

Watford city Airport Authority

Fueling Policy

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1. Definitions

For purposes of this Section the following terms have the meanings ascribed to them below:

- 1.1. Fuel. All flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine. This shall include any substance (solid, liquid, or gaseous) used to operate any engine, which shall include aircraft or vehicles.
- 1.2. Authority. The Watford City Municipal Airport Authority
- 1.3. Fueling. The transportation, sale, delivery, dispensing, storage, or draining of Fuel or Fuel waste products to or from aircraft, vehicles, or equipment.
- 1.4. Fueling Equipment. Equipment installed and/or used in Fueling, including Fuel storage tanks, pumps, piping, and associated equipment, such as filters, water separators, hydrants, dispensing equipment and station.
- 1.5. Permittee. An Airport Tenant, or its employee(s), authorized to perform Fueling pursuant to a Fueling Permit.
- 1.6. Person. An individual, firm, partnership, corporation, trust, association, group, trustee, receiver, or any other organization.

2. Purpose

The purpose of this Fueling Agreement is to lay out the terms and conditions of the relationship between the Authority and Permittee.

3. General Policy and Requirements

Pursuant to Watford City Municipal Airport Minimum Standards, only Full Service Fixed Base Operators are permitted to provide any type of retail fueling (in addition to the Authority). All other Fueling activity is prohibited, unless conducted in accordance with the terms of a Self-Fueling Policy.

A Permittee may perform Fueling activities at the Watford City Airport at which Permittee holds a valid land or building lease and in compliance with the requirements set forth in this Fueling Policy (and any amendments thereto).

The Permittee shall comply with all applicable requirements set forth in: this Fueling Policy (and any amendments thereto), and the Fueling Permit, at all times. Failure to comply with all applicable requirements will result in suspension or termination of the Fueling Permit, as described in the Fueling Permit. The terms of this Fueling Policy, as modified or amended, shall be deemed to be a part of each Fueling Permit unless otherwise provided in the Fueling Permit.

4. Fueling Operations

4.1. 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 and regulations and requirements, including North Dakota state and local fire code regulations. (No exceptions to the North Dakota state fire code regulations may be made by local officials, particularly as such exceptions relate to separation requirements.) The Permittee shall provide evidence of compliance to the Airport Manager upon request.

4.2. Pre-Approval and General Requirements

Installation of Fueling Equipment (including Fuel tanks) is subject to the requirements of the Permittee's Lease and Minimum Standards.

Permittee shall not install any Fueling Equipment (including Fuel tanks) without prior written approval of the Airport Manager. Permittee must obtain all applicable permits and approvals from the city or other appropriate entities prior to installation of Fueling Equipment.

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

4.3. Facility Construction and Maintenance

Fuel storage facilities are presently owned by Authority. In the event a Fueling Permittee desires to construct a fuel storage facility, it shall submit construction plans to Authority for approval. Any new facility shall be above ground, located in the Airport fuel farm location.

Permittee shall maintain any and all FBO-owned or leased fuel storage facilities and equipment in compliance with all applicable Laws, as well as clean, neat, orderly and fully functional condition consistent with good business practice and equal to or better than in appearance and character, other similar improvements on the airport.

Storage facilities shall be constructed and maintained in compliance with all applicable Laws, standards, and plans including without limitation the Storm Water Pollution Prevention Plan as well as the Spill Prevention Contingency and Control Plan (or similar plans of equal or higher standards approved by Authority and the North Dakota Department of Health).

4.4. Fueling Vehicles

All fuel trucks (vehicles), including fuel delivery systems, shall be in compliance with all applicable Laws and shall be subject to inspection by Authority. Specifically, without limitation, Licensee shall comply with State of North Dakota Fire Code and locate fire district and applicable

FAA Advisory Circulars (AC) including AC 00-34 "Aircraft Ground Handling and Servicing" and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".

Licensee shall immediately repair or replace defective or malfunctioning equipment, including but not limited to, hoses, pumps, meters, nozzles, and any other equipment related to the fueling system.

4.5. Personnel

Adequately trained line service and aircraft fueling personnel will be on duty on the site during normal business hours and available on call any other time. Line service personnel shall participate in fire safety training. Additional reasonable airport emergency training deemed appropriate by the Airport may be requested from time to time.

