LSP Association
assess. advise. restore.

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June 24, 2025

The Honorable Paul R. Feeney, Senate Chair
The Honorable James M. Murphy, House Chair
Joint Committee on Financial Services
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Subject: H.1302 and S.813, An Act relative to the remediation of home heating oil releases

Dear Chair Feeney, Chair Murphy, and Members of the Joint Committee:

The LSP Association (LSPA) urges your committee's support of H.1302 and S.813, *An Act relative to the remediation of home heating oil releases.*

<u>The LSP Association (LSPA)</u>
The LSPA is the non-profit association for Licensed Site Professionals (LSPs) and related practitioners. LSPs are the scientists, engineers, and public health specialists licensed by the Commonwealth to work on behalf of property owners and other involved parties to oversee the assessment and cleanup of oil and hazardous materials released to the environment. These sites include multi-acre urban brownfields, roadside spills, "mom and pop" gas stations and dry cleaners, home heating oil spills, and everything in between.

The LSPA has approximately 800 members. Our members are consultants who work with institutional, non-profit, government, and private clients to remediate contaminated sites so these properties can be placed back into active and productive use. Together, with the Massachusetts Department of Environmental Protection ("MassDEP") and the Board of Registration of Hazardous Waste Site Cleanup Professionals ("LSP Board"), LSPs are the third "arm" of an innovative, privatized program created by the legislature in 1993. In adherence with the hazardous waste site cleanup regulations at 310 CMR 40.0000, also known as the Massachusetts Contingency Plan (MCP), LSPs have helped bring over 42,000 sites to a condition where they safely meet regulatory standards for business, commercial/retail, industrial, institutional, open space, or housing.

<u>The Problem</u>
When there is a spill or leak of residential heating oil, an LSP is eventually and inevitably involved. Our members feel powerless when working with distraught homeowners who find themselves without coverage—despite having homeowner's insurance—for what they soon realize is a complex, daunting, and very expensive cleanup. These situations motivated the LSPA to become one of the leading parties in a legislative effort, beginning more than 20 years ago, to try to find a way for homeowners using oil heat to be covered by insurance coverage should their system leak or cause a spill.

In 2010, the current law, G.L. c. 175, § 4D, went into effect, requiring insurers to "make available" so-called "liquid fuel" riders to homeowners seeking environmental cleanup coverage. The legislation was a compromise between the LSPA (and others working in collaboration with us) and the insurance industry, but it only required insurers to offer a fuel oil rider to those insureds who affirmatively requested it. The insurance industry insisted that this be tried as a first step, before ever considering mandatory coverage, to see if it would resolve the uninsured fuel oil problem. For those few homeowners who have requested and received coverage and then had a fuel oil spill, we are certain this law has been a lifeline. Unfortunately, though, the legislation did not go far enough.

More than 10 years later, most homeowners still do not have this liquid fuel rider. Many homeowners first learn about the availability of the rider only after reporting an oil spill to their homeowners' insurer and, much to their surprise and detriment, learn their claim has been rejected because they did not have this rider in the first place.

The Solution

In the years since, it has become abundantly clear that additional legislation is needed to close this loophole and ensure that all Massachusetts homeowners who heat with fuel oil have insurance in place to pay for the cleanup that is required by law in the event of a fuel oil release. The LSPA is promoting H.1302 and S.813 to correct the significant omission in the 2010 law–the lack of mandatory coverage–so the law can accomplish the objective for which it was designed.

Provided below are some important facts that cannot be ignored:

- Of the approximately 615,000 Massachusetts homes heated by oil[1], the vast majority are not covered by home heating oil remediation insurance; approximately 114,000 homeowners[2] (only 19% of all homes heated with oil) have specialized liquid fuel release coverage.
- Most of the homeowners who report heating oil spills annually (there were 75 reported incidents in 2023[3]) will be unaware this coverage exists and, at that point, it's too late to get coverage.
- Cleanup costs can range from \$20,000 to \$50,000 for simple releases to more than \$500,000 to over \$1 million for the most complex releases that impact both soil and groundwater. MassDEP has noted that, for a high percentage of these residential fuel oil releases, homeowners are unable to pay for cleanups.
- The stories of uninsured homeowners who face the daunting task of cleaning up a leaking system are heartbreaking. The hardships endured—the nest egg savings spent, the college funds diminished, the retirement delayed—these weigh on all involved. Some LSPs provide a portion of their services pro bono to homeowners, but that alone is not enough.
- Even though the current cost to homeowners for spill cleanup insurance is typically less than \$100 per year, most homeowners are unaware it can be purchased. Notably, insurance companies do not actively promote it or explain its value.
- When homeowners do not have insurance coverage and cannot afford to clean up their property, contamination often remains in the environment where it can spread and impact neighboring properties, drinking water supplies, and protected ecological habitats.

