

New Mass. Law Requires Heating Oil System Upgrade



Underground heating oil tanks and pipes in Massachusetts will have to be outfitted with protective casing. (image: westmorefuel.com)

On Friday, the [New England Business Bulletin reported](#) on the Oil Heating System Upgrade and Insurance Law, a law directed at Massachusetts heating oil users which goes into effect July 1. Residential fuel oil spills and leaks require colossal and expensive clean-ups that homeowners must pay for. In response to this risk, the Massachusetts Department of Environmental Protection mandated that all heating oil users outside of certain exemptions install a safety sleeve on either the tank valve or furnace pipe.

A corresponding law, also effective July 1, will make coverage for heating oil spills a mandatory addition to homeowner insurance offered in the state.

Buried oil storage tanks and piping are particularly prone to leakages because of the corrosive affects that water and either soil or cement have on unprotected metal. Perforation from material weakening and cracks from changes in the ground environment (like soil settling or foundation shifting) make underground tanks vulnerable to leaks that can develop for years without detection.

State fire codes made protective sleeves mandatory for newly installed oil storage systems in 1990. Protective sleeves are non-metallic encasements meant to shield the metal from corrosive chemical agents and contain a leak, should one occur. As with this year's law, the sleeve was required to be applied to either the oil tank valve or the line that connects the tank to the furnace. Therefore, heating oil equipment for buildings constructed after January 1, 1990 likely already

meet the new law's technical requirements. Also, homes with an oil burner positioned above the oil tank and an oil line connected to the top of the tank are exempt from the law regardless of their construction date, perhaps due to the way oil flows against gravity in this arrangement, thus making leaks less likely.

Oil tank or line leaks are considered rare, but the [Massachusetts DEP estimates that every year](#), "several hundred" Massachusetts families experience such a leak. Leaks become more likely for equipment as it ages beyond 10-15 years.

No violation fee or inspection process is planned to enforce the regulation, but the minimal cost of an upgrade compared to the unfortunate cost of an accident is something to consider. A protective sleeve for a valve or pipe costs \$150-\$1500. According to the Massachusetts DEP, the average cost of clean up from a heating oil leak is between \$20,000 and \$50,000. [Even a leak the size of pinhead](#) can cause significant groundwater contamination as it moves through the soil beneath or around the building. Also, even if a homeowner with a noncompliant oil system is lucky enough to never have leak problems, they may still have to deal with service rejections by heating oil dealers unwilling to face liability issues, as well as additional regulatory hurdles and lower property values when selling the home.

Formerly, the burden of paying for a spill restoration was placed solely on the individual. As of July, homeowners may elect to participate in insurance that covers this event, newly available through the companion law mentioned above. All home insurance providers operating in Massachusetts are required to include coverage for heating oil leaks in their programs, but only homeowners who have upgraded their systems or are already exempt from the new regulation are eligible for this addition.