

CERCLA-EPA website.pdf

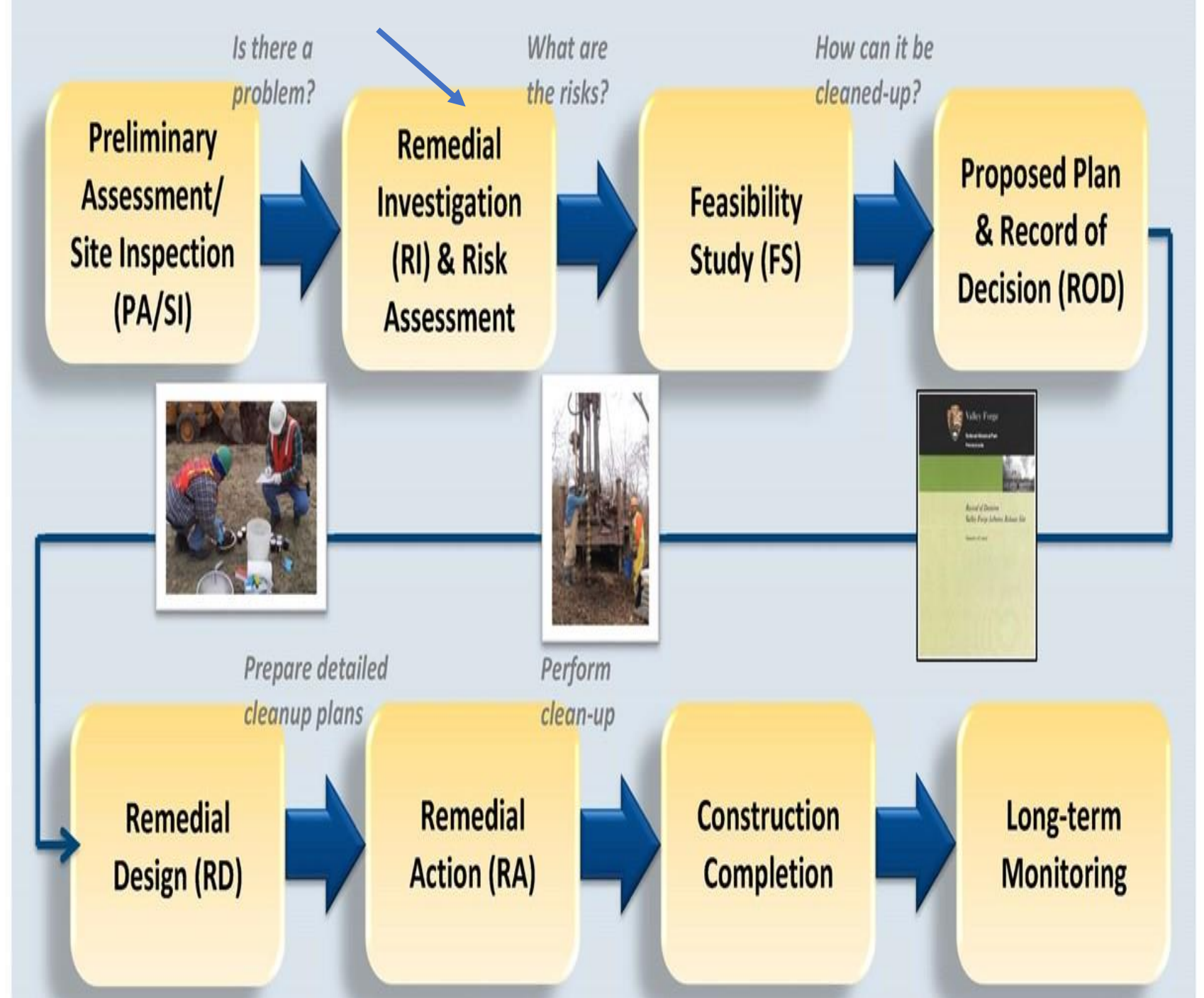
Uploaded by: Elizabeth Law

Position: FAV

CERCLA

See EPA website to learn how a Superfund Site receives NPA status:

<https://www.epa.gov/superfund/about-superfund-cleanup-process>



Fact Sheet - SB 125.pdf

Uploaded by: Elizabeth Law

Position: FAV

FACT SHEET

SB125 – Residential Sales – Contract Disclosures – Superfund Sites

“The National Priorities List (NPL) is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.... These are sites where releases of contamination pose significant human health and environmental risks.”
(EPA)

PURPOSE OF SB125

- *Inform potential buyers of proximity of property to a Superfund NPL Site
- *Disclose this information in a separate disclosure addendum that provides URLs to the buyer for the EPA’s “Search for Superfund Sites Where You Live” and the “Superfund Human Exposure Dashboard” webpages, directing buyers to a common source and enabling them to make an informed decision
- *Assure that this addendum is signed and dated
- *Allow a 5 day right of rescission after date of receipt of addendum with all money returned

Current Protocol

- *The Maryland Disclosure and Disclaimer Statement (10-702) is included in the contract:
- *It exempts new builds, estate sales, foreclosures, etc.
- *It leaves it up to the seller to disclose or disclaim
- *It lacks full information - Item #14 asks if there is any contamination (such as lead, or asbestos), but specifies “on the property” The nature of Superfund Site contamination sometimes poses risk such as vapor intrusion from off-site contamination and because the Remedial Investigation can take a decade to complete, the perimeter of known contamination usually expands over time as data is collected
- *The magnitude and potential implications of an NPL Site nearby warrants more

Maryland Board of Realtors

- *Code of Ethics states: “Shall avoid misrepresentation or concealment of Material Facts”
- *Material facts defined as: “Information that if known, might cause a buyer to make a different decision”
- *Code of Ethics states: “A seller is required to disclose the existence of Latent Defects”
- *Latent Defects defined as: “Material Defects in real property that a buyer would not be reasonably expected to ascertain or observe”

US Department of Housing and Urban Development

- *Defines proximity as .62mi
- *States “Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer

SB125- Support-Elizabeth-Law.pdf

Uploaded by: Elizabeth Law

Position: FAV

Testimony Supporting SB125
Senate Judicial Proceedings
January 30, 2024

Position: Support

Dear Chair William C. Smith, Jr., and Members of the Committee,

As a resident of Mayland concerned with the general welfare of my fellow citizens I am writing in support of SB 125, Residential Property Sales – Contract Disclosures – Superfund Sites

This bill will increase transparency and fairness during sales of property in close proximity to highly contaminated areas, as designated by the EPA as being on the National Priorities List.

For most people the purchase of a home is the largest financial investment a person makes. It is imperative that at the time of sale an honest disclosure of the property is made. What to the seller or representative is a mundane procedure, the buyer experiences as a blur of paperwork and document signing. A checkbox, 20 pages into a one inch high document is not sufficient to provide the purchaser a fair assessment of what they are buying.

This is not an atmosphere in which a buyer suddenly asks, “Oh – is this property near an NPL Superfund Site?” How many people know that sites listed on EPA’s National Priorities List (NPL) are the nation’s highest priority for hazardous waste cleanup?

The nature of the contamination is such that these sites are most likely to leach contamination beyond the boundary of the superfund site, as has been proven at Ft. Detrick in Frederick County.

Current disclosure laws in Maryland are not adequate to account for this situation. They exclude “new builds”, estate sales, among other residential sales, and again only require disclosure for onsite contamination, not proximity to known contamination that can spread beyond the site to the property for sale. Thus, houses could be built, and families could be exposed to cancer causing contamination.

Even though the Maryland Board of Realtors Code of Ethics defines a Material Fact as something that may cause a buyer to reconsider a decision, there is no current, uniform protocol to disclose proximity to contamination so potentially harmful to health that it is declared a National Priority.

This bill would change that. It requires disclosure that a property is within one half mile of a contaminated NPL site, directs the buyer to a standard source to describing the specific site, and allows the buyer, after being presented with facts, to discern whether the information provided is reason to pause or move forward with the sale.

A separate addendum which is intended to stand out from the blur of paperwork, is given to the buyer. The buyer is given five days from their signature and date on the addendum, to void the sale and be refunded any money already paid or kept in earnest. A prescriptive sample of what the addendum should look like is included.

Why the notice of a 0.5 mi proximity to the NPL site is necessary

The Remedial Investigation begins early in the CERLA process. The starting point of known contamination expands as sampling directs further inquiry. Most sites linger here for more than a decade as data and known contamination boundaries expand.

In this decade or more of Remedial Investigation and gathering data, local planning commissions continue to approve land use for residential construction. By the time the Remedial Investigation and data has been quantified, land has been sold and homes have been built.

In order to protect the potential buyers, the Real Estate Agents, and the sellers, from future liability and potential health risks, we need legislation that gets in front of this situation and assumes that the known point of contamination has not remained in one place, especially in groundwater plume instances, and that as they test there is a likelihood that the data will expand the hot zone.

For this reason, research has been done to determine what defines proximity.

According to the US Department of Housing and Urban Development:

Proximity to Superfund Sites is the proportion of a neighborhood located within one kilometer or 0.62 miles of a superfund site. The higher the share of the neighborhood located close to a superfund site, the higher the negative impact on the neighborhood.

Superfund sites contain toxic pollutants. Living, working, or going to school near a superfund site may have negative health effects depending on toxins at the site. Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer. Sites that are listed on EPA's National Priorities List (NPL) are the nation's highest priority for hazardous waste cleanup."

Finally, this bill protects all parties: the agent, the seller, and the buyer. Lawsuits have been won over this premise in Florida, and New Jersey based on Negligence, Breach of Contract, Violation of the Consumer Fraud Protection Act. The court's interpretations have resulted in upholding that sellers must disclose any material facts that affect the value of the property and are not readily observable to the buyer, including offsite scenarios.

Thank you,

Elizabeth Law, Frederick MD

SB0125 - Fact Sheet - Jen Peppe Hahn - SUPPORT.pdf

Uploaded by: Jen Peppe Hahn

Position: FAV

SB125

“**The National Priorities List (NPL)** is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.... These are sites where releases of contamination pose significant human health and environmental risks.” (EPA)

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US Department of Housing and Urban Development

- *Defines proximity as .62mi
- *States “Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer”

SB0125 - Oral Testimony - Jen Peppe Hahn - SUPPORT

Uploaded by: Jen Peppe Hahn

Position: FAV

I grew up near Fort Detrick. My elementary school was across the road from Area B. I grew up playing in the nearby seeps and springs. Ft Detrick suspected contamination from Area B's unlined landfills had traveled off site through the groundwater, and in the 90's one of those springs I played in as a child was tested for contamination. They found large amounts of TCE, a known carcinogen. When I was 12, I was diagnosed with Hodgkin's Disease, when I was 33 I was given 8 months to 2 years to live, and when I was 37 I had breast cancer.

In 2010 I asked my friends on FaceBook, "who went to my elementary school in the 70's and had cancer before they were 25, or knew a classmate that had died young from cancer." I had 24 responses in two days.

I decided instead of spending decades to prove a cluster, my efforts would be better spent trying to help this not happen to anyone else.

This is what has brought me to you today. Without this bill current and future homeowners are not entitled to adequate disclosure that may alert and educate them to potential vapor intrusion and other contamination risks from nearby Superfund Sites.

TCE is a has maximum contaminant levels of 5parts per billion. They Army found levels of TCE along their fence line at 15,000ppb. One foot on the other side of this fence is owned by a developer who was approved to build townhomes before the testing was completed. Because the Remedial Investigation was not complete (and the developer delayed it by denying right of entry), and because the Army had stated no risk (because no homes were there yet so there were no people to be exposed at the time), the Planning Commission said its hands were tied to deny the development. A decade later, the last data set confirmed that there is a vapor intrusion risk for some of those homes. Had this bill been in effect, this would have never happened.

What we do know is that these homes will be built

What we don't know is how this information is legally mandated to be disclosed and explained *coherently to potential current and future homebuyers.

The Maryland Real Estate Disclosure and Disclaimer form exempts new builds and foreclosures and only requires disclosure for contaminations **on site** that the seller is aware of. Contaminants in Superfund Sites do not have to be on the property to pose risk. Risk ends where the influence of contamination ends. This data can take decades to finalize and usually the known perimeter of contamination expands.

