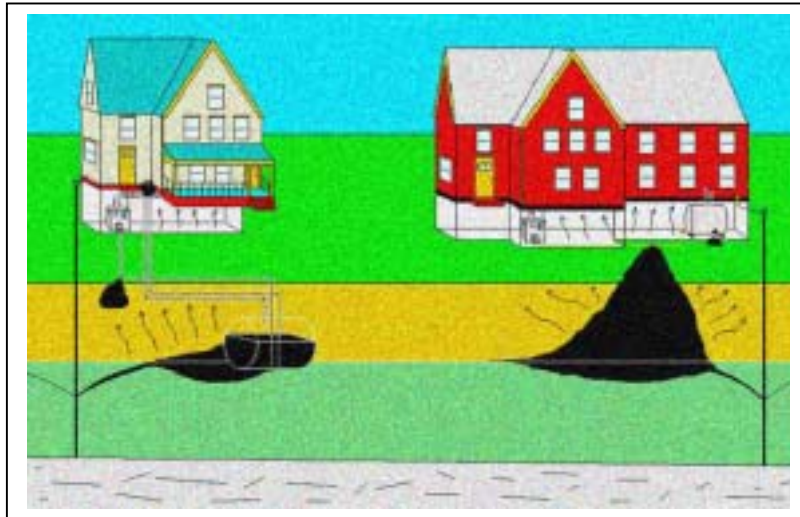


HOMEOWNER OIL SPILL CLEANUP GUIDE



**Massachusetts
Department of Environmental Protection**



**Fall 2002
Updated January 2004**

READ THIS HOMEOWNER OIL SPILL CLEANUP GUIDE IF YOU ARE INTERESTED IN:

- Maintaining your property value
- Minimizing the disruption to you and your family
- Protecting against lawsuits
- Minimizing your compliance fees
- Minimizing your cleanup costs by acting quickly
- Addressing your problem before it gets worse
- Complying with Massachusetts environmental laws

But most importantly

- Protecting your health, your drinking water and the environment

This Guide provides you with the information you need to know to clean up an oil spill properly. Tips to save time and money are also included.

BE AWARE OF HIGH CLEANUP COSTS

In 2001, DEP conducted a survey of 510 homeowners who had experienced a home heating system oil spill. Questions included how long the cleanup had taken, the costs involved, and whether soil and/or groundwater were affected. Cost data were provided by 159 homeowners.

Costs were significantly lower when homeowners cleaned up spills quickly and prevented impacts to groundwater. Prompt cleanups also minimized disruption and reduced the potential for exposure of family members or neighbors to the oil. Survey data indicated that spills that had time to spread to groundwater were significantly more expensive to clean up.

- Most cleanups completed in four months or less: \$20,000 or less.
- Typical cleanup cost range: \$20,000 to \$50,000.
- Average cleanup costs involving both soil and groundwater: \$90,000.

On the high end, DEP survey results showed some cleanup costs exceeded \$300,000. While the survey answers were not detailed enough to show all the factors that caused costs to escalate to this level, impact to groundwater was a factor.

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INTRODUCTION

Most properly maintained home heating oil systems never experience a release or spill. When a leak, spill or other release of heating oil occurs at your home, you may not know what to do. To assist you, the Department of Environmental Protection (DEP) has written this Homeowner Oil Spill Cleanup Guide on how to assess and clean up a home heating oil release.



What is a release of heating oil? A release into the environment of heating oil includes any kind of spill or leak from your oil tank, oil delivery line or other part of your heating system. DEP refers to all types of spills, leaks and other contamination by the term release.

The guide should help you understand the Commonwealth's requirements and step-by-step procedures for cleaning up a heating oil release in a manner that protects your family, neighbors, property and the environment. The cleanup requirements are contained in the Massachusetts Contingency Plan or MCP (310 CMR 40.0000). The guide will help you understand the basics of assessing and cleaning up an oil release and work through the regulatory and legal requirements of the MCP. Tips on hiring professional assistance and financing your cleanup are also provided.

The guide touches on key topics involved in cleaning up a release. It is meant only to be an introduction to the terminology and an overview of the information you will need to complete a cleanup. Attachments A and B are fact sheets that depict a typical home heating oil system and how it can leak and, once the cleanup is completed, tips on preventing leaks and spills. Attachment C is a list of important information to retain about your cleanup. Attachment D describes emergency procedures for an oil spill.

The guide provides answers to the following common questions:

- WHO:** Who do I call? Who is responsible? Who will clean it up? Who will pay for the cleanup?
WHAT: What should I do first? What is the next step? What caused the release?
WHEN: When did the release happen? When will the cleanup begin? When will it be completed?
WHERE: Where did the release occur? (inside or outside the house)
HOW: How will the oil release be cleaned up? How will it be paid for?
WHY: Why do I have to clean up the oil release?

ABBREVIATIONS

DEP has attempted to minimize use of bureaucratic terms, abbreviations, and acronyms. However, a few abbreviations are so common when dealing with an oil cleanup that we use them in this guide:

ACF	Annual Compliance Assurance Fee
AST	Above-ground Storage Tank
AUL	Activity and Use Limitation
BOL	Bill of Lading
DEP	Massachusetts Department of Environmental Protection
IRA	Immediate Response Action
LRA	Limited Removal Action
LSP	Licensed Site Professional
MCP	Massachusetts Contingency Plan
NAPL	Non-Aqueous Phase Liquid
NOR	Notice of Responsibility
PRP	Potentially Responsible Party
RAM	Release Abatement Measure
RAO	Response Action Outcome
RTN	Release Tracking Number
UST	Underground Storage Tank

Each abbreviation and term will be explained the first time it is used.

PART I
WHO DO I CALL? – WHAT DO I DO?
IMMEDIATE STEPS TO TAKE AFTER AN OIL RELEASE



A. NOTIFY YOUR LOCAL FIRE DEPARTMENT AND DEP IMMEDIATELY

Contact the local Fire Department (911) and the regional DEP office as soon as a heating oil release is discovered. Use the 24-hour DEP release reporting line (1-888-304-1133) to make an initial oil release notification. Also call your oil company, which will usually have 24-hour service technicians available to help you shut off valves to stop the oil release.



What is heating oil? Heating oil refers to all types of liquid home heating fuel, including kerosene and #2 fuel oil. This term does not include propane, natural gas or other gaseous fuels. These gaseous fuels are highly explosive and dangerous, so contact your Fire Department immediately if you suspect a leak. Heating oil is combustible, but it is not explosive.

If you are unsure whether your situation requires notification to DEP or the Fire Department – call them both. Informing DEP and the Fire Department as soon as possible can minimize the risks posed to you, your family and the environment.

The Fire Department will routinely respond and address any immediate fire hazards and public safety issues. Early involvement by DEP is not only a good idea - - it is the law. DEP must be notified within two hours of the discovery of a sudden release of ten or more gallons of oil and of some other types of oil releases.

DEP's primary role is to ensure that the people who are legally responsible for oil releases clean them up in a manner that protects people and the environment. DEP will provide assistance over the telephone, and whenever possible, at your home. DEP is committed to providing as much guidance and assistance to homeowners as possible throughout the cleanup process; however, given limitations on DEP's resources, DEP cannot always have staff assigned to each homeowner spill. This guide is intended to answer the most common questions posed by homeowners to allow them to move forward more quickly on the cleanup, even if no DEP staff person is assigned to their release.

B. PROTECT YOUR FAMILY: REDUCING POTENTIAL HEALTH RISKS

After you have made the initial phone calls to the Fire Department and DEP, limit your own and your family's potential exposure to the heating oil and its vapors. High concentrations of oil vapors can cause a number of short- and long-term health effects.

Provide good ventilation throughout any area where you smell oil odors. If possible, open windows and set up fans to increase airflow through the area. Venting is more difficult in the winter and precautions must be taken to prevent water pipes from freezing. Try to close off the area where the oil release occurred (such as the basement) from the main living areas.



How do you know if you are experiencing health effects or are at risk of health effects?

Although heating oil is less toxic than other types of petroleum products, exposure to heating oil can cause some short- or long-term health effects if the volume or concentration of heating oil is great enough. Common symptoms associated with acute (short-term) exposure to heating oil are: eye irritation, headache, nausea, dizziness, drowsiness, euphoria, loss of coordination and disorientation. Prolonged or widespread contact with the skin may cause severe irritation, redness and swelling. Chronic (long-term) exposure to heating oil may produce serious health impacts. If symptoms are severe or persist, consult a doctor.