Insurance coverage should be provided for homeowners who use fuel oil, just as coverage for fires or explosions in homes using electric or natural gas heating systems is provided. That coverage is included in most homeowner's policies as a standard and regardless of the energy source of the property's heating system. Therefore, risks attendant to heating oil should be treated no differently. If the cost of mandatory fuel oil cleanup coverage were spread-out over all Massachusetts homeowner's policies, similar to the way the risks of gas and electric heat are handled, the incremental additional cost to homeowners would be nominal.

Legislative History

Senator Anne Gobi originally introduced this legislation during the 2017-2018 legislative session as S. 534. That bill received a favorable report from the Joint Committee on Financial Services. Senator Gobi

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[1] https://www.mass.gov/info-details/how-massachusetts-households-heat-their-homes

[2] MassDEP November, 22, 2024, "Report to the Joint Committee on Environment, Natural Resources and Agriculture"

[3] MassDEP November 22, 2024, "Report to the Joint Committee on Environment, Natural Resources and Agriculture"

refiled the bill in the 2019-2020 (S. 594), 2021-2022 (S. 676) and 2023-2024 (S. 648) legislative sessions; with it again receiving favorable recommendations each time from the Joint Committee on Financial Services.

In the 2021-2022 session, the Senate amended the bill prior to engrossment to provide an exclusion from coverage if the oil release would not have occurred, but for the homeowner's failure to comply with the requirements of G.L. c. 148, § 38J (b) or (c) or any regulations promulgated pursuant to that statute. This exclusion, which would allow an insurer to deny a claim, was agreed to as a major concession by the LSPA to the insurance industry. Both bills currently before your committee include that amendment, as well as additional amendments sought by the Massachusetts Insurance Federation and adopted by the Senate Committee on Ways and Means in 2022.

We are appreciative that the Senate has passed the bill in the last two sessions. Each time it was subsequently referred to the House Committee on Ways and Means, where it stayed until the end of each of the past two sessions.

Conclusion

There have been many news media stories over the past few years highlighting the terrible costs, both financial and emotional, facing homeowners who find out, too late, they are uninsured. NBC10 Boston ran this story on September 22, 2021. After extensive television and print media coverage kicked off by this article, The *Boston Globe* published an editorial on February 26, 2022, in support of the bill. And, most recently, WBZ CBS Boston News ran this story. These and many other heartbreaking examples demonstrate the acute need for legislation to rectify the loophole that allows insurance companies to abandon homeowners at their greatest time of need.

The LSPA believes H.1302 and S.813 offer a simple, effective, and fair way to address the economic, public health, and environmental issues that arise from an accidental release of home heating oil.

The LSPA urges the Joint Committee on Financial Services to report out favorably on H.1302 and S.813.

Respectfully,
The LSP Association, Inc.

Mariellen Morris

Joe Roman, LSP
LSPA President

Mariellen Morris
LSPA Executive Director

LAW OFFICE OF SUSAN J. CRANE

June 23, 2025

Sen. Paul R. Feeney, Senate Chair
Rep. James M. Murphy, House Chair
Joint Committee on Financial Services
State House
Boston, MA 02133

Re: Please support S. 813 and H. 1302: ***An Act relative to the remediation of home heating oil releases.***

Dear Chairman Feeney, Chairman Murphy, and Committee Members:

For thirty years, I have represented numerous homeowners in the pursuit of insurance coverage for the cleanup of home heating oil releases on their properties. Most homeowner's policies today, however, specifically exclude coverage for any type of "pollution" claim. After an oil release, this almost universally comes as a nasty surprise to insureds, leaving homeowners to foot the bill for costly residential fuel oil cleanups, averaging over $100,000. Over the years, I have had four clients whose home heating oil cleanups have cost over $1 million each.

Background

On average, about 100 oil releases from residential properties in Massachusetts are reported to the Massachusetts Department of Environmental Protection ("MassDEP") each year,[1] but it is believed that the actual number is considerably higher, as many go unreported. Under Massachusetts General Laws chapter 21E, owners of property from which there has been a fuel oil release are generally strictly liable (*i.e.*, without regard to fault) to pay for and undertake a cleanup of the oil on their own property and on any other impacted properties to which the oil has migrated.