4.6. Purchase of Fuel from Authority

In the event Permittee will purchase fuel from Authority, the parties shall enter into a Fuel Purchase Agreement.

4.7. Tanks

In the case of a Permittee that holds a Fuel Storage Lease, such Permittee and Authority must enter into an amendment to Permittee's Lease allowing for installation of a Fuel storage tank, prior to the installation of a Fuel storage tank.

Only aboveground storage tanks will be allowed, unless Authority determines that aboveground tanks are not feasible based on space or another reasonable justification.

All new Fuel tank installations shall meet applicable fire code requirements and the requirements set forth below:

4.7.1. Aboveground Storage Tanks ("AST")

- AST must be a minimum capacity of five hundred (500) gallons.
- ASTs must be stationary and located outdoors within a Permittee's Leased Property.
- Secondary containment is required for the entire AST system (including any/all tanks, piping, dispensers or other appurtenances), in accordance with applicable 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 State and Federal requirements.
- Secondary containment systems must be based on good engineering practices; such as use of an oil/water separator (OWS).
- The AST must meet all applicable State and Federal AST requirements.
- The AST must meet all applicable State and Federal Spill Statute Requirements.

- The AST must meet all applicable Spill Prevention, Control and Countermeasure (“SPCC”) requirements prior to operation. All ASTs, regardless of size, however, must meet, at a minimum, the requirements of 40 CFR 112.
- Associated compliance permits/plans, whether State, Federal, City or County, must be established and in place prior to the AST becoming operational. A copy of these permits/plans must be provided to the Authority upon request.

4.8. Location

The location of Fueling Equipment must be approved by the Airport Manager, prior to installation, and shall not pose any safety hazards or impede Airport operations.

All pavements on the Permittee’s Leased Property must be appropriately designed, constructed, and maintained by the Permittee for the appropriate use.

4.9. 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 Fueling contract (as now or hereafter amended). Maintenance on Fueling Equipment owned by Authority shall be split pro-rata based on the number of gallons each Permittee (including the Authority) flows through such Fueling Equipment owned by the Authority.

4.10. Meters

All Fueling Equipment shall be equipped with 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 Fueling Policy and for leak detection purposes.

4.11. Labeling

All Fueling Equipment shall be prominently labeled in large block letters indicating the following information:

Type of Fuel stored or dispensed;

- Capacity
- “NO SMOKING”;
- “FLAMMABLE”;

All piping, lines, and delivery points must be labeled in accordance with applicable State regulations.

4.12. Mobile Fueling Vehicles

Mobile Fueling vehicles are allowed.

4.13. Safety Equipment

The Permittee shall provide an adequate supply of properly located, type, size and operable fire extinguishers and other safety equipment. There shall be at least one fire extinguisher having a minimum rating of 20-B:C accessible within 50 feet during 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 ground handling vehicles as required by appropriate fire codes for the type of operations conducted.

4.14. Inspections

Permittee shall give Authority and the local fire authority access to Permittee's Fueling Equipment on the Airport for the purpose of inspecting the Fueling Equipment. Inspections shall be conducted in accordance with fueling policies. Fuel records shall also be subject to inspection as described in the Fueling Permit. 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 Fueling.

Permittee shall maintain current records of Permittee's quality control checks and inspections of Fueling Equipment, and shall provide copies of such records to the Airport Manager upon request.

5. Fueling Procedures

5.1. Location

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

5.2. Standard Operating Procedures

Permittee shall develop and maintain Standard Operating Procedures (“SOP”) for Fueling operations and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34 “Aircraft Ground Handling and Servicing.” 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 Airport Manager upon request. Permittee shall also comply with FAA Advisory Circular 150/5230-4B “Aircraft Fuel Storage, Handling, and Dispensing on Airports”, and all other applicable Federal, State and local laws and regulations, including those of Watford City Airport, related to Fueling, including the handling, dispensing, sale and storage of Fuel.

Prior to making any Fueling connection to the 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.

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.

Positive control of Fuel flow must be maintained at all times.

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 National Fire Protection Association (N.F.P.A.) regulation, is prohibited. Aircraft shall not be fueled while any aircraft engine is running except in accordance with N.F.P.A. 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 or Fueling Equipment 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.

