within half a mile of the airport during periods of maximum piston-engine aircraft traffic had blood lead level increases nearly twice the amount that occurred during the Flint crisis.*

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<sup>2</sup> A full copy of the study is available at <https://news.sccgov.org/sites/g/files/exjcpb956/files/documents/RHV-Airborne-Lead-Study-Report.pdf>.

<sup>3</sup> The peer reviewers were Dr. Rebecca Anthopolos, an Assistant Professor in the Division of Biostatistics within the Department of Population Health at New York University Grossman School of Medicine, who has published on the risk of early childhood lead exposure in relation to aviation gasoline and Dr. Mark Cullen, a retired professor of Medicine, Epidemiology, and Biomedical Data Sciences at Stanford University, where he served as the Founding Director of the Center for Population Health Sciences, and as Senior Associate Dean for Research for the School of Medicine. Their comments on the Zahran Study are available upon request.

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**C. Sale of Leaded Avgas at Reid Hillview Contributes to Increased Prevalence and Severity of Childhood Lead Exposure in the Surrounding Neighborhoods**

The Zahran Study specifically found that blood lead levels of sampled children increase linearly with the quantity of aviation gasoline sold to fixed-base operators at RHV, other factors held equal. A change in the quantity of aviation gasoline sold from the observed minimum to the maximum is associated with an increase in child blood lead levels by about 0.18 µg/dL.<sup>4</sup> This calculated difference is equivalent to about 50% of the estimated surge in child blood lead levels at the height of the Flint water crisis.

**II. Limiting the Use of County-Owned Tanks to Unleaded Fuel at County Airports and Prohibiting the Sale and Distribution of Leaded Fuel is a Reasonable Measure to Ensure Safe Operation of the Airports and Protect Surrounding Communities**

In response to this public health crisis, the County of Santa Clara Board of Supervisors directed County Administration to take all actions necessary to transition both County Airports as soon as possible to selling only lead-free avgas. The four FBOs providing fuel at RHV and the FBO providing fuel at E16 each use a County-owned tank. In negotiating the agreements for usage of these tanks, the County has issued Fuel Permits that limit the tanks to storage of unleaded fuel. While the Fuel Permits vary somewhat, each of the Permittees is effectively prohibited from storing, selling, or distributing leaded fuel at County Airports.<sup>5</sup> The Fuel Permits are consistent with all applicable federal, state, and local laws, regulations, and grant assurances.

As you acknowledge in your letter, the County has the authority to work in cooperation with users to increase use of unleaded fuel. Transitioning these five County-owned fuel tanks to use exclusively for unleaded fuels and prohibiting the storage, sale, and distribution of leaded fuel at County Airports by FBOs using those tanks are important steps to promote usage of unleaded avgas at County Airports. Indeed, a substantial portion of the aircraft operating out of RHV can use commercially available unleaded avgas, and some have already transitioned to unleaded avgas. Increasing the consumption of unleaded avgas rather than leaded fuel by these aircraft will reduce lead emissions near County Airports and lead exposure in the surrounding communities. Cost and availability of unleaded avgas pose significant barriers to more widespread adoption. Making unleaded fuel the most convenient option for fueling at County Airports will incentivize adoption among the aviation community. Additionally, increasing the supply of unleaded avgas in the Bay Area will allow manufacturers and transporters to better utilize economies of scale, reducing prices for unleaded avgas.

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<sup>4</sup> Zahran Study at 45.

<sup>5</sup> The Fuel Permit for the E16 FBO does not expressly prohibit the sale or distribution of leaded avgas, but allows the County to require that the FBO sell unleaded avgas once it becomes available. Because unleaded avgas is currently available at E16, the FBO is complying with the requirement in its Fuel Permit to sell unleaded avgas.

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Negotiating the terms of use for five County-owned fixtures by County tenants is entirely a proprietary action.<sup>6</sup> Contrary to suggestions in your December 22nd letter, the County has not prohibited the use of leaded fuel at County Airports; it has only prohibited the storage, sale, and distribution of leaded fuel at County Airports by FBOs. These five County tanks were not purchased using any federal funds, nor are they subject to any other contractual restrictions implicated by the County's actions. The County is entitled to use them for any lawful purpose, including promoting the use of unleaded fuel at the County Airports. This includes conditioning their usage on an agreement from FBOs not to store, sell, or distribute leaded fuel on County Airports. After good faith negotiations, the FBOs selling avgas voluntarily agreed to this term of use.

