

New Jersey Department of Environmental Protection
Site Remediation Program

A Homeowner's Guide to Cleaning Up Heating Oil Discharges



Storage tanks containing home heating oil – whether they're located underground, above ground or in the basement – can rust and leak over time, posing a number of environmental and health risks. In the event of a storage tank discharge – where heating oil comes into contact with soil or ground water – New Jersey requires homeowners to take prompt action to minimize those risks.

The minimum work requirements for cleaning up affected properties are defined in the regulations entitled *Technical Requirements for Site Remediation* (N.J.A.C. 7:26E et seq.). You may visit the DEP's web site at: <http://www.state.nj.us/dep/srp/regs/regs.htm>. The environmental contractor you hire for your cleanup should be familiar with and follow these rules. This guide is provided as a supplement to help you better understand the cleanup requirements. It should not, however, be used in place of the *Technical Requirements*.

How Can I Tell If There Is a Problem?

The following could be signs of a leak in your home heating oil tank:

1. Any unexpected/unexplained fuel oil consumption increase that doesn't appear to be caused by additional use of your heating system (such as during prolonged periods of cold weather).
2. Water in your underground storage tank.
3. Consistent problems with your oil burner.
4. Changes in or loss of vegetation in the area over and around the tank.
5. Oil odors in areas other than around the oil burner.
6. Tastes, odors or other problems with your drinking water, if obtained from a well.
7. Staining on basement walls or floors adjacent to the tank.
8. Presence of oil or a sheen in the basement sump or French drain.
9. Oil or sheen in any nearby culverts, drainage ditches, storm drains, streams, or ponds.



For 1, 2 and 3, first contact the company that services your heating system to rule out a maintenance problem. To determine whether any of the above problems are caused by a leaking fuel oil storage tank, contact an environmental contractor. Your local health department also may be able to provide you with guidance in determining the source of the problem.

What Do I Do If There Is a Leak?

If some type of heating oil discharge has occurred at your home, regardless of the quantity, you must report it to the N.J. Department of Environmental Protection (DEP). Call the DEP's toll free 24 hour Environmental Action Hot Line at 1-877-WARN DEP (1-877-927-6337) as soon as a discharge is detected. You will be sent an information package that describes in detail your responsibilities, what must be done to clean up the spill and DEP's oversight role.

Next, if the source of your discharge is a leaking tank, contact your fuel oil company and ask that all residual fuel oil be pumped out from the tank. Be sure to ask if any of the oil is reusable. You also should contact a qualified environmental contractor to perform the cleanup.

How Do I Choose a Contractor?

Environmental contractors are listed in the telephone book's Yellow Pages under Environmental Services or Tank Installation and Removal. If you need help in choosing a contractor, consult with your attorney or local health department for recommendations. The DEP cannot recommend contractors, but provides general guidance on how to select one in its brochure called *Choosing an Environmental Consultant for Cleaning Up Heating Oil Discharges*. A free copy is available by calling (609) 584-4150 for the Bureau of Southern Field Operations or (973) 669-3960 for the Bureau of Northern Field Operations.

As with any other contract work, you should obtain cost estimates from two or three contractors and request references. You may contact the Division of Consumer Affairs at (973) 504-6200 to determine if the contractor has a history of complaints. Make sure that the contractor you select is familiar with the *Technical Requirements for Site Remediation*. If a contractor does not have a thorough knowledge and understanding of these regulations, this will almost certainly result in project delays and additional costs. Remember that the lowest bidder may not always be the most qualified contractor.

Unfortunately, since contractors cannot guarantee certain aspects of cleanup activities, such as whether contamination will be found and if so, to what extent, it is difficult for them to accurately predict the cost of a total project. Generally speaking, contractors bill on a time and materials basis, and the amount of time required will vary with every project. Since it can be difficult to determine if costs for a cleanup are reasonable, you should take particular care in selecting a contractor. If contractors require that you sign a contract for the work with specific clauses, you may wish to consult your attorney to ensure that the contract protects your rights. Remember that the contractor is working for you; don't hesitate to ask specific questions and seek justification for any costs that seem unreasonable or unnecessary.

What Is the State's Role?

Under state laws, cleanup activities must be conducted for discharges of fuel oil; cleanups may take place with or without state oversight. However, to obtain final state approval of a cleanup, a "no further action" letter is needed through the DEP's Voluntary Cleanup Program. This letter increasingly is required in real estate transactions. If you will require such a letter at closing, ensure that you leave ample time to complete the cleanup and gain final state approval. The program provides for state oversight through a Memorandum of Agreement in which the homeowner agrees to perform the cleanup and pay DEP oversight costs. The DEP receives no state funding to cover costs for this oversight; costs must be borne by those who require the service. The DEP, in turn, reviews cleanup activities and provides final approval at the conclusion.