5.3. Transportation of Fuel

Only commercially-recognized Fuel suppliers may transport Fuel onto the Airport for the purpose of delivering Fuel into storage tanks.

To ensure safety and adequate infrastructure support, all Fuel tankers must follow the airport access and route directions as provided by the Airport Manager.

5.4. Quality

Permittee shall have sole responsibility for maintaining Fuel quality standards in all phases of Fuel operations. Permittee shall provide consumers with fuel that is clean, bright, pure, and free of microscopic organisms, water, and other contaminants meets the requirements of the manufactures' specifications.

5.5. Hours of Operation

Unless otherwise stated in the Minimum Standards, Permittee shall be required to remain open during normal business hours, five (5) days each week, and be on call, all other times, for emergency services, with response time not to exceed one hour.

Operator hours of activity and contact information will be clearly posted in public view using appropriate and professional signage approved in advance by Authority.

Unless otherwise stated in the Minimum Standards, Operator's services shall be continuously offered and available to meet reasonable demand of customers.

5.6. Environmental Compliance

5.6.1. Compliance with Regulations

The Operator shall use suitable and environmentally acceptable facilities and practices specific to its Activity that addresses maintenance, including washing and cleaning of aeronautical devices and a means for the legal sanitary handling and disposal of all pollutants, hazardous products, trash, waste and other materials, including but not limited to used fuel, oil, solvents, electrical components, pesticides, chemicals and other waste, in accordance with City code, as well as being in compliance with Federal and State of North Dakota codes, rules and regulations.

5.6.2. Prevention Contingency and Control Plan ("Plan")

The Operator shall have a written Plan that sets forth and meets regulatory measures to address emergency actions to be taken specific to the Operator's Activity, including but not limited to those emergencies and disasters pertaining to: clean up and control of any spills of fuel, oil and chemical; electrical related hazards; medical emergencies; and equipment failures causing impending danger to individual(s) or property. An updated copy of the Plan shall be filed with the Airport Manager or Authority at least 30 days prior to commencing operations. In lieu of providing such a Plan, the Operator has the option of accepting Authority's Storm Water Pollution Plan. In the event the Operator adopts this Plan, the Operator shall sign the Plan as required by Authority.

5.6.3. Reporting Spills

All Operators shall immediately inform the Airport Manager and all emergency service agencies in the event of a fuel or oil spill, and immediately provide personnel to help contain the spill. Equipment Repairs: All Operators shall repair or replace all defective or malfunctioning equipment, including but not limited to, hoses, pumps, meters, nozzles, and any other equipment related to the fueling system of any device.

6. Training

All Permittees and their employees conducting Fueling shall be trained in safe and proper Fueling procedure, including the handling, dispensing, and storage of Fuel. Training shall be completed and updated in accordance with FAA Advisory Circular 150/5230-4B "Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports." Training curriculum must be provided to the Airport Manager

upon request, and certification of training completion must be provided to the Airport Manager for each Permittee and employee conducting Fueling at the time the training has been completed or updated. Training records for all Permittees and employees must be maintained by Permittee and provided to the Airport Manager upon request.

In addition, all Permittees and their employees conducting Fueling shall be familiar with the requirements of this Fueling Policy and all other related and applicable laws and regulations as identified herein.

7. Insurance Requirements

Permittee shall provide the required insurance as set forth in the Fueling Permit.

8. 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.

9. Fees

9.1. Flowage Fee and Reporting

The Permittee shall pay the applicable fuel flowage fees and submit payments and reports as set forth in the Fuel Permit.

10. Records and Auditing

Permittee shall keep true and accurate records of its Fueling operations, and comply with the BOOKS AND RECORDS & RIGHT TO AUDIT provisions of the Fueling Permit.

11. Application for Fueling Permit

11.1. Application Processing

The application will be reviewed by the Authority.

Final approval for Fueling activity and execution of a Fueling Permit rests with the Authority. The Authority will not unreasonably withhold authorization for Fueling, if the requirements of the Permittee's Lease, the published Minimum Standards, these Policies (including this Fueling Policy), and the Fueling Permit have been met.

11.2. Required Documentation

Prior to installation of Fueling Equipment, an applicant for 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 employees who will be conducting Fueling

12. Approvals

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

13. Suspension or Termination of the Fueling Permit

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