

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT
SELF- FUELING POLICY
Updated September 2024

A. Definitions

For purposes of this Self-Fueling Policy (the “Policy”), the following terms have the meanings ascribed to them below:

1. Airport. The Patrick Leahy Burlington International Airport (also sometimes referred to as BTV or LeahyBTV).
2. Airport Policies. Any and all Airport Policies, Rules, Standards and Regulations including but not limited to the Minimum Standards and this Self-Fueling Policy.
3. City. The City of Burlington, Vermont, the owner and operator of the Airport.
4. Director of Aviation. The person appointed by the City to manage the Airport and/or anyone explicitly delegated by the Director of Aviation to make decisions related to this Policy or other rules, policies and standards established for use and operation of the Airport.
5. Environmental Laws. All Federal, State of Vermont and local statutes, ordinances, regulations, and rules relating to environmental quality, health, safety, contamination, and clean-up, as they currently exist or may exist in the future, including, without limitation, the Clean Air Act, 42 U.S.C. §7401 et seq.; the Clean Water Act, 33 U.S.C. §1251 et seq., the Water Quality Act of 1987; the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. §136 et seq.; the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. §1401 et seq.; the Noise Control Act, 42 U.S.C. §4901 et seq.; the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act, and the Emergency Planning and Community Right to Know Act, and the Radon Gas and Indoor Air Quality Research Act; the Hazardous Material Transportation Act, 49 U.S.C. §9601 et seq.; the Toxic Substance Control Act (“TSCA”), 15 U.S.C. §2601 et seq.; the Atomic Energy Act, 42 U.S.C. §2011 et seq.; and the Nuclear Waste Policy Act of 1982, 42 U.S.C. §1010 et seq.; all State environmental protection, superlien and environmental clean-up statutes, with implementing regulations and guidelines and all local laws, regulations and ordinances insofar as they are equivalent or similar to the Federal laws recited above or purport to regulate Hazardous Materials, and judicial precedent of each of the foregoing.

6. Fuel. All flammable and combustible liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an aviation internal combustion, jet, or turbine engine. This shall include approved aviation fuels, ASTM D910 (latest edition), Standard Specifications for Aviation Gasoline and ASTM 1655-15 (latest edition), Standard Specifications for Aviation Turbine Fuel, and any substance (solid, liquid, or gaseous) used to operate any aviation or aircraft engine.
7. Fueling. The transportation, sale, delivery, dispensing, storage, of Fuel or Fuel waste products to or from aircraft and Fueling Equipment.
8. Fueling Equipment. Equipment installed and/or used in Self-Fueling, including Fuel storage tanks, pumps, piping, and associated equipment, such as filters, water separators, hydrants, trucks, and dispensing equipment.
9. Full-Service Fixed Base Operator (FBO). A commercial entity providing Fueling services to the public at the Airport pursuant to a written agreement with the City.
10. Hazardous Materials. (1) Any substance the presence of which requires or subsequently require notification, investigation or remediation under any Environmental Law; or (2) any substance that is or becomes defined as a “hazardous waste”, “hazardous material”, “hazardous substance”, “pollutant”, or “contaminant” under any Environmental Law, including, without limitation, CERCLA, RCRA, and the associated regulations; or (3) any substance that is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any applicable Environmental Law; or (4) any substance that contains gasoline, diesel fuel, oil, or other petroleum hydrocarbons or volatile organic compounds; or (5) any substance that contains polychlorinated biphenyls (“PCBs”), per- and polyfluoroalkyl substances (PFAS), asbestos or urea formaldehyde foam insulation; or (6) any substance that contains or emits radioactive particles, waves, or materials, including, without limitation, radon gas.
11. Permittee. A Tenant or Airport user, authorized to perform Self-Fueling pursuant to a Self-Fueling Permit issued pursuant to this Policy.
12. Person. An individual, firm, partnership, corporation, trust, association, group, trustee, receiver, or any other organization.
13. Self-Fueling. Self-Fueling means Fueling (i) by the Permittee and/or its bona fide employees, (ii) of aircraft owned by the Permittee or exclusively leased by the Permittee for one (1) year or more, (iii) using Fueling Equipment owned by the

Permittee, (iv) using resources acquired by the Permittee, and (v) subject to the restrictions set forth in (D) [Self-Fueling Restrictions] below and outlined in a Self-Fueling Permit issued pursuant to this policy.

