



City of Phoenix Aviation Department Rules & Regulations

Number: R&R 02-09

Authority: These Rules and Regulations are promulgated pursuant to Phoenix City Code, Chapter IV, Article I, Section 4-2.

Rule and

Regulation: Minimum Standards – Self Fueling

Purpose: These Rules and Regulations govern the Self-Fueling permits established at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport. They are designed and intended to facilitate a safe and efficient operating environment for the Airports and their users. All persons shall comply with these Rules and Regulations, restrictions and conditions at all times.

The information and requirements defined in these Rules and Regulations have been derived from Federal Aviation documents and Fire Department Regulations, City of Phoenix Ordinances and the City of Phoenix Aviation Department Rules and Regulations. All amendments to these documents shall be considered as included in, and all definitions shall be interpreted on the basis and in consideration of, the intentions of these documents.

Definitions: Definitions for terms used in these and all other City of Phoenix Aviation Department Minimum Standards Rules and Regulations shall be enclosed by parenthesis or quotation marks or reflected in Section I "Definitions". Terms which are not enclosed by parenthesis or quotation marks nor listed in Section I "Definitions" shall be construed using the common meaning as they apply to generally known aviation industry standards.

Application of Rule and

Regulation: Any person authorized to perform self-fueling activities at an Airport (hereinafter referred to as the "Permittee" or a "Bona fide employee") must comply with all applicable requirements concerning such activities as set forth in these Rules and Regulations and any amendments thereto.

The draining and re-dispensing of the same drained fuel associated with owner performed maintenance as permitted by FAR Part 43 is not considered a self-fueling activity under this Minimum Standard.



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These Rules and Regulations, as modified or amended, shall be deemed to be a part of each Self-Fueling Permit unless otherwise provided in the Permit. The mere omission of any particular standard from a written permit shall not constitute a waiver or modification of such standard in the absence of clear and convincing evidence that the City intended to waive or modify such standard.

Standards

Except as may be prohibited by other provisions of these Rules and Regulations and any other applicable law, owners of one or more aircraft who desire to conduct self-fueling activities must apply for and must receive a Self-Fueling Permit from the Aviation Department **prior** to the performance of any self-fueling activities. Flying Clubs wishing to self-fuel must obtain a Self-Fueling Permit in the name of the Flying Club **prior** to self-fueling. Self-fueling shall be allowed only after the Permittee or the Permittee's bona fide employee has attended a fuel handler's class, has been tested regarding fire and safety procedures, and has been issued a Fuel Handlers Card by the City of Phoenix. During self-fueling operations, all fuelers shall have their valid and current City issued Fuel Handlers Card in his/her possession, and shall display the card to the City's designated representative upon request.

Permittee's fuel dispensing activities shall consist of and be limited to self-fueling by the Permittee or the Permittee's bona fide employee of aircraft and fueling equipment which the Permittee owns or exclusively leases for its own use of one (1) year or more. **Self-Fueling Co-Ops are prohibited.**

Permittee or its bona fide employee must transport and dispense the Permittee's own products.

Fueling is permitted into approved aircraft and ground service equipment only. Fueling of non-aviation vehicles including jet skis, boats, automobiles, recreational vehicles, all-terrain vehicles, and sand rails shall not be permitted.

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

Unauthorized storage of fuel dispensing equipment is not permitted on airport property.



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Fuel trucks used for self-fueling may be parked overnight on the Airport only with prior written authorization from the Aviation Director or his/her designee.

Self-fueling equipment will operate only on the established roadways and routes on the Airport as designated by the Aviation Director or his/her designee. Fueling operations are restricted to specific locations as designated by the City in accordance with City of Phoenix Aviation Department guidelines.

Commercial dispensing of fuel products under a Self-Fueling Permit is prohibited.

Permittee is obligated to meet the requirements outlined in Attachment A - Self-Fueling Containment Categories.

