

**Summary of Deployment Issues
Resulting from the Listing Issue with E85 Dispenser Components**
12/14/2006

Reported by	State	Status
Sam Spofforth	OH	<p><u>Delaying Installation:</u> Speedway shut down their only E85 pump in Ohio; they were awarded a grant on October 18 to install another E85 site in Columbus, but are declining the grant and will delay all E85 projects until the UL issue is resolved. Murphy Oil develops fuel stations for Walmart and Giant Eagle. Giant Eagle owns the GetGo fuel station chain. Walmart and Giant Eagle have been working to develop E85 at several locations - neither will continue until the UL issue is resolved. Other small and mid-sized independents and big box chains like Kroger are moving forward in Ohio despite the UL issue, but the new regulations imposed by the State Fire Marshal are slowing down the process.</p> <p><u>Owner Concerns:</u> Twenty-three E85 grants from a state program were just awarded. Two of the retailers stated that UL issue may cause them to delay their projects. Other retailers are hesitant to open new pumps. Some owners are concerned about any potential costs to upgrade based on the UL issue.</p> <p>Sam would also like to see a UL listing for conversion kits for existing dispensers to validate the equipment.</p>
Andria Adler	NY	<p><u>Delaying Installation:</u> The Long Island ethanol project is being delayed. The Fire Marshall will not approve the installation of the first public E85 station on Long Island until the UL issue is resolved.</p>
Patrick Bolton	NY	<p><u>Delaying Installation:</u> All current E85 stations/dispensers in operation will remain open but new stations have been put on hold, including the Thruway project to install 27 public accessible E85 dispensers. NYSERDA's project, which includes a DOE grant, for 300 new facilities has also been put on hold. They will not release a program to install equipment that does not meet the state code or have a waiver.</p> <p>NYSERDA hosted a meeting for the NYS Division of Codes, Thruway Authority and OGS on November 29 to discuss the UL issue. Two actions were determined. The Div. of Codes will approach manufacturers of dry chemical suppression equipment and request validation data for E85 fires. The Fire Protection Engineer will recommend a state-level variance that should be applied to E85 dispensers and work with local fire marshals. The variance process could take up to 8 weeks.</p>
Rick Wallace	OR	<p><u>Delaying Installation:</u> Carson Oil, an E85 provider, was ready to add E85 at two stations, but decided to wait until the UL issue is resolved to ensure that they get clearance from the Fire Marshall and so that they will not have liability issues with insurance. Carson buys E85 at the rack and they do not have holding capacity. Their concern is that one of the existing stations will be red tagged and they will be required to remove the fuel with no place to put it. Therefore, they are reluctant to place much fuel in the tanks at any one time. There is no state policy and Rich been hesitant to discuss the issue with the state Fire Marshall. Rick is investigating California's approach and may try to follow that approach (third-party approval strategy).</p>
Jon Van Bogart and Melissa Guise	CA	<p><u>Delaying Installation:</u> The UL issue caused CARB to delay their E85 Executive Order, which was originally scheduled Oct-Nov, 2006. CARB and others are working on a third party product-safety approval strategy with FM Global. CARB is working with UL, FM Global and industry to achieve industry standards and approvals. CARB is ready to move forward pending UL and/or FM Global approvals.</p>