Before entering an enclosed area such as a basement where a significant heating oil release has occurred, make sure the area is ventilated and wear protective

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gloves and boots. Avoid touching heating oil with exposed skin or breathing in oil fumes, and keep children, pets and other family members away from oily areas. Remember that heating oil is combustible if there is a source of ignition. Turn off your furnace using the red emergency shutoff switch until the Fire Department can assess the fire risk. If you have any concerns about entering the area, **DO NOT ENTER**. Allow the Fire Department to take the initial steps necessary to vent vapors and contain the spill to address a potential Imminent Hazard.



What is an Imminent Hazard? The MCP defines an Imminent Hazard as a hazard that would pose a serious and immediate threat of harm to you, your family, your tenants, your neighbors or the environment from your heating oil release. Examples are high levels of oil in a drinking water well or build-up of concentrated vapors in a confined area. Imminent Hazards must be immediately reported to DEP. If you are not sure if an Imminent Hazard exists, call the 24-hour DEP release reporting line (1-888-304-1133). DEP staff will help determine if you have an Imminent Hazard and the steps needed to address the problem.

If your drinking water well has been contaminated, contact the local Board of Health. The Board of Health should also be called if you question whether it is safe to stay in your house and/or if you are concerned about impacts to your family's health due to the presence of heating oil odors and vapors. Board of Health actions and roles will vary from town to town.

C. NOTIFY YOUR INSURANCE AGENT OR COMPANY

Call your insurance agent or company. Prompt notification to your insurance company is a requirement for an insurance claim payment. Have as much information as possible about the heating oil release written down to provide to your insurance representative. To ensure a prompt determination of coverage, a claims adjuster needs to come to your property as soon as possible. The adjuster must usually prepare and submit a written report to the insurance company before the company will make a decision regarding coverage and claims.

The terms of home insurance policies vary widely. The adjuster will determine if your homeowner's policy covers the damage caused by the heating oil release and the amount of money you are entitled to based on your particular situation. Typically, coverage will be provided if groundwater is contaminated or threatened to be contaminated or if the oil has reached someone else's property. Some insurance companies will cover the cost of cleaning up a release to soil to avoid paying for expensive groundwater cleanups. Some court decisions have required this.



What is groundwater? Water is present beneath the surface of the ground around your home. If you dig into the ground, you will eventually encounter water. This is groundwater, which is water from rain that has soaked down into the ground. The depth to groundwater in Massachusetts ranges from less than 2 feet to more than 100 feet. Groundwater flows slowly underground in spaces between soil particles and/or in cracks in bedrock and usually flows in the same direction as the slope of the land. Some groundwater stays underground, and some emerges as springs to feed lakes, streams and rivers. Residential properties may use groundwater for drinking water and irrigation.

When you call your insurance company, ask to speak to a specialist in pollution claims, or to the most senior claims official you can reach to make sure your claim is handled promptly and appropriately. Pollution work is a specialized area of insurance, so your local agent or broker may not be familiar with the coverage your policy may allow. Review your homeowner's policy to see if it contains any provisions that specifically discuss pollution. If you are denied insurance coverage, request a written determination from the provider.

D. HIRE A LICENSED SITE PROFESSIONAL (LSP)

In most cases, the MCP requires that you hire a Licensed Site Professional (LSP) to oversee and supervise the cleanup actions to ensure compliance with the Massachusetts Contingency Plan (MCP). An LSP is an independent contractor, licensed by the state Board of Registration of Hazardous Waste Site Cleanup Professionals (referred to as the LSP Board). Additional information on how to hire an LSP is provided in DEP's one-page brochure entitled *Hiring a Licensed Site Professional*, available on DEP's web site at www.mass.gov/dep/cleanup. Before hiring an LSP, call the LSP Board (617-556-1091) to obtain information regarding any complaints or problems that have been referred to them regarding that LSP. You may also visit the LSP Board web site at www.mass.gov/lsp. The LSP Board is a government agency that has staff available to assist you in obtaining information.

In addition, the LSP Association has agreed to establish a referral service to LSPs who regularly undertake homeowner projects. Access this service by calling the LSPA at 617-227-5551 or by visiting its web site at www.lspa.org. Because only a limited number of LSPs work with homeowners, DEP strongly recommends that you call the LSPA to find out which LSPs are currently accepting residential work.

E. START A NOTEBOOK WITH KEY INFORMATION AND CONTACTS



Many heating oil releases are cleaned up quickly, but some can take months or years to resolve, depending on the situation. It is a good idea to start a notebook to keep track of key information and contacts. As soon as you can, document everything that you know and remember about the release. Attachment C is a list of information to include in your notebook.

**Helpful Web Site Addresses
for more information on oil cleanups**

MASS. DEP: www.mass.gov/dep/cleanup
(Homeowners Oil Spill Cleanup Guide and additional reference information for homeowners, including prevention and maintenance tips for your oil heat system)

LSP ASSOCIATION:
www.lspa.org
(Homeowner referral service to LSPs)

MASS. OIL HEAT COUNCIL:
www.massoilheat.org/
(Tips for maintaining oil heat systems)

LSP BOARD: www.mass.gov/lsp
(Information on complaints about LSPs)

PART II **GETTING STARTED:** **OIL RELEASE CLEANUP IS A STEP-BY-STEP PROCESS**

A. ASSESSMENT: DETERMINING THE SCOPE OF YOUR RELEASE

DEP often hears these questions about oil release cleanups:

“How much will this cost me?”

“How will the release be cleaned up?”

“How long will it take?”



The MCP allows you and your LSP to go through a logical process to figure out the scope of the oil release and how to clean it up. This guide will take you through the basics of what you need to do to meet the MCP cleanup requirements, and provides answers to your key questions.

Your notebook should now contain preliminary answers to the questions *who, what, when, where* and *how*. The answers will change as more information regarding the oil release is discovered. Remember that assessment and cleanup of an oil release is a step-by-step process. Oil releases can be small and simple and be cleaned up quickly. On the other hand, they can also be large, complex, time-consuming and expensive to clean up. The exact nature and scope of your release may not be clear at first.



B. PERFORM ACCELERATED CLEANUP: IMMEDIATE RESPONSE ACTIONS (IRA)

Most releases require immediate cleanup. The MCP refers to this activity as an Immediate Response Action (IRA). An IRA is required when conditions can pose an Imminent Hazard or short-term risk to your health or the environment. Oil present in drinking water and a build-up of oil vapors in a basement are two examples of Imminent Hazard conditions.

Addressing IRA conditions quickly reduces health risks and limits the environmental impact of the spill. Examples of IRA activities include: (1) soaking up oil with absorbent material and removing contaminated soil, (2) venting a basement to dilute oil vapors and (3) filtering oil from well water. IRA activities must be approved by DEP and overseen by an LSP. DEP can provide IRA approval orally over the telephone, allowing the cleanup to begin immediately. The MCP requires that a written IRA Plan and a Release Notification Form be submitted to DEP within 60 days of a release. An IRA Plan contains the findings of the initial assessment activities, describes the cleanup steps already taken and proposes additional cleanup actions, if necessary.

A key message on cleanups: The sooner an LSP oversees removal of the most concentrated areas of oil in your basement or in soil or groundwater, the less costly your cleanup is likely to be. Oil tends to spread out over time in soil and water, so the longer it takes to start cleaning it up, the bigger and more expensive the problem will become. If DEP requires you to perform an IRA, this requirement should help you complete your cleanup faster and at a lower cost. The obligation to perform an IRA will be documented in the Notice of Responsibility (NOR) issued by DEP. Send a copy of the NOR to your insurance company so the company knows that you were required to conduct an IRA. Even if you are not required to begin cleanup actions immediately through an IRA, it will likely be wise to begin remedial work as soon as possible through a Release Abatement Measure (RAM).