The act of draining and re-dispensing of the same drained Fuel associated with owner-performed maintenance as permitted by 14 CFR 43 is not considered Self-Fueling.

14. Self-Fueling Permit. An executed written agreement between Permittee and the Airport authorizing Self-Fueling.
15. Tenant. A Person leasing space from the City at the Airport for any aeronautical purpose or activity.

B. Purpose

This Policy governs Self-Fueling at BTV. This Policy is designed and intended to facilitate a safe and efficient operating environment for all BTV users.

C. General Policy and Requirements

Pursuant to this Policy, only Airport-approved Full Service Fixed Base Operators are permitted to provide any type of retail or commercial Fueling. All other Fueling activity is prohibited, unless conducted in accordance with the terms of this Policy and any other Airport Policies. No Person shall perform Self-Fueling except in accordance with the terms of this Policy.

A Permittee may perform Self-Fueling activities at the Airport if Permittee holds a valid aircraft storage lease with the City upon (i) consent of Board of Airport Commissioners; (ii) execution of a Self-Fueling Permit Application and receipt of a Self-Fueling Permit; (iii) compliance by Permittee with the requirements set forth in this Self-Fueling Policy (and any amendments thereto); and (iv) execution of a lease with the City allowing for installation of a Fuel storage tank.

A Permittee shall comply with all applicable requirements set forth in: this Policy (and any amendments thereto), the Self-Fueling Permit, any lease agreement with the City, and any and all other rules, regulations, laws, policies, and applicable standards governing use and access to the Airport including but not limited to 14 CFR Part 139 and 49 CFR Part 1542, and Airport Policies. Failure to comply with all applicable requirements will result in suspension or termination of the Self-Fueling Permit. The terms of this Policy, as modified or amended at the sole discretion of the Airport, as well as all other applicable rules, regulations, and standards, shall be deemed to be a part of each Self-Fueling Permit unless otherwise provided in the Self-Fueling Permit.

Except as may be prohibited by other provisions of this Policy and any other applicable law, an owner of one or more aircraft who desires to conduct Self-Fueling must apply for and must execute a Self-Fueling Permit **prior** to the performance of any Self-Fueling. Self-

Fueling shall be allowed only after the Permittee, and/or Permittee's bona fide employee(s) have completed the training and complied with the requirements as set forth in Section H [Training] below as well as all other terms of this Policy and any other applicable policies and standards.

Self-Fueling using Fuel containers of six (6) gallons or less is not currently regulated by this Policy. However, all Persons must comply with local fire code with respect to use of such containers, and are advised that local fire code may limit the number of such containers that may be stored in a hangar or other building. The City reserves the right to establish reasonable rules and regulations for Self-Fueling with fuel containers less than six (6) gallons in conformance with 14 CFR Part 139.

The City reserves the right to impose additional conditions on Self-Fueling through the Self-Fueling Permit, based on the specific circumstances of a Permittee's operations.

D. Self-Fueling Restrictions

Self-Fueling cannot be contracted out to another party, and contracting of Self-Fueling activities is prohibited. Cooperative activities and the sharing of employees, Fueling Equipment, resources, or Fuel with other Persons is also prohibited.

Permittee must arrange for transportation of its own Fuel in compliance with Section G.3 [Transportation of Fuel] below, and dispense the Permittee's own Fuel. Self-Fueling is permitted into aircraft only.

Commercial or retail dispensing of Fuel products under a Self-Fueling Permit is prohibited.

E. Ownership of Aircraft and Fueling Equipment

The aircraft being fueled must be owned, managed, or used or operated under an exclusive lease agreement with a term of (1) year or more, by the Permittee or fully owned by an entity with identical ownership as Permittee, and identified in the Self-Fueling Permit. An aircraft qualifies as an exclusively leased aircraft for the purposes of this Self-Fueling Policy, if title is held by other Persons and use and control is exclusive and pursuant to a lease with a remaining term of one (1) year or more. Permittee shall notify the Director of Aviation and provide updated proof of ownership documentation reflecting any changes in status of ownership of aircraft, exclusive lease agreement, or Fueling Equipment within ten (10) business days of the change or within one day of proof of ownership from the FAA, whichever is earlier. If as a result of the change in ownership, the Permittee no longer has any aircraft identified on the Self-Fueling Permit, then the Self-Fueling Permit shall automatically terminate in ninety (90) days unless, within that ninety (90) days, the Permittee notifies the Director of Aviation of a replacement aircraft owned by the Permittee or exclusively leased by the Permittee with a remaining term of one (1) year or more.

