



RESIDENTIAL HEATING FUEL PROVISION AND PEP CERTIFICATIONS

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The background features a stylized landscape with a yellow sun in the top right, green hills in the middle, and blue water at the bottom. The elements are separated by thick, dark blue outlines.

Residential Heating Fuel Provisions

RELEASES OF RESIDENTIAL HEATING FUEL

Section 22a-450 requires heating fuel releases to be reported when the:

- Release is from a UST
- Release quantity is 5 gallons or more and not from a UST
- Release quantity is less than 5 gallons, and the release hasn't been removed or mitigated within 2 hours
- Release quantity is unknown



22A-134TT-1(A) – DEFINITIONS

(37) “**Emergent reportable release**” means a release to the land and waters of the state discovered by an **observed change in conditions** that is required to be reported pursuant to the Release Reporting Regulations.

Except that “Emergent reportable release” does not include:

(A) Oil or petroleum less than 10 gallons ; and

(B) A reportable material other than oil or petroleum less than 20 pounds or 3 gallons ;



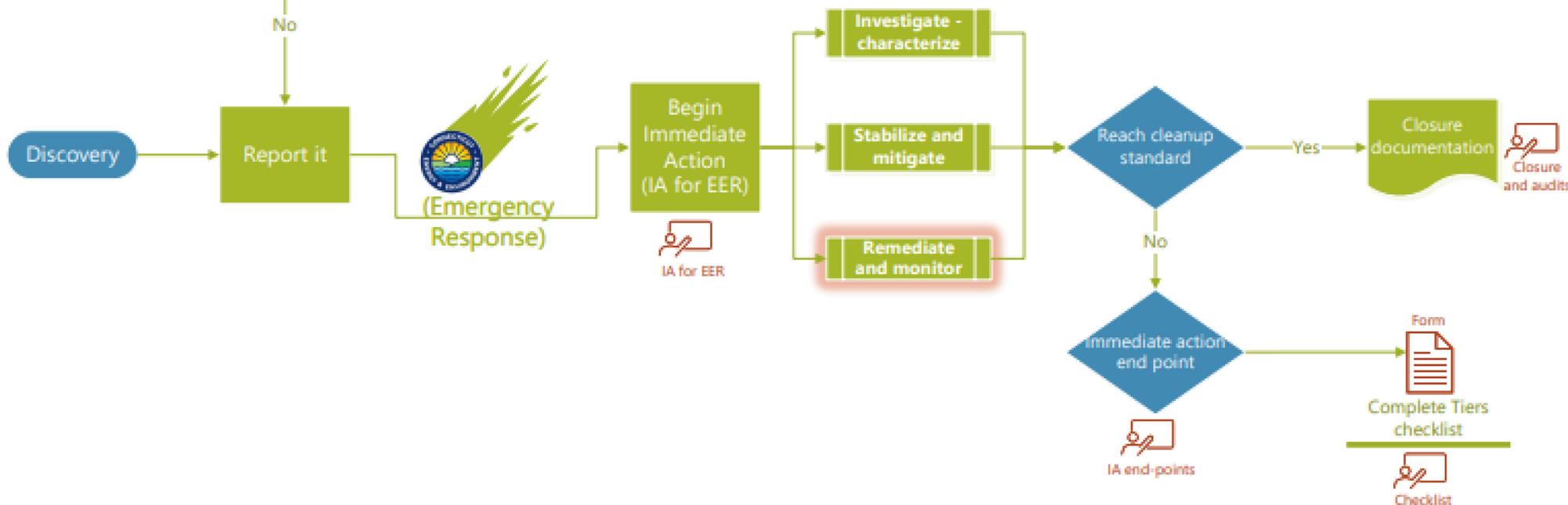
Release-Based Cleanup Interactive Roadmap to the first year after discovery



Emergent Release



Emergent Release (ERR)



IMMEDIATE ACTIONS (IAs)



What is an immediate action?

22a-134tt-5(d)

For the releases that pose a significant risk to human health and/or the environment, a rapid response is required to:

- Identify and eliminate source
- Remove the substance released
- Prevent migration
- Investigate, stabilize, contain, mitigate, remediate, or monitor

IMMEDIATE ACTIONS (IAs)



- IAs are required for certain new releases and spills (Emergent Reportable Release or ERRs) or historical releases (Significant Existing Releases or SERs).
- The response to ERRs is based on spill response actions required by DEEP and DPH.

WHAT IS AN IMMEDIATE ACTION?