Equipment

Permittee shall give the City of Phoenix Aviation and Fire Departments access to Permittee's Self-Fueling equipment on the Airport for the purpose of inspecting the equipment. Fuel storage and dispensing records shall be subject to inspection by the Aviation Department upon reasonable notice. Such inspection may include, but not be limited to, taking meter readings, and reviewing and inspecting fuel storage records, fueling apparatus, training records, emergency equipment, and any and all material for safe fuel handling.

Permittee shall utilize his/her own fuel dispensing equipment that has been pre-approved by the City. Permittee shall, at its own expense, maintain and keep his/her fuel dispensing equipment in a safe operating condition. Permittee's equipment shall be subject to inspection by the City. Use of equipment not inspected by the City or not owned or exclusively leased by Permittee is prohibited.

It is the responsibility of the Permittee to ensure all equipment conforms to, and is in compliance with Federal and State Department of Transportation regulations, where applicable.

Permittee's fuel dispensing equipment shall be maintained in a serviceable, clean and non-leaking condition. All self-fueling equipment



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with a capacity of more than 150 gallons shall be equipped with approved dispensing meters. Meters shall be calibrated and sealed in accordance with State of Arizona requirements.

Piping, hoses, pumps, tanks and equipment used in the dispensing or transfer of Class I, Class II, and Class III-A flammable and combustible liquids shall be listed¹ or approved² for the intended use.

There shall be at least one fire extinguisher having a minimum rating of 20-B:C accessible within 50 feet during fueling operations. Tanker trucks shall have a minimum of two fire extinguishers of a type and in a location which conform to N.F.P.A. 407 standards.

Fuel containers of six (6) gallon or less shall be in an approved² metal container in conjunction with a metal funnel to provide proper bonding.

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.

All aviation fueling equipment with a capacity of more than six (6) gallons shall be prominently labeled in large block letters indicating the following information:

- Type of fuel stored or dispensed;
- "NO SMOKING";
- "FLAMMABLE";
- Tail numbers (N#s) of all aircraft authorized to receive fuel from said equipment.

Aircraft and Self-Fueling Equipment Ownership

The aircraft being fueled, and all equipment used to fuel said aircraft, must be owned or used under an exclusive lease agreement by the Permittee.

¹ Equipment or materials are listed if they are included on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation. The listing states that the equipment or materials meet nationally recognized standards and have been tested and have been found suitable for the intended use.

² Approved refers to approval by the Fire Chief as the result of review investigation or tests conducted by the Fire Chief or by reason of accepted principals or tests by national authorities or industry accepted technical or scientific organizations.



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Documentation to prove ownership of aircraft and self-fueling equipment, including vehicles used for product transport, will be submitted with the Self-Fueling Permit application and kept current for the duration of the Permit. Permittee shall notify the City, and provide updated proof of ownership documentation reflecting any changes in status of ownership of aircraft or self-fueling equipment within ten (10) business days. If as a result of the change in ownership, the Permittee no longer has any aircraft identified on the permit, then the permit will automatically terminate in ninety (90) days, unless the Permittee notifies the City of a replacement aircraft within in the ninety (90) days.

An aircraft qualifies as an exclusively leased aircraft for the purposes of these Rules and Regulations if title is held by other persons or entities and use is exclusive and pursuant to a lease of one (1) year or more.

Inspections

The City of Phoenix Fire Department together with the Aviation Department shall inspect all fueling equipment with a containment capacity in excess of six (6) gallons for compliance as reflected in Attachment A - Self-Fueling Containment Categories or at the discretion of the Fire Chief or the Aviation Director or his/her designee in accordance with City guidelines. A City issued container inspection decal indicating compliance shall be displayed on all fueling equipment prior to and during all self-fueling operations except for pre-approved containers of six (6) gallons or less.

Fuel Dispensing

All self-fueling operations will be performed at a suitable location as designated by the Aviation Director or his/her designee. At no time will fueling operations be conducted within twenty-five (25) feet of a hangar.

