

TESTIMONY FOR HB0486

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What is a SUPERFUND SITE? - The Environmental Protection Agency (EPA) defines it as a hazardous waste site that poses a risk to human health and the environment.

A much smaller segment of superfund sites are hazardous waste sites on the National Priorities List (NPL). These sites are identified by the EPA. They are selected because they warrant further investigation into the risk such sites pose and whether cleanup of the site is warranted under the Superfund Remedial program. The sites on the NPL are the worst of the superfund sites.

The process is slow and thorough. It could take 10 plus years. In Maryland, we have NPL sites that have been on the NPL for over 20 years.

I urge you to protect Marylanders and pass this Superfund Site Disclosure legislation. This legislation will be no cost to the state government. It will ensure Maryland citizens are informed via a Standard Disclosure Document (in the legislation) that the property to be purchased is within a ½ mile of an NPL Superfund Site.

The legislation is written to allow no exclusions as can now be found in any Standard Notice to Buyers that would permit exclusions such as those for new builds, property transfers, lender sales. Additionally, a Standard Disclosure Document (in the legislation) includes a 5 day right to rescind the contract and receive the return of escrow funds. No Notice to Buyers would allow any rescission and return of funds upon disclosure. Please remember if the contamination were directly on this site for sale, there would notification, however this notification is due to the health risks associated with proximity to the site – such as vapor intrusion.

The Standard Disclosure Document, is to be signed and dated by the buyer during the home purchase. It would be a standard form to be used in any residential sales contract. There is no standard residential sales contract in Maryland, thus it is important to have a Standard Disclosure Document to inform buyers of proximity to an NPL site.

Remember that any non-specific disclosure in a real estate contract that there is a possibility of a superfund site nearby is not in keeping with the intent of this legislation. With this ½ mile proximity to a specific residence to be purchased disclosure, buyers can decide if this disclosure will impact their home purchase.