



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of Airport Compliance  
and Management Analysis

800 Independence Ave., SW.  
Washington, DC 20591

September 1, 2022

Mr. Stelios Makrides  
Chief Operations Officer/Airport Director  
Department of Public Works, Airport Division  
3223 Donald Douglas Loop South  
Santa Monica, CA 90405-3213

Dear Mr. Makrides:

We received your letter of February 14, 2022, to the FAA's Los Angeles District Office advising that the City of Santa Monica (City) intends to convert its city-owned and operated self-service fuel station at the Santa Monica Municipal Airport (SMO) from 100 Low Lead fuel (100LL) to Swift UL 94 on or before April 1, 2022.

Your letter confirms that the FBO tenant will continue to offer 100LL and asks FAA to consider the change to be a "demonstration project" under Section VII of the Settlement Agreement and Consent Decree between the City and the FAA (Settlement Agreement, February 1, 2017).

As a preliminary matter, such a change to the self-service fuel station is not a "demonstration project" as discussed in the Settlement Agreement. Any demonstration project proposal would need to be provided to the FAA for thorough review and concurrence before implementation.

Beyond that, we have been made aware of the Airport Commission's June 27, 2022, Motion to the Santa Monica City Council recommending that the city stop and prevent the sale or storage of leaded fuel in all City-owned equipment.

An outright ban or restriction on the sale or use of 100LL would be contrary to both the Settlement Agreement and Grant Assurance 22, *Economic Non-Discrimination* (49 U.S.C. § 47107(a)(1)). Section VII "Unleaded Fuel" of the Settlement Agreement provides: "Nothing in this Agreement shall allow the city to restrict the sale of leaded aviation fuel for as long as the FAA authorizes use of such fuels within the United States."

Aside from the Settlement Agreement, a ban or restriction on the sale or use of 100LL at a federally obligated airport is also inconsistent with Grant Assurance 22, *Economic Non-Discrimination* (49 U.S.C. § 47107(a)(1)) and conflicts with the self-service provision

therein. Any restriction on the sale or dispensing of any type of fuel, when there is demand/need or a fuel provider willing to provide the fuel, must be approved in advance by the FAA. Any such proposed restriction must be supported by a valid, FAA-approved justification. Such a justification cannot be unreasonable or unjustly discriminatory.

At this time, converting the City owned and operated self-service fuel station to a self-service UL 94 tank, when the ability to self-service aircraft with 100LL is not restricted and 100LL continues to be offered by one or more FBOs, does not create a violation of Grant Assurance 22. Any future restriction on 100LL self-service or action preventing an FBO from providing 100LL would violate both the Settlement Agreement and Grant Assurance 22.

Nonetheless, the fuel tank conversion is a major change for your tenants, from whom we have received letters and emails of concern. Accordingly, we encourage you to work closely with them to implement this change in a pro-active, fair, and reasonable manner and to do so by taking the appropriate safety marking and notification steps concerning aircraft certification fuel requirements.

The FAA continues to be committed to transitioning to unleaded fuel, which is why it recently created the Eliminate Aviation Gasoline Lead Emissions (EAGLE) initiative achieve this result by 2030 year-end. We are grateful for your support of this objective.

Sincerely,

 Digitally signed by KEVIN WILLIS  
Date: 2022.09.01 13:39:56 -04'00'

Kevin C. Willis  
Director, Office of Airport Compliance  
and Management Analysis