Another way of accelerating your cleanup and saving time and money is to perform a Limited Removal Action. If the level of oil contamination in soil is low, the release may qualify to be handled as a Limited Removal Action or LRA. The LRA option applies to small releases that have impacted less than 100 cubic yards of soil only (if groundwater is involved, an LRA cannot be performed.) Contact DEP to

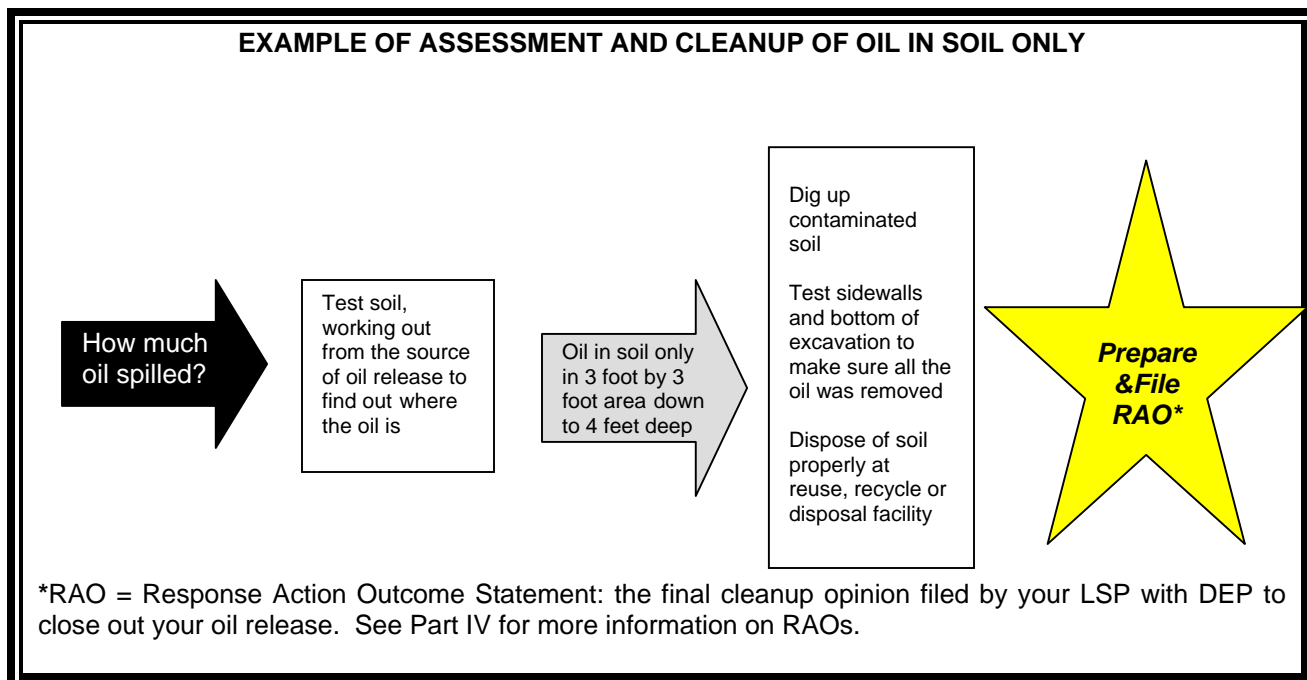
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determine if your situation meets the LRA criteria. The required cleanup under an LRA involves minimal paperwork and no DEP fees. An LSP needs only to sign off on the management and disposal of contaminated soil under a Bill of Lading (BOL). However, if you can afford it, you may want to have an LSP supervise and sign off on all of the work. The LSP can also prepare a final letter report documenting the scope of the LRA. This information is important and can be provided to a future prospective lender or buyer. This report does not have to be forwarded to DEP, however, documentation of the LRA must be kept for at least five years.

Even if your situation does not qualify for the Limited Removal Action option, you may be able to complete your cleanup quickly with an IRA. If you can remove enough oil contamination to meet DEP's cleanup standards, the only additional work required is to complete enough sampling and analysis to prepare a final Response Action Outcome Statement or RAO. The RAO is documentation required by the MCP to close out a site. The RAO is prepared by your LSP and may be subject to a DEP audit.

The MCP requires that you determine the scope of your heating oil release. This is fairly easy for smaller spills that contaminate soil only:



Even in this simple type of release, more assessment may be needed to support the LSP's final RAO opinion that cleanup standards have been reached. For example, it is common that some testing of groundwater would be needed to confirm that the oil did not affect it.

Parts V and VI contain more discussion on assessment and cleanup of oil releases.

PART III

HIRING AND MANAGING AN LSP AND CLEANUP CONTRACTOR

A. RETAIN A QUALIFIED LSP WHO WORKS WITH HOMEOWNERS

Hiring an LSP is similar to hiring any other professional. DEP or the LSP Board can provide you with a list of all the LSPs who are licensed in Massachusetts. Finding an LSP can be a challenge for a homeowner. Neither DEP nor the LSP Board can recommend a particular LSP or company, and not all LSPs accept residential customers. However, the LSP Association has agreed to establish a referral service for homeowners to LSPs who perform residential work. Information about this service is available at the LSPA web site at www.lspa.org or by calling 617-227-5551. You can also contact the LSP Board to get information about any complaints against a particular LSP. More information is on the LSP Board's web site: www.mass.gov/lsp.

Be prepared to ask questions when hiring an LSP or environmental contractor:

- Does the LSP or company handle homeowner oil releases?
- How many homeowner releases have they handled in the past year?
- If a company, does it have an LSP on staff? If not, which LSP(s) does it usually work with?
- Is the LSP or company available to address this matter immediately?
- What form of contract do they require? What terms of payment do they expect? Is a deposit required?
- Can they provide references from completed homeowner cleanups?
- Given a description of the release, what steps would they propose?



B. DETERMINE YOUR BUDGET AND FINANCING

Determine how much you can afford to spend in any given month for assessment and cleanup, and how you will finance this work. The faster you calculate your budget and secure financing, the earlier you should be able to complete the cleanup. Usually, completing a cleanup quickly will result in a safer, more protective and less expensive cleanup.



In most cases, your main options to finance assessment and cleanup will either be through insurance coverage or by obtaining a home equity or other bank loan. This is why it is important to contact your insurance agent as soon as possible. If insurance does not provide coverage for all of your cleanup costs, look into other financial and legal options. Do not sign a contract for cleanup unless you have sufficient funds to cover the proposed costs.

If insurance coverage is provided, determine the amount or cap that is available. The project must be properly managed so the coverage is not exceeded. Don't assume that the insurance will be sufficient to complete the cleanup. Ask what items or activities will not be covered by insurance.

Be aware that DEP has a series of fees that you will be expected to pay. These include annual compliance assurance fees due each year and one-time fees for some submittals such as Release Abatement Measure proposals and Response Action Outcome Statements. Annual compliance fees are usually \$1,000 per year for most residential sites. One-time submittal fees are payable prior to Tier Classification and include an \$800 RAM Plan fee and a \$1,200 RAO fee. Ask your LSP what fees you will incur so you can budget for these expenses. Refer to Part X on DEP Fees or the DEP website at <http://mass.gov/dep/cleanup/approvals/fees.htm> for additional information about fees.

Any financial limitations should be discussed with DEP to avoid accruing late fees and potential penalties. DEP has both a Financial Inability Program and a Fee Payment Plan Program that provide additional time to those who qualify. Refer to Part IX for more information.

C. DEFINE A SCOPE OF WORK AND NEGOTIATING A CONTRACT

Cleaning up a heating oil release in accordance with the MCP is a step-by-step process. An estimate of the total cost of a cleanup often cannot be provided until the scope and extent of contamination is determined. Do not sign a contract that you cannot afford. A contract is a legally binding obligation. DEP suggests incremental activities be performed in cases where financial resources are limited to prevent parties contracting for services they cannot afford. If you can afford it, consult with an environmental attorney about the terms of any contract.



Obtain written bids from two or three LSPs. Ask for bids that include the following information:

- tasks to be performed, including permits or documents that must be filed with DEP or other agencies;
- costs and estimated time for completing the tasks;
- documentation of LSP and contractor insurance coverage, and licenses and certifications of all site workers; and
- terms and conditions of payment.

Make it easy to compare bids by obtaining similar types of information from each LSP. Note that some LSPs require a retainer to begin the work.

Two types of contracts could apply: **fixed cost** and **time and materials**. A fixed-cost contract will generally be more beneficial if you can define the scope of work in detail. However, if you are not able to define the scope of work clearly, this type of contract may require expensive change orders for unforeseen conditions that require additional work outside the scope of the original contract. On the other hand, time and materials contracts can also work well if you stay in regular communication with your LSP to understand what costs are being incurred. Even with a time and materials contract, specify a cap of total costs that can be incurred before authorizing additional work. Consider having an environmental lawyer review the scope of work and proposed contract to make sure that your rights are protected in the event of a dispute. Also, be sure that sufficient provisions are included for adequate licensing, permitting and insurance.

If a report or document is required to be submitted to DEP at a certain time, make sure that you and your LSP discuss and agree on terms of payment. Ideally, you would want to make final payment contingent on completion and timely submittal of all MCP paperwork.