An Immediate Action is the immediate response upon discovery of a release by:

- Removing the release from the land and waters of the state
- Implementing measures to prevent migration of the release, such as active remediation techniques, the use of physical barriers, or appropriate treatment systems
- Identifying the source of the release and eliminating it
- Preventing human exposure to release

Immediate means no later than 2 hours after the release is reported.



IMMEDIATE ACTIONS (IAS) FOR RESIDENTIAL HEATING FUEL RELEASES

What types of impacted media require immediate actions?

Media	Type of releases requiring IAs	Immediate Actions required
Groundwater	Public or private drinking water well impacted	Limit migration Well survey
	Groundwater within 500 ft of a drinking water well is impacted	Well sampling Alternative potable water supply IA report
	Volatile substances released to groundwater within a certain distance from a building	Ventilate building Prevent vapor migration IA plan
Surface Water	Visible impact to surface water	Remove release Possible sediment sampling IA report
Soil	Releases to soil	Remove release IA report
Improved surfaces	Releases to driveways, sidewalks, etc.	Remove release IA report

WHY A SPECIAL PATH FOR RESIDENTIAL HEATING OIL?



Not all homeowner insurance policies cover heating fuel tank releases



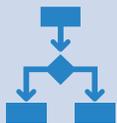
Currently, residential home heating fuel tanks are exempt from DEEP's UST Regulations.



DEEP is seeing an increase in releases from residential tanks as the tanks age



Residential home heating tanks do not have the same leak detection equipment as regulated tanks; therefore, releases are often discovered when homeowners have more frequent deliveries.



Heating oil contamination is well understood and biodegrades



There were **667** residential oil tank releases reported to DEEP in **2024**.

WHY A SPECIAL PATH FOR RESIDENTIAL HEATING OIL?



Most residential releases would be able to use this pathway

- An exception would be releases caused by someone other than the homeowner, i.e. delivery overfill by the oil company

PEP and/or LEP certification of cleanup can be done under this special path

- A more standardized release remediation closure report will be required to be submitted

WHAT RELEASES QUALIFY FOR THE SPECIAL PATH

- After remediation is completed, release does not impact drinking water well or indoor air
- Homeowner is responsible for the release
- Occurs on a residential parcel with four or fewer units
- Impacted soil is excavated until clean or further excavation may undermine structural integrity of residence
- Closure report identifies pollution that remains and that remediation was performed to the maximum extent prudent



RELEASES OF HOME HEATING FUEL- SPECIAL PATH



- Applies to tanks that services four or fewer residential units, and the heating fuel is being stored for use on site
- Residential underground storage tanks servicing five or greater residential units are regulated under the UST Regulations (Section 22a-449(d)-1)
- Applies to releases created by the owner or occupant of the parcel
- Excludes delivery overfills, contractor error, etc.

RELEASES OF HOME HEATING FUEL- SPECIAL PATH



- Soil must be removed to the maximum extent prudent
- Can leave impacted soils if excavation would undermine structural integrity of the dwelling
- Remaining impacted soil cannot be impacting groundwater or indoor air
- Closure report describes nature and extent of remaining impacted soil

RELEASES OF HOME HEATING FUEL- SPECIAL PATH



- When there is no lasting impact to groundwater a PEP can certify
 - Groundwater must be sampled if encountered
 - Groundwater impact doesn't last more than 24 hours
- Remember releases with lasting impact to groundwater cannot follow the special path and requires LEP verification.

SUMMARY OF RESIDENTIAL HOME HEATING FUEL RELEASES

An emergent reportable release or an existing release of residential heating fuel at a residential property



Applicability

- Release consists entirely of residential heating fuel;
- The heating fuel is being used, or stored for future use on the parcel at which it is being stored; and
- The release was created by the owner or occupant of the parcel (containing not more than 4 units) on which the home heating fuel is being used or stored for future use

Cleanup Standard

- An LEP verifies or a PEP certifies that all soil impacted by the release has been removed, except soil removal that may undermine the structural integrity of the residence and that soil left in place is not impacting groundwater or indoor air.

Documentation

- A release remediation closure report has been prepared.



RELEASES OF HOME HEATING FUEL ON RESIDENTIAL PROPERTIES



Documentation

The Release Remediation Closure Report should:

- Identify the nature and extent of any remaining impacted soil
- Demonstrate that remediation resulted in removal of impacted soil to the maximum extent prudent
- Indicate that groundwater was
 - not impacted, or
 - was impacted, but an LEP has verified that groundwater has been remediated pursuant to RCSA 22a-134tt-10

A stylized, colorful landscape illustration. The top right corner features a bright yellow sun. Below it is a large, vibrant green hill. The bottom of the image shows a light blue body of water. The entire scene is defined by thick, dark blue outlines. The text "PEP Requirements" is centered on the green hill.

