

## STATE OF OHIO

### DIVISION OF STATE FIRE MARSHAL

#### E 85 DISPENSER UTILIZATION APPROVAL POLICY

When the Division of State Fire Marshal is involved in the approval process for a flammable/combustible liquid dispensing facility that utilizes E-blend, where a listed dispensing device is required by the state fire code and the proposed dispensing device is not specifically listed for the intended application, the following guidelines shall be followed in the approval process:

As there are currently no approved dispensers, as tested and listed by Underwriters Laboratory or other approved authoritative source set forth in OAC 1301:7-7-01(O)(2), OFC 115.2 , that can be used for the dispensing of E-blend fuels in Ohio in accordance with the existing and as filed revisions to the Ohio Fire Code, the dispensing of E-blend fuels is prohibited by the Ohio Fire Code. Thus, until E-blend fuel dispensers are approved and listed by a nationally recognized testing laboratory, a modification permitting the use of noncompliant dispensing equipment must be requested and such modification request shall be processed by the Division of State Fire Marshal in order to achieve the following intent and to specify the necessary stipulations.

The modification shall contain the following provisions:

- **Definitions.**
  - **“E-15”** means a blend of petroleum and ethanol including no more than 15 percent ethanol intended for use as a motor vehicle fuel.
  - **“E-blend”** means a blend of petroleum and ethanol including more than 15 percent ethanol intended for use as a motor vehicle fuel.

- **“Listed”** means equipment or materials included on a list published by an approved testing laboratory, inspection agency or other organization concerned with current production evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials comply with approved nationally recognized standards and have been tested or evaluated and found suitable for use in a specified manner.
- **Requirements for equipment dispensing E–blend prior to July 1, 2009 if no other E-Blend dispenser is approved and listed.**

Prior to July 1, 2009, if no dispenser has been listed for E-blend in accordance with the requirements of the Ohio Fire Code, then E–blend may be dispensed from equipment that is fully in compliance with all requirements for use in dispensing gasoline or E–15 provided:

1. The manufacturer has provided a written statement that the dispensing equipment is, in the opinion of the manufacturer, compatible with E-blend and does not present a distinct hazard to the public. The written statement must reference a particular type and model of equipment and must be signed by a responsible official on behalf of the manufacturer either to the retail outlet using the dispensing equipment or to the fire marshal. If the written statement is provided to a retail outlet, the written statement shall be retained in the files on the premises of the retail outlet and shall be available to personnel of the fire marshal division;
2. The dispensing equipment fully complies with the requirements established in NFPA 30A for dispensing E–15; and
3. The manufacturer has initiated the process of applying to an independent testing laboratory for listing of the equipment for use in dispensing E–blend.

**EXCEPTION:** Noncompliant E-blend dispensers in existence when listed E-blend dispensers become available in the marketplace, where such noncompliant dispensers are otherwise in accordance with this policy and the state fire code, such existing dispensers must be replaced with a listed dispenser or modified as set forth in OAC 1301:7-7-22(D)(2)(k), OFC 2204.2.11 or OAC 1301:7-7-22(D)(3)(i), OFC 2204.3.9 for E-blend use within a reasonable time as approved by the fire code official. In no case shall such timeframe be approved to extend beyond July 1, 2009.

- **Requirements for equipment dispensing E–blend on or after July 1, 2009.**
  - On or after July 1, 2009, any equipment used to dispense E–blend shall be listed for dispensing E–blend as required by the Ohio Fire Code.

Effective: November 2, 2006