I am testifying today to implore you to use your Duty of Care and set uniform protocol across all residential sales in MD, no exemptions.

A Material Fact in RE is defined as something that may make a buyer make a different decision, not conspicuously disclosing a Material Fact is illegal.

This bill, will set standard protocol for this disclosure that protects all parties.

SB0125 - Written Testimony - Jen Peppe Hahn - SUPP

Uploaded by: Jen Peppe Hahn

Position: FAV

Testimony Supporting SB0125
Senate Judicial Proceedings Committee
January 30, 2024
Position: Support

Dear Chair Smith and Members of the Committee:

This discussion is about whether or not it should be state law that proximity to a Superfund Site should be specifically disclosed to a potential buyer of Real Property. There is no debate on whether or not this requirement already clearly exists. It does not.

According to the EPA, **a Superfund site on the National Priorities List is a national priority due to a known or threatened release of hazardous substances posing a risk to human health and/or the environment.**

To earn a spot on the National Priorities List, according to the EPA, a site has to score high on the Hazard Ranking List.

The Hazard Ranking system places heavy emphasis on the RISK that (the) toxins (at the site) pose to human and environmental health of SURROUNDING areas.

This risk is examined over four potential exposure pathways:

surface water migration, groundwater migration, soil exposure, and air migration.

When calculating this risk the EPA takes into consideration the LIKELIHOOD OF RELEASE, THE CHARACTER OF THE CONTAMINATION AND THE SURROUNDING POPULATION AND ENVIRONMENT.”

If a site scores high enough on the Hazard Ranking System it is by Federal Law then placed on the **National Priorities List.**

Only 5-10% of sites evaluated are contaminated enough to make this cutoff.

A place with a high enough score on this list is designated as a Superfund Site on the National Priorities List (NPL). It is among the worst in quantity and quality of contamination. Not all Superfund Sites are on the NPL.

To sum it up, by the time something has been declared a Superfund Site it is contaminated enough that it is determined by Federal Law to pose a threat to human health and the environment because of the risk of a known or potential release of hazardous substances. To be on the NPL, the site has to be a top priority based on its score. The purpose of this Bill is to alert a potential home buyer via a specific disclosure addendum that states proximity to this substantiated risk.

According to Cornell Law School, places that receive the designation Superfund Site are the heavy hitters of contaminated properties, considered to pose the *greatest risk to local populations and the environment. “The hazardous chemicals that are associated with Superfund sites tend to contaminate groundwater and soil most readily. {These types of contaminants can pose varying forms of risk to nearby homeowners including exposures by drinking and bathing in the water, vapor intrusion into the home, or other airborne pathways.}

Of the 30 hazardous substances found most often at Superfund Sites, more than half are known or suspected human carcinogens and nearly all are associated with some negative health effects including being toxic to the liver, kidney, or reproductive systems. Starting in the mid-1970s, countless governmental and nongovernmental studies have revealed disturbing patterns of elevated health problems, including heart disease, spontaneous abortions and death rates. Data has proven that infants and children {living near Superfund Sites in general} suffer higher incidences of cardiac abnormalities, leukemia, kidney-urinary tract infections, seizures, learning disabilities, hyperactivity, skin disorders, reduced weight, central nervous system damage, and Hodgkin’s disease.”

It is prudent that Maryland enacts this Bill to ensure standard prescribed purview and protocol disclosure for Real Estate Agents to utilize.

Currently there is no Maryland disclosure law specific enough to accomplish this with no vagueness, room for interpretation or loopholes. All current versions of such disclosure allow for interpretation.

This bill is simple. This bill:

- *makes it clear that if a property is within a .5 mile radius of a Superfund Site on the NPL, the listing agent must include that in the contract and assure that the purchaser has seen and understood this disclosure by providing a separate disclosure addendum noting this proximity by following the language in the bill

- *the bill states the disclosure addendum must be presented at the signing of the contract (last session we asked for this to be 5 days before signing the contract or in the listing and realtors said no)

- *the bill states that the purchaser has 5 days past signing the addendum to complete their Due Diligence

- *this bill allows a Rescission Right within those 5 days of review with refund of any earnest money deposit (last year when you amended the bill you removed this 5 day right to void the contract and replaced it with only the right to void the contract if the addendum was never given - this left the buyer with no recourse- they need 5 days to review the information and make an informed decision)

*provides a standard source, two US EPA URL's for realtors and buyers to gather official information

*(last year the bill was amended to remove the word “any” or “all” preceding “real estate transactions, that left the same current exclusions and loopholes as the current disclosure protocol, exempting new builds, estate sales, etc...)

According to the National Association of Realtors Code of Ethics, Realtors “shall avoid ...misrepresentation or concealment or pertinent facts relating to the property of the transaction...” and “...the term REALTOR® has come to connote competency, fairness, and high integrity resulting from adherence to a lofty ideal of moral conduct in business relations.”

We believe that this bill strengthens the ability for Maryland Realtors to uphold their current Code of Ethics by avoiding material misrepresentation and sustaining moral conduct by assigning universal standard protocol and purview for disclosure that is not covered explicitly under current procedure and law and is in fact excluded in some instances in Maryland’s current disclosure and disclaimer form.

This bill will help to prevent any charge of concealment or consumer fraud assertions thus protecting Realtors from liability. Not disclosing what has been legally defined and accepted under Federal definition by law as a potential threat to human health and the environment is concealment. The intention of this Bill serves all parties by making the process of disclosure fair and equitable.

According to the National Association of Realtors, Fiduciary duties are all the duties that that a real estate agent or broker is legally beholden to when working with a client. Two of the most important are: disclosure of all material facts and exercising with a sound Duty of Care. This Bill would assure standard legal and ethical protocol that would help Realtors uphold their Fiduciary Duties.

Reasonable care in real estate transactions is typically hinged on state laws. In some states this Duty of Care is defined as the legal obligation to use reasonable care to avoid injuring others. Not disclosing proximity to a Superfund Site, which defines a risk, is contrary to Reasonable Care. This Bill protects the Realtors, the property owners and the potential buyers by setting guidelines.

Legislators set protocol and purview into law that facilitates order and protects their constituents. There is no grey area that can be argued asserting that disclosure of

proximity of a Superfund Site is not in the best interest of all parties. The current disclosure laws leave too many holes and exceptions as seen in the Maryland 10-702.

The Maryland Board of Realtors statement last year was in favor of the bill with amendment. They assert that there already exists protocol and purview specifically for this situation as per the Maryland's Property Condition Disclosure Law AKA the Maryland 10-702 Disclosure and Disclaimer form. Again, this form does not work for this situation. It places the onus of disclosure on the seller, not the expert, the real estate agent, and it allows a seller to disclaim rather than disclose.

In addition, this disclosure form exempts new builds. It exempts foreclosures, estate sales. Buried in the document on page 2, number 14 is a line to answer, "are there any hazardous or regulated materials (including but not limited to licensed landfills, asbestos, radon gas, lead-based paint, underground storage tanks, **OR OTHER CONTAMINATION** on the property. Yes, No, or Unknown." Page four includes a blanket "as is" statement.

There are too many escape clauses and not enough in this disclosure form (current protocol, MD 10-702) that would specifically cover or flag notification in an appropriately conspicuous manner, in **all** purchases of proximity to a Superfund Site (which again, is declared such due to a known risk to public health and the environment).

Realtors want the disclosure written broadly into what appears to be all Maryland contracts, i.e. that a purchaser of Real Property in Maryland is advised to determine on their own if a Superfund Site is near the property instead of requiring .5mi disclosure by an expert agent of the sale. Most people do not even understand what a Superfund Site on the NPL is: **this bill gives the basic, clear information and source to a buyer, while narrowing the net to those who this disclosure actually and specifically pertains to.**

Realtors, last year, also allow no Right of Rescission based on what the potential buyer learns based on Superfund proximity unless the addendum was not provided at all (again, their amendment took out the 5 day right to void the contract and have their deposits returned): the **Maryland Bar Association noted last year that without the right to void the contract once reviewing the information, there is no recourse. The 5 day Right of Rescission protects the buyer.**

The Maryland Builder's Association asserted last year that the bill would create needless apprehension. Disclosure of material facts is, ... what it is. It is then up to the individual to determine whether or not a specific Superfund Site, designated so because of its potential risk, warrants apprehension or not.

If it is benign, it will assure the purchaser. Their association asserts that this issue is not easy to understand. Just because something is hard to understand does not negate the fact that it is important or that it deserves protection under law. The fact that it can be hard to understand is exactly why it deserves to be flagged as its own disclosure addendum and assigned a review period before purchase. **Laws are important ESPECIALLY when things are hard to understand and involve health and the safety of your family.**

If there were no possible risk, it would not be designated a Superfund Site, if it were not a prioritized risk due to its nature, it would not be on the NPL... the risk is by definition what makes it so.

So asserting that disclosing the facts will create an unnecessary stigma borders on concealment. Facts are facts and the weight of this deserves disclosure and alleviates apprehension from potential law suits and liability down the road.

There was a court case about nondisclosure in New Jersey that was brought to court by a condo owner who claimed a loss of resale value due to proximity to a Superfund Site. The claim was based on Consumer Fraud. The defendant/developer argued that the disclosure laws "limited the scope of disclosure obligations," and thus protected them from liability. The judge agreed with the defendants but the Appellate Division "reversed, finding that the sellers of new residential properties can be held liable under the Consumer Fraud Protection Act for failing to inform the buyers of nearby Superfund Sites....plaintiffs were allowed to prove ...that there was concealment."

In another case the New Jersey Supreme Court ruled:

"the broker...is not only liable to the purchaser for affirmative and intentional misrepresentation, but is also liable for nondisclosure of off-site physical conditions known to it and unknown and not readily observable by the purchaser if the existence of those conditions is of sufficient materiality to affect the habitability, use, or enjoyment of the property and, therefore, renders the property substantially less desirable or valuable to an objectively reasonable purchaser."

Don't let this happen in Maryland. This Bill would prevent such cases.

Our bill sets uniform protocol that strengthens and upholds the Board of Realtor's Code of Ethics, protects all parties down the road from litigation, and allows the purchaser to have all information necessary before purchasing a home to confirm or deny apprehension and risk.

The Builder's Association called our request to simply disclose material facts, "egregious." What is egregious is wanting to conceal information that by data and law declares a risk to public health, specifically potentially near where you put your children to bed at night.

They argue that "if this information is relevant to the homeowner they already have a legal right to be informed." Relevant, is relative. I do not think there is any person in this room who would not want to know if they lived next door to a Superfund Site. We too believe they have a legal right to be informed which is why we are presenting this Bill. As we have stated, current purview and specific protocol, contrary to what the Builder's Association asserted, does not yet exist or we would not be here today.

We have a subdivision in our community that was given Master Plan Approval before it was confirmed that contamination from the neighboring Superfund Site had gone under the fence. We now know that the back three rows of townhomes are slated to be built on top of contamination that poses a vapor intrusion risk. Because these are new builds there is no disclosure that is clear cut that the developer or builder must offer. Luckily this contamination is courtesy of a military base, so the Army is mandated to pay for vapor intrusion barriers to be installed in these homes as they are built. I have sat on the Restoration Advisory Board for a decade, and no one yet can say definitively what disclosure would look like in this situation. The Army has declared no purview and the developer says they will let us know when the time comes. The local realtors I have asked understand that you don't know what you don't know and if there is no one that has lived there before they admit the 10-702 does not work. It is time to create protocol for an unprecedented situation.

Another way a situation like that can be tricky without a bill such as this, is that the Army suspected contamination on that property decades ago but because no homes were there, the area became a low priority for testing. We have a very active community on our local Restoration Advisory Board that took this issue on. After a long court battle for Right of Entry to test this land, the Army found what it had suspected but the Master Plan Approval had already happened because of the delay in testing. This is why the half mile designation is important.