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 to equalize the potential between the fueling equipment and the aircraft. The bond shall be maintained until fueling connections have been removed. Permittee's performing self-fueling operations using containers with a capacity of six (6) gallons or less are exempt from this requirement.



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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.

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

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.

Equipment used for performing fueling functions shall not be positioned within a 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, equipment shall not be positioned under the trailing edge of the wing.

No person will smoke within one hundred (100) feet of the aircraft during any fueling operation.

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;
- Open flame lights.

Hot fueling of helicopters, except as provided under National Fire Protection Association (N.F.P.A.) regulation, are 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.



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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. When a medical patient is on-board, a fire truck must be standing by and positioned in such a way as to have the ability to immediately fight a fire.

All fuel spills, regardless of size or location, must be reported to the Aviation and Fire Departments so that the spill can be dealt with in a safe and expeditious manner.

Permittee must have fuel spill containment of materials available prior to any fueling operation.

Fueling operations will be suspended upon activation of the airfield lightening detection system and resumed only after the 'all-clear' signal has sounded. Fueling personnel will familiarize themselves with airfield regulations pertaining to fueling operations during inclement weather.

Application Processing

Applications for Self-Fueling Permits will be submitted to the Airport Manager.

The City of Phoenix Aviation Department, in accordance with Phoenix City Code, shall be responsible for processing, and approving or denying applications for Self-Fueling activities at the Airport. The Aviation Department will make its best effort to process applications within thirty (30) days of submittal.

Required Documentation

The Applicant shall, at a minimum, submit the following documentation with the above referenced application:

- an original copy of Applicant's current and valid driver's license reflecting any applicable ratings or endorsements;
- a description of fueling equipment and method of dispensing fuel;
- an original copy of a Certificate of Insurance, in the types and amounts outlined herein, naming the City as an additional named insured if applicable;



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- a list of the Applicant's bona fide employees' valid and current Fuel Handler's Card(s);
- a copy of the proof of ownership documentation for any applicable fuel dispensing equipment; and
- copies of applicable Federal Aviation Administration (FAA) Aircraft Registration Certificates or aircraft lease agreements for the listed aircraft.

If either or both of the above mentioned equipment or aircraft are registered in the name of a corporation, LLC, 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 Arizona Corporation Commission;
- if registered in the name of a limited liability company, a copy of the Articles of Organization filed with the Arizona Corporation Commission;
- if registered in the name of a limited partnership, a copy of the Certificate of Limited Partnership filed with the Arizona Secretary of State; or
- if registered in the name of a general partnership, a copy of the written partnership agreement;

Application Denial

The City may deny any application if it is determined that:

- the Applicant does not meet the qualifications and standards set forth in Chapter 4 of the Phoenix City Code, the Rules and Regulations of the Aviation Department;
- the proposed activities are likely to create a safety hazard at the Airport;
- the activities will require the City to expend funds, or to supply labor or materials as a result of the Applicant's activities, or will result in a financial loss to the Airport;
- 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 permit;
- the Applicant or any of its principals has a prior record of violating federal, state, or local laws including Chapter 4 of the Phoenix City Code, Aviation Department Rules and Regulations, including these



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Minimum Standards, Federal Aviation Regulations or is in default of payments due and owing the City;

- the Applicant has a history in the prior twenty-four (24) months of failing to make timely payments to the City of Phoenix; or
- the Applicant has not submitted or is unable to submit appropriate documentation supporting the proposed activity.

Termination of Self-Fueling Permit

The Self-Fueling Permit may be cancelled by the Permittee upon ten (10) days written notice. The Aviation Director or his/her designee may cancel the Permit for non-compliance with the Aviation Department Rules and Regulations, including for non-payment of associated fees. In addition to revocation through the Notice of Violation (NOV) Program, the Aviation Director or his/her designee may cancel the Permit without cause upon ten (10) days written notice or effective immediately where such action is necessary for public health, safety or welfare in the operation of the Airport as determined in the sole discretion of the Aviation Director or his/her designee.