A property owner may choose to perform a cleanup without participating in the Voluntary Cleanup Program, but the matter will remain an open case until the Department can review the cleanup. Reviews of cleanups conducted outside this program are conducted on a priority basis, with those sites posing the greatest environmental risks addressed first. A "no further action" letter, however, is available only through the Voluntary Cleanup Program.

What Are the Steps for Cleanup?

Following are some of the steps a contractor will take to clean up fuel oil contamination. All cleanups will differ depending on individual circumstances. These steps are described here to help you better understand the general cleanup process.

- ◆ The tank will be thoroughly cleaned and properly disposed of or recycled at a scrap metal facility.
- ◆ If the storage tank is underground and must be removed, it will be removed according to local codes and the American Petroleum Institute's recommended practices. Local construction permits will be required from your municipality.
- ◆ Once the tank has been removed, the contractor will excavate from the area any soils believed to be contaminated above the DEP's cleanup criteria. Soils over the tank may be separated from the contaminated soil and used as fill material, which will save on disposal and fill costs.
- ◆ Once contaminated soil has been removed, soil remaining in the excavation site will be sampled to document the effectiveness of the cleanup. A certified laboratory will analyze the soil samples, and the results will be compared to the DEP's soil cleanup criteria to determine whether additional cleanup is needed. Soil disposal may represent the largest part of cleanup costs. Therefore, it is important that your contractor accurately determine which soils are suitable for reuse.

It should be noted that if Total Petroleum Hydrocarbon Compounds (TPHC) concentrations are detected in excess of 1,000 parts per million (ppm) in the excavation, the soils must also be tested for Volatile Organic Compounds (VOC) using the appropriate DEP or USEPA test method. The VOC test will be required on 25 percent of the samples with the highest TPHC concentrations exceeding 1,000 ppm of TPHC. Concentrations in excess of 10,000 ppm must be remediated. Concentrations below the 10,000 ppm of TPHC may be below DEP soil cleanup criteria, and may not need to be excavated.

What occurs during the tank removal will determine what additional work, if any, will be needed. If ground water is encountered during the excavation and there is fuel oil or a sheen floating on the water, the floating fuel oil should be recovered, and a ground water investigation or ground water cleanup will be necessary. If this situation arises, the cleanup may become more complex. You may want to contact your DEP case manager once ground water contamination has been confirmed so that they may assist your contractor in this complex stage.

If you have questions about any aspect of the cleanup, contact your assigned case manager or the duty officer at the Responsible Party Remediation Element at (609) 584-4150 Southern; or (973) 669-3960 Northern.

What Are the Cost Issues Involved?

Homeowners should be aware of the following cost issues as they relate to cleanups:

Oversight Costs

The Voluntary Cleanup Program provides for state oversight through a Memorandum of Agreement in which the homeowner agrees to perform the cleanup and pay DEP oversight costs. The DEP receives no state funding to cover costs for this oversight; costs must be borne by those who require the service.

For your convenience, as an alternative to completing a MOA application, a fixed cost of \$500.00 has been established for the review of remedial action reports covering removal of leaking, underground storage tanks not regulated by N.J.A.C. 7:14B, as long as discharges from these tanks have not impacted ground water. For more information regarding this alternative contact the Case Assignment Section at (609) 292-2943.

If you have any questions regarding oversight costs, contact your assigned case manager or the Division of Remediation Support, Fiscal Support Services, at (609) 292-1966.

Insurance

You should file a claim with your insurance company as soon as evidence of a leak is discovered. Most policies require at least "prompt" notice of a claim, as well as your assistance in providing information to the insurer. Insurance coverage for cleanup of contamination from leaking residential tanks depends on the language of the individual policy and its interpretation.

You also may want to consider underground storage tank protection programs that may be available from your oil company or fuel oil distributor to insure yourself against future problems.

Financial Assistance

Grant and loan programs are available from the State to provide financial assistance for cleanup costs. To find out if you are eligible, contact the Division of Remediation Support, Bureau of Contract and Fund Management, at (609) 777-0101.

For Additional Information

The DEP maintains a web site offering a wide variety of information and forms concerning the Voluntary Cleanup Program that can be found at: <http://www.state.nj.us/dep/srp/volclean/>.

If you have questions regarding the cleanup of home heating oil, contact the Responsible Party Remediation Element's regional field office duty officer at (609) 584-4150 for the Bureau of Southern Field Operations or (973) 669-3960 for the Bureau of Northern Field Operations, Monday through Friday, from 8 a.m. to 5 p.m.

To better serve you please have the following information available when calling:

1. Is water to your home supplied by a water company, or do you have a potable well?
2. Is your oil tank above ground or buried underground?
3. Does your basement have any water collection devices (i.e. sump or french drain)?
4. If you are unsure if you have a storage tank, how is your home heated?
5. Are you required to carry flood insurance?

Remember to call the DEP's toll free 24 hour Environmental Action Hot Line at 1-877-WARN DEP (1-877-927-6337) as soon as a discharge is detected.