D. QUICK TIPS: HOW TO WORK WITH YOUR LSP

It is important to remember that the LSP or environmental contractor is working for you. Ultimately, you are responsible for completing your cleanup in compliance with DEP requirements, so you need to be comfortable working with your LSP and/or environmental contractors. The following tips can make this easier, and can be coordinated with an insurer if the work is covered by your policy:

Schedule status meetings: Discuss the status of the cleanup on a regular basis. Understand the next MCP deadline, the next steps to meet that deadline and the status of current work. Understand and agree on what the next step will be and what it will cost.

Discuss all the options: The LSP determines the most appropriate and feasible approach to clean up the oil release. Ask your LSP to explain the possible options and their pros and cons. Understand the differences in costs and the time required to conduct each option.

Don't exceed your insurance cap: If insurance coverage has been obtained, it is important for you and your insurer to monitor the work being proposed and the related costs carefully to ensure the cleanup can be completed within the insurance coverage cap.

Use DEP as a resource: If DEP has assigned a project manager, view that person as a resource. Contact DEP for guidance if you have questions about the process or the next step.

PART IV OVERVIEW OF THE PRIVATIZED MCP STATE CLEANUP PROCESS



A. THE GOAL: SUBMIT A RESPONSE ACTION OUTCOME STATEMENT

The Response Action Outcome (RAO) statement describes how the release has been cleaned up, and documents that the appropriate Massachusetts Contingency Plan (MCP) cleanup standards have been met. The RAO is prepared by your LSP and submitted to DEP when significant risk to public health and the environment has been eliminated. RAOs submitted within 120 days after DEP is notified of the release are not subject to a \$1,200 submittal fee. The longer a site is within the MCP cleanup system, the more fees that apply. See Part VII for more detail on DEP fees and how they may apply to you.

It is important to understand that you are responsible for cleaning up pollution that has traveled from your property onto another property (third party liability). You may also be sued for property damage or injury from any other person whose property or health is affected by your oil release. This is a key issue for obtaining a claim payment for the cleanup. The quicker the oil release is cleaned up, the less likely it is to affect someone else's property. If the oil release impacts another property, the cleanup completion may be delayed and costs will likely increase significantly.

B. AN IMPORTANT DATE: ONE YEAR AFTER YOUR HEATING OIL RELEASE



After completing any required Immediate Response Actions (see Part II), you may need to perform further assessment or cleanup of your heating oil release. Within one year of notifying DEP of the release, which is the one-year "anniversary date," you must file one of three documents with DEP:

- **Response Action Outcome:** A professional opinion by the LSP certifying the release is cleaned up. This closes out the cleanup; or
- **Downgradient Property Status:** A professional opinion by your LSP certifying that the source of the pollution is from a property other than yours (does not apply if you caused the release or the release originated on your property); or
- **Tier Classification:** A document that ranks the site as Tier I or Tier II and must include a completed Phase I report (see below). This filing starts the clock on a five-year deadline for completing additional assessment and cleanup work. After Tier Classification, an annual fee (\$1,000 for homeowners) is assessed each year, until cleanup is complete. At \$5,000 over five years, this is a strong incentive to complete cleanup as soon as possible.

Remember that a significant amount of work needs to be performed before any of these documents can be submitted to DEP. Be sure to hire an LSP to oversee the work long before the one-year deadline. If you miss the one-year anniversary date, a \$4,000 default fee will be charged (\$2,000 for qualified Homeowners).

C. THE FIVE-YEAR PLAN: A PHASED PROCESS OF CLEANUP

If you cannot meet the standards for either an RAO or Downgradient Property Status by your one-year anniversary date, you must file a Tier Classification and, at the same time, a Phase I Report with DEP. After Tier Classification, the assessment and cleanup process consists of four remaining phases or steps of work over five years after the date you file your Tier Classification. The phases of the MCP are:

- Phase I:** Preliminary assessment of the oil contamination, including the extent.
- Phase II:** A comprehensive site assessment of the nature and extent of the oil contamination and the risk it poses.
- Phase III:** An analysis of options for cleanup and the feasibility of those options based on the information gathered during Phases I and II.
- Phase IV:** The design and installation of remedial systems or performance of cleanup work.
- Phase V:** The operation and maintenance of any remedial systems that may have to be installed to achieve cleanup.

More information describing the five-year phased approach for completing a cleanup can be obtained from the DEP web site at www.mass.gov/dep/cleanup/laws/msfs.pdf.

D. SOME KEY ISSUES ON GETTING TO CLOSURE

While there is a more detailed discussion of assessment and cleanup on the DEP web site at www.mass.gov/dep/cleanup, two key issues are presented here that must be resolved before closure can be achieved on more extensive oil releases.

1. Risk Assessment vs. Cleanup

There is a trade-off in time and money between studying an oil release and cleaning it up. In the case of an extensive heating oil release in groundwater, it may be less expensive to spend more time studying the impact and the risks posed rather than trying to keep cleaning up lower levels of oil. For example, if oil has spread into groundwater at lower levels, it may not pose a significant risk to people or the environment. This is especially likely in urban areas where people do not have private drinking wells and there are no nearby streams, wetlands or other sensitive environmental resources. In these situations, it may be more cost-effective to ask your LSP to prepare a site-specific and more detailed risk assessment. Ask your LSP whether such an approach makes sense for your site.

On the other hand, if your situation involves a very concentrated area of oil in a small area, it almost always makes sense to immediately remove as much of this oil as possible. Then, further testing can determine how much, if any, additional cleanup is necessary. Be aware that designing an effective groundwater cleanup system can require installation of a number of wells and considerable testing, so it is not always possible to proceed with just minimal assessment.

This guide raises risk assessment vs. cleanup issues to generate a dialogue between you and your LSP. Be aware that in weighing these issues, your LSP is making a professional judgment call within the confines of the MCP regulatory requirements. There may be more than one way to approach these issues. Your LSP may also advise a change in strategy after new data are collected. Remember that assessment and cleanup is a step-by-step process.

2. Activity and Use Limitations (AUL)

If you are unable to afford a cleanup that allows for unrestricted use of your property, an Activity and Use Limitation may give you an option to close out the cleanup. An RAO may be submitted with an Activity and Use Limitation (AUL), which places restrictions on the future use of the property. Under the MCP, it is acceptable to leave some oil contamination on your property as long as that contamination is managed so that it does not pose a significant health or environmental risk. An AUL may be used to allow contaminated soil to be left below a foundation because removing it would jeopardize the structural integrity of the house. The AUL would require that if the house were renovated or an addition built in that area, work in the contaminated area would have to be conducted in accordance with the MCP under the supervision of an LSP.

The AUL must be prepared on a DEP form and must be recorded with the Registry of Deeds. The Registry filing informs future owners of the remaining contamination on the property, the restrictions on future use and how to prevent exposure to this contamination. Some homeowners do not like the idea of having a special notice on their deeds, so they have chosen to pay more to do a more complete cleanup. However, the AUL does provide an option to homeowners who cannot afford an extensive cleanup but want their property to be safe.

PART V UNDERSTANDING ASSESSMENT



What is an assessment? The MCP defines assessment as investigation, monitoring, survey, testing and other information-gathering activities performed to identify the existence, source, nature and extent of a release or threat of release; the extent of risk or danger to the public health, safety, welfare and the environment; or activities performed to identify persons liable under Massachusetts law.

Assessment activities are performed to determine the extent of the release. This can include collecting soil samples at different depths to see how far and deep the oil has migrated.

Release assessments provide answers to several important questions:

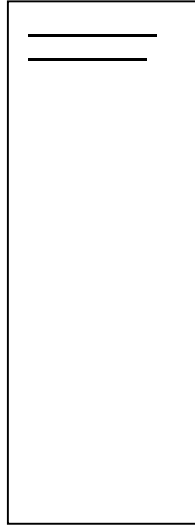
- **Has the oil migrated down into the soil?**
- **How deep has it migrated?**
- **What type of soil is present?**
- **Is the soil porous like sand or impermeable like clay? Water and oil flow more easily through sand than clay.**
- **Has groundwater been contaminated?**
- **Are private drinking water wells in the immediate area?**
- **Has the indoor air been affected by the release?**

Groundwater assessment is performed by installing groundwater monitoring wells to collect samples. Usually at least three monitoring wells should be installed to collect samples and determine the direction of the groundwater flow, its rate and the extent of contamination. Additional monitoring wells may be required to define the extent of groundwater contamination. The assessment will also look at the potential for the contamination to impact surrounding houses, schools, wetlands or other sensitive receptors. Critical receptors include private drinking wells, homes, schools and streams.