The City may terminate the permit immediately if the Permittee fails to maintain the required insurance.

Appeal Process

The Applicant shall have the opportunity to appeal the denial, suspension or revocation of a permit in accordance with the City of Phoenix Aviation Department Minimum Standards and Notice of Violation (NOV) Program.

Terms of Permit

The terms of the Self-fueling Permit shall be month-to-month and subject to renewal on an annual basis in accordance with Phoenix City Code.

Records and Auditing

With respect to its self-fueling operations on the Airport, Permittee shall, in accordance with Attachment A - Self-Fueling Containment Categories, keep true and accurate records which shall be made available to the City at a location in Phoenix, Arizona for audit within ten (10) days after City's written request for production of said records. Records shall be retained



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for a minimum period of five (5) years from the date of the last City audit. The City or its authorized representatives shall have the right at reasonable times and during business hours to inspect and examine Permittee's records related to the Permit.

In the event a discrepancy is determined to exist for the period of an audit, the City shall allow Permittee ten (10) business days to review the City's audit findings and provide comments to the City.

After considering all comments received, if City still finds that a discrepancy exists, Permittee shall promptly pay the cost of City's audit. "Discrepancy" means that the audited fees exceed the reported fees by two percent (2%) or more. The amount of any such deficiency established by the audit shall be conclusive and binding upon the parties and shall be paid by Permittee no later than ten (10) business days from the date a bill therefore is received by Permittee. Should the audit reveal that Permittee has overpaid the fees due by two percent (2%) or more, City shall promptly refund to Permittee the amount overpaid.

Fees

Permit Fee – Permittee shall pay at the time of application, and on an annual basis thereafter if applicable for the duration of the Permit, a Permit Fee as established by the Aviation Director or his/her designee in accordance with the Phoenix City Code.

Flowage Fee – Permittee's utilizing containers with a capacity in excess of 150 gallons shall pay to the City on or before the tenth (10th) calendar day of each month a Flowage Fee, as outlined in Attachment A - Self-Fueling Containment Categories. The flowage fee shall be in the amount of **eight percent (8%)** per gallon based on Permittee's cost, excluding taxes, of aviation fuel delivered into Permittee's aircraft and/or ground service equipment on the Airport for the immediate past month.

The Flowage Fee shall be accompanied by a daily log listing the quantity and types of fuel dispensed into authorized aircraft by N#(s) for the prior month along with payment in the amount of the fuel pumped times the then current flowage fee.

Fees are subject to revision or adjustment at the sole discretion of the Aviation Director or his/her designee in accordance with Phoenix City Code.



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Environmental Compliance

Definitions: For purposes of this Section:

“Environmental Laws” means those laws promulgated for the protection of human health or the environment, including but not limited to, the following as the same are amended from time to time: the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [CERCLA], 42 U.S.C. Sections 9601 et seq., as amended by the Superfund Amendment and Reauthorization Act [SARA]; the Solid Waste Disposal Act [SWDA], 42 U.S.C. Sections 6901 et seq., as amended by the Resource Conservation and Recovery Act [RCRA] including Subtitle I, Underground Storage Tanks; the Toxic Substances Control Act [TSCA], 15 U.S.C. Sections 2601 et seq.; the Public Health Service Act (Title XIV) [PHSA] a.k.a. the Safe Drinking Water Act [SDWA] and SDWA Amendments of 1996, 42 U.S.C. Sections 300f et seq.; the Federal Water Pollution Control Act [FWPCA], as amended by the Clean Water Act, 33 U.S.C. Sections 1251 et seq.; the Clean Air Act, 42 U.S.C. Sections 7401 et seq.; Title 49 of the Arizona Revised Statutes, including the Arizona Environmental Quality Act, A.R.S. Sections 49-201 et seq.; the Arizona Hazardous Waste Management Act, A.R.S. Sections 49-921 et seq.; the Arizona Underground Storage Tank Regulation Act, A.R.S. Sections 49-1001 et seq.; the Arizona Solid Waste Management Act, A.R.S. Section 49-701 et seq.; the Occupational Safety and Health Act of 1970 as amended, 29 U.S.C. Sections 651-678 and the regulations promulgated there under and any other laws, regulations and ordinances (whether enacted by local, state or federal government) now in effect or hereafter enacted, that provide for the regulation or protection of human health or the environment, including the ambient air, ground water, surface water, and land use, including substrata soils.