Residential fuel oil releases take their toll on homeowners and the environment in myriad ways. Harmful vapors from oil released into the subsurface can readily impact indoor air. If oil migrates to the groundwater, it can make drinking water supply wells unusable unless costly filtration systems are installed. Sometimes homes must be moved off their foundations to accommodate the excavation of contaminated soil, requiring residents to relocate for extended periods of time. The financial impact on homeowners can be devastating. Public funding is rarely available to pay for the cleanups for this

[1] In 2023, the most recent calendar year for which MassDEP has released data, 75 heating oil releases at residential properties were reported to MassDEP. *MassDEP Report to the Joint Committee on Environment, Natural Resources and Agriculture, dated November 22, 2024.*

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vulnerable segment of our population. Sometimes there is simply no funding available for cleanups, rendering residential properties significantly devalued and unsafe, and the environment impaired. The emotional toll on homeowners cannot be overstated, and many have required the assistance of professional mental health counselors.

2009 Legislation – An Attempted Fix

I have been working on a solution to home heating oil release funding for what has now become a two and a half decades-long *pro bono* effort. From 2000 - 2008, I was a member of a 21E Homeowner Funding Work Group comprised of environmental lawyers and consultants, insurance and oil company representatives, MassDEP representatives and others concerned about funding mechanisms for residential fuel oil cleanups in Massachusetts. That effort led to the enactment of M.G.L. c. 175, § 4D, which went into effect in 2010. It required homeowner's insurers to "make available" so-called "liquid fuel" riders to homeowners seeking environmental cleanup coverage, as long as certain preventative upgrades to their heating systems were made and certified, and subject to a relatively small additional premium.

In insurance parlance, making this coverage "available" is not the same as "offering" it to all homeowners; rather, it only requires insurers to offer a fuel oil rider to those insureds who *affirmatively* request it. The legislation was a compromise with the insurance industry, after it had effectively lobbied against a bill for legislation in three consecutive legislative sessions that would have mandated home heating oil release cleanup coverage.

Although some homeowners have benefitted from the law, and it appears that its preventative heating system upgrade requirements may have resulted in a reduced number of home heating oil releases, the law does not go far enough for a variety of reasons:

- It does not require insurers actively to "offer" the coverage for an additional premium or to "provide" the rider. Consequently, most homeowners are unaware of its availability and do not request it from their insurance carriers.

- Many homeowners who are offered the rider by those insurers actively marketing it opt not to invest in it, even though it would typically increase their annual premium by something less than $100, presumably either because they do not appreciate the risk or do not want to pay for system upgrades and/or additional premiums. As of the end of 2023, MassDEP reported that 114,025[2] Massachusetts homeowners have purchased riders out of approximately 615,000 households heated by oil (approximately 22% of all Massachusetts homes), [3] or about only 18%.

[2] *See* MassDEP 2024 report, cited in Fn. 1.
[3] https://www.mass.gov/info-details/how-massachusetts-households-heat-their-homesMassachusetts

- The legislation's minimum coverage is $50,000 first party (*i.e.*, property damage) and $200,000 third party (*i.e.*, groundwater or off-site cleanups/liability defense and indemnity),[4] which can be insufficient. Meanwhile, we are observing that the trend continues for homeowner's insurers to add pollution exclusions to standard policies.

- Since this insurance coverage is not widespread, some insurers do not understand their legal obligations under the rider and make coverage extremely difficult for homeowners who have procured this specialized coverage and then have fuel oil releases on their properties.

<u>S. 813 and H. 1302 – The Proposed Solution</u>

Senate Bill 813, sponsored by Sen. Jacob R. Oliveira, and very similar House Bill 1302, sponsored by Rep. Jeffrey N. Roy (collectively, the "Bills"), would address the loopholes in Section 4D of Chapter 175 that keep the availability of liquid fuel oil policies a well-kept secret, resulting in specialized liquid fuel oil riders for only a small percentage of Massachusetts's oil-heated homes. The Bills would mandate coverage for fuel oil releases from residential above-ground storage tanks systems, with increased minimum coverages of $75,000 (first party) and $250,000 (third party) to keep pace with escalating cleanup costs. The Bills make sense:

- They are simple, easy to implement, and cost-effective.

- The risks of home heating oil should be covered under every policy, just as they are for other types of heating systems. Explosions caused by natural gas heating systems and fires caused by electrical heating systems are generally covered, even in policies for homeowners who do not use those forms of energy. Fuel oil should be treated no differently.

- By spreading out the risk among approximately 2 million Massachusetts homeowner's policies, the incremental cost per policy for cleanup costs based on risks to the insurance industry has been estimated as *de minimus*.