F. Fueling Equipment

1. Compliance with Laws

The Permittee shall, at its own expense, own, install, maintain, and operate all Fueling Equipment in accordance with applicable federal, state, and local laws, rules, policies, and regulations and requirements, including Vermont state and local fire code regulations. **The Permittee shall provide evidence of compliance to the Director of Aviation upon request at any time and as part of any application for a Self-Fueling Permit.**

2. Pre-Approval and General Requirements

Installation of Fueling Equipment (including Fuel tanks) is subject to the requirements of the Permittee's lease to locate said tank(s) and all Airport Policies currently in place or as amended from time to time.

Permittee shall not install any Fueling Equipment (including Fuel tanks) without prior written approval of the Director of Aviation. Permittee must obtain all applicable permits and approvals from the city, state, and federal authorities and any other appropriate entities prior to installation of Fueling Equipment.

All Fueling Equipment must meet the requirements of this Policy. Unauthorized storage of Fueling Equipment is not permitted on the Airport.

3. Tanks

In the case of a Permittee that holds an aircraft storage lease, such Permittee and the City must enter into a separate lease agreement allowing for installation of a Fuel storage tank. No Fuel storage tank may be installed at the Airport without a separate lease agreement for that installation.

Only aboveground storage tanks ("ASTs"), of a size approved by the Director of Aviation based on the demonstrated needs of the Permittee, as established by historical and projected Fuel usage, will be allowed unless the Director of Aviation determines that ASTs are not feasible based on space or another reasonable justification.

All new Fuel tank installations shall require a construction safety phasing plan (CSPP) approved by the Director of Aviation, and meet all applicable local, state, and federal fire and safety code requirements and the specific requirements set forth below:

a. Aboveground Storage Tanks

ASTs must be a minimum capacity of five hundred (500) gallons.

ASTs must be stationary and located outdoors within a Permittee's leased property as designated by the Director of Aviation.

Secondary containment is required for the entire AST system (including any/all tanks, piping, dispensers or other appurtenances), in accordance with applicable local, state, and federal requirements. Double-walling meets this secondary containment requirement.

Secondary containment is also required for the area where Fuel transfers take place (either into or from the AST system), in accordance with applicable local, state, and federal requirements.

Secondary containment systems must be based on good engineering practices, and shall include installation and use of an oil/water separator (OWS) system. This determination shall be made by the Director of Aviation.

The AST must meet all applicable local, state, and federal AST and spill containment requirements.

The AST must meet all applicable Spill Prevention, Control and Countermeasure ("SPCC") requirements prior to operation. All ASTs, regardless of size, must meet the requirements of 40 CFR 112.

Associated compliance permits/plans, whether local, state, or federal must be established and in place prior to the AST becoming operational. A copy of these permits/plans must be provided to the Director of Aviation upon request.

4. Location

All Fueling Equipment must be located and operated at the specific location determined by the Director of Aviation. The location of Fueling Equipment must be approved by the Director of Aviation, prior to installation, and shall not pose any safety hazards or impede Airport operations.

All pavements on the Permittee's fueling equipment site must be appropriately designed, constructed, and maintained by the Permittee for the appropriate use.

5. Maintenance

Permittee shall, at its own expense, maintain all Fueling Equipment in a serviceable, clean, safe, non-leaking operating condition, and in accordance with the terms of the Permittee's lease, Airport Policies (as now or hereafter amended), and all other applicable local, state, and federal requirements.

6. Meters

All Fueling Equipment shall be equipped with state-certified dispensing meters. Meters shall be calibrated, sealed, and inspected to ensure proper working

condition. The Fueling Equipment and meters must provide an accurate and reliable audit trail for evidence of compliance with the requirements of this Self-Fueling Policy and for leak detection purposes.

7. Labeling

All Fueling Equipment shall be prominently labeled in large block letters in accordance with National Fire Protection Association (NFPA), local, state, and federal requirements and include the following information:

- Type of Fuel stored or dispensed;
- Capacity
- “NO SMOKING”;
- “FLAMMABLE”;
- Local emergency contact name, address, and telephone number
- Tail numbers (N#s) of all aircraft authorized to receive fuel from said Fueling Equipment.
- All piping, lines, and delivery points must be labeled in accordance with applicable state regulations.