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Sue Sebastian	DE	<u>Delaying Installation:</u> Sue Sebastian indicated that their E85 infrastructure grant has experienced delays resulting from the UL issue.
Tobin Fried	NC	<u>Possible Delay in Installation and One Closure:</u> The state Fire Marshal has indicated that he will grandfather in anything already installed. The Department of Environment and Natural Resources (DENR) regulates USTs. They shut down the station near Charlotte and issued tight deadlines for compliance. All new pumps will have to be approved in writing by a qualified engineer saying that <i>all</i> the components are compatible with E85. Station owners will need a record of every component (including glue used to join components) and have approval on every component. This is nearly impossible for older, retrofitted tanks. The stations are given 30 days to comply and can get a certain number of 30-day extensions. The 30 days start when the station gets notification, so it is different for all stations. Some stations have not been notified. There was some discussion that other states will follow NC's lead on the UST issue, so DENR wants to be very careful about this.
Kellie Walsh	IN, KY	<u>Possible Delay in Installation:</u> Speedway is a partner in the E85 for I-65 application. They have 9 stores in IN and 3 in KY. They will not proceed until the UL issue is resolved or a waiver is granted. At this point, it is not delaying the project. Julie Howe is not planning to contract with Speedway until early next year.
Tim Gerlach	WI	<p><u>Not an Issue:</u> The policy has not changed. There is an interim allowance until a national standard is in place. When a national standard is put in place the equipment will be required to be in compliance.</p> <p><u>Possible Insurance Issue:</u> The Wisconsin Department of Commerce was informed that insurance companies may not cover the installation of ethanol systems or equipment as a result of the UL suspension of listing ethanol compatible equipment, and suggests that contractors contact their insurance carrier to confirm liability coverage.</p>
Wendy Bell	SC	<p><u>Not an Issue:</u> Initially, the City of Rock Hill E85 project was initially rejected due to the UL issue. The SC Deputy Fire Marshal later provided conditional approval. The SC Fire Marshal is on a national committee with the Minnesota FM has agreed to a "business as usual" approach with stepped-up inspections until UL listing.</p> <p>Wendy met with the state fire marshal, staff engineers, trainers, and plans reviewers 12-5-06. It appears that there are no major problems with the E85 UL issue. The state will not issue a formal statement at this time, they think this is not necessary and may create issues. The fire marshal drafted a response that will be used if they receive inquiries. If a statement is necessary, it will be similar to the Minnesota statement. Until UL lists a dispenser and/or other equipment, they will continue business as usual. Wendy outlined NEVC's proposal for monthly inspections and reporting, those present indicated they felt this was excessive. Quarterly inspections with an annual reporting were deemed reasonable. Wendy also discussed participating in their training efforts and establishing a checklist for storage and dispensing.</p> <p><u>Owner Concerns:</u> Some are concerned about any potential costs to upgrade based on the UL issue. Some owners will not move forward until the UL issue is resolved.</p>
Tim Gerlach	MN	<u>Not an Issue:</u> The Minnesota State Fire Marshal stated in writing that their research has not indicated any failures connected to E85 fuel dispensing systems in Minnesota or anywhere

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		across the country. It is their recommendation that local fire officials continue to monitor the situation while allowing the current E85 dispensing systems to operate, and new dispensers to be installed. If system failures occur in the future, the issue should be revisited. Once a UL listing is available, the requirement should be enforced.
Tim Gerlach	IL	<u>Not an Issue:</u> For USTs installed prior to January 1, 2007 and to be used for ethanol, the tank and piping must be certified for E85. After January 1, 2007, USTs used for E85 must be certified by the manufacturer or a registered professional engineer.
Tim Gerlach	IA	<p><u>Not an Issue:</u> The Iowa Fire Marshal adopted a new rule: Prior to July 1, 2009, E–blend (any ethanol blend higher than E10) may be dispensed from equipment listed for use with gasoline or E–10, if the manufacturer states, in writing that the equipment is not incompatible with the E–blend, and if the manufacturer has initiated the process of applying to an independent testing laboratory.</p> <p>Any retail outlet which had been dispensing an E–blend prior to August 1, 2005 may continue to do so until July 1, 2009, with existing equipment, provided that the equipment fully complies with the requirements established in NFPA 30A for dispensing E–10, and the equipment has not been found by the manufacturer or an independent testing laboratory to be incompatible with the dispensing of E–blend. The equipment must be labeled appropriately.</p>
Tim Gerlach	MI	<u>Not an Issue:</u> Existing equipment can continue to be used if the owners ensure that there is a liquid-tight dispense pan, record monthly leak detection monitoring records are kept (if the E85 is stored underground), and if leakage occurs the tank is red-tagged. This will be in place until Dec. 1, 2008.
Steve Richardson	PA	<u>Not an Issue:</u> UL issue did create a significant delay in the November 27, 2006 opening of the Philadelphia E85 station. The local Fire Marshal approved the station/equipment. A used dispenser was installed. The dispenser stated that it was UL approved for gasohol.