“Regulated Substances” means:

- a. Those substances identified or listed as a hazardous substance, pollutant, hazardous material, and petroleum, in CERCLA/SARA; the Hazardous Materials Transportation Act, 49 U.S.C. Sections 5101 et seq.; RCRA, Subtitle I, Regulation of Underground Storage Tanks, 42 U.S.C. Sections 6991 through 6991i; and in any rule or regulation adopted to implement said statutes.



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- b. Those substances identified or listed as a hazardous substance, pollutant, toxic pollutant, petroleum, or as a hazardous, special, or solid waste in the Arizona Environmental Quality Act, A.R.S. Sections 49-201 et seq., including but not limited to, the Water Quality Assurance Revolving Fund Act [WQARF], A.R.S. Sections 49-281 et seq.; the Solid Waste Management Act, A.R.S. Sections 49-701 et seq.; the Underground Storage Tank Regulation Act, A.R.S. Sections 49-1001 et seq.; A.R.S. Sections 49-851 through 49-868 pertaining to Management of Special Waste; the Hazardous Waste Management Act, A.R.S. Sections 49-921 et seq.; and any rule or regulation adopted to implement said statutes.
- c. All Substances, materials and wastes that are, or that become, regulated, or that otherwise are classified as hazardous or toxic, under any Environmental Law during the term of a Permit.

"Release" means any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing or dumping.

As used in this Article, the term "premises" means Permittee's leasehold and/or any part or portion of the Airport where Permittee or its employees or agents causes to occur a release of a regulated substance.

Compliance

Permittee shall not cause or permit any regulated substance to be used, generated, manufactured, produced, stored, brought upon, or released on, or under the Airport, or transported to or from the Airport, by Permittee, its agents, employees, contractors, invitees or a third party in a manner that would constitute or result in a violation of any Environmental Law or that would give rise to liability under an Environmental Law.

Permittee may provide for the treatment of certain discharges regulated under the City of Phoenix pretreatment ordinances pursuant to Chapter 28 of the Phoenix City Code or such other ordinances as may be promulgated and the Federal Clean Water Act, 33 U.S.C. Section 1251 et seq.

Permittee shall indemnify, defend and hold harmless, on demand, City, its successors and assigns, its elected and appointed officials, employees,



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agents, boards, commissions, representatives, and attorneys, for, from and against any and all liabilities, obligations, damages, charges and expenses, penalties, suits, fines, claims, legal and investigation fees or costs, arising from or related to any claim or action for injury, liability, breach of warranty or representation, or damage to persons, the environment or premises and any and all claims or actions brought by any person, entity or governmental body, alleging or arising in connection with contamination of, or adverse effects on, human health or the environment pursuant to any Environmental Law, the common law, or other statute, ordinance, rule, regulation, judgment or order of any governmental agency or judicial entity, which are incurred or assessed as a result, whether in part or in whole, of any use of the Airport during the term of the Permit or any previous lease or uses of the Airport by Permittee or its owners or affiliated entities, agents, employees, invitees, contractors, visitors or licensees. Regardless of the date of termination of the Permit, Permittee's obligations and liabilities under this Section shall continue so long as City bears any liability or responsibility under the Environmental Laws arising from Permittee's use of the Airport during the term of the Permit. This indemnification of City by Permittee includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial actions, removal or restoration work required or conducted by any federal, state or local governmental agency or political subdivision because of regulated substances located on the Airport or present in the soil or ground water on, or under the Airport.