Mobile Fueling vehicles are permitted based on demonstrated need of Permittee, and if utilized, shall be considered “Fueling Equipment” under this Policy with all Airport, local, state, and federal rules and regulations governing appropriate use applicable herein, including Airport vehicle parking requirements.

8. Safety Equipment

The Permittee shall provide an adequate supply of fire extinguishers and other safety equipment that are properly located, typed, and sized and in operable condition for its Self-Fueling. There shall be at least one fire extinguisher having a minimum rating of 20-B:C accessible within 50 feet during Self-Fueling operations. All fire extinguisher certifications must be current. Fire extinguishers shall be maintained within all hangars, on ramp areas, at Fuel storage facilities, and on all Fueling Equipment including ground handling vehicles as required by appropriate fire codes for the type of operations conducted.

9. Inspections

Permittee shall give the Director of Aviation and the local fire authority access to Permittee’s Fueling Equipment on the Airport for the purpose of inspecting the

Fueling Equipment at any time requested. Fuel records shall also be subject to inspection. Inspections may include, but not be limited to, taking meter readings; reviewing and inspecting fuel storage and dispensing records; and examining fueling apparatus, emergency equipment, and any and all material for safe Self-Fueling including all safety equipment.

Permittee shall maintain current records of Permittee's quality control checks, training records, and inspections of Fueling Equipment, and shall provide copies of such records to the Director of Aviation upon request, at a minimum annually without demand.

G. Procedures

1. Location

Self-Fueling operations are restricted to specific locations as designated and described in the Self-Fueling Permit.

2. Standard Operating Procedures

Permittee shall develop and maintain Standard Operating Procedures (“SOP”) for Self-Fueling operations and shall ensure compliance with relevant standards set forth in FAA Advisory Circular 00-34B “Aircraft Ground Handling, Servicing, and Marshalling.”

The SOP shall address bonding and fire protection, public protection, control of access to the Fueling Equipment, and marking and labeling of fuel storage tanks and fuel dispensing equipment. The SOP shall be submitted to the Director of Aviation upon request. Permittee shall also comply with FAA Advisory Circular 150/5230-4C “Aircraft Fuel Storage, Handling, and Dispensing on Airports,” all other applicable local, state, and federal laws and regulations related to Fueling, including the handling, dispensing, sale, and storage of Fuel, and NFPA 407.

Prior to making any fueling connection to an aircraft, the Fueling Equipment shall be bonded to the aircraft by use of a cable, thus providing a conductive path between the Fueling Equipment and the aircraft. The bond shall be maintained until fueling connections have been removed. Permittees performing Self-Fueling operations using containers with a capacity of six (6) gallons or less are exempt from this requirement.

When fueling over wing, the nozzle shall be bonded with a nozzle bond cable having a clip or plug to a metallic component of the aircraft that is mechanically connected to the tank filler port. The bond connection shall be made before the filler cap is removed. If there is no plug receptacle or means for attaching a clip, the Permittee shall touch the filler cap with the nozzle spout before removing the cap in order to equalize the potential between the nozzle and the filler port. The spout shall be kept in constant contact with the filler neck until fueling is completed.

Transfer of Fuel into an aircraft from a Fuel tanker shall be governed by these same requirements, including the need for a drop tube if vehicle 100 low lead fuel is being used.

Positive control of Fuel flow must be maintained at all times. Pouring of fuel in over wing fueling operations shall not be permitted from a container with a capacity of more than six (6) gallons.

In over wing fueling operations, the dead man control device shall be located on the nozzle. Hold-open devices are prohibited for all Fueling Equipment.

Fueling Equipment shall not be positioned within a ten (10) foot radius of aircraft fuel system vent openings. During over wing aircraft fuel servicing where aircraft fuel system vents are located on the upper wing surface, Fueling Equipment shall not be positioned under the trailing edge of the wing.

Cell phones, radios, transmitters, receivers, or any other electrical appliances shall not be switched on or off during Fueling operations.

Hot fueling of helicopters, except as provided under NFPA regulation, is prohibited. Aircraft shall not be fueled while any aircraft engine is running except in accordance with NFPA 407 Section 5.21.2 requirements, or while being warmed by applications of exterior heat. No fueling operation may be conducted in a hangar or building. Fueling while passengers are on board is prohibited unless, where applicable, a passenger loading ramp is in place at the cabin door of the aircraft, the aircraft door is in the open position and a member of the flight crew is present at or near the cabin door.