Another example was in 2015 when the Army's contractor stated in a RAB meeting that "no current risks were identified" on the property just over the fence line of our local NPL site. I spoke up and asked why there was no risk if two sentences prior they revealed the type of groundwater contamination well above maximum contaminant levels that could cause vapor intrusion into homes. The answer was "because no one was living there currently." This was the same land that had been approved for townhomes, but because they were not built yet, the Army declared no risk on that land. To have risk there

must be exposure. By law there was no one to notify, the homes were not yet built. When we asked how eventually they would assess and proclaim risk, we were told the MD 10-702, which we saw on page 1, excluded new builds and therefore would not be applicable in this situation. This bill fixes any uncertainty of this type of disclosure in all residential real estate transactions moving forward with straightforward legal protocol.

Many large Superfund Sites sit in the Remedial Investigation (RI) phase for a long time. This is the phase where they characterize the quality and quantity of the problem. (Don't confuse this with testing to see if it is a Superfund, Hazard Ranking happens after that designation has been assigned.) When contamination is migrating through groundwater for example, wells have to keep being added to collect data until they get past the point of detection. **Many times this RI process moves closer to pre-existing homes as they catalogue that information.** So what was a property, perhaps purchased 5 years prior and a half a mile away, doesn't always, but could end up 1/4 of a mile away or found to be within distance of a vapor intrusion risk one they complete their testing years later. They do not know how far out will warrant testing until each current data set comes in.

We are not talking today about the 90% or more site investigations that do not end up Superfund Sites or are not on the NPL. This bill creates a disclosure law for the .5 mile vicinity of already **declared** Superfund Sites on the NPL which earned that designation through testing under Federal Mandates, EPA oversight and CERCLA Law which is short for the Comprehensive Environmental Response, Compensation Liability Act by the United States Environmental Protection Agency. Betty has provided, in her written testimony, a chart of the CERCLA process.

The Builder's Association, last year, referred to this bill as hurting Maryland's efforts to supply 97,000 units of low income housing, which by their very assertion is an Environmental Justice Issue saying that the disclosure of this Bill would place a stigma on the low income housing. At least they are being honest that this bill would affect low income housing perhaps the most. Statistics show that most communities that border Superfund Sites are low income areas. According to Poverty law.org 70% of the most polluted sites within the US are located within 1 mile of federal assisted housing.

The confusion over fact and duty brought up in the unfavorable opinions last year alone should put an explanation point on why this law is paramount for these transactions.

Last session, the Bar Association stated that many people live within a half mile and there are no consequences. Research negates that assertion. There is "a significant positive association between Superfund density and overall cancer rates across the 48 contiguous USA, in addition to a significant trend of number of Superfund Sites per county and the corresponding cancer rates...results show that geographic areas with greater numbers of Superfund Sites tend to have elevated cancer risk," as well as multiple other health risks. A list of such studies can be presented at your request.

Superfund Sites pose risk by definition. Proximity to a Superfund Site is a Material Fact and “under Maryland Law a real estate licensee must disclose to all parties Material Facts the licensee knows or should have known.” This bill sets protocol, allocates purview, protects all parties from liability, and fulfills the basic right to know through a prescribed Duty of Care.

<https://www.tandfonline.com/doi/full/10.1080/2330443X.2017.1408439>

<https://sites.nicholas.duke.edu/superfund/making-a-list-checking-it-twice-how-to-become-a-superfund-site/>

<https://www.sciencedirect.com/topics/earth-and-planetary-sciences/superfund>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222489/>

<https://www.nature.com/articles/s41467-021-22249-2>

https://www.povertylaw.org/wp-content/uploads/2020/06/environmental_justice_report_final-rev2.pdf

<https://malegislature.gov/Bills/188/H290/House/Bill/Text>

<https://www.state.nj.us/dep/srp/kcsnj/95c253.htm>

<https://corporate.findlaw.com/business-operations/real-estate-buyers-in-new-jersey-retain-right-to-be-informed-of.html>

<https://www.rismedia.com/2012/01/23/disclosure-lawsuits-are-you-unknowingly-putting-yourself-at-risk/>

<https://www.mitchellwilliamsllaw.com/transactional-issue-case-addresses-allegations-that-three-real-estate-agents-violated-wisconsin-law-by-failing-to-disclose-in-a-real-estate-report-an-adjacent-landfillsuperfund-site>

<http://www.wemargad.org/disclosing-superfund-wqarf-and-dod-sites-maps-to-help-your-client-properly-disclose/>

SB125 - Response to amendments - Jen Peppe Hahn -

Uploaded by: Jen Peppe Hahn

Position: FAV

RESPONSE TO REALTORS PROPOSED AMENDMENTS:

There is no risk potentially as great as the effects from contamination large enough to be on the National Priorities list in your backyard, and yet the realtors want to slip this disclosure in as a non conspicuous “buyer’s notice” and refer to NPL’s in their proposed amendments as “so called Superfund Sites.” As you will hear today, there are Superfund Sites and then there are those that score high enough in the hazard ranking system to be placed on the National Priorities List.

The realtors are correct, this bill, as written, does not fit protocol because a Superfund Site on the National Priorities List near your home is an unprecedented situation that requires new protocol.

The point of SB125 is, as the realtors say, to ensure that buyers have the information they need to make an informed decision, however the **realtor's proposed tool to do so is not the appropriate tool**. The realtors refer in their proposed amendments to the Superfund Enterprise Management System (SEMS). This is not, according to EPA headquarters or EPA region reps the correct list and not a user friendly, public facing site.

The SEMS is a complete list of all contamination found in Maryland, some investigated, some not. Only 10% of what is on that list will end up declared a Superfund Site on the National Priorities List. **The intention of this bill is to alert buyers if their home is within proximity to a Superfund Site ON THE NATIONAL PRIORITIES LIST. The URL’s in our bill are the correct tools, the URL the realtors propose is a test site only at this point and the SEMS should never be considered again in conjunction with this legislation.**

If the realtors decide it is appropriate to disclose all sites, big, small, and in between, investigated and uninvestigated, (which is the SEMS list), that is another set of legislation they can pursue that we would be glad to help them with later.

Further in the realtors amendments they make our argument complete by expressing that “even mapping technology on a website is not guaranteed to be exact...” This is even more of a reason why the .5mi is appropriate. As you will hear today, as data is gathered, the perimeter of known contamination expands, and this **will indeed** change the map over time. This bill asks for a disclosure of proximity **at the time** of sale and allows for .5mi for this very reason.

The realtors amendments do not address **“ALL OR ANY”** residential real estate transactions like our bill prescriptively states, leaving loopholes for some residential sales to be exempted from this disclosure. We are writing this legislation to close gaps in protocol, not add more.

The realtors' amendments assert that the buyer should be in control. We argue that something of this magnitude needs to be the onus of the expert, that is why the seller and buyer hire an agent,

to protect them as their fiduciary and look out for their best interests. We want the expert to be responsible for this disclosure, and in turn the buyer to have the appropriate user friendly source to make their considerations.

We met with the realtor's representatives to listen to alternative solutions. They had none. By referring a buyer to the SEMS and not requiring all residential sales in plain writing to be included, and by referring the buyer to a test site, they have defeated the clear intent of this bill:

*To disclose .5mi proximity to a Superfund Site ON THE NPL

*To provide the appropriate, common source/tool to inform the buyer

*To require the disclosure is conspicuous as in a separate signed addendum with all information on one page

*Allow the buyer a 5 day review period after receiving the information in which they can void the contract will all monetary deposits returned

The realtors do not designate when this notice shall be provided and

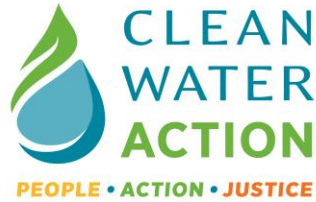
The realtors take away that Right of Rescission in section D, if based on the info provided in their proposed section C allowing the buyer no recourse once learning about the proximity

The realtor's proposed amendments have nothing to do with the current draft's intent.

SB125 - Clean Water Action - SUPPORT.pdf

Uploaded by: Jennifer Kunze

Position: FAV



**Testimony Supporting SB125
Senate Judicial Proceedings Committee
January 30, 2024**

Position: SUPPORT

Dear Chair Smith and Members of the Committee,

Clean Water Action strongly urges you to pass SB125, Residential Property Sales – Contract Disclosures – Superfund Sites. This legislation ensures that potential homeowners entering into contracts to buy homes 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.

Sites on the Superfund National Priorities List (NPL) deserve special consideration for surrounding communities’ safety. The sites on the NPL are not a broad collection of polluted sites; they are EPA’s list of the most hazardous sites in the country identified to be “eligible for federal funding to pay for extensive, long-term cleanup actions under the Superfund remedial program.” Contaminants from these sites can travel through air, water, soil, and groundwater to nearby land, threatening neighbors’ health.

Sites are selected for the NPL based on EPA’s Hazardous Ranking System. As EPA’s [“A Community Guide to EPA’s Superfund Program”](#) outlines,

To evaluate the dangers posed by hazardous waste sites, EPA developed a scoring system called the Hazard Ranking System (HRS). EPA uses the information collected during the assessment phase of the Superfund process to score sites according to the danger they may pose to human health and the environment.

Many of the sites that are reviewed do not meet the criteria for federal Superfund cleanup action. Some sites do not require any action, while others are referred to the states, other programs, other agencies, or individuals for cleanup or other action.

If a site has a high enough score on the HRS and meets all other criteria, EPA may propose that it be put on the NPL. The proposal is published in the Federal Register, the official publication of

the U.S. government, and the public has an opportunity to comment on whether the site should be included on the NPL. EPA responds to comments and if applicable, announces the decision in the Federal Register.”

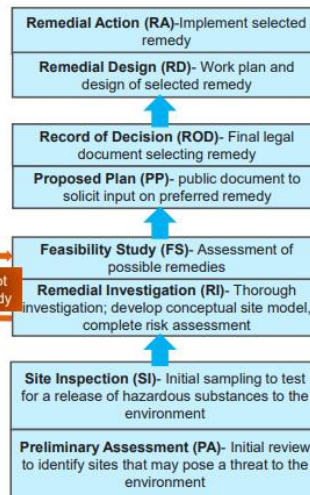
Specific criteria for identifying the most hazardous sites with the most need for long-term remediation and monitoring are used to determine whether a contaminated site is entered onto the NPL. The sites that are selected for the NPL are those that pose the greatest risk to human health and merit the highest level of caution.

Remedial investigations of NPL sites can last for a long time and can significantly expand the known geographic scope of the contamination’s impacts. Sites listed on the NPL go through lengthy procedural requirements to fully assess the scope of contamination, investigate potential remedies, implement remedies, and monitor the long-term operation of the remedy or remedies.

At the Remedial Investigation stage, the site is thoroughly investigated, a conceptual site model is developed, and a risk assessment is completed, among other elements of fully assessing the scope and type of contamination at the site. Because sites are selected for the NPL because of the heightened levels of hazards they pose, the remedial investigation stage can take a very extended amount of time, even a decade or more, and can expand the geographic scope of contamination far beyond what is known at the beginning of the process.

For example, the NPL site at Fort Detrick concerning contaminated groundwater at the Fort’s Area B is currently in the Remedial Investigation stage. At present, a pilot program is studying possible remedies, while investigations to determine the full scope of contaminated groundwater continue.

Where Does this Pilot Study fit into the Process?



Pilot Study was based on data gathered during the RI activities. Results will be used in the FS to assess potential full-scale remedial technologies.

A slide presented at the 12/4/2019 meeting of the Fort Detrick Restoration Advisory Board, showing the status of the CERCLA process for Area B Groundwater contamination.

The Remedial Investigation phase began in July 2010, and has lasted for more than 13 years. During this time, the known geographic scope of contamination has expanded in ways that concretely affect surrounding properties, and testing to determine the exact geographic extent of contaminants' movement to and impact on a nearby property, currently slated for new-build residential development, is still currently ongoing.

Existing real estate disclosures do not adequately address off-site contamination, particularly contamination that may impact newly-built homes. The standard [Maryland Disclosure and Disclaimer Statement \(10-702\)](#) does not currently contain disclosures relevant to contamination that might impact a home from a nearby NPL Superfund site, and is not a suitable vehicle for including such disclosure.