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[4] Most homeowner's policies are comprised of two parts: Section I/first party property coverages; and Section II/third party liability coverages. Section I property coverages extend to damage to a homeowner's own property, such as any structures and personal property of the insured. Under a liquid fuel rider, on-site soil remediation falls under first party, since it is owed by the insured. Coverage under Section I includes restoration to landscaping and hardscaping, and building repairs after an intrusive cleanup. Section II provides liability coverage to the property owner. Under a liquid fuel rider, liability coverage extends to groundwater and off-site remediation. Legal costs associated with the fuel oil release to defend MassDEP's Notice of Responsibility issued to the homeowner and to defend any other third party claims asserted against the homeowner for property damage or bodily injury are also covered, as well as indemnity for payments made to claimants.

- All Massachusetts residents and our environment would benefit, not just homeowners using fuel oil. With insurance funding, groundwater contamination, which can readily spread across property lines if not abated quickly, would be promptly cleaned up, preventing contamination of water supplies and vapor intrusion into downgradient properties. Surface water bodies would be protected from the deleterious effects of oil on fish and other aquatic animals. Any natural ecosystem impacted by oil will suffer in the absence of a prompt and comprehensive cleanup of an oil release.

Homeowner testimonials

In conjunction with the pending bill, you will hear about the financially and emotionally devastating effects of uninsured oil releases on homeowners' residential properties. Some have temporarily had to relocate their families during a cleanup because of safety factors arising from structural issues during the remediation or potential exposure to dangerous levels of petroleum constituents. Some have had their and perhaps also their neighbors' private water supplies impacted, forcing them to find alternative drinking water sources or to install costly filtration systems. Others have drained their life savings, children's college funds, or retirement funds to pay for a cleanup. Still others have no means whatsoever to fund a cleanup; they have lost all of the equity in their homes, their primary or sole asset, and they must continue to live in houses on contaminated land.

One of my clients was an octogenarian widow who passed away about five years ago and whose oil release occurred in the late 1990s. Due to funding issues for a cleanup costing well over $1 million, her property took two decades to clean up and close. As a result of her property's significantly diminished value prior to site closure, she could not sell her house and use its equity to move into suitable elderly housing. This dramatically impacted her options late in life and the lives of her adult children, who assisted her through the arduous cleanup process. Sadly, she passed away before ever seeing the site closed. Similarly, a few years ago, another client in his late 80s, Nicholas Stephens of Hopkinton, testified before this Committee on a predecessor bill to the Bills. After spending over $500,000 on the cleanup, he too passed away just before his site was closed with MassDEP.

The Bills offer a fair and well-crafted solution to resolve a significant financial, environmental, and public health and safety issue at residential fuel oil sites. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Susan Crane

Susan J. Crane

Wave 2 Environmental, Inc.

June 23, 2025

The Honorable Paul R. Feeney, Senate Chair
The Honorable James M. Murphy, House Chair
Joint Committee on Financial Services
State House
24 Beacon Street
Boston, MA 02133

Subject: H.1302 and S.813, An Act relative to the remediation of home heating oil releases

Dear Chair Feeney, Chair Murphy, and Members of the Joint Committee:

I am a self-employed Licensed Site Professional that has been working in the Commonwealth as an environmental engineer and consultant for over 30 years. During this time I have consulted for affected homeowners and have experienced firsthand the stark realities of these difficult situations. I have been involved with numerous uninsured home heating oil spills since passage of the 2010 legislation. Each spill is unique in both complexity and financial impact, but all of them result in overwhelmed and frustrated homeowners who feel ill-served by the current system. The cost of the cleanup may bankrupt some families, and most lenders will not loan against a property with an active oil release. As you can imagine, being the LSP for an uninsured homeowner can be emotionally challenging and oftentimes results in pro-bono services or reduced fees in an attempt to offset a portion of the substantial cleanup costs. Unfortunately this attempt of compassion often goes unnoticed because the real costs of environmental cleanup are so overwhelming and oftentimes insurmountable. Considering the risk of non-payment and the liability of third party damage caused by delay, many environmental firms in the Commonwealth refuse **all** uninsured homeowner spill work outright, leaving the homeowner and regulating entities in some difficult and impossible situations.

The following are the stories of seven Massachusetts homeowners who have experienced an oil release at their primary residences and have agreed to allow me to share their stories with you. Photographs taken of several homeowner oil releases I have worked on are also included as an attachment to this letter:

- The family of Rita Mendes of New Bedford discovered an oil release during the sale of their mother's vacant home. The family was selling the home to pay their mother's nursing home costs and was told by their insurance carrier that they had no coverage for the clean-up of the release. The Mendes family paid $45,000 to complete the cleanup, approximately 25 percent of the property value, and delaying the sale of the property.