A larger release has the potential to contaminate more soil and groundwater. In this case, both soil and groundwater need to be assessed and possibly cleaned up. Remediating groundwater is more difficult than soil, since the extent of the pollution may be greater. Your LSP should install groundwater monitoring wells at an early stage to determine if groundwater has been impacted.

The following example illustrates an oil release that will take a longer time to assess and clean up. This is most common when significant oil contamination is present in the groundwater:

EXAMPLE OF ASSESSMENT AND CLEANUP OF OIL-IMPACTED GROUNDWATER



+**NAPL** stands for Non-Aqueous Phase Liquid, which is a thick layer of concentrated oil floating on the top of the groundwater. This is similar to how salad oil will float on vinegar or water.

***Tier Classification** is required if the release is not cleaned up within one year after the spill. See Part IV for more information.

When discussing the assessment of the release with your LSP, ask about the possibility of using lower cost field techniques. These techniques include:

- installing hand-driven micro-wells (as opposed to conventional monitoring wells installed with a drill rig);
- screening with portable ionization detectors and field test kits; and
- analyzing air with a portable gas chromatograph and other field laboratory equipment.

By minimizing the cost of the assessment needed, you will save money that can be used for cleanup.

If a large amount of oil was released into your basement or under the foundation of your home, an assessment of the indoor air must also be performed to determine whether remaining concentrations of contaminants pose a health threat to you or your family. Indoor air becomes contaminated when oil vapors emanate from the released oil or other saturated materials such as soil or personal belongings. Assessment of the level of contamination in indoor air requires specialized equipment. This equipment helps to determine if inhaling petroleum vapors may cause short- and long-term health effects.

PART VI **CLEANUP OPTIONS**

There are usually a few options for cleaning up any oil release. The options will differ depending on what needs to be cleaned up: soil, groundwater, surface water, indoor air or building material or personal property damaged by the oil. The MCP does not require one particular technology or method for cleanup. As long as the method you and your LSP choose results in a cleanup that meets the MCP standards, it will be acceptable to DEP. Note: DEP approval may be required for certain types of cleanup actions. Make sure you ask your LSP to explain when DEP approval is needed, or call a DEP regional office to inquire.

The costs of the cleanup technologies can vary considerably. Ask your LSP to explain the projected costs over the long term. Many remedial options, especially those used for groundwater, require regular monitoring to ensure proper operation and additional DEP submittals. The costs can also vary among contractors, so make sure you obtain more than one bid.

A. COMMON REMEDIAL DECISION POINTS

There are always choices and compromises you must make in developing a cleanup strategy. The option you chose must balance the MCP timeframes and DEP submittals with the amount of money available in your budget. For example, for an oil release that is mostly in soil, a common choice for cleaning is excavation and disposal of contaminated soils. This is a quick approach if there is a limited, defined and accessible area of contamination. However, excavating and disposing of contaminated soil may not be possible without jeopardizing the structural integrity of your home. If a large area of soil is contaminated or if contamination is under or near your foundation, technologies such as bioremediation, chemical oxidation or soil vapor extraction should be discussed with your LSP. These options will typically have smaller up-front costs, they will not require excavation and they are less disruptive to your property. On the other hand, these options take more time, and this may result in more monitoring costs, DEP fees and more LSP fees later in the cleanup process.

These are typical of the types of trade-offs that you may face when making cleanup decisions. Consider the pros and cons of each approach before making a decision. More information is available on DEP's web site at www.mass.gov/dep/cleanup.

B. OIL SOURCE REMOVAL

The primary objective of cleaning up is to contain or remove the "source area". The LSP will define the area where most of the oil has come to be located. Source removal can be performed as an IRA or RAM. Discuss the most appropriate approach for your oil release with your LSP.

Removing the most concentrated area of oil can be accomplished through a number of techniques, including:

- excavating contaminated soil;
- recovering pooled oil from within the basement or off groundwater in an open excavation;
- using bioremediation additives to speed up natural microbe consumption of oil; or
- employing chemical oxidation or other innovative technologies.

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C. CLEANING UP THE INTERIOR/EXTERIOR OF YOUR HOME

Any pooled oil should be collected and absorbed as soon as possible. Clay-based absorbents (similar to cat litter), oil absorbent pads and oil absorbent booms are the most common absorption tools. Contaminated surfaces inside or outside your house must be cleaned or removed.

Heating oil vapors will permeate your house. Isolate the release area as much as possible. Ventilate the basement and/or living space without drawing vapors into occupied areas. Various kinds of “deodorizers” are available, but they only mask odors.

D. WHAT TO EXPECT WHEN THE WORK BEGINS

Whatever cleanup option(s) you choose, ask your LSP or contractors for a realistic idea of how the equipment and cleanup process may affect your property and your daily life. Be prepared for the temporary, often noisy and disruptive activity.

One method to be aware of is excavation. Heavy equipment needed to perform excavation will damage your lawn and landscaping. Ask how the contractor will deliver heavy equipment to the contaminated area and what arrangements will be made to restore damaged landscaping, driveway or neighboring property. In addition, excavation near foundations can cause damage, so make sure your LSP or environmental contractor protects the foundation.



Two common methods for removing soil are load-and-go and stockpiling. Under the load-and-go method, soil is removed from the ground and placed directly in trucks for transport off site for reuse, recycling or disposal. Under the stockpiling method, soil is removed and placed on and covered with plastic sheeting. The stockpiled soil must be transported with a Bill of Lading signed by an LSP.

PART VII HELPFUL HINTS AND SHORTCUTS

The MCP provides shortcuts that can speed cleanup, and reduce costs and paperwork.



Helpful Hint #1: *PERFORM A LIMITED REMOVAL ACTION (LRA), IF POSSIBLE*

The Limited Removal Action (LRA) provisions of the MCP may be a viable option for sites with low concentrations of oil contamination in soil only. An LRA may involve excavation, management and disposal of up to 100 cubic yards of oil-contaminated soils. After the LRA is completed, if oil contamination is below levels that require reporting to DEP, there is no obligation to formally tell DEP or do any further work. An LSP is not required to oversee an LRA; however, an LSP must sign a BOL used to transport and manage the contaminated soils.

Helpful Hint #2: *REMOVE SOURCE AREAS AS SOON AS POSSIBLE*

The quicker you clean up the “source” areas of the release, the lower your overall costs will be. The source areas are the locations with the highest concentrations of oil in soil or groundwater. If source areas are not cleaned up, the oil will continue to migrate, potentially onto neighboring properties.



Helpful Hint #3: *PERFORM IMMEDIATE RESPONSE ACTIONS (IRA) OR RELEASE ABATEMENT MEASURES (RAM) WHERE POSSIBLE*

An Immediate Response Action (IRA) and a Release Abatement Measure (RAM) may allow faster assessment and clean up. The majority of homeowner releases are cleaned up as IRAs or RAMs. An RAO must be submitted when the cleanup is completed. Certain situations require the initiation of an IRA, such as a sudden release of more than 10 gallons of oil or the detection of oil in a private drinking water well. A RAM is a voluntary action taken to remove contamination that is not posing an immediate risk. Performing an IRA or RAM may allow an RAO to be filed within one year. An \$800 RAM fee must accompany the RAM Plan submittal to DEP, if it is within the first year and prior to Tier Classification.



Helpful Hint #4: *USE FIELD SCREENING AND LOWER COST TECHNOLOGIES*

Consider using field screening methods and lower cost technologies to speed up your assessment and cleanup. Ask your LSP if alternative, less expensive technologies are available to assess and clean up your oil release. Sometimes there is a trade-off between cost and speed, but all available options should be considered.



Helpful Hint #5: *COMPLETE CLEANUP WITHIN 120 DAYS OF REPORTING*

If you can complete the cleanup of your oil release and submit an RAO within 120 days after notification, you will avoid a \$1,200 RAO fee and other required submittals. After the 120-day period, a \$1,200 fee must accompany your RAO submittal to DEP.



Helpful Hint #6: *DON'T MISS THE ONE-YEAR DEADLINE!*

If you cannot close out your release within 120 days, your goal should be to do so within one year. After the one-year deadline, a \$1,000 annual compliance fee is assessed by DEP for each release. You can avoid this annual fee by completing your cleanup before the one-year deadline and submitting an RAO statement. If you cannot finish within one year, file a Tier Classification to avoid a default fee of double the \$1,000 fee. See Part X for information about how homeowners qualify for reduced fee rates.