For example, the initial sale of a single family residential real property that has never been occupied is explicitly excluded from these disclosure requirements. Since offsite contamination can impact a newly-built home just the same as an old one, this fails to provide information and protection to buyers of new homes about the potential impacts of nearby Superfund site contamination. Other specific exclusions from disclosures under this form include a sheriff's sale, tax sale, or sale by foreclosure. Purchasers of such homes should receive disclosure of proximity to a Superfund site.

The disclosure form also primarily addresses sources of contamination that are located on the property itself. For example, question 14 asks "Are there any hazardous or regulated materials ... on the property?" There is no current, uniform protocol, in contrast, to disclose proximity to contamination as significant as to be included on the National Priorities List.

This legislation will ensure that a potential buyer is directly informed of their home being in proximity to a Superfund site in a separate addendum. This is intended to stand out from the blur of paperwork and ensure that the potential homebuyer has the adequate notice and information to understand this hazard. In doing so, this will provide a valuable building block for communities' right-to-know about hazards that may impact their homes and their health.

Please pass SB125 to provide a valuable building block for communities' right-to-know about hazards that may impact their homes and their health.

Sincerely,

Jennifer Kunze
Maryland Organizing Director
Clean Water Action

J Gebase.pdf

Uploaded by: Jessica Gebase

Position: FAV

Good afternoon, my name is Jessica Gebase and I work in Environmental Health and Safety, specifically in industrial hygiene, my academic background is in chemistry and I am here as a constituent to support SB125. disclosing the hazards that are known to be present at superfund sites to adjacent home purchasers, these hazards move through the soil and encroach on private property.

A quick lesson in safety, hazards and risk are different terms. A hazard is something that has the potential to cause harm and we cannot change that potential. And risk is the likelihood that harm will come to pass from that hazard, we can control risk because we can control likelihood.

For SB125 we are talking about controlling the risk associated with the hazards found throughout Maryland at Superfund sites, these sites have already been assessed and have been deemed hazardous to human health and or the environment. The simplest and most effective way to control risk of these hazards is simply informing purchasers that the hazard **could be** present, just as we inform purchasers of older homes of possible contamination by other notable hazards such as lead, radon or asbestos.

Lead, radon, and asbestos are residential hazards that are well characterized and have documented effective mitigation practices, it is my understanding realestate law requires these hazards to be disclosed when known and when the hazard could be present. Dispite their very compelling health hazards, these elements and mineral possess, people regularly purchase homes possibly contaminated with them. Informing purchaser of the hazards of the superfund sites reduces risk that the hazards will cause harm it does not stop purchaser from buying older homes or homes in Maryland where radon naturally seeps from the earth.

I sit on the Restoration Advisory Board for the Fort Detrick Superfund site where groundwater is contaminated with volatile organic compounds, volatile meaning it will travel through the soil into basements similar to the path that radon would take. Radon is easily controlled by vapor mitigation systems, I just had one put in my home averaging less than 1000 dollars to install and it will be a selling point when the time comes. I have a safe home and I can prove it. These same systems can be used for volatile organic compounds.

Contaminants from the Fort Detrick Superfund site could travel the same path as radon through the soil into basements and building, one such contaminate is the carcinogen tetrachloroethene, its derogatory products include trichloroethene, and vinyl chloride both of which carry hazard warnings for germ cell mutagenicity and carcinogenicity. This is one compound at one superfund site, the hazards and risks of these superfund sites have already been comprehensively reviewed, and homeowners should be provided the information regarding this before they make (likely) the largest financial investment they will make in life.

From the state assembly's website, "The purpose of the General Assembly is to pass laws necessary for the welfare of the State" and informing Maryland residents of these hazards and their associated risk is necessary for the welfare of the State.

Thank you for your time and attention.

1 29 2024 Speaker January 30th Maryland Judicial

Uploaded by: John Bee

Position: FAV

Brief for the Maryland Judicial Proceedings Committee 1/30/2024

Thank you for allowing me to speak January 30th 2024 to the Judicial Proceedings Committee SB0125 and HB0486.

John Bee – Professional Geologist & Environmental Scientist LSRP retired
President of Tapash LLC, Certified Profession Geologist #6173 AIPG
Mobile (732) 267-5722 TapashB@aol.com, www.Tapash.net

Summary of John Bee's Experience Over the last 40 years

John Bee worked for USEPA & Union Carbide and Industry Superfund Cleanup

Owned and operated two Consulting and Superfund Cleanup Firms for 30 years in New York & New Jersey for the last 30 years: called Shakti and Tapash as a Project Site Manager Geologist/Hydrogeologist and Senior Environmental Scientist

John has worked for 20 years as a LSRP in NJ, a Certified Professional Geologist and Hydrologist on chemical spill investigation and cleanup. Tapash cleans contaminated sites. John also operates the National Institute for Brownfields Redevelopment (NIBR) that buys contaminated sites, cleans them up, manages a personal portfolio of Brownfields Redevelopment Sites.

John has worked on Disaster Response for USEPA and FEMA and as an Environmental Consultant and Hydrogeologist for the USEPA and Union Carbide from the 1970s through 2020.

Since the beginning of Superfund (CERCLA), John has been involved in Environmental Consulting and Chemical Spill Response for the USEPA and Industry and Redevelopment of Brownfield Sites in New York and New Jersey.

Over the last 40 years John Cleaned Chemical Spills for Industry & the Public, ISRA, UST, Water Supply and Engineering Geology projects in the USA, Canada, India, Puerto Rico, South America & the UK.

See attached resume

Table of Contents

- 1. Qualifications**
 - 2. Points to cover in two minutes**
 - 3. Superfund/NPL definitions**
 - 4. Remedial Investigation explanation**
 - 5. Ft Detrick as one example**
 - 6. Climate effects on SF sites**
 - 7. 0.5 mile Proximity**
 - 8. Case studies**
 - 9. TCE Impact as an Example**
 - 10. Demographics near SF sites**
 - 11. Resume**
-

Concerns to be emphasized to the Committee:

- The MD SB0125 and HB0486 proposed covers only Superfund Sites on the NPL List
- What is the Importance of USEPA Listing a Superfund Site on the NPL?
- the National Priority List
- Superfund addresses dangerous abandoned hazardous waste sites.
A Superfund Site is a property —often abandoned—where hazardous substances have been released into the environment either through misuse, improper disposal, or and criminal acts but mainly through IGNORANCE
- Example Commandant of Ft Detrick – asked Kemp to put Dairy Cows on Ultra Haz Area B
-
- NPL Listing is for the most dangerous sites

At these sites, the threat is sufficient to warrant an Hazardous Waste Cleanup to levels that will protect the public and the environment.

Examples are Love Canal and Lipari Landfill see attached EPA Histories

- The National Priorities List (NPL) is the list of sites of greatest National Priority among the known hazardous sites throughout the United States and its territories for long-term remedial investigation and remedial action financed under the federal Superfund program.
- Example: Fort Detrick was listed in 2009 after 20 years of neglect by Detrick
The USEPA Listed Area B at Fort Detrick in 2009 because the Dept of the Army had neglected the Ultra Hazardous site for over 20 years before, failing to investigate the Impact of the Area B ultrahazardous Biowarfare Landfill on the surrounding Farms and Housing Estates,

Fort Detrick has contaminated soil, sink holes, surface water and springs and groundwater in the Frederick Area

Now Contamination is still spreading out from Ft Detrick as it is uncontrolled

Such terms as “Not contaminated based on current data” & “sampling to date” Is misleading because it implies no risk but the verdict from EPA is not in yet

because the investigation and cleanup is continuing or they would be delisted

CERCLA in Real Estate

The owner or operator of a contaminated property are held responsible for the property's cleanup, based solely on their current ownership of the property. Nov 20, 2023

- **Listing the Site on the National Priority List (NPL) gives notice to Local officials, Realtors and home and property buyers that the site is Dangerous to Public Health**

List of Superfund Sites in Maryland below

The NPL guides the EPA in determining which sites warrant further investigation for environmental remediation.

- **As of 2017, there were 21 Superfund sites on the National Priorities List in Maryland. We are only dealing with these 21**
Two additional sites were currently proposed for entry on the **EPA's list of the most serious uncontrolled or abandoned hazardous waste sites** identified for long-term remedial action under Superfund.
- **The list is based on the Site score on EPA's Hazard Ranking System. (NPL)**
- **•non-NPL sites subject to Superfund alternative approach (SAA) agreements. Many NPL sites remain in Remedial Investigation process of CERCLA for a decade or more and while the quality and quantity of contamination is being characterized, the boundaries of the known contamination usually expands**

Example Fort Detrick Maryland - Sites have long histories

- **On April 9, 2009 the USEPA designated Area B as an NPL site But the Camp commander was warned of the danger 20 years earlier by the Mayor of Frederick**
Because Ft Detrick had repeatedly failed to grasp the Environmental Impact of their past irresponsible actions in Area B and had repeatedly failed to cooperate with other Federal and State Agencies.

Before 2009 the Army did not have to reply to concerns for the USEPA and State of Maryland and the Armed forces were one of the worst polluters in our society.

Under the Federal Inter-Agency Agreements in 2009 Detrick's cavalier disregard for the environment and community health is illegal.

Fort Detrick had to fund a Remedial Investigation directed by the USEPA and Set up a Repository of Information in the Fredrick Library.

When we discovered the Repository (a whole room) the Plot got Interesting

See Facts About.. FORT DETRICK (MD-066), Frederick, Frederick County (attached)

All NPL Sites in Maryland

Region	State	EPA ID	Site Name	NPL Stat
3	Maryland	MDD980918387	<u>68TH STREET DUMP/INDUSTRIAL ENTERPRISES</u>	Proposed
3	Maryland	MD2210020036	<u>ABERDEEN PROVING GROUND (EDGEWOOD AREA)</u>	Final
3	Maryland	MD3210021355	<u>ABERDEEN PROVING GROUND (MICHAELSVILLE LANDFILL)</u>	Final
3	Maryland	MD0570024000	<u>ANDREWS AIR FORCE BASE</u>	Final
3	Maryland	MD0120508940	<u>BELTSVILLE AGRICULTURAL RESEARCH CENTER (USDA)</u>	Final
3	Maryland	MD9570024803	<u>BRANDYWINE DRMO</u>	Final
3	Maryland	MDD980504195	<u>BUSH VALLEY LANDFILL</u>	Final
3	Maryland	MDD003061447	<u>CENTRAL CHEMICAL (HAGERSTOWN)</u>	Final
3	Maryland	MDD980555478	<u>CHEMICAL METALS INDUSTRIES, INC.</u>	Deleted
3	Maryland	MD4690307844	<u>CURTIS BAY COAST GUARD YARD</u>	Final
3	Maryland	MDD985366756	<u>DWYER PROPERTY GROUND WATER PLUME</u>	
3	Maryland	MDD985397249	<u>FORT DETRICK AREA B GROUND WATER</u>	
3	Maryland	MD9210020567	<u>FORT GEORGE G. MEADE</u>	
3	Maryland	MD7170024684	<u>INDIAN HEAD NAVAL SURFACE WARFARE CENTER</u>	
3	Maryland	MDD980923783	<u>KANE & LOMBARD STREET DRUMS</u>	
3	Maryland	MDD980691588	<u>LIMESTONE ROAD</u>	
3	Maryland	MDD064882889	<u>MID-ATLANTIC WOOD PRESERVERS, INC.</u>	
3	Maryland	MDD980705099	<u>MIDDLETOWN ROAD DUMP</u>	
3	Maryland	MDD982364341	<u>ORDNANCE PRODUCTS, INC.</u>	
3	Maryland	MD7170024536	<u>PATUXENT RIVER NAVAL AIR STATION</u>	
3	Maryland	MDD980705164	<u>SAND, GRAVEL AND STONE</u>	

All NPL Sites in Maryland

Region	State	EPA ID	Site Name	NPL Stat
3	Maryland	MDD981038334	SAUER DUMP	
3	Maryland	MDD980704852	SOUTHERN MARYLAND WOOD TREATING	
3	Maryland	MDD000218008	SPECTRON, INC.	
3	Maryland	MDD980504344	WOODLAWN COUNTY LANDFILL	