Without limiting the foregoing, if the release by Permittee of any regulated substance on or under the Airport results in any contamination of Airport property, Permittee shall promptly take all actions at its sole cost and expense that are necessary to mitigate any immediate threat to human health or the environment. Permittee shall then undertake any further action necessary to return the contaminated site to the condition existing prior to the introduction by Permittee of any regulated substance; provided that City's approval of such actions shall first be obtained. Permittee shall undertake such actions without regard to the potential legal liability of any other person; however, any remedial activities by Permittee shall not be construed to impair Permittee's rights, if any, to seek contribution or indemnity from another person.

Permittee shall, at Permittee's own cost and expense, make all tests, reports, studies and provide all information to any appropriate governmental agency as may be required pursuant to the Environmental



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Laws pertaining to Permittee's use of the Airport. This obligation includes but is not limited to any requirements for a site characterization, site assessment and/or remediation plan that may be necessary due to any actual or potential spills or discharges of regulated substances on or under the Airport during the term of this Permit. At no cost or expense to City, Permittee shall promptly provide all information requested by City pertaining to the applicability of the Environmental Laws to the Airport, to respond to any governmental investigation, or to respond to any claim of liability by third parties which is related to environmental contamination.

In addition, City shall have the right to access, within ten (10) days of Permittee's receipt of written request, and copy any and all records, test results, studies and/or other documentation, other than trade secrets and legally privileged documents, regarding environmental conditions relating to the use, storage, or treatment of regulated substances by Permittee on or under the Airport.

Permittee shall immediately notify the Aviation Director or his/her designee of the following:

- a. Any correspondence or communication from any governmental agency regarding the application of Environmental Laws to the Airport or Permittee's use of the Airport;
- b. Any change in Permittee's activities on the Airport that will change or have the potential to change Permittee's or City's obligations or liabilities under Environmental Laws;
- c. Any assertion of a claim or other occurrence for which Permittee may incur an obligation under this Section.

Permittee shall at its own expense obtain and comply with any permits or approvals that are required or may become required as result of any use of the Airport by Permittee, its agents, employees, contractors, invitees, and assigns.

The foregoing Rule and regulation is hereby adopted and promulgated this 1st day of October 2004.


David Cavazos, A.A.E.
Acting Aviation Director


Nancy Kesteloot *CS*
Assistant City Attorney



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Attachment A - Self-Fueling Containment Categories

	6 Gallons or Less	7-150 Gallons	151 - 1,320 Gallons	1,321 Gallons and Over
Fuel Handlers' Training	Initial	Every 2 Years	Every 2 Years	Every 2 Years
Fuel Equipment Inspections	Initial Only	PHX - 90 days DVT - Annual GYR - Annual	PHX - 90 days DVT - Annual GYR - Annual	PHX - 90 days DVT - 180 days GYR - 180 days
Dispensing Meters	Not Required	Not Required	Required	Required
Fuel Storage Records Audit	Not Required	Not Required	Required	Required
Container Inspection Decal	Not Required	Required	Required	Required
Tail Number of Approved Aircraft Affixed to Container	Not Required	Required	Required	Required
Pouring of over-wing fuel	Approved	Not Approved	Not Approved	Not Approved
Flowage Fee	Not Required	Not Required	8% Per Gallon	8% Per Gallon
Permit Fees	\$100 Initial	\$100 Initial	\$100 Annual	\$100 Annual
Automobile Liability Insurance	Not Required	Not Required	Not Required	\$1,000,000
Pollution Insurance	Not Required	Not Required	Not Required	\$1,000,000