PART VIII

OVERVIEW OF YOUR LEGAL RESPONSIBILITIES

A. WHAT ARE YOUR LEGAL RESPONSIBILITIES?

This discussion should not be viewed as a substitute for obtaining legal advice from a qualified attorney about your, or anyone else's, obligations under applicable environmental laws. This discussion was developed solely to provide pointers on the general scope of your legal responsibility and to indicate issues and questions that may need further inquiry.

A heating oil release on *your* property makes you responsible for ensuring that the proper steps are taken to clean up the release. In most situations, the current owner of a property where a release has occurred is considered legally responsible for cleaning up the release, *regardless of who is at fault*. You will receive a Notice of Responsibility from DEP detailing your legal responsibility to assess and clean up the release. Under the state cleanup laws, when you have a heating oil release, you are considered a Potentially Responsible Party (PRP) for the release. A Potentially Responsible Party or PRP has some immediate responsibilities.

The key immediate requirements for a PRP:

- 1. Immediately notify the local fire department and DEP**
- 2. Make sure the release is contained and dangerous conditions are addressed**
- 3. Contact an LSP or emergency cleanup contractor**

B. OTHER POTENTIALLY RESPONSIBLE PARTIES

Other people or companies may also be responsible for the cost of assessing and cleaning up your home heating oil release. The state cleanup laws provide for five categories of parties that are potentially responsible for these costs. The legal responsibility for these types of releases is called "joint and several" liability. This means that you and these other persons may each be held responsible for all or part of the costs of assessment and cleanup of your heating oil release. After you take the necessary immediate actions, consider consulting with an environmental attorney and your insurance company to determine if other parties may have some legal responsibility for the release.

The state cleanup laws provide for parties to share the responsibility for paying the cleanup costs. Consider consulting an attorney experienced with Chapter 21E and the MCP cleanup regulations if your release occurred:

- during or shortly after a heating oil delivery;
- during or shortly after work by a maintenance company; or
- during or shortly after any significant renovation or construction on your home or near your foundation.

Under Massachusetts legal standards, you have to be able to prove a connection between the actions of this other person and the release.

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Often people are hesitant to contact an attorney because they assume the cost will be too high. Don't assume that will be the case. Many attorneys provide an initial consultation for free or for a limited fee. In addition, if your question is about insurance coverage, public insurance adjusters will, for a fee, provide an opinion about whether your costs are covered. Their fees may also be reasonable. You will not know unless you ask.

Even if another party has some responsibility under the state cleanup laws, you may have to bear some of the cleanup costs because you also have "joint and several" liability. Additionally, you may have to pay some costs even if your insurance company does provide coverage because insurance coverage is usually subject to deductibles or policy limits.

There is one situation in which the law recognizes that delay is acceptable. If you have limited income or another financial hardship that prevents you from cleaning up a release by the deadlines required in the MCP, the state regulations allow you to file what is called a "Financial Inability" application. If you qualify, this program allows you to stop work or to do work at a slower pace until such time as you can afford to continue at a faster rate. This program is described in the following section.

PART IX

FINANCIAL HELP: WHAT ARE THE ALTERNATIVES?

A. INSURANCE COVERAGE

Heating oil releases are not always covered by homeowner insurance policies, but prompt notice is an absolute requirement for making a successful insurance claim when you are covered.

Insurance coverage will be determined by the terms of your insurance policy and your particular situation. Not all insurance companies are familiar with pollution situations and may not advise you correctly on whether you have coverage. If you do not obtain a favorable response from the first person you talk to, ask for someone knowledgeable about pollution claims. Many insurance companies have specialists in environmental claims. If your company does not, insist on talking to the highest-ranking claims official in the company to ensure experienced consideration of your claim.

The terms of home insurance policies vary widely. Typically coverage will be provided under the Liability Coverage portion of the policy if groundwater is contaminated, threatened to be contaminated or if the oil has reached someone else's property. Some insurers will cover the cleanup of your property under the Liability Coverage portion of the policy in order to *prevent* third party liability. This is a wise policy decision, because prompt cleanup of oil will reduce costs significantly. However, not all insurance companies will take this position, so you may have to "make your case" for why the insurance company should cover the cleanup costs before groundwater has been impacted. There have been some court decisions supporting coverage for source cleanup. Consider consulting with an attorney or a public insurance adjuster for help to better understand these issues.

B. OTHER FINANCING POSSIBILITIES

You may be able to obtain a home equity or home repair loan. Until recently, lending institutions could be sued as responsible parties when they loaned money to owners of contaminated properties. Now they are protected against such suits, so lenders are more willing to make loans for cleanups. DEP conducts outreach to inform lenders about this liability exemption.

The **Massachusetts Housing Finance Agency** or **MHFA** also has a small program directed at low-income homeowners who are having difficulty financing home improvements. This program also covers the cost of cleaning up heating oil releases. Loans are available from \$5,000 to \$25,000. Details on eligibility and the terms of the program can be obtained by contacting MHFA at (617) 854-1000 or visiting its web site: www.masshousing.com.

Determine if your city or town has enacted a betterment program for financing the cleanup of heating oil releases from heating oil tank systems.

C. WHAT IF YOU HAVE A FINANCIAL HARDSHIP OR INABILITY?

If you are unable to pay for the oil release cleanup, you may qualify for DEP's Financial Inability Status. This status lasts for one year and can be renewed annually. You will remain responsible for completing the site cleanup when your financial situation improves. DEP likely will not perform the assessment or cleanup at your site. The Financial Inability application and evaluation will focus on whether you have the resources to perform the next step of work required by the MCP. Living expenses and outstanding debts are factored into the evaluation.

If you would like to discuss the Financial Inability Program, please contact the Financial Inability Program Coordinator, DEP – Bureau of Waste Site Cleanup, One Winter Street, 7th Floor, Boston, MA 02108-4747, (617) 348-4055.

You may have a Financial Hardship that affects your ability to pay a compliance fee invoice. If you are unable to pay a DEP invoice before the due date (approximately 45 days) you may request an extension for payment. Your specific financial hardship should be documented by calling DEP staff at 617-292-5545 as soon as possible before the invoice due date.

PART X: **DEP FEES: WHAT YOU NEED TO KNOW**

In 1993, a schedule of fees was adopted to cover a portion of DEP's cost to conduct permit reviews, site inspections, audits, compliance, and enforcement activities. These fees are required to be paid by all parties performing response actions. There are three types of DEP fees that may apply to your heating oil spill. These include: **One-time Compliance Assurance Fees, Permit Application Fees, and Annual Compliance Assurance Fees.**

While most DEP fees increased for the first time on June 27, 2003, a schedule of reduced fees was adopted at that time for qualifying homeowners. A homeowner who is conducting response actions at his or her residence to address an oil release and who meets the definition of Homeowner below qualifies for the reduced fee rates.

Homeowner is defined at 310 CMR 4.02 as *an owner occupant of a residential one to four family structure who has provided a written certification on a Department approved form and whose structure has been used exclusively as a one to four family residence throughout his or her ownership, where the owner's unit is the owner's principal residence for six or more months of the year and the owner is conducting response actions at the residence in response to a release of oil.*

A completed Homeowner Certification Form BWSC-120 must be submitted by the homeowner to realize the reduction in fees. This form is available at <http://mass.gov/dep/cleanup/approvals/trforms.htm>

The types and rates for DEP fees as well as the reduced homeowner fee rates are discussed further in the following sections.

One-time Compliance Assurance Fees: These are paid at the time you and your LSP make certain submittals. The fee payment should be mailed to the DEP Lockbox in Boston and a photocopy of the check submitted to the regional office with the technical report.

One-time fees are summarized here and in the table below:

- \$800 "Release Abatement Measure" or "RAM" fee: Required for each voluntary RAM initiated within the first year prior to Tier Classification.
- \$1,200 "Response Action Outcome" or "RAO" fee: Required for an RAO Statement submitted 120 days after notification and prior to Tier Classification. This fee is generally only required in the first year; after that, DEP will bill you an annual fee as discussed below.
- \$1,600 "Downgradient Property Status" or "DPS" fee: Required for each DPS submittal made within the first year, prior to Tier Classification. DPS is only applicable when a spill has migrated onto your property from another location.

Permit Application Fees: These are paid for releases that are categorized as "Tier I" when actions to address the release continue beyond one year from notification. These include an Initial Tier I Permit applied for at the end of the first year as well as a Modification, Extension or Transfer of a Tier I Permit. The fee rate for qualified Homeowners for an Initial Permit Application is \$500 and, \$250 for a permit Modification, Extension or Transfer. If you do not qualify as a "Homeowner" as defined above, the Permit fee rates are \$3,550 and \$1,200 respectively.