11 Broadcommon Road, Unit 321
Bristol, RI 02809
(508) 863-3102

- Richard Dow and Margaret Flanigan of South Dartmouth had a release of an estimated 80 gallons of fuel oil. The retired couple recently purchased the home and had unknowingly paid for the liquid fuel carrier on their homeowner policy (despite not being aware of it or requesting it). Based on the lack of apparent third party impact resulting from the release, the policy caps the clean-up coverage at $50,000 and the homeowners paid approximately $20k above that out of pocket.

- John and Susan Adams discovered an oil release on property in South Dartmouth they had recently purchased and were in the process of redeveloping. The Adams did not have coverage but were spared significant clean-up costs because the original home had been razed as part of the redevelopment project, making the contamination easily accessible with heavy equipment. Regardless of that factor, they still paid approximately $20,000 to clean-up the release.

- Claire Gaumont had a release of an estimated 200 gallons of oil in the basement of her home in Rochester. Ms. Gaumont is a 92-year-old widow living in the home alone and does not have insurance coverage for the clean-up. Due to the overall extent of contamination and logistical challenges with safely removing the contamination from beneath the field stone foundation of the home, moving the house off of the foundation to allow full access to the contamination proved to be the most cost effective and timely approach to cleaning up the spill. The release also had the potential to impact a private water supply well located on the property and Ms. Gaumont was forced to leave her home during the cleanup. This project cost more than $150,000 of Ms. Gaumont's money to complete.

- Lisa McClintock had a release of approximately 210 gallons of oil in the basement of her home in Swansea. Ms. McClintock is a teacher and a recently widowed, single mother of four children of high school/college age who does not have insurance coverage for the clean-up. Her family (parents and in-laws) was able to pay for roughly $15,000 of emergency response and assessment costs (which included an additional $5,000 of pro-bono/discounted services) but the clean-up was going to cost significantly more. With assistance from State Representative Howitt, Ms. McClintock is currently enrolled in a pilot program with the MassDEP, that will allow her to repay the Commonwealth for clean-up activities completed by MassDEP's spill response contractors over time.

As you can see, the problem of uninsured homeowners is very real and indiscriminate, affecting individuals of all ages, income levels and situations. The referenced properties range in value from $150,000 to over $1M and involved multiple insurance providers. Almost all of affected homeowners were unaware of the "liquid fuel" rider option (including those who had it), and every one of them **thought they had coverage**. All would have gladly paid $100 a year to have that protection. Although the focus in these testimonies is often on the failures of the system, it is my opinion that it is just as important to point out the benefits of when the system works. The differences for affected homeowners are palpable. The environmental regulations in Massachusetts are difficult to navigate and can overwhelm homeowners. Insurance companies that provide coverage for home heating oil spills are well versed in the process and typically contract with third party consultants who provide guidance to the homeowners and technical review of the efficacy of work being performed to control costs. With insurance oversight, homeowners do not feel left alone, uninformed, or taken advantage of. The ability of an insured homeowner to pay for a clean-up often leads to expedient remedial actions which limits migration of the spilled oil and potential damage to neighboring properties or natural resources of the Commonwealth.

It is the opinion of the undersigned staff of Wave 2 Environmental, Inc. as members of the LSPA, that **H.1302 and S.813** are the best available solutions for this problem. The LSPA-authored legislation enhances the current law by enhancing coverage to homeowners and raises coverage limits to keep pace with rising remediation costs. We strongly urge the Committee to report out in favor of **H.1302 and S.813**.

Sincerely,
For Wave 2 Environmental, Inc.

Kevin Beaulieu

Kevin Beaulieu, LSP
President

Attachments:

- Homeowner Oil Spill Photographs

Photographic Record

Project Name: Clarks Cove Road, Dartmouth - IRA

Address: 2 Clarks Cove Road - Dartmouth, MA

Date: March 5, 2017	**Photographer: Kevin Beaulieu**

Comments:

View of leaking 330-gallon AST gauge after stopping the leak.

Comments:

View of impacted sump and absorbent pads.

Photographic Record

Project Name: Clarks Cove Road, Dartmouth - IRA

Address: 2 Clarks Cove Road - Dartmouth, MA

Date: March 6, 2017	**Photographer: Kevin Beaulieu**

Comments:

View of oily absorbent pads in sump.

Comments:

View of oily absorbent pads in sump.

