



Date: December 27, 2006

FROM: Colorado Division of Oil and Public Safety
Colorado Division of Fire Safety
Fire Marshals' Association of Colorado
Governor's Office of Energy Management and Conservation

TO: All Interested Parties

RE: **E-85 Dispensers**

On October 5, 2006, Underwriters Laboratories (UL) suspended authorization for manufacturers to use UL Markings (listing or recognition) on components for fuel dispensing devices that specifically reference compatibility with alcohol blended fuels that contain greater than 15% alcohol, e.g., ethanol, methanol or other alcohols. (Refer to <http://www.ul.com/regulators/e85.cfm>)

Prior to October 5, 2006, UL had extended a limited number of certifications to component subassemblies for use within dispensers, such as hose nozzle valves, hose assemblies, swivels and meters, for use with concentrations of ethanol greater than 15%. UL has never listed a dispenser for E-85 use.

Following the UL announcement, the Division of Oil and Public Safety (OPS) and the Division of Fire Safety (DFS) received several inquiries regarding requirements for E-85 dispensers. OPS storage tank regulations 7 C.C.R. 1101-14 §2-3-3 and §3-4-4 address compatibility requirements for UST and AST systems. OPS regulations state that owners/operators must use an UST system or an AST system made of or lined with materials that are compatible with the substance stored in the UST or AST. Product piping, including piping within the dispensers is considered part of the UST or AST system, and needs to be compatible with the substance stored and dispensed through it. These two sections of the regulations do not specify or require UL markings to demonstrate meeting compatibility requirements. However, local fire codes specifically require that fuel dispensing systems be "Listed Equipment." Fire codes utilized throughout Colorado authorize authorities having jurisdiction (AHJ) to approve modifications and the use of alternate methods and materials where designs comply with the intent of the code.

DFS, OPS, the Fire Marshals' Association of Colorado (FMAC) and industry representatives met on November 17, 2006 and developed the following guideline for local jurisdictions having authority to use until UL resumes listing fuel dispensing equipment for fuels containing more than 15% alcohol.

1. DFS, OPS and FMAC have determined that the installation, modification and use of dispensers for alcohol blended fuels that have been certified by the manufacturer(s) to be compatible with the alcohol blended fuel stored and dispensed from the particular system is acceptable.
2. DFS, OPS and FMAC recommend that a copy of the manufacturer(s) certification be kept on file and/or submitted to the local jurisdiction until the equipment is listed or replaced with listed equipment.

If you have any questions regarding this announcement please contact Mahesh Albuquerque at OPS - (303) 318-8533.