Annual Compliance Assurance Fees (ACFs): ACFs will be billed for each year that your site remains in the MCP system prior to completing response actions. These fees are billed to the party performing response actions, regardless of who is responsible for the release or who owns the property. The fee amount is based on the classification category of the site at the end of each year (i.e. Tier IA, IB, IC, ID or Tier II). While there are no fee exemptions for spills at residential properties, DEP has adopted a reduced Annual Compliance Assurance Fee schedule for qualifying Homeowners. These reduced fee rates are applicable to billable years ending on or after June 27, 2003. The ACF associated with each Tier Classification category is presented in the table that follows. Note that the old rates are applicable to billable years ending prior to June 27, 2003.

Summary Table of DEP Fees

Annual Compliance Fee Category	Rates for Years Ending Prior to 6/27/03*	Fee Rates Effective 6/27/03	
		Non-Homeowner	Homeowner
Response Action Outcome (RAO)	\$750	\$1,200	\$1,200
Release Abatement Measure (RAM)	\$500	\$800	\$800
Downgradient Property Status (DPS)	\$1,000	\$1,600	\$1,600
Tier IA Disposal Site	Site Specific	\$5,000	\$1,000
Tier IB Disposal Site	\$2,600	\$4,000	\$1,000
Tier IC Disposal Site	\$1,950	\$3,000	\$1,000
Tier ID Disposal Site	---	\$4,000	\$2,000
Tier II Disposal Site	\$1,300	\$2,000	\$1,000
Phase V Operation, Maint. or Monitoring	\$500	\$800	\$800
Post-RAO Class C	\$500	\$800	\$800
Tier I Permit Application Fees			
Initial Permit Application	\$3,550	\$3,550	\$500
Permit Extension, Transfer or Major Modification	\$1,200	\$1,200	\$250

*Applicable to all billable parties including Homeowners

Fees are billed to you based on the site classification on the Annual Status Date. The Status Date is determined by the earliest date of notification for your site. It is important to learn what your Status Date is – either ask your LSP or contact the staff at the DEP Boston office within the Cost Recovery, Fees & Revenue Section at (617) 292-5545. Knowing your Status Date may help you keep your costs down and plan for future fees.

If a cleanup is not completed and documented with an RAO Statement by the end of the first year, the site must be classified as Tier I or Tier II at the end of the first year. If a complete Tier Classification submittal is made on time, no fee is billed for the first year. Following Tier Classification, DEP will bill you a fee for each billable year, until and including the year that an RAO Statement is submitted. If you qualify for the reduced fee by submitting a completed Homeowner Certification Transmittal form, the fee will be \$1,000 per year. When your cleanup is completed, it is important to submit an RAO Statement as documentation to “turn-off” fees. The billable year in which a Class A or B RAO Statement is received would be the last billable year for fees.

If you fail to submit a complete Tier Classification by the one-year deadline, your site will be deemed Tier ID by “default” and a Tier ID fee will be billed for the first year. The fee rate for the Tier ID category is \$4,000 per year. If you qualify for the reduced Homeowner fee rate by submitting a completed certification form, the fee rate for your Tier ID site would be \$2,000 for the first year and each subsequent year until your site is reclassified by you and your LSP. Either way, the one-year deadline to Tier Classify is an important date. By making the Tier Classification submittal on time, you can avoid the first year fee. Additionally, if your site is classified on time and you qualify as a Homeowner, fees for subsequent years will be at the lower rate of \$1,000 per year.

In the event that the first year deadline is missed, you may be able to avoid the full Tier ID fee for the second year if your cleanup is completed and your LSP prepares and submits an RAO Statement in the first ninety (90) days of the second year. By doing so, you would pay a One-time RAO fee of \$1,200 with the RAO submittal. This RAO fee is in lieu of the full Tier ID fee for the second year. Note, however, that you will still be billed the full Tier ID fee for the first year. If submitting an RAO Statement in this time frame is not possible, you should consider reclassifying your site to an appropriate category (e.g. Tier II) to avoid additional Tier ID fees and potential enforcement action.

Milestones that may be reached in some of the more complicated sites will reduce the amount of fees billed. These include the implementation of Phase V activities or the submittal of a Class C RAO Statement. Either one of these actions will reduce the ACF billed to \$800 per year. This fee amount will be billed beginning with the year that DEP receives a Phase IV Completion Statement or a Class C RAO Statement.

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You should plan to receive a DEP fee invoice and budget the appropriate amount of funds so that payment can be made in a timely manner. Some insurers have covered DEP fees in their payment of claims made by homeowners responding to an oil spill. You should consult your insurance company on this matter. See also "Insurance Coverage" in Part IX of this Guide. If you sell your property, you will still be billed DEP fees if you were performing the response actions during a billable year. Note that if the cleanup is not complete at the time of sale, the Tier I Permit or Tier II Classification must be formally transferred to a new party if they are taking responsibility for continuing the cleanup. When a Transfer submittal is received by DEP, the new party will be billed the fees for that billable year forward.

DEP has no authority to waive or reduce fees. However in cases of severe financial hardship, a payment plan may be granted to allow payments to be made over a short time period. More information on financial help is included in Part IX of this Guide. The DEP website also provides additional fee information at <http://www.mass.gov/dep/cleanup/approvals/fees.htm>.

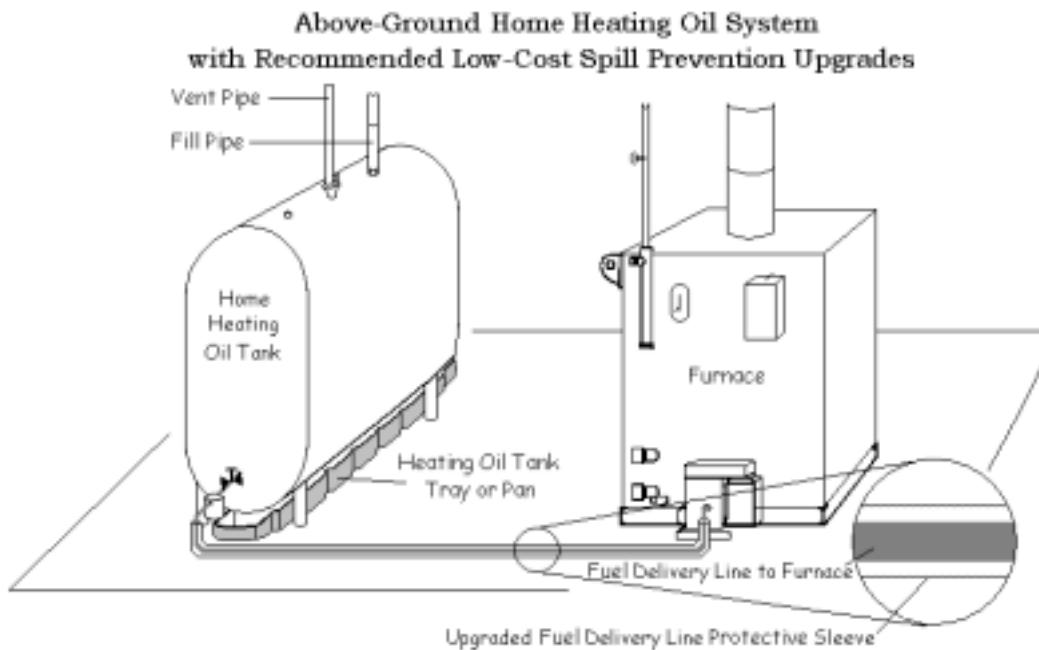
ATTACHMENT A

**A TYPICAL HOME HEATING OIL SYSTEM
AND HOW IT CAN LEAK**

The diagram below represents a typical home heating oil system. There are variations. In this picture, the oil tank is located inside the basement. An oil tank can also be located outside either above ground or buried under ground. Wherever the oil tank is located, a "delivery" line will run from the oil tank to feed oil into the furnace. The oil provides the fuel to power the furnace.