The County's Fuel Permits are consistent with the County's obligations to provide access to the County Airport on a reasonable basis and without unjustly discriminatory terms.<sup>7</sup> The County has not prohibited access to aircraft unable to use unleaded fuel at County Airports; many such aircraft are currently operating out of both County Airports. While limiting the use of the five County-owned fuel tanks to unleaded fuel does make accessing leaded avgas at County Airports less convenient, this promotes the use of unleaded avgas. Aircraft operators who want to purchase leaded avgas can do so from multiple commercial operators a short distance from both RHV and E16. The County is unaware of any federal obligation that requires it to ensure that leaded avgas is commercially provided at the County Airports. Moreover, the County has not taken any action to ban self-fueling with leaded fuel. Finally, the County has a protocol in place to ensure that aircraft can quickly access leaded fuel for emergency purposes, such as if an aircraft that is only able to use leaded avgas becomes stranded at one of the County Airports.

In contrast to this incidental inconvenience on lead fuel users, the Zahran Study demonstrated a strong correlation between the volume of leaded avgas sales at RHV and increased blood lead levels in children living near RHV. Reducing the blood lead levels of children in the communities surrounding RHV can mitigate the severe and irreversible health effects of lead exposure. Indeed, any reduction in use of leaded avgas results in lower blood lead levels among nearby residents. Accordingly, prohibiting the storage, sale, and distribution of leaded avgas by FBOs is justifiable and reasonable—and indeed essential—in light of the harms lead emissions cause to neighboring communities caused by use of leaded avgas.

The Fuel Permits do not violate the Commerce Clause of the U.S. Constitution or Section 233 of the Clean Air Act. The Fuel Permits do not distinguish between intrastate and interstate flights or between California-based and non-California based fuel sellers or aircraft operators. We are unaware of any effect the Fuel Permits may have on interstate commerce. The Fuel Permits do not set any emission standard or regulate the operation or use of aircraft engines. We

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<sup>6</sup> You indicate that the FAA has not received a request for approval from the County regarding its plans. We are unaware of any requirement for FAA preapproval of permits to use County property.

<sup>7</sup> See Grant Assurance 22, FAA Order 5190.6 (2009), Para. 14.3.



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are also unaware of any authority indicating that the County's actions constitute an "emission standard" under the Clean Air Act.

### **III. Recent Operational Changes at the County Airports to Improve the Financial Strength of the County's Airport Enterprise Fund Have Not Negatively Impacted Operations at the County Airports**

Contrary to the assertions in your letter, recent changes in the FBO leases at RHV are not a *de facto* closure of the airport. In fact, these changes have not resulted in any operational changes at RHV, except for the transition from sale of leaded avgas to unleaded avgas. The new leases as well as the County's ongoing consideration of whether to exercise its proprietary, exclusive right to provide fuel at RHV, are part of the County's long-term strategy to increase revenues and improve the financial position of the County's airport enterprise fund, in addition to promoting the use of unleaded avgas.<sup>8</sup> We do not expect these measures to have any material adverse effects on the services available at either County Airport.

#### **A. New Leases and Licenses at RHV Starting January 1, 2022 Result in Increased Revenue for the County Airport Enterprise Fund with No Effect on Businesses Operating at RHV**

As part of a long-term strategy, the County aligned the termination of all the FBO leaseholds at RHV to expire concurrently on December 31, 2021. Prior to January 1, 2022, the County had nine long-term leaseholders at RHV. In part due to the long-term nature of the leases, the expired leases had very unfavorable terms to the County. Five of the leaseholders provided limited or no aviation services, and instead acted as commercial landlords licensing space to other businesses. The remaining four leaseholders acted as FBOs and provided aviation services.