Fueling is prohibited when an individual is smoking within one hundred (100) feet of the aircraft. Open flames within one hundred (100) feet of any Fuel servicing operation, Fueling Equipment, or within the Airport Operations Area are prohibited. This shall include but not be limited to the following: lighted cigarettes, cigars or pipes; heaters; heat-producing, welding, or cutting devices and blowtorches; and open flame lights. No Person may use any material during Fueling operations that are likely to cause a spark or be a source of ignition.

Fueling personnel shall familiarize themselves with appropriate guidelines pertaining to Fueling operations during inclement weather.

3. Transportation of Fuel

The transportation of Fuel onto the Airport by the Permittee by any means for the purpose of commercial into-plane Fueling is prohibited.

Only commercially-recognized fuel suppliers may transport Fuel onto the Airport for the purpose of delivering Fuel into storage tanks that have been approved by the City. The transportation of fuel onto the Airport in containers of six (6) gallons or less is permitted for purposes of Self-Fueling with those containers.

To ensure safety and adequate infrastructure support, all Fuel tankers must follow the Airport access and route directions as provided by the Director of Aviation and safety and security requirements including, but not limited to, security badging and escorting for access onto the airfield as well as insurance and indemnification requirements for all Fuel delivery transport onto the Airport. All Fuel deliveries must take place in a location designated by the Director of Aviation. No Fuel deliveries are permitted in a designated non-movement area.

4. Quality

Permittee shall have sole responsibility for maintaining Fuel quality standards in all phases of Fuel operations.

5. Spills

Permittee shall maintain and provide to the Director of Aviation a current copy of its Fuel spill prevention, control and countermeasures plan (“SPCC”) as required by this Policy, as well as copies of other environmental documents related to spills as may be required by law. Pursuant to Permittee’s storage tank lease, Self-Fueling Permit, and this Policy, all Fuel spills, regardless of size or location, must be reported to the Director of Aviation. Permittee must have Fuel spill containment materials available prior to any fueling operation.

H. Personnel, Training/Safety/Inspections

Only Permittee and/or its bona fide employee(s) are authorized to Self-Fuel under a Permit issued pursuant to this Policy. In accordance with FAA policy, the City reserves the right to request documentation from Permittee to ascertain whether any Person is a bona fide employee authorized to Self-Fuel under this Policy and associated Self-Fueling Permit. The City may consider a number of factors, including the terms of any contract between the Permittee and the individual, whether the Permittee provides an IRS Form W-2 to the individual, and the type of work performed by the individual. The Permittee must demonstrate ultimate and direct control over the work. The Permittee will bear the burden of demonstrating to the City that it exercises sufficient control over the individual to meet this requirement.

All Persons conducting Self-Fueling shall be trained in safe and proper fueling procedure, including the handling, dispensing, and storage of Fuel. Initial and recurrent training shall be completed and updated in accordance with FAA Advisory Circular 150/5230-4C “Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports.” The requirements of the BTV-Airport Compliance Manual Tab 11 regarding handling and storage of hazardous substances and materials, as well as Fire Safety Fuel Standards for FBOs and the Airport’s Aircraft Fueling Vehicle and Fuel Storage inspection form requirements, are further incorporated herein by reference.

Training curriculum must be provided to the Director of Aviation upon request, and

certification of training completion must be provided to the Director of Aviation for each Permittee and/or bona fide employee conducting Self-Fueling at the time the initial training has been completed or updated, by January 1 of each year, and any other time the Director of Aviation requests said information. Other training records for all Permittees and bona fide employees must be maintained by Permittee and provided to the Director of Aviation upon request.

In addition, all Persons conducting Self-Fueling must be familiar with the requirements of this Policy and all other related and applicable laws and regulations.

I. Insurance Requirements

1. At all times while Self-Fueling, Permittee shall provide coverage with limits of liability not less than those stated below:

Aircraft and Aviation Premises Liability – including coverage for owned and non-owned aircraft. Policy shall include bodily injury and property damage coverage.

\$5,000,000 per occurrence

Motor Vehicle Liability – including coverage for bodily injury or damage to the property of others caused by the operation of an automobile, truck, and/or any other motor vehicle owned/leased/borrowed by the Permittee.