PEP Requirements

REQUIRED QUALIFICATIONS OF A PEP

Experience:

- 1. Minimum of 10 years of experience (in last 15 years) responding to hazmat incidents involving mitigation/remedial activities including but not limited to USTs**
- 2. Experience planning remedial activities**
- 3. Knowledge of chemical fate and transport and soil classification**
- 4. Competency using emergency equipment, emergency procedures, and spill response equipment, and in mitigation, containment, and removal techniques**

REQUIRED QUALIFICATIONS OF A PEP

Education:

- 1. Up to 4 years experience can be substituted with a bachelor's degree in a relevant subject**
- 2. Up to 2 years experience can be substituted for an associate's degree in a relevant subject**

Training:

- 1. OSHA 1910.120**
- 2. OSHA 30**
- 3. ICS 100, 200 and 700**
- 4. DEEP approved 3rd party 8-hour training course and pass certification exam**

REQUIRED QUALIFICATIONS OF A PEP

Continuing Education:

1. Annually- 8 hr OSHA refresher
2. Every 3 years- pass 4 hour refresher PEP course

More information on PEP requirements and training is posted to our website here: <https://portal.ct.gov/deep/emergency-response-and-spill-prevention/emergency-response-and-spill-prevention>

REQUIRED QUALIFICATIONS OF A PEP

Listed on a permit

- 1. Listed as a PEP on a Spill Cleanup Contractor's 454 permit, or**
- 2. On a GP to Employ a PEP to Oversee Cleanup Activities of Releases for Which the Permitted Entity is the Responsible Party and for Certain Tank Removal Companies to Oversee Cleanup of Releases from Residential USTs**

See the Department's website for more specifics on the requirements of each permit

A stylized, colorful landscape illustration. At the top right, a yellow sun is partially visible. Below it, a large green hill with a dark blue outline dominates the middle ground. The bottom of the image shows a light blue area representing water, also with a dark blue wavy outline. The text 'PEP Certifications' is centered on the green hill.

PEP Certifications

22a-134tt-8

RELEASES CERTIFIED AS CLOSED BY A PERMITTED ENVIRONMENTAL PROFESSIONAL (PEP)

PEPs can Certify 2 types of releases as closed:

- 1. Subset of Emergent Reportable Releases (ERRs)**
- 2. Releases of Home Heating Fuel on Residential Properties**

PEPs CAN CERTIFY A SUBSET OF ERRs UNDER THESE CONDITIONS

- The approximate location and volume of such release was known at the time remediation commenced
- The released substance or substances are known
- Remediation is commenced within the time specified by 22a-134tt-5, and all immediate actions required are completed in time frame specified in that section, and
- A PEP who responded to and directed the cleanup of such release certifies that each of the requirements has been satisfied

WAS SOIL IMPACTED BY THE RELEASE?

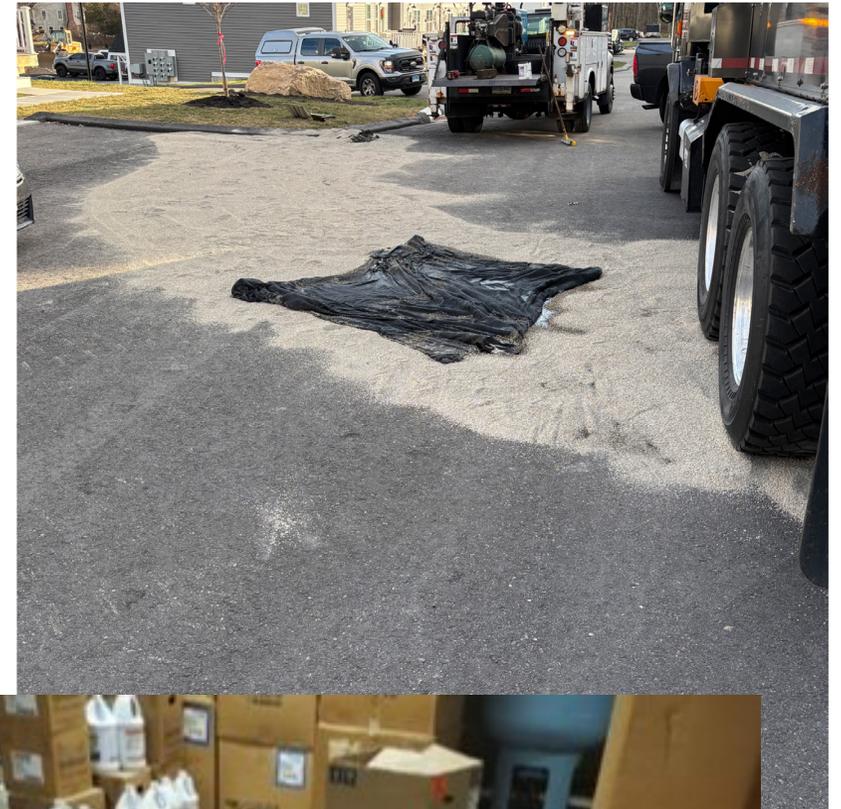
- A PEP can certify if the following conditions are met:
- Soil impacted by the release has been completely removed and properly disposed