Photographic Record

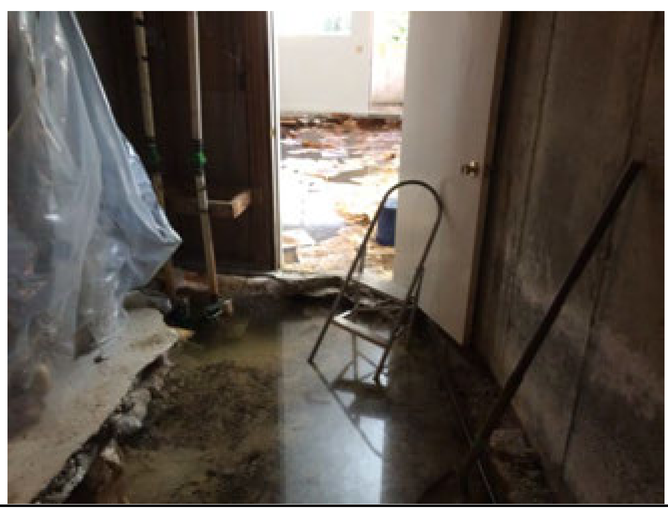
Project Name: Clarks Cove Road, Dartmouth - IRA

Address: 2 Clarks Cove Road - Dartmouth, MA

Date: April 11-24, 2017	**Photographer: Kevin Beaulieu**





Comments: View of IRA soil excavation activities.

Photographic Record

Project Name: Clarks Cove Road, Dartmouth - IRA

Address: 2 Clarks Cove Road - Dartmouth, MA

Date: May 3, 2017	**Photographer: Kevin Beaulieu**

Comments: View of Site restoration activities. Note standing water in drainage layer.

Photographic Record

Project Name: New Bedford Road, Rochester - IRA	
Address: 45 New Bedford Road - Rochester, MA	
Date: November 28, 2017	**Photographer: Kevin Beaulieu**
Comments: View of IRA excavation activities.	
Comments: View of IRA excavation activities.	

Photographic Record

Project Name: New Bedford Road, Rochester - IRA

Address: 45 New Bedford Road - Rochester, MA

Date: November 28, 2017	**Photographer: Kevin Beaulieu**

Comments:

View of IRA excavation activities.

Comments:

View of IRA excavation activities.

Photographic Record

Project Name: New Bedford Road, Rochester - IRA

Address: 45 New Bedford Road - Rochester, MA

Date: November 28, 2017	**Photographer: Kevin Beaulieu**

Comments: View of IRA excavation activities.	
Comments: View of IRA excavation activities.	

Photographic Record

Project Name: New Bedford Road, Rochester - IRA	
Address: 45 New Bedford Road - Rochester, MA	
Date: November 28, 2017	**Photographer: Kevin Beaulieu**
Comments: View of IRA excavation activities.	
Comments: View of IRA excavation activities.	

Photographic Record

Project Name: New Bedford Road, Rochester - IRA

Address: 45 New Bedford Road - Rochester, MA

Date: November 28, 2017	**Photographer: Kevin Beaulieu**






Comments: View of IRA soil excavation activities.

Photographic Record

Project Name: Armour Street, New Bedford - IRA

Address: 101 Armour Street – New Bedford, MA

Date: November 18, 2019	**Photographer: Kevin Beaulieu**

Comments: View of pre- IRA Site conditions.