\$1,000,000 Combined Single Limit

Environmental/Pollution Liability – including coverage for bodily injury or property damage arising out of the actual or alleged release, dispersal, discharge, etc. of Fuel and other pollutants relating to Permittee’s Self-Fueling.

\$5,000,000 per occurrence

\$5,000,000 aggregate

2. All insurance policies shall be endorsed to include the following additional insureds language: “The City of Burlington shall be named as an additional insured with respect to liability arising out of the use of Airport premises”.
3. The City of Burlington shall be an additional insured to the full limits of liability purchased by the Permittee even if those limits of liability are in excess of those required by this Policy.
4. The Permittee’s insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.
5. Coverage provided by the Permittee shall not be limited to the liability assumed under the indemnification provisions of this Policy or any Self-Fueling Permit.
6. Each insurance policy shall provide the required coverage and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits except after thirty (30) days prior written notice has been given to the City. Such

notice shall be sent directly to the Director of Aviation and shall be sent by certified mail, return receipt requested, or by hand delivery.

7. All insurance must be written by an insurance company authorized to do business in the State of Vermont.
8. All certificates and endorsements are to be received and approved by the City before a Self-Fueling Permit shall issue. Each insurance policy must be in effect at or prior to the issuance of a permit and shall remain in effect for the duration of the Self-Fueling Permit. Upon Permittee's failure to maintain the insurance policies or to provide evidence of renewal, the City reserves the right to suspend Self-Fueling privileges or terminate any Self-Fueling Permit.
9. All insurance certificates shall be sent to the Director of Aviation. The Self-Fueling Permit number and description shall be noted on the certificate of insurance. The Director of Aviation reserves the right to require complete, certified copies of all insurance policies at any time.
10. The Director of Aviation, whose decision shall be final, may make any modification or variation from the insurance requirements in this Policy and Self-Fueling Permits granted pursuant thereto. Such action will not require a formal Permit amendment, but may be made by administrative action.
11. In addition to the types and amounts of insurance required above, each Permittee shall at all times maintain all other insurance as the Director of Aviation may reasonably determine to be necessary for Permittee's activities. Insurance amounts may increase in the future as determined by the Director of Aviation.

J. Indemnification

The Permittee shall agree to defend, indemnify, and hold harmless the City of Burlington, its departments and divisions including the Airport, and its employees, officials, and agents, from any and all claims, liabilities, expenses or lawsuits as a result of the Permittee's Self-Fueling and related activities, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of the Permittee or his/her agents, or whether by the acts or omissions of third persons. The Permittee further shall agree to release and discharge the City, its departments and divisions, its agents, officials, and employees, and any and all persons legally responsible for the acts or omissions of the City, from any and all claims which the Permittee has or may have against the City, its agents, officials, or employees, arising out of or in any way connected with the Permittee's use of Airport premises.

K. Disposal

Permittee shall conduct the lawful, sanitary, and timely handling and disposal of all solid waste, regulated waste, and other materials including, but not limited to, sump fuel, used oil, solvents, and other regulated waste.

L. Fees

1. Administration Fee

One Administration Fee of \$1,000 shall be paid at the time of a Self-Fueling application by an applicant for costs associated with the review and processing of the Self-Fueling application, preparation and execution of a Self-Fueling Permit, and any required lease amendment.

2. Flowage Fee and Reporting

Permittees shall pay the current flowage fee per gallon as determined by the Director of Aviation. The process and procedures for payment of these fees shall be set forth in the Self-Fueling Permit.

M. Records and Auditing

Permittee shall keep true and accurate records of its Self-Fueling operations, and comply with the records and audit provisions of the Self-Fueling Permit. Fuel purchasing and dispensing records shall be made available to the Director of Aviation upon request.

N. Application for Self- Fueling Permit

1. Application Processing

Any Person wishing to perform Self-Fueling must submit an application together with the required fee, on the form provided by the Airport, to the Director of Aviation at:

Patrick Leahy Burlington International Airport
1200 Airport Drive, Suite 1
South Burlington, Vermont 05403

The application will be reviewed by the Director of Aviation.

Final approval for Self-Fueling activity and execution of a Self-Fueling Permit rests with the Airport's Director of Aviation, which will not unreasonably withhold authorization for Self-Fueling, if the requirements of the Permittee's Lease, Airport Policies (including this Self-Fueling Policy), and the Self-Fueling Permit have been met.