All of the components of your heating system require routine maintenance. Almost any of the parts of a home heating oil system can leak oil. Some common sources of leaks include:

1. **Oil tanks** (age, corrosion, and over-pressurization can cause tanks to fail during fuel deliveries)
2. **Fuel "delivery" lines** (corrosion, mechanical, physical failure are the most common causes of leaks)
3. **Valves or connections** that fail because of age or during fuel deliveries
4. **Overfills/spills** of fuel during deliveries (commonly through the fill pipe)
5. **Vent pipes** clog (usually due to nests, leaves, and other debris from animals or insects) cause oil to back up out of the lines or over-pressurize the tank



ATTACHMENT B

Tips For Maintaining Your Home Heating System: Prevent Heating Oil Leaks and Spills

Cleaning up oil leaks from home heating systems can be very expensive. The average cost can range between \$20,000 and \$50,000, with some cleanups costing significantly more. Here are some ways to save money, help prevent leaks and spills, and protect the environment.

For all heating oil systems:

- Annually -
 - Inspect for leaks. Look at the tank, fuel delivery line, valves, piping, and fittings.
 - Have your oil company:
 - ✓ clean the furnace, and repair or replace damaged parts. A well-maintained furnace means lower fuel bills and cleaner emissions.
 - ✓ install an oil **safety valve** or replace the fuel delivery line with one encased in a **protective sleeve**. These are inexpensive upgrades. Contact the fire department to determine if a permit is required for this work.
 - Each fall, inspect the vent pipe to ensure that it is free of obstructions and that an audible signal (whistle) is on the vent. Oil company personnel listen for the whistle to help avoid overfills.
 - Ensure that your street number is clearly visible from the road to prevent oil company personnel from delivering fuel to the wrong address.
- Retain all oil delivery receipts. Keep them handy so you can track your oil demand. Unexpected increases may indicate a leak.
- At least every 10 years, have the oil tank cleaned out. Over time, water (from condensation) and sludge can cause corrosion resulting in leaks.
- When appropriate -
 - Remove abandoned fill and vent pipes immediately.
 - Clearly mark the location of the tank's fill pipe.
 - Consider upgrading your heating system, oil line, and/or storage tank.

For underground tanks:

- Determine if the underground storage tank is made of steel (common) or fiberglass (rare). Most steel underground storage tanks will last approximately 10 to 20 years. If the tank is older than that or the age is unknown, replace it with an above ground storage tank. Locate your new tank under a shelter, or inside a basement or garage to prevent rust, corrosion, or damage.

For outdoor above ground tanks:

- Ask an oil technician to inspect the stability of the above ground tank. A full 275-gallon tank weighs more than 2,000 pounds! They have metal legs and should sit on a concrete pad. If the legs become loose or the pad cracks, the tank can fall over and rupture.
- Replace an outdoor above ground storage tank that has been uncovered for 10 years or longer. These tanks rust from the inside out, so cleaning or painting the outside does not usually prolong their life.
- Protect the tank from the weather, such as falling snow and ice, and prevent ruptures by tree limbs.

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For indoor above ground tanks:

- Inspect indoor above ground storage tanks for signs of pitting and corrosion, particularly at the bottom of the tank. Tanks primarily rust from the inside out, so if signs of aging are present, replace the tank. Indoor tanks generally do not last more than about 30 years, and often their lifespan is much shorter.
- Consider placing a plastic heating oil tray or pan under the tank. They make it easier to keep the tank area clean and help identify and contain small leaks.

If your oil company offers to perform a “tightness test,” ask if this could cause a problem. Generally, these tests should NOT be performed on older residential heating oil systems. Because of the pressure used during a tightness test, older equipment can fail, causing a leak or spill. If you have a tank, fuel delivery line, valves, piping, and fittings on which it is inadvisable to perform a tightness test because of age or condition, then it is probably better to replace the equipment that is causing the concern.

You may visit our web site or call for more information. Access DEP’s web site at www.mass.gov/dep/, where you can review related documents, including our pamphlet, “Heating Oil Delivery Lines”, or call Ken Sanderson at 617-556-1044.

If you suspect an oil leak or spill, **immediately** contact your oil company and fire department for assistance. Leaks or spills of 10 gallons or more must be reported to DEP within 2 hours. To report a leak or spill, call DEP (within 2 hours) and the fire department.

If you do have a leak or spill, DEP’s 24-hour statewide emergency response number is:

(888) 304-1133

ATTACHMENT C

INFORMATION TO RETAIN IN YOUR HEATING OIL CLEANUP NOTEBOOK

WHO	<p>Who owns the property? If you are not the owner, contact the owner(s) Who was involved with the release? (circle those that apply) contractors, oil company, repair or service technicians, other _____</p>
WHAT	<p>What part of your heating system had the release? (circle those that apply) an above ground tank (AST), an underground tank (UST), the delivery line, spill/overflow or other How many gallons were released? _____ Try to estimate the volume based on your delivery and usage records. What did the release impact? (circle those that apply) Basement floor, personal belongings, sump, soil and/or cement, pavement, groundwater, another property, a stream, lake or pond, other</p>
WHEN	<p>When was it discovered? _____ When did it start? _____ Was it a sudden release or a slow leak? _____</p>
WHERE	<p>Did the release occur inside or outside the house? _____ Where was the release detected? _____</p>
HOW	<p>How did the release occur – what was the cause of the release? The tank bottom failed, tank was over pressurized during a fill, tank legs failed, delivery line leaked, tank or line punctured, spill/overflow, spill that occurred a long time ago, vandalism, ice/snow or other _____</p>
NUMBERS	<p>Note important numbers DEP's release tracking number (RTN) _____ Your insurance claim number _____</p>
CONTACT NAMES/BUSINESS CARDS/DATES	<p>Retain the names and numbers of people, agencies and companies you encounter throughout the assessment and cleanup of your heating oil release. Note the dates of those contacts.</p>
CORRESPONDENCE COPIES	<p>Make a copy of all documents you initiate or which you sign or initial and the date.</p>
DOCUMENT CONDITIONS	<p>Take pictures or videos before and after a release to provide documentation to support insurance claims and to document conditions on your property before and after work is performed.</p>
TRACK LSP AND CONTRACTOR WORK	<p>Track the dates and times when the LSP or contractors are working and what activities they are performing. When you receive a bill, check your records to verify that it is correct. Keep notes on all meetings, phone calls, agreements, etc. This information may become important later.</p>
IMPORTANT DEP DEADLINES	<p>DEP Notification date: _____ 60th day IRA plan/RNF due date (Part IIB): _____ 120th day after notification (Part IVA): _____ Anniversary date/1-year after DEP notification: _____</p>

ATTACHMENT D
POST IN YOUR HOME IN CASE OF AN OIL SPILL

**SUGGESTED EMERGENCY PROCEDURES FOR
HOME HEATING OIL SPILLS**
TAKE THESE ACTIONS IN THIS ORDER



**FIRE
DEPARTMENT
AND MA DEP**

RETAIN THESE NUMBERS:

- Call **911** for the Fire Department
- AND
- Call **(888) 304-1133** for MA DEP Emergency Response
 - Note your Release Tracking No. (RTN): _____

OIL COMPANY

CALL YOUR OIL COMPANY FOR ADDITIONAL ASSISTANCE

Company Name: _____
Contact: _____
Phone Number: () - _____

**PROTECT YOUR
FAMILY**

PROTECT YOUR FAMILY BY REDUCING YOUR EXPOSURE TO THE OIL AND ITS VAPORS

For indoor spills:

- Ventilate the area to avoid inhaling noxious vapors

For all spills:

- Prevent access to the spill area
- Avoid the spill area
- Watch for symptoms like coughing, headaches, dizziness, etc.
- Call the local Board of Health office if your drinking water well has been contaminated

Local Board of Health Phone Number: () - _____

- Refer to the Homeowner Oil Spill Cleanup Guide at <http://www.mass.gov/dep/cleanup/homeownr.htm> or at your DEP regional service center for copies at:
 - *Western Regional Office* *Springfield* (413) 755-2214
 - *Central Regional Office* *Worcester* (508) 792-7683
 - *Northeast Regional Office* *Boston* (617) 292-5500
 - *Southeast Regional Office* *Lakeville* (508) 946-2718

**INSURANCE
AGENT/
COMPANY**

NOTIFY YOUR INSURANCE AGENT AND/OR COMPANY

Company Name: _____
Contact/Agent: _____
Phone Number: () - _____

**ENVIRONMENTAL
CLEANUP
SPECIALIST**

HIRE A LICENSED SITE PROFESSIONAL

A list of Licensed Site Professionals can be found at: www.mass.gov/lsp
or call the LSP Board for a list at: (617) 556-1091

**DOCUMENT
CONDITIONS**

DOCUMENT KEY INFORMATION AND CONTACTS. TAKE PICTURES WITH A CAMERA OR CAMCORDER.