Approximately three months prior to the December 31, 2021 expiration date for those nine leases, the County initiated negotiations for new leases on financial terms that were more favorable to the County while remaining reasonable for the tenants and assuring no disruption of service at RHV. In addition to incentivizing the use of unleaded fuel, the County's goal in reconfiguring its leaseholds at RHV is to increase revenue, improve service, and establish minimum standards.

With regard to the four FBOs, the County negotiated in good faith for several months and responded to the primary concerns of the FBOs, including providing a one-year term,<sup>9</sup> market rent discount, and by modifying insurance requirements to meet the requests of the FBOs. The four FBOs at RHV have all voluntarily entered into new leases effective January 1, 2022. That

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<sup>8</sup> The County's most recent analysis of the airport enterprise fund and proposals for revenue enhancement are detailed in the proposed *Santa Clara County Airports Business Plan Reid-Hillview and San Martin Airports*. The Board of Supervisors considered and declined to adopt the plan on December 12, 2018. See <https://countyaairports.sccgov.org/sites/g/files/exjcpb686/files/document/Business%20Plan%20Proposal%202018.pdf>.

<sup>9</sup> Some existing businesses at RHV had month-to-month tenancies as subtenants of the prior FBOs, and during lease negotiations the County inquired whether additional tenants would be interested in month-to-month tenancies. While some businesses agreed, the four FBOs at RHV indicated that they wished to have one-year leases.

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four FBOs have agreed to these terms in separate negotiations indicates that the County's terms are commercially reasonable, and not unjustly discriminatory.

With respect to the five non-aviation leaseholders, the County's primary concern was that the leaseholders collected substantially more rent from their subtenants than the rent they paid to the County on the outdated long-term leases. These five leases expired on December 31, 2021. The County has executed license agreements with many of the previous subtenants of the prior leaseholders and is continuing to negotiate additional agreements. The County has offered all existing subtenants of the prior leaseholders the same rent amounts that they previously had with the former leaseholders. All subtenants are continuing to operate while license negotiations progress. In addition to capturing the revenue that was previously going to the prior FBOs, the County also expects that directly leasing space at RHV will allow the County to better manage the services available at RHV. The renegotiation of these leases places the airport enterprise fund in a far better financial position and, ultimately, improves the ability of the County to provide for the safe operation of County Airports.

Finally, it is important to note that the template lease and license agreements used at RHV are based upon the lease and license terms that the County requires of its tenants countywide. While certain terms are specific to the context of an airport, the County has not imposed more onerous terms and conditions on lessees and licensees at RHV than it does on a countywide basis. All leases and licenses and Fuel Permits between the County and its tenants and licensees at RHV and San Martin Airport completed as of January 11, 2022 are included as Exhibit B. As previously noted, the County is continuing to negotiate licenses with other former subtenants, and will provide copies of those new licenses upon request.

**B. The County has Made Only Preliminary Preparations to Exercise Its Proprietary, Exclusive Right to Provide Fuel at RHV**

The County is working towards becoming the proprietary, exclusive provider of fuel at RHV. The County's goal in operating as the exclusive fuel provider is to improve service and safety at RHV and enhance airport enterprise fund revenue. However, the County's plans are still preliminary and there is currently no target date for the County to begin providing fueling service. The County has not granted an exclusive right to sell fuel at any County Airport, nor have there been any recent changes in the FBOs providing fuel at the County Airports, except that they are now selling unleaded avgas consistent with the Fuel Permits. The County is committed to complying with all applicable laws, regulations, and grant assurances in exercising its proprietary, exclusive right to provide fuel at RHV. Prior to exercising this right, the County will make all applicable training records, permits, and licenses available to the FAA.

As the County does not currently sell fuel, the County does not maintain fuel logs that identify specific aircraft or have a fueling quality control plan of its own. The County's Fuel Permits with the FBOs do, however, require the FBOs to maintain more detailed fuel sales records and to comply with several quality control and safety steps in order to assure that fueling

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occurs safely and with high-quality fuel.<sup>10</sup> The County can obtain documentation of compliance with those requirements from the FBOs at the FAA's request. The County does track fuel sales at the County Airports for the purpose of collecting fuel flowage fees. Copies of the County's fuel flowage fee records for 2020 are included as Exhibit C.