2. Required Documentation

Prior to installation of Fueling Equipment, an applicant for Self-Fueling shall, at a minimum, submit the following documentation with the above-referenced application:

- A description of Fueling Equipment and method of dispensing Fuel;
- A list of the applicant's bona fide employees who will be conducting Self-Fueling, together with any other documentation requested by the Director

of Aviation to verify the employment status of those individuals; and

- Copies of applicable FAA Aircraft Registration Certificates or aircraft lease agreements for the listed aircraft that will be eligible for Self-Fueling.

If either or both of the above mentioned Fueling Equipment or aircraft are registered in the name of a corporation, limited liability company, limited partnership, or general partnership, one of the following will be provided:

- If registered in the name of a corporation, a copy of the Articles of Incorporation as filed with the State of Vermont;
- If registered in the name of a limited liability company, a copy of the Articles of Organization filed with the State of Vermont;
- If registered in the name of a limited partnership, a copy of the Certificate of Limited Partnership filed with the State of Vermont; or
- If registered in the name of a general partnership, a copy of the written partnership agreement.

After the Permit is issued, but prior to any aircraft fueling, an applicant shall submit the following documentation to the Director of Aviation to obtain authorization to conduct Self-Fueling activities:

- An original copy of a Certificate of Insurance, in the types and amounts outlined in the Self-Fueling Permit and Permittee's lease, naming the Airport as an additional named insured if applicable;
- Certification of training completion for each individual who will be conducting Self-Fueling; and
- A copy of the proof of ownership documentation for any applicable Fueling Equipment.

3. Application Denial

The City may deny an application for reasons including but not limited to the following:

- The application is incomplete or does not meet the requirements of this Policy;
- The proposed activities are likely to create a safety hazard or impede operations at the Airport;
- The activities will require the Airport to expend funds, or to supply labor or materials as a result of the applicant's activities;

- The applicant or any of its principals has knowingly made any false or misleading statements in the course of applying for this or any previously sought Self-Fueling Permit;
- The applicant or any of its principals has a prior record of violating federal, state, or local laws including those of the Airport or FAA, or is in default of payments due and owing to the Airport;
- The applicant has a history in the prior twenty-four (24) months of failing to make timely payments to the Airport;
- The applicant has not submitted or is unable to submit appropriate documentation supporting the proposed activity; or
- The proposed Self-Fueling location would be inconsistent with the City's plans for development of the Airport.

O. Approvals

Permittee shall obtain and maintain in force and effect, at Permittee's sole cost, all permits, licenses, and similar authorizations for all Self-Fueling activity, as required by any governmental authority having jurisdiction over such activity or the construction and/or siting of any Fueling Equipment. Permittee's failure to maintain such permits, licenses, and similar authorizations shall not relieve Permittee from the performance of its obligations under this Policy and the Self-Fueling Permit.

P. Suspension or Termination of the Self-Fueling Permit

The Self-Fueling Permit is subject to suspension and termination as set forth in the Self-Fueling Permit. Upon termination of the Self-Fueling Permit, all Fueling Equipment (including Fuel tanks) must be, at Permittee's sole cost, removed in compliance with all applicable laws and regulations.

A Self-Fueling Permit is subject to immediate suspension or revocation for any serious or repeated violation of any material term of this policy such as, without limitation:

- Failure to make payments in the amounts and at the times specified in this policy;
- Operation of any unauthorized commercial aviation activity, selling or attempting to sell fuel to any Person, or fueling of any aircraft other than the Permittee's authorized aircraft;
- Serious or repeated violations of any safety or environmental procedure specifically enumerated in the Self-Fueling Permit, this Policy, the Airport Policies,, or any applicable federal, state, county or local law, or standards;

- Failure to comply with any federal, state, local laws or ordinances, or Airport Policies;
- Discontinuance of Self-Fueling for a period of sixty (60) days;
- Lapse of any form of required insurance; or
- Failure to report timely and accurate records.