This is a List of EPA NPL sited that existed on January 19, 2017

- **The Pathways for Exposure for Superfund Sites are Many and Complicated &**
- **Impact the Health Risks posed by various types of Superfund sites**
- **Superfund sited Contaminate soil, groundwater, surface water, streams, sediments, springs, Air, indoor air and vapor intrusions are most common, and found at Ft Detrick but sites can contaminate foods like milk as dairy cows grazed on Area B**
- **Initially John believed we were Investigating a Solvent Spill at Fort Detrick**
That was all that had been reported by Ft Detrick.
But nearly every house we visited had multiple generations with cancer
But in taking well samples we realized nearly every house we visited on Shookstown Road. Kemp Lane and Montevue Lane and Rocky Springs Road had multiple generations with cancer.
This was professionally alarming, Not my usual experience in investigating a solvent plume.
Figure 3.0 Environmental Features of Fort Detrick

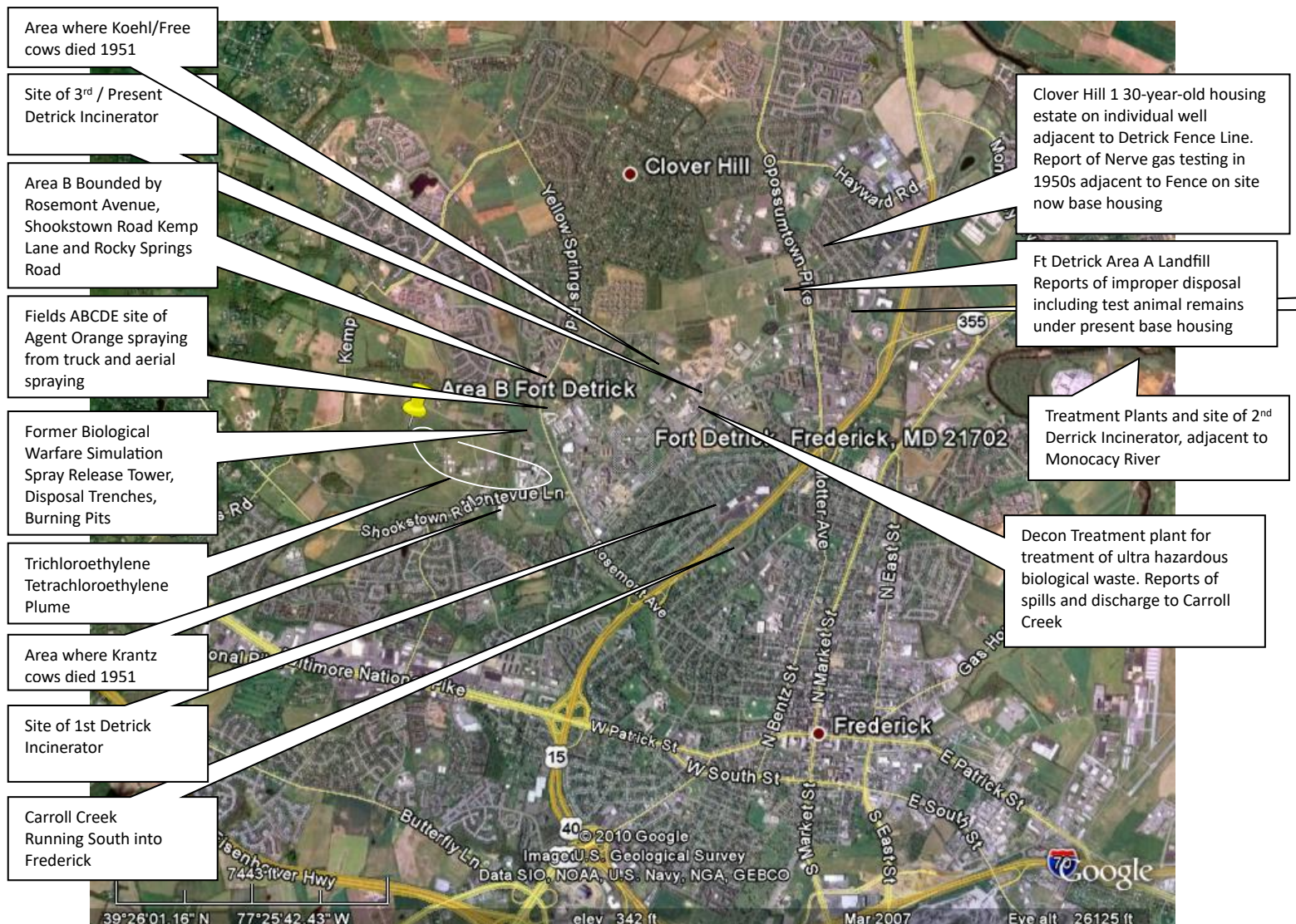


Figure 3.0 Environmental Features of Fort Detrick

I am convinced there was significant exposure of the local population in the 1950s – 1970s to hazardous chemicals causing 1000+ Cancer and Exposures continue Today as the plumes disperse

How did we find so many Exposure Routes and Cancers

By Visiting the Families we recognized Multiple Pathways for Exposure

We became increasingly alarmed when the neighbors recalled multiple potential exposures and spoke of relatives who had moved away and were not counted.

Only by a door to door survey of residents and the attention of the Press will find the cancers

Not a Cancer Registry Not a statistical Calculation – These are real families

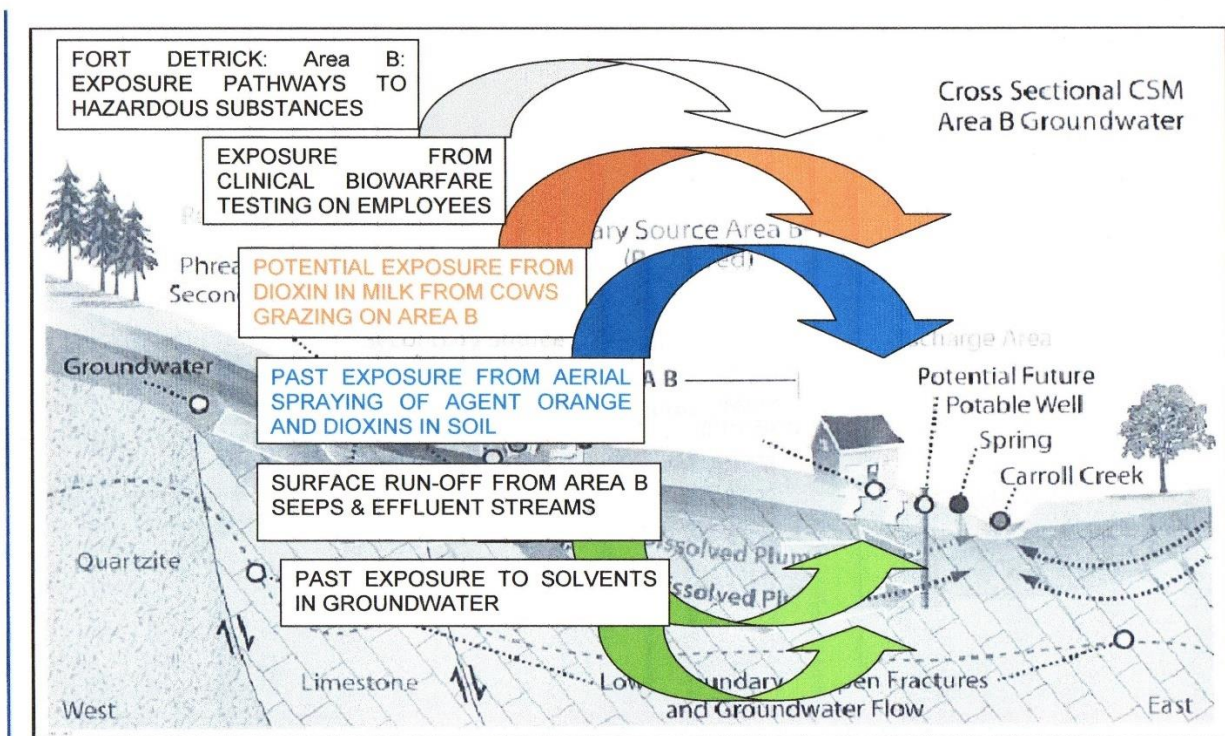


Figure 2. Proposed conceptual site model of Area B (from Shaw, Environmental, 2008). The geological and hydrogeological data

- **Exposure by Air From Clouds of Smoke from Burning Pits** in the 1960 and 1970s “blowing through the neighborhood,” (eye witness: Bill Krantz, Jim Krantz and Shirley Coblenz)
- **Exposures by Air from Aerial Spraying of Agent Orange**
 - On July 27th 2010 we were informed that the Army had released simulation chemical warfare agents from the Biochemical Warfare Simulation Tower in Area B and
 - Agent Orange from another Tower mounted on a truck in Area B along with Aerial Spraying over Area B Field A,B,C,D, and E in the run up to the Vietnam War.
 - Nerve gas was tested adjacent to Clover Hill in the 1950s (eye witness Steve Russell)

From Groundwater Contamination from drinking well water contaminated with Trichloroethylene and Tetrachloroethylene known to have been dumped in drums stacked 4 to 5 drums high in the Area B uncontrolled landfill. **Exposure by Drinking Water:** documented groundwater contamination running the length of Area B from site B-11. (Potential DNAPL in the Robinson well 23,000 ppb Trichloroethylene sampled). There are over 500 individual wells



- **In the Food Chain**

Area B of Fort Detrick was the landfill and testing area for Biochemical Warfare Agents

For Fort Detrick but was also

Used for farming: raising fodder for the test animals and for feeding a local herd of dairy cows of Bill Krantz produced milk that was sold throughout Frederick County and Washington!!!

25 of these cows died after Detrick sprayed a unknown chemical on the Area B Fenceline with proposed Waverly Estate Development ???

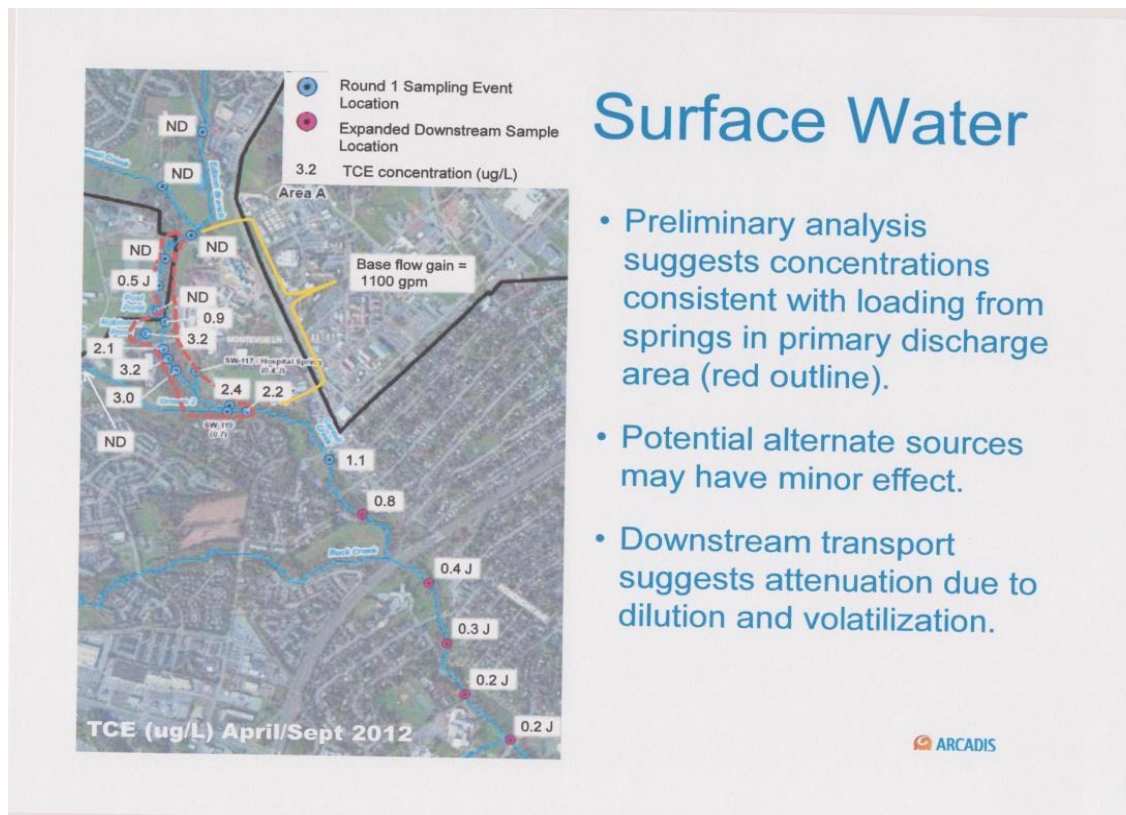
- **Surface Water Exposure in the Springs and Ponds**

The Monocacy River, Carroll Creek, and the Nallin Farm Pond are the three major bodies of water in the vicinity of Fort Detrick.