#### **IV. The County is Operating Its Airports in a Safe and Serviceable Condition**

Although the FAA has raised specific safety issues at County Airports in the past, we are unaware of any outstanding safety issues at either of the County Airports. The County responded to the FAA's earlier safety concerns in letters it sent to the FAA dated November 8, 2019 and October 1, 2021 providing a detailed explanation of actions the County is taking to address the alleged issues, copies of which are included as Exhibit D. The County did not receive a response from the FAA to either of these letters and the FAA has not suggested any disagreement with the County's analysis or plans to further improve safety at County Airports. If the FAA disagrees with the County's actions, it is incumbent upon the FAA to respond to the County's letters and to explain what, if any, deficiencies it perceives. As always, the County stands ready to work with the FAA to ensure that County Airports are operating in a safe and serviceable condition.

Further, the County has taken, and continues to take, action to address safety concerns raised by the FAA to the extent possible. As our November 8, 2019 letter indicates, the County has taken steps to address several of the concerns raised by the FAA and CalTrans (including improving the runway safety area, pavement issues, and correcting markings on a private helipad). Since then, the County has taken additional steps, as summarized in our October 1, 2021 letter, including the following:

- The County's comprehensive RHV Signage Compliance Project is in the final design phase and is progressing on schedule. We will forward the final plans to the FAA for concurrence prior to offering the project for public bid, which is currently anticipated in Spring 2022.
- The County has engaged with the Runway Safety Action Team (RSAT) to identify ways to reduce runway incursions. However, the RSAT did not reach consensus that incursions could be reduced by physical changes to the airfield and the RSAT did *not* recommend any specific changes. As discussed in our October 1, 2021 letter, the RSAT members debated various theories to explain incursion patterns, but did not agree on either a theory or solutions. The County remains open to discussions with the FAA to identify specific, feasible measures that will address safety concerns.

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<sup>10</sup> While individual aircraft operators are responsible for determining that they are fueling with appropriate fuels, the leases and Fuel Permits require the FBOs to ensure that fueling operations are carried out in a safe manner. For example, several FBOs have trained staff who are working with operators to ensure that they are aware that the fuel sold at County Airports is unleaded. Additionally, the County is preparing to install additional signage notifying aircraft operators that the fuel sold from the fuel tanks on County Airports is unleaded avgas that may not be suitable for all engines.

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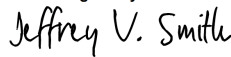
- As discussed in our November 8, 2019 letter, many of the FAA's prior concerns arise from changes in advisory documents related to lighting and signage standards for newly constructed airports, which the FAA typically does not require older existing airports to meet. Due to airfield conditions and geometry at RHV, it is not possible for the County to meet those design standards for new airports. Indeed, several of the non-standard signs were installed with FAA funds following FAA approval based on analysis performed at the time showing that the current placement was the best solution given airfield geometry and conditions. If the FAA has developed additional information indicating a different outcome, please share that information with the County so we can determine if there is an appropriate alternative solution.

## V. Conclusion

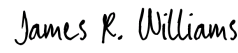
We appreciate the opportunity to clarify the nature of our recent actions to address the ongoing environmental justice and public health concerns caused by lead exposure at the County Airports, improve the revenue streams in the County's airport enterprise fund, and address the alleged compliance issues raised in previous letters from the FAA. The County fully intends to operate the County Airports in compliance with all laws, while protecting the health, safety, and well-being of people in the vicinity of the County Airports.

We would be happy to meet with you and your staff and provide any additional information that you may require regarding these concerns raised in your letter.

Sincerely yours,

DocuSigned by:  
  
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Jeffrey V. Smith  
County Executive

DocuSigned by:  
  
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James R. Williams  
County Counsel

### Attachments:

- Exhibit A: RHV Property Records
- Exhibit B: Rental Leases, Fuel Permits, and Licenses
- Exhibit C: Flowage Fee Records
- Exhibit D: FAA Correspondence

c: County of Santa Clara Board of Supervisors