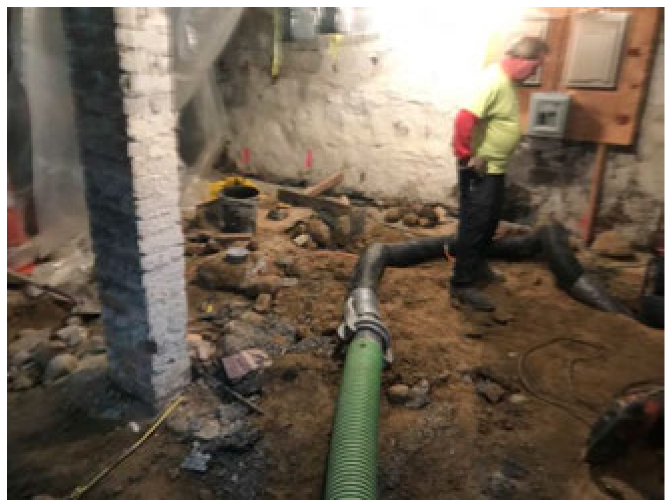
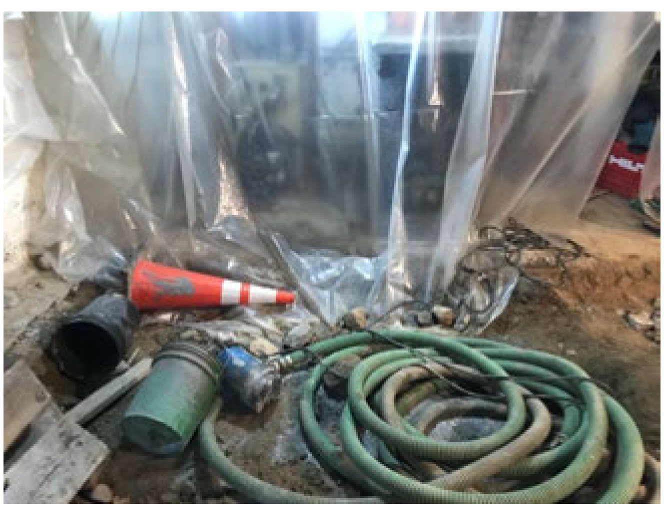
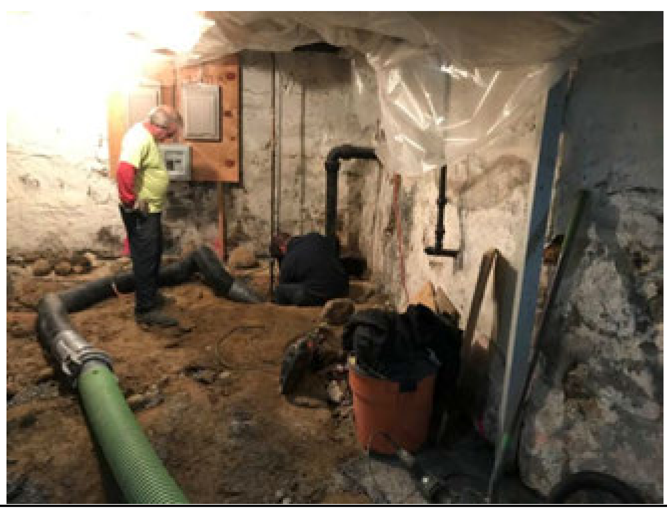
Photographic Record

Project Name: Armour Street, New Bedford - IRA

Address: 101 Armour Street – New Bedford, MA

Date: January 3, 2020	**Photographer: Kevin Beaulieu**



Comments: View of IRA activities.

Photographic Record

Project Name: Armour Street, New Bedford - IRA

Address: 101 Armour Street – New Bedford, MA

Date: January 14, 2020	**Photographer: Kevin Beaulieu**





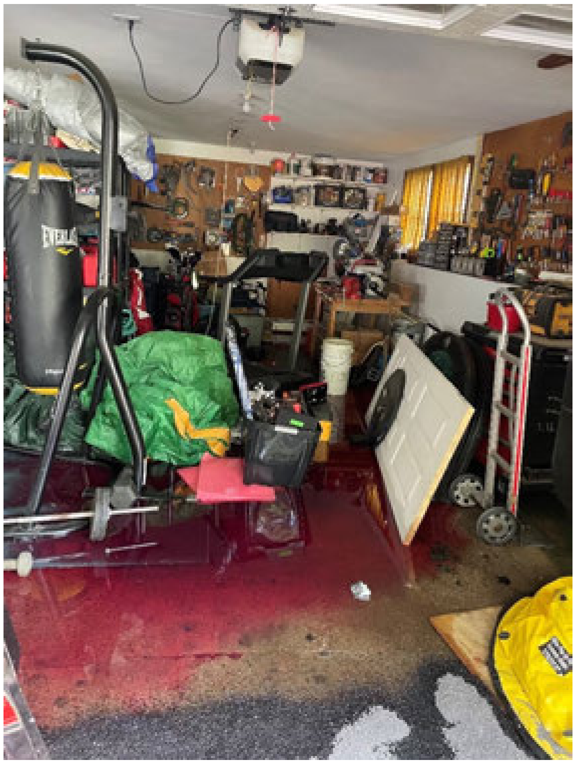
Comments: View of post-IRA Site conditions.

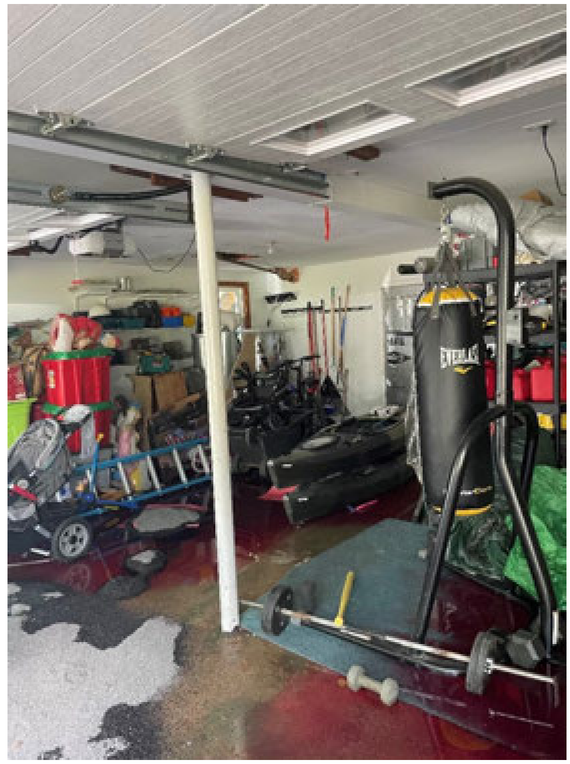
Photographic Record	
Project Name: Sherwood Circle, E Bridgewater - IRA	
Address: 138 Sherwood Circle - E Bridgewater, MA	
Comments: View of S1 soil sample floor drain excavation area prior to installation of vapor extraction system piping.	
Comments: View of S2 soil sample floor drain excavation area prior to installation of vapor extraction system piping.	