Carroll Creek transects Area B of Fort Detrick and comes within approximately 300 ft. of the western boundary of Area A.

Gerald Kohl and his young friends (victims) played on Area B and damming up Carroll Creek,

Seeps from Area B landfill seeps into Carroll Creek, (see Figure 3-3).



From Pesticide Spraying along the Fence lines

The Krantz Family

• Where his cows died suddenly after Ft Derrick had sprayed the fence line 1951 Fort Detrick sprayed herbicide along fence line and killed 25 cows instantly (Bill Krantz). "The cows ended up in a pile in my farm yard. Men in white suits came and told us not to touch them as they died. The vet wanted to shoot them to put them out of their misery. But the Army said if we killed them they would not pay compensation." At that same time 8 cows belonging to Grace Koehl died suddenly over a two-day period. ".The grass did not grow back for many years".

> Jim and Bill described:

- The sink hole where as a boy he saw Detrick waste thrown down the sink hole
- The area where waste was buried outside the landfill
- The testing and burning areas
- Where various people worked mowing that have died young

The Residents were exposed by Multiple Routes to Harmful Chemicals

Exposure to Biological Agents: Dottie Blank died of Cancer on Kemp Lane. She was not only poisoned with solvent laden groundwater, showered in Agent Orange from aerial spraying, exposed to Dioxin and smoke from burning pits but also injected with potentially lethal viruses in a Biowarfare Human Experiment from 1957 to 1967 at Fort Detrick

These were concerns raised by members of the community such as the Rice Family and the Koehl family by Bill and Jimmy Krantz all through this 20-year period but its true significance went unheeded by FT Detrick, the Maryland Dept of Health and the Maryland DNR.

20 years is the latency period of many cancers. Included Exotic Cancers that I do not normally find. The Rice family is one of 4 families that share a rare erythrocyte cancer common to the Ft Detrick area. We have failed to recognize their suffering as a cancer cluster.

But we did Recognize the Significance of Ft Detrick's Guilt and the Seriousness of the Exposure and the Victims

The Site “Area B” at Fort Detrick in Maryland is a dangerous place like all NPL sites

Area B is where the Army’s Chemical Corp dumped the waste from biochemical warfare research at Fort Detrick since the 1950’s.

Nobody knows knew what went into Area B but we are finding out.

In 1969 when Nixon signed the “Research Biochemical Warfare Ban”, all the biochemicals from that research were dumped in Area B. Area B was also used by the US Army for outdoor testing of biochemical warfare agents. This landfill is surrounded by farms and housing estates that were exposed to many hazardous chemicals including Dioxin and Trichloroethylene - potent carcinogens.

The victims include Randy White: his 26 year old daughter Kristen Renee died of brain cancer. His wife Debbie died of the same brain tumor, then his youngest daughter and now his grandchild 10-years old is having the same seizures and may be dying. And we found out why - a cocktail of Agent Orange, biochemical agents and solvents from USAMRIID.

The real victims need attention and respect because of this tragedy, their exposures affect the real lives of the White family, Grace Koehl, Bill Krantz, Ralph Gaver, Steve Russel, Dottie Blank, the Dintermanns, Elmer Cheeks, the whole Rice Family, Lewis Eyre and the Robertson family. (See Victims List)

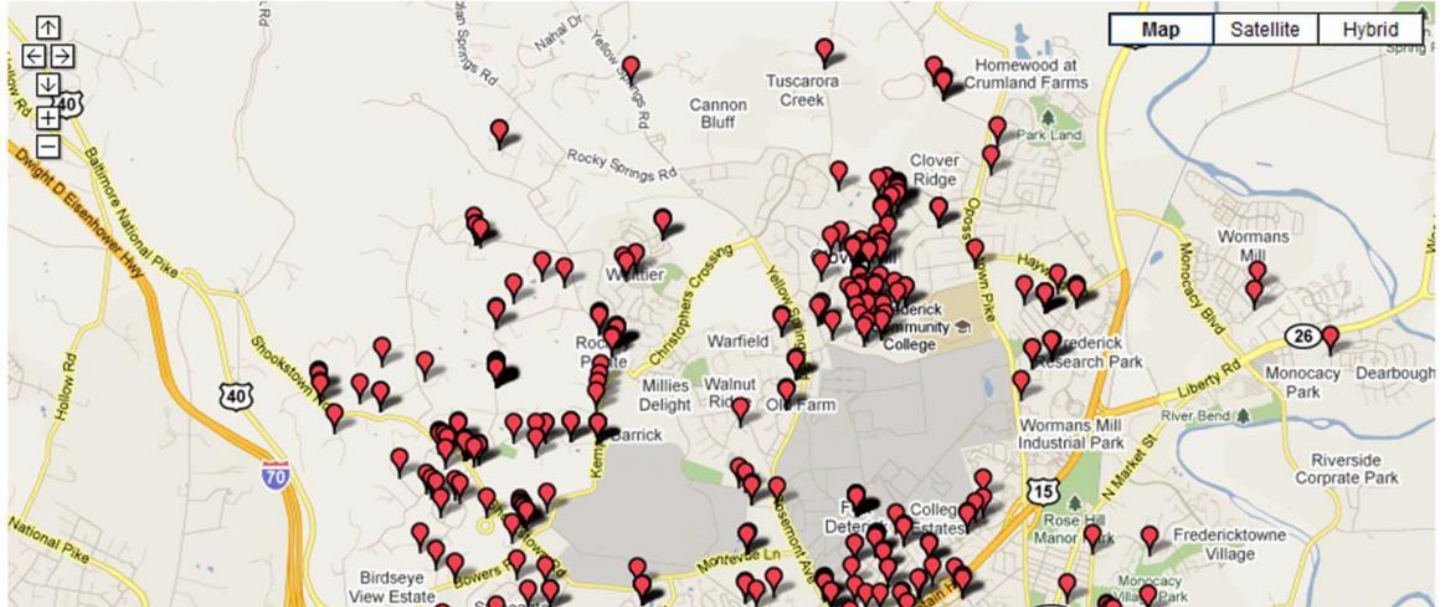
They lived next to this landfill Area B in a Karst (limestone) area where the USAMRIID dumped chemical and biowarfare agents. Randy founded the Kristen Renee Foundation and their consultant Tapash discovered this dioxin site and a potential cancer cluster along the perimeter road around Fort Detrick in Frederick, Maryland.

KRF has cancer cluster data in Frederick Maryland of over 1000 individuals: Nearly every house had cancers along the surrounding perimeter roads to the Landfill Area B and Test Area for Agent Orange has been affected. There are alarming numbers of a wide variety of cancers on Shookstown Road, Kemp Lane and Rocky Springs Road around Area B at Fort Detrick (see Contact Sheets), affecting young and old. The Rice family is one of 4 families that share a rare cancer common to Ft Detrick.

We collected reports from 1500+ individuals with cancer around Fort Detrick: - Nearly every house had cancers along the surrounding perimeter roads to the Landfill Area B and Test Area for Agent Orange

A community effort dedicated to ensure our water is pure, our air is clean, and our community is safe!

Filter: None | Number of Cases: 513



The Pathway of a Superfund Site change over time Hydrogeology of Karst: sinkholes, groundwater flow and Effect on the plume

Limestone under Area B has sink holes and regional fractures and discontinuities between the limestones that widen by solution

Area B sits on Limestone with sinkholes that communicate with the regional groundwater.

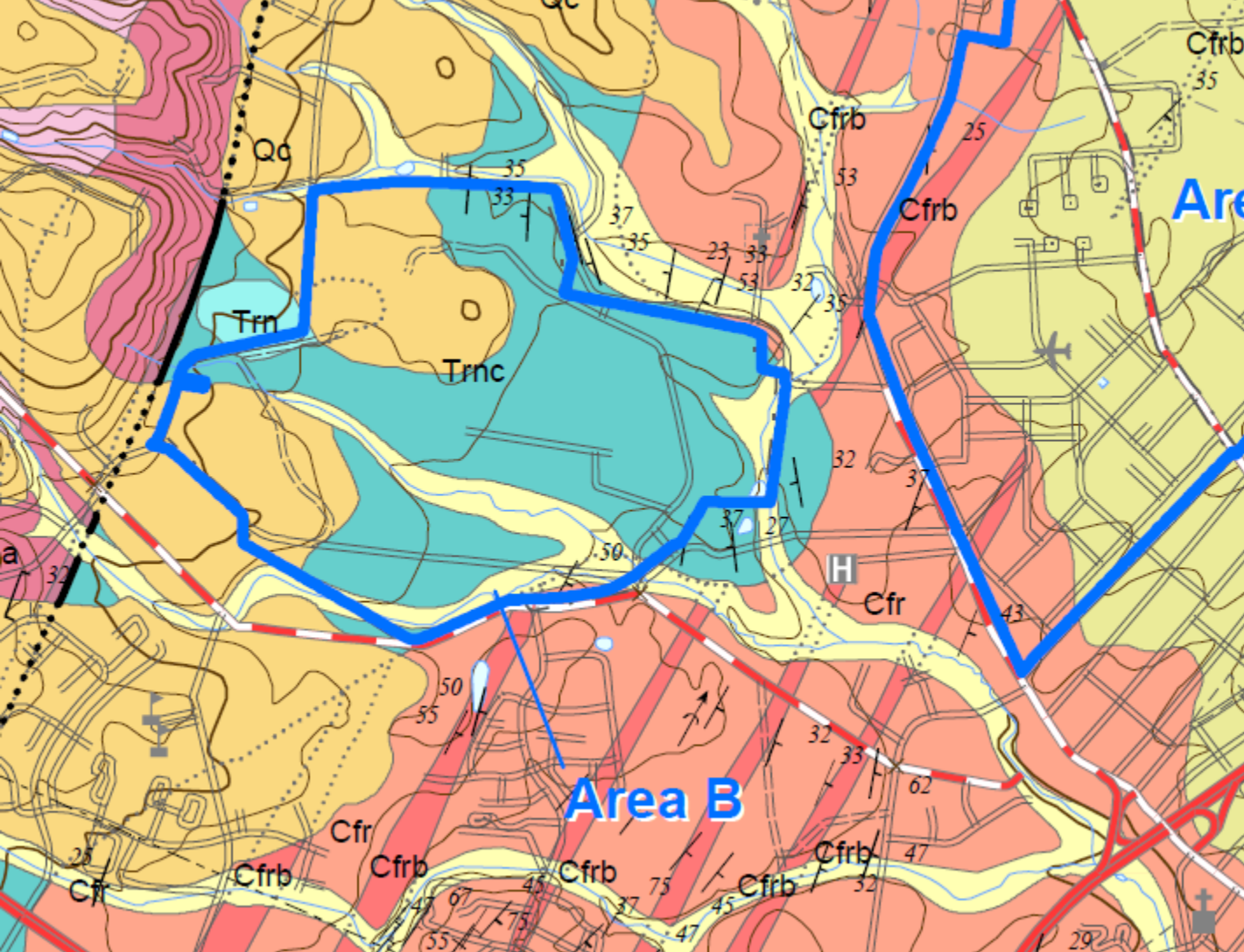
Streams flow into Area B and disappear into the waste site.

Perennially Springs discharge from Area B, form Ponds downgradient towards Shookstown Road and the groundwater from the hazardous waste site flows into Carroll Creek that flows into Frederick.