WAS THE RELEASE TO AN IMPROVED SURFACE?

A PEP can certify if the following conditions are met:

- The release is removed to the extent necessary to prevent migration from the improved surface; **-or-**
- If the substance is a material of special concern (Sec 22a-450-6), the release is removed until such substance is not detected
 - Could require removal of the improved surface



WAS THE RELEASE TO A SECONDARY CONTAINMENT SYSTEM?

A PEP can certify if the following conditions are met:

- The volume of the release is less than the volume the system was designed to contain, and the system did contain it; **-and-**
- The system was assessed, and no damage was observed. Damage includes cracks, voids, gaps in the system, or in any epoxy/other



DID THE RELEASE REACH SURFACE WATER?

A PEP can certify if the following conditions are met:

- Each substance released is soluble in water; **-or-**
- Has a specific gravity of less than 1



HAS A RELEASE CONTACTED GROUNDWATER?

A release shall be determined to have contacted groundwater if:

- Groundwater is encountered during excavation;
- The substance is detected in a groundwater well immediately downgradient of the approximate location of the release and not more than 5 feet from the edge of the excavation; **-or-**
- A substance(s) released is determined to be present in the groundwater using a method specified by the Commissioner

If the above are true and the release is anything other than oil or petroleum, or is within 500 ft of a drinking water well, a PEP cannot certify.



HAS A RELEASE OF OIL OR PETROLEUM CAUSED PERSISTENT IMPACT TO GROUNDWATER?

A release shall be determined to have caused a persistent impact to groundwater if:

- A visible sheen remains on groundwater after three attempts within 24 hours at removing the sheen;
- One or more of the substances released is detected in a monitoring well immediately downgradient of the release and not more than 5 feet from the edge of the area of excavation 24 or more hours after completion of excavation of impacted soil; **-or-**
- A substance(s) released is determined to be present in the groundwater using a method specified by the Commissioner

If the above are true, groundwater has been persistently impacted and a PEP cannot certify.



FREQUENTLY ASKED QUESTIONS

Can an LEP certify a release?

- **An LEP and a PEP are both able to affirm that a release has met the standards in the RBCRs. When an LEP does this it is called a verification, and when the PEP does this is called a certification. Both certifications and verifications are durable closures.**
- **Any release that a PEP can affirm is closed, an LEP is also able to affirm is closed.**
- **Sec. 22a-134tt-8(a)(5) says that an LEP can verify an ERR has satisfied the requirements on behalf of their employer if the verification is consistent with this subsection (i.e. if the release would have be certifiable by a PEP)**

FREQUENTLY ASKED QUESTIONS

Does a PEP have to be on-site 24/7 during the course of a cleanup to certify a release?

- **At least one PEP must be on site during an active release until the point at which the source of the release has been stopped; throughout critical phases of response, including directing certain response activities during the assessment and cleanup phases; and for confirmation for the purpose of certification of closure.**
- **PEPs are not required to be onsite if the only remedial measures are passive (i.e. boom)**
- **If one PEP must leave before remediation is complete, oversight of the cleanup can be handed off to another PEP.**

FREQUENTLY ASKED QUESTIONS

If you are an entity that is permitted to employ a PEP but you hire a spill contractor for a particular release, can your PEP still certify closure or must you use the spill contractor's PEP?

- **Your PEP may certify closure as long as they were onsite for the activities that require PEP onsite presence.**

A stylized landscape illustration. The top right corner features a bright yellow sun. Below it is a large green hill with a dark blue outline. The bottom of the image shows a light blue body of water, also outlined in dark blue. The word "Questions!" is written in white, bold, sans-serif font in the center of the green hill.

Questions!