Photographic Record

Project Name: Sherwood Circle, E Bridgewater - IRA

Address: 138 Sherwood Circle - E Bridgewater, MA





Comments: Views of oil flooded garage floor on the day of the incident.

Photographic Record

Project Name: Fifteenth Avenue, Wareham - IRA

Address: 7 Fifteenth Avenue - Wareham, MA

Date: January 7, 2022	Photographer: Brian Proctor

Comments:

View of AST location and pooled oil beneath.

Comments:

View of pooled oil and absorbent containment berms.

Photographic Record

Project Name: Fifteenth Avenue, Wareham - IRA	
Address: 7 Fifteenth Avenue - Wareham, MA	
Date: May 16, 2022	**Photographer: Kevin Beaulieu**

Comments: Views of IRA excavation activities

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June 20,2025

Sen. Paul R. Feeney, Senate Chair
Rep. James M. Murphy, House Chair
Joint Committee on Financial Services

Good afternoon, Chairman Feeney, Chairman Murphy, members of the committee,

My name is Kathleen Murray. I'm not a policy expert. I'm not a lobbyist. I'm not part of any powerful interest group. I am a homeowner and I'm here because my family went through something devastating—something that could happen to many of your constituents—and we had absolutely no protection.

On February 8th of this year, our heating oil tank leaked. Not a drip. Not a minor fix. A full-scale disaster. 190 gallons of oil seeped into the ground beneath our home, into our French drains, and into our sump pump. Thankfully, first responders and DEP officials quickly contained it.

But let me be clear: while the environment was spared, our lives were shattered.

That day set off a chain of events no family would be prepared for. We found out we were entirely responsible for the cleanup. No insurance coverage. No state safety net. No one to turn to. We were forced to hire an LSP, environmental experts and contractors. The estimated cost to fix it all? **$400,000.**

That's not an exaggeration, and it's not a number that should fall on a middle-class family simply for heating their home.

We were four years away from paying off our mortgage. Instead, **we've already taken on $90,000 in debt**—at 57 and 66 years old with 3 kids in college. We now live in fear: of the next invoice, the next contractor, the next thing we might have to give up. And when you live through something like this, financial ruin is no longer just a concept. You *feel* it—every day.

Here's where it gets worse.

There's an insurance rider that would've covered this. It exists. But we were **never** told about it. Not by our homeowner's insurance company MetLife when the law passed for the rider in 2011, not by Farmers Insurance when they bought MetLife in 2021. Not once did our insurer mention it. Not in a renewal notice. Not in a phone call. Nothing.

And when we asked if we were covered? We were told, flatly: **"No."**

Let’s be honest: this is exactly the kind of thing people hate about the insurance industry. The coverage is available—but only if you ask the exact right question about a hazard and a rider you don’t even know exists. There’s no disclosure requirement. No duty to warn the homeowner. It’s not protection. It’s a trap.

And if we had known about that rider? We absolutely would have paid for it.

That’s why I’ve been sharing our story—on social media, with the press, with total strangers. Because I refuse to stay silent while this can still happen to someone else. **90% of people with oil heat that I speak with are unaware** of the risk of an aging tank or the rider.

And that’s why I’m here today.

I’m asking you to support – imploring you – to support H.1302 and S.813 — two bills that would make oil spill coverage *mandatory* in homeowners’ insurance. No hidden riders. No vague exclusions. No more families falling through the cracks.

Massachusetts has long been a leader in climate and environmental protections, and that’s something to be proud of. But there needs to be balance, we can’t call ourselves a leader if the cost of protecting that environment is destroying families.

This is about justice. It’s about transparency. It’s about ensuring that homeowners aren’t financially ruined by a disaster they were never even warned about.

You have the power to change that. Please don’t wait for another family to lose everything.

Kind regards,

Kathleen S. Murray