Hydrology: The perennial and intermittent streams which surround Fort Detrick and Frederick, originate at the higher elevations of Catoctin Mountain and flow into the adjacent carbonate valley (Frederick Valley). These streams are major sources of recharge to the bedrock aquifer supplying drinking water to Frederick. The streams are commonly influent or losing streams, which lose considerable amounts of water within a mile of the mountain. Disappearing streams which discharge directly into sinkholes in the limestone are present in Area B, such as Stream 1 (Figure 3-3).

Limestone terrains typically have a low density of perennial streams as a result of extensive underground drainage systems. Conversely, many of the streams downgradient in and around

Area B are fed by springs, such as Streams 3 and 4

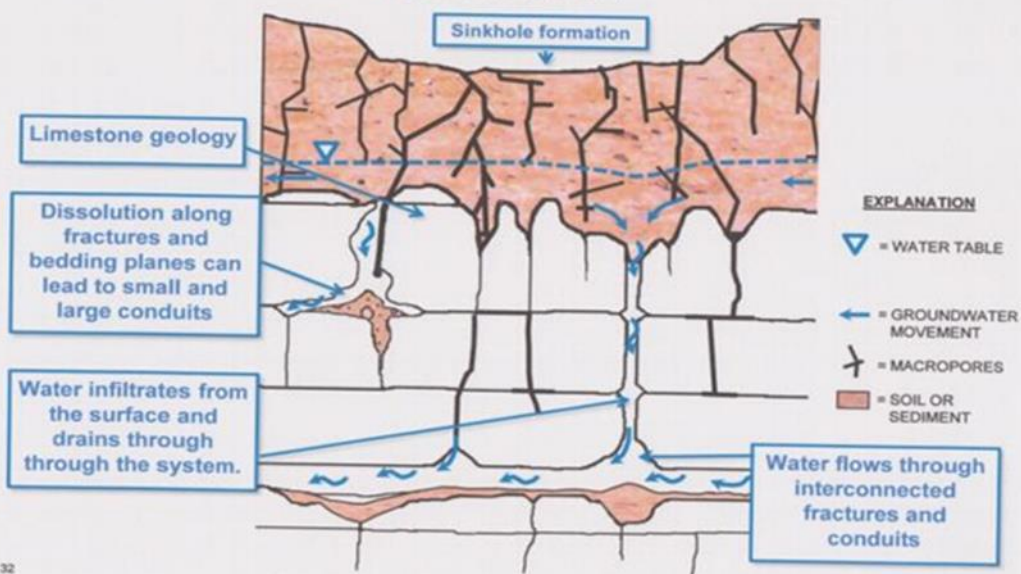


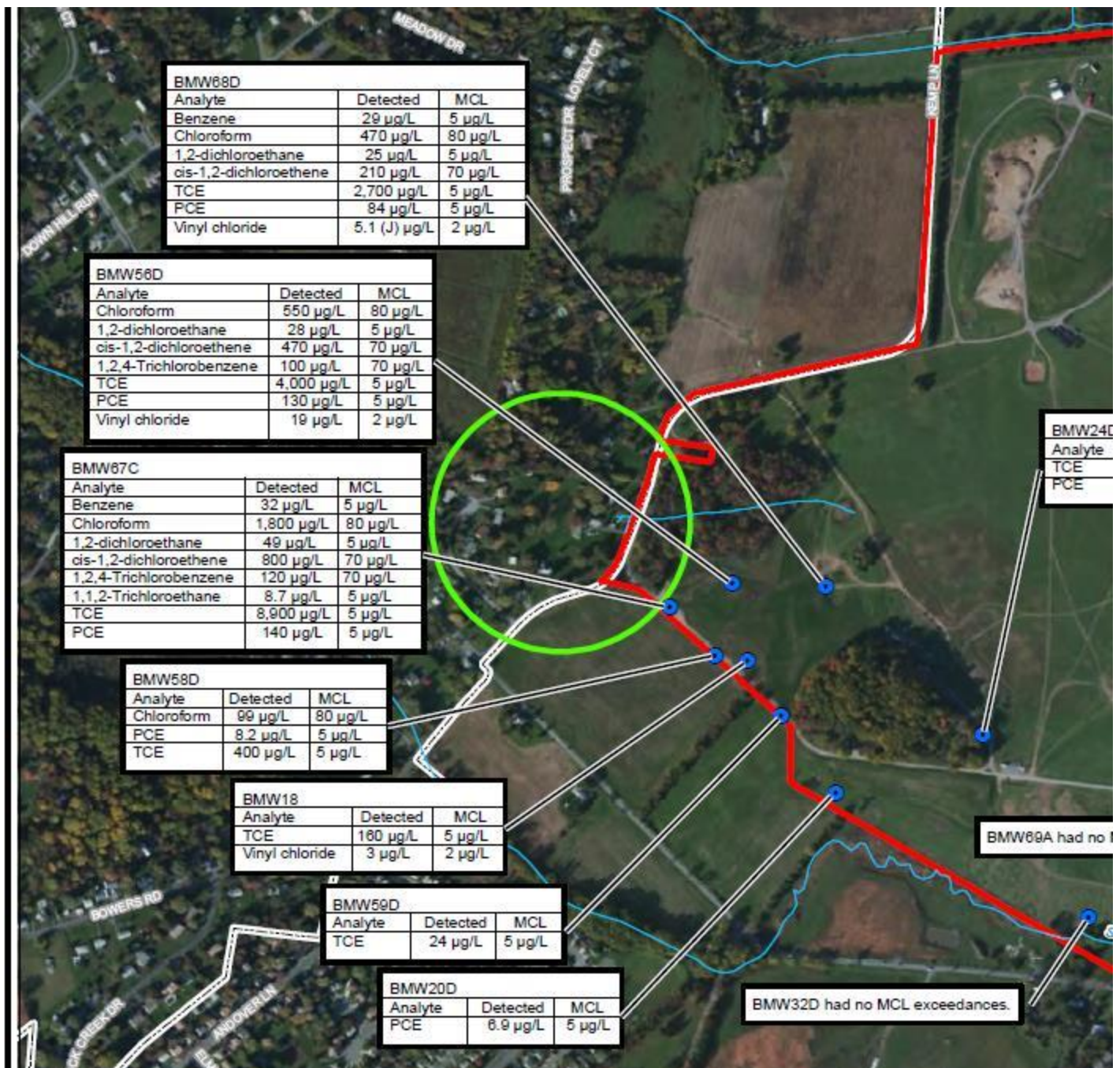
Area B Conceptual Site Model



Understanding Karst Geology

(Hypothetical Sketch)



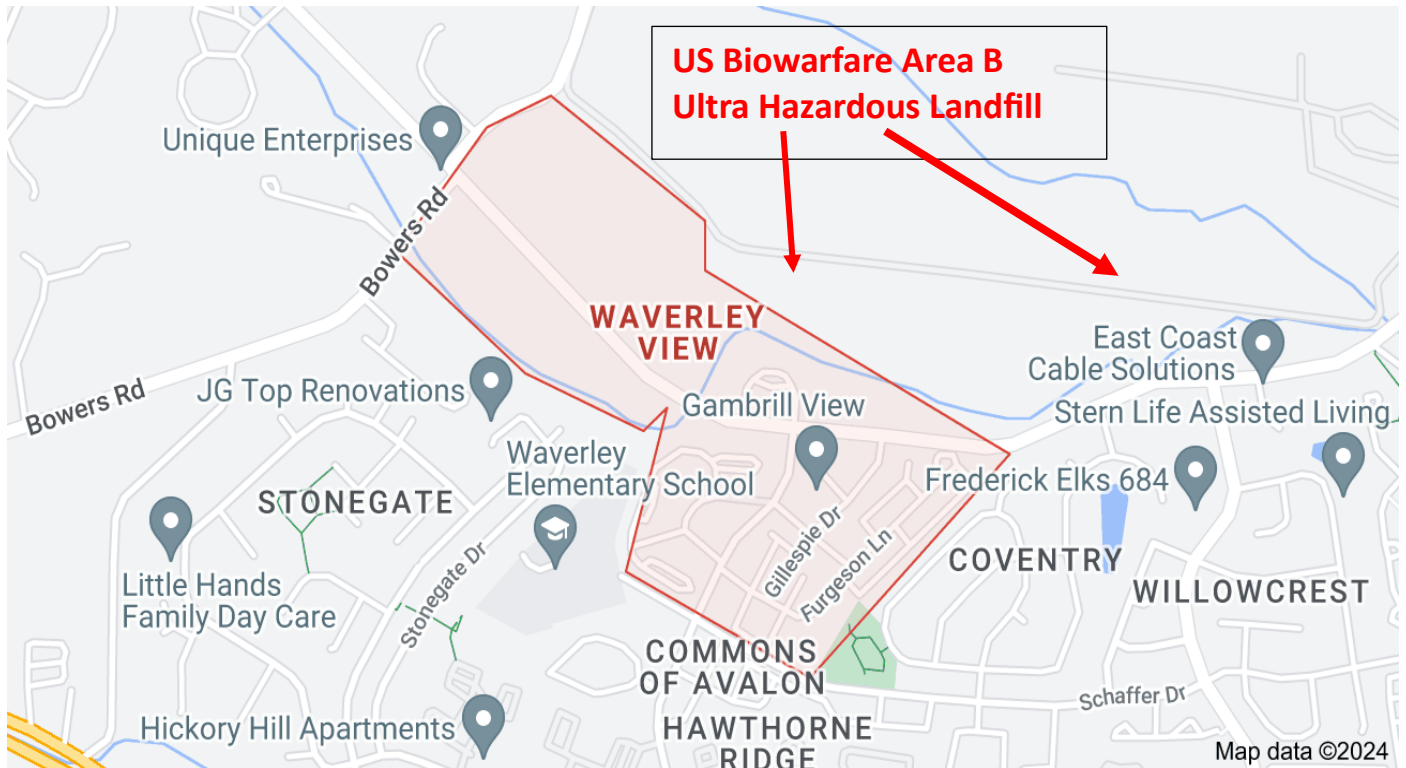


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Like Detrick over three hundred Superfund sites are in danger of flooding in USA, putting millions of Americans at risk. In recent years, the frequency and severity of the hurricane-related flooding have increased, and over 50% of extreme floods occurred outside of FEMA flood zone. Frequency and severity of storms continues to increase and now pose a greater threat to these Superfund sites.

Surface streams flow through the Ultra-hazardous Landfill at Ft Detrick feet picking up Contaminants and Feeding sinkholes in the Karst limestone bedrock and the groundwater and downgradient springs and Carrol creek flowing under the perimeter fence

A residential housing estate Waverley View is planned adject to the fence line of Ara B and Carroll creek



WAVERLEY VIEW



What is it like to live in Waverley View, Frederick, Maryland?

Waverley View is located in Frederick, Maryland. There are roughly 777 residents, living in 278 households. The average temperature for Waverley View this time of the year is low of 23F and high of 41F. On average, Waverley View gets about 3.18 inches of precipitation in January. 39% residents are home owners, have a post-secondary degree (53%) and are single, no kids (41%)

What the Sales Literature does not mention is 25 Cows died on Bill Krantz Farm after Detrick sprayed to control weeds along the fence line near Waverley View

- **The research to support the .5 mile disclosure**
- **According to HUD Proximity to Superfund Sites is the proportion of a neighborhood located within one kilometer or 0.62 miles of a superfund site.**

So ½ mile in bare minimum

A superfund site is a hazardous waste site.

- **The higher the share of the neighborhood located close to a superfund site, the higher the negative impact on the neighborhood. Superfund data is from the Minnesota Pollution Control Agency.**

Superfund sites contain toxic pollutants. Living, working or going to school near a Superfund site may have negative health affects depending on toxins at the site. Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer..

How close is too close to a Superfund site?

Research shows adverse health effects most likely occur within a 1.8 mile boundary around a Superfund site. Approximately 21 million people live within a mile of a Superfund site, potentially exposing them all to harmful chemicals and toxins such as lead, arsenic, and mercury.Feb 16, 2022

What is proximity to Superfund? USEPA 0,62 miles

Proximity to Superfund Sites is the proportion of a neighborhood located within one kilometer or 0.62 miles of a superfund site that was active in 2014. A superfund site is an abandoned hazardous waste site.

