

HB486/SB125

Residential Property Sales • Contract Disclosures • Superfund Sites

If you buy a home, you expect to be informed about the safety of the home: does the roof leak? Is there lead paint? Does the wiring and plumbing work properly? Real estate sales contracts require disclosures of problems that homebuyers need to be aware of to take appropriate action before or after closing. But a gap in disclosure requirements means that some prospective homeowners aren't being informed of important information they need to know.

The Superfund National Priorities List is EPA's list of the most hazardous contaminated sites in the country identified for long-term study and remediation. Contamination from these sites can travel through the air, water, soil, and groundwater to nearby land, threatening neighbors' health. Preventative measures, like specific home maintenance, equipment, and changed behaviors, can reduce risk — but only if neighbors know they need to do it.

Right now, when someone buys a property in close proximity to a contaminated site on the National Priorities List, state law doesn't require disclosure. People purchase and move into homes without knowing what preventative measures they should take, and that has real consequences for people's health.

CASE STUDY: Groundwater Contamination at Fort Detrick's Area B

Fort Detrick's Area B is on the western edge of Frederick City. Once surrounded by farm fields, Area B was used as a disposal area for chemical, medical, and radiological material in a series of unlined pits. Over time, contaminants from these materials seeped into the groundwater and migrated outside of the boundaries of the army base, beneath other properties in Frederick. Since 2009, the contaminated groundwater plume has been officially on the Environmental Protection Agency's National Priorities List, and remedial investigations, studies, and fieldwork to fully determine the nature and extent of the contamination are ongoing.

Despite this, properties just over the fenceline from the source of the groundwater contamination have been approved for residential development. EPA, MDE, and the Army are currently conducting testing to determine how far into this future development the contaminated groundwater extends. Homes within 100' of the contaminated groundwater will require vapor intrusion prevention systems to protect the health of their future residents, and those systems will require maintenance. **But under Maryland's current disclosure regulations, there is no requirement to ensure that future buyers will be informed.**

Superfund site on the National Priorities List

Preparations for new housing construction



Preparations for new housing construction yards away from the source of groundwater contamination surrounding Fort Detrick's Area B. Photo credit: Jennifer Kunze, December 2023.

What's the solution?

HB486/SB125 ensures that potential homeowners contracting to buy a home within a half-mile of a Superfund site on the National Priorities List receives a disclosure of that fact, resources for researching the potential impact, and the ability to void the contract of sale within 5 days. These are common-sense measures that are a building block of communities' right to know about pollution and potential hazards. This will close a gap in Maryland's current disclosure requirements that require disclosure of contamination "on the property" at point of contract but let NPL contamination offsite that impacts the property fall through the cracks.

HB486/SB125 In Practice

This legislation uses EPA's database of National Priorities List (NPL) sites, available here:

<https://www.epa.gov/superfund/search-superfund-sites-where-you-live>

How realtors can use this site to identify whether homes are within 1/2 mile of an NPL site:

1. Go to <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>
2. Under "National Priorities List and Superfund Sites, select "Maryland" in the list of states and click "go"
3. Click on the "Site Name" of the NPL site(s) that may be near the property
4. Click "View Site on Map"
5. Click "Define your Community"
6. Enter the street address of the property and click "Map"
7. The map will show you the property address in relation to the boundary of the NPL site, which realtors may use to determine whether the property is within ½ mile of the boundary.

How residents can use this site to understand an NPL site they receive disclosure about:

1. Go to <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>
2. Under "National Priorities List and Superfund Sites, select "Maryland" in the list of states and click "go"
3. Click on the "Site Name" of the NPL site(s) that may be near the property
 - **Site Contacts:** call these numbers with any questions.
 - **Cleanup Activities:** background information, what has been done to clean up the site, what is the current site status, any emergency responses and removals
 - **Health and the Environment:** learn about the risks of the site, performance measures, and contaminants of concern
 - **Stay updated get involved:** ways to connect with site remediation
 - **Site documents:** some documentation will be available here; others will be retrievable from Public Information Repositories



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