Q. Appeal Process

The applicant shall have the ability to appeal the denial of the application by the Director of Aviation, and a Permittee shall have the ability to appeal the suspension or revocation of a Self-Fueling Permit or any other action taken against said permit, subject to the following provisions:

- The appellant must provide written notice of appeal to the Director of Aviation within ten (10) business days of said denial, suspension, or revocation;
- The notice of appeal will be forwarded to the Board of Airport Commissioners (“Airport Commission”) who will hold a due process hearing to consider the appeal;
- The appellant will have the right to be represented by counsel at said hearing and to call and cross examine witnesses;
- The appellant shall be present at the hearing to justify the appeal. If the appellant is not present, the City’s denial, suspension, revocation, or any other action being appealed shall remain unchanged;
- The decision of the Airport Commission shall be final.

R. Conflicting Regulations

Where a conflict exists between any of the regulations, limitations, or restrictions prescribed or adopted hereunder or with a provision of the zoning, building, safety, fire, health or other ordinances or code of South Burlington, and any other regulations, the higher standard and more stringent limitation or requirement for the promotion and protection of the health and safety of the people shall govern and prevail as determined by the Airport Commission. The definition of conflicting regulations shall include laws, ordinances, regulations, contracts and agreements.

S. Assignment

Permittee shall not assign any of its rights or obligations under a Self-Fueling Permit. Any attempt to assign, sell, transfer or encumber the Self-Fueling Permit shall be void *ab initio* and grounds for immediate termination of the Self-Fueling Permit.

T. Non-exclusive Rights

Nothing contained in a Self-Fueling Permit shall be construed to grant or authorize the granting of an exclusive right within the meaning of 49 U.S.C. §40103(e). Self-Fueling Permits are non-exclusive and nothing herein shall prohibit the City from permitting other users to enter into similar arrangements with the City, and the City expressly reserves the right to do so.

U. Environmental Responsibility and Compliance

Permittee shall comply with all Environmental Laws in its performance of Self-Fueling and activities on the Airport.

If a Permittee is deemed to be a generator of hazardous waste, as defined by Environmental Law, Permittee shall obtain an EPA identification number and the appropriate generator permit and shall comply with all Environmental Laws imposed upon a generator of hazardous waste including, but not limited to, ensuring that the appropriate transportation and disposal of such materials are conducted in full compliance with Environmental Law.

Permittee shall notify the City of South Burlington Fire Department and the Director of Aviation immediately of (a) any Fuel leakage or spill of two (2) gallons or greater or (b) spill of Hazardous Materials. Permittee shall provide a written fuel and oil spill report to the Director of Aviation of any fuel leakage or spill of one (1) gallon or greater within seventy-two (72) hours of the occurrence or in the event any substance enters into a storm drain system. Permittee will use approved forms provided by the Airport. Permittee shall immediately clean up any spill or leak of any Fuel or Hazardous Material.

If the City receives a notice from any governmental authority asserting a violation by Permittee of any Environmental Law, or if the City otherwise has reasonable grounds upon which to believe that such a violation has occurred, the City or its duly appointed consultants shall have the right, but not the obligation, to enter the area designated for Permittee's Self-Fueling, and perform environmental site assessments for the purpose of determining whether there exists any environmental condition that could result in any liability, cost or expense to the City. If Permittee receives a Notice of Violation or similar enforcement action or notice of noncompliance, Permittee shall provide a copy of same to the City within three (3) days of receipt by Permittee.

Upon any expiration or termination of a Self-Fueling Permit, Permittee shall demonstrate to the City's reasonable satisfaction that Permittee has removed any Hazardous Materials and is in compliance with applicable Environmental Laws. Such demonstration may include, but is not limited to, independent analysis and testing to the extent that facts and circumstances warrant analysis and testing. Permittee shall bear all costs and responsibility for the required clean up, and shall hold the City harmless therefrom.

V. Severability

If any of the terms, rules, regulations or restrictions in this Policy is ruled invalid or unenforceable by any court or agency of competent jurisdiction, then the remaining terms, rules, regulations or restrictions shall remain in full force and effect.

W. Subordination

Any rights herein granted to the Permittee are subject and subordinate and/or junior to any rights of the Federal Government concerning the City's ownership, management, and operation of the Airport including, but not limited to, any rights accruing to the Federal Government as a condition of federally assisted grant programs accepted by the City.

X. Term of Permit

The term of a Self-Fueling Permit issued hereunder shall be for one (1) year in duration and renewable thereafter on an annual basis.

Y. Revisions of Self-Fueling Policy

The City reserves the right to add, change, modify or delete this Policy as necessary.