***Health risks (with supporting data) of living near a Superfund Site**

Living, working or going to school near a superfund site may have negative health affects depending on toxins at the site. Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer.

HOWEVER, FROM A LIFETIME OF RESEARCH THE IMPACT OF A SUPERFUND SITE DEPENDS UPON:

ENVIRONMENTAL FACTORS SUCH AS HYDROGEOLOGY, THE AMOUNT OF RAINFALL, THE GROUNDWATER GRADIENT, THE STRUCTURE OF THE TERRAIN, THE PROXIMITY TO POPULATIONS AND THE SUBSTANCE INVOLVED AND NOT SOME ARBITRARY CIRCLE ON A MAP

SOME PLUMES ARE ONE MILE LONG, SOME TEN MILES LONG SO THAT PROXIMITY DISTANCE FROM THE PLUME SHOULD BE MEASURES FROM THE PLUME AND NOT THE CENTER OF THE HAZARDOUS SITE

CASE HISTORY: LIPARI LANDFILL

THE PLUME WAS 1 MILE LONG: ISSUED OUT OF AN ESCARPMENT FLOODED A MARSH PROCEEDED ALONG THE STREAM TO PITMAN

THE LIPARI LANDFILL is an inactive landfill on a 6-acre (2.4 ha) former gravel pit in [Mantua Township, New Jersey, USA](#), that was used from 1958 to 1971 as a dump site for household and industrial wastes. Toxic organic compounds and heavy metals dumped at the site have percolated into the groundwater and leached from the escarpment into Alcyon Lake in Pitman.^[1] The site has been identified as the worst toxic dump in the United States and was one of the first Superfund Sites ranked at the top of the [United States Environmental Protection Agency's Superfund](#) eligibility list.

History

Nicholas Lipari had operated a sand and gravel pit at the site. During the period from 1958 until 1971, the landfill accepted 46,000 barrels of chemicals, containing approximately 2.7 million US gallons (10,000 m³) of chemical and industrial waste, that were placed in trenches that had been excavated in the gravel pit.^[2] 12 thousand tons of solid industrial waste were also dumped at the site.^[3] The New Jersey Solid Waste Authority had the site shut down in 1971.^[2]

The toxic materials came from several different companies, with Philadelphia-based Rohm and Haas accounting for most of the material.^[2] Toxic material dumped at the site also came from an Owens-Illinois plant in Glassboro and a CBS Records plant in Pitman.^[4] More than 150 different chemicals, including BCEE (Bis-2-Chloroethyl ether – a potent Carcinogen), benzene, 1,2 Dichloroethylene, arsenic, lead and mercury have been identified at the site. In September 1985, USEPA filed lawsuits against seven companies, including Rohm & Haas, to recover the costs of remediation at the site.^[2]

Approximately 100,000 US gallons (380,000 l) of contaminated water had been leaking from the site on a daily basis, leaching into the nearby marsh and stream Rabbit Run, the groundwater or run-off.

In 1983, we constructed a 30-inch-thick (760 mm) slurry trench wall around the center of the dump site, seepage was reduced to 2,500 US gallons (9,500 l) per day.^[2] The contaminated areas at the dump site were capped with a high density polyethylene (HDPE) cap. The leachate was bled off by gravity beginning in 1992 through a upgraded treatment plant constructed to flush the landfill. By 1996 off-site work including excavation of the marsh, portions of the stream bed, and the lake sediment excavation was completed. Drains to capture contaminated water from outside and below the landfill were completed which must be operated indefinitely. These drains have successfully protected the surrounding environment from landfill contaminants and are constantly monitored to insure their effectiveness. Today, remediation continues at the Landfill through the removal of vast quantities of volatile organic compounds, such as benzene and toluene. These compounds are removed in the vapor phase and destroyed. To date (2010) over 500,000 pounds (230,000 kg) of contaminants have been removed from Lipari.

Effects

In the mid-1980s, the Borough of Pitman closed a playground at Betty Park, an area adjoining Alcyon Lake, as the levels of hazardous chemicals present in the soil were higher than safety levels established at the Federal level.^[2] A study performed by the New Jersey Department of Health in 1989 showed that those living within one kilometer of the dump site were at greater risk of adult leukemia and of giving birth to low birth weight babies than those living further away.^[4]

A follow-up study by medical investigators released in 1997 reviewing details of 9,000 children born to parents living near the dump site found clear evidence of a link to the toxic chemicals and a significant drop in birth weight and a risk of pre-term delivery that was twice as high as normal. The increased effects peaked for those children born between 1971 and 1975, a period when the contaminants leaking from the site were at their peak. The study also found that after the dump was closed and cleanup began, birth weights increased until they were higher than those from surrounding areas in the most recent data. The peer-reviewed studies were included in *Environmental Health Perspectives*, a monthly journal published by the National Institute of Environmental Health Sciences.^[3]

CASE HISTORY WALLKILL WELL FIELD, NEW YORK Superfund USEPA 1983-1990

THE PLUME WAS 1 MILE LONG IN FRACTURED BEDROCK & CONTAMINATED LOCAL WELLS

Wallkill Well field, New York - Superfund USEPA 1983-1990: Under contract to the USEPA Region II we investigated well contamination throughout a residential development. We conducted a site investigation of soil and groundwater to assess the hazard from the 1/4 mile-long Tetrachloroethylene plume that had infiltrated through the glacial till and had collected on top of bedrock and was moving through a fractured bedrock aquifer. We identified potentially responsible parties and assisted EPA Enforcement in formulating a Consent Order. We assisted in an Immediate Removal Action under Superfund to contain the spread of the groundwater contamination and provide alternative water supply to the homeowners. Through Geophysics we located the main fractures in bedrock carrying highly contaminated groundwater and the side fractures where wells would pull detectable quantities of contaminated groundwater during increased demand. By seismic geophysics we located a depression in the top of bedrock, drilled into that depression and sampled pure product 40 feet down. We installed a pumping well within a three-foot-deep sump and conducted a series of pump tests. The dissolved phase acted like a saline intrusion and peaked in certain wells on the main fracture: with concentration falling away when the pump was turned off. Wells on secondary fractures were only contaminated when pumping strongly from the main fracture. We installed a pump in the sump that only turned on when water was not sensed in the bottom of the well (when solvent displaced the groundwater) and we then pumped free product DNAPL to the surface.

A contaminant plume of Tetrachloroethylene was identified in the groundwater in the Washington Heights Section of Wallkill. Tetrachloroethylene was detected in 10 wells that had to be condemned. The highest concentration in the dissolved phase was 260,000ug/L ppb in the Parella well. But pure waste solvent DNAPL (dense non-aqueous phase liquid) was detected as a separate phase liquid in the bottom of the Parella well. A hollow in the top of bedrock was detected by geophysical and soil borings in a depression in the top of bedrock located more DNAPL. We pumped free product DNAPL to the surface with a pump that turned on when the solvent displaced the water in the bottom of the recovery well. Municipal drinking water supply was provided.

Site Hydrogeology; The stratigraphy of the site is a silty glacial till overlaying a sandstone and shale formation: the Austin Glen Series. The facility building sits upon fill and the parking lot to the south east of the facility is composed of fill that contains some metal objects and is in part reworked till that contains cobbles. There is approximately 23 feet of unconsolidated material under the building. The bedrock in general slopes to the southeast.

In 1983-85, the general lateral direction of groundwater flow in the till was from north to south in contrast to the westerly groundwater flow direction in the shale that was influenced by the over pumping of the groundwater reserves by residential wells on Highland Avenue. After the residences were provided with city water, the groundwater demand decreased along Highland Avenue and the direction of groundwater flow changed to a southerly direction.

Three hot spots were located of solvent spillage that appears to have seeped through the till and into the shale below to contaminate the wells. Any contaminants located in the shale near General Switch moved towards the Parella well along the preferred migration pathway - a bedding plane and fracture detected. The force moving the contaminants was the difference in head between the General Switch well 624.77' (static) and the Parella well 615.61' (static).

Subsequently, Shakti Consultants under contract to General Switch pump tests and packer tests were completed on site along with surface geophysical and down-hole surveys. Pumping of the surrounding wells such as Osbourne, Lobb, Parella and Pitt greatly change the potentiometric

contours. Pumping the Parella and Contel wells affected many of the contaminated wells showing a high degree of continuity of the regional fractures

The site was a CERCLA site and the investigation and remedial action was undertaken in strict adherence to USEPA CERCLA sampling procedures, quality control requirements.

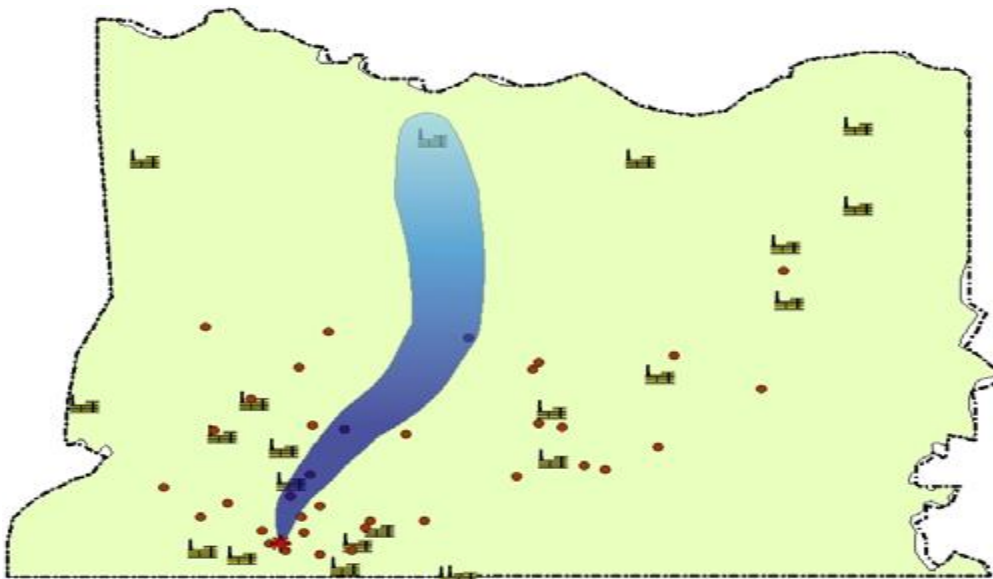
The Remedial Action; was as follows:

- o An air stripper was installed on site that treated the groundwater during the site investigation so that the solvent concentration in the groundwater discharged to the Wallkill was reduced from 100 to 250 ppm in the influent water to below 5 ppb in the effluent.
- o A product-only pump was installed to collect the pure solvent DNAPL product from the bottom of the Parella well.
- o A soil venting system was tested to remove the solvent from the clay soil in the hot spots of solvent spillage on site. The clay soil and wet conditions make soil venting unlikely to clean the soil in place. Alternatives for soil cleanup include excavation of the worst soil, analysis on site and segregation for incineration or secure landfill, depending upon the severity of the excavated soil contamination, or Soil venting in a soil pile on site under controlled conditions once the tight soil fabric is broken up.
- o In addition to the Parella well and five other wells including the Contel well were used for groundwater interception in the bedrock. The Contel well controls the hydrology of the downgradient extent of the plume and intercepted the flow of contaminants to downstream wells on the west end of Highland Avenue. The proposed remedial action was to pump from a minimum of six wells to reduce the time of travel of contaminants to a recovery well to speed cleanup. A solvent plume was also detected in the wetlands below the site that will be recovered with an interceptor trench.

CASE HISTORY Vega Alta, Puerto Rico

THE PLUME IN VEGA ALTA WAS 10 MILES LONG resulting from the rapid flow of groundwater in Karst (Limestone) bedrock and the steep groundwater gradients on the North Coast of PR

The water-table aquifer in Vega Alta, Puerto Rico, has been contaminated with volatile organic compounds. A three-dimensional ground-water-flow and solute-transport model was developed and calibrated to evaluate the effects of remedial alternatives designed to reduce the magnitude and extent of a trichloroethylene plume in the water-table aquifer. The development of the model was based on the computer code HST3D, developed by the U.S. Geological Survey. Heads measured from February 1983 to April 1992 were used to calibrate the ground-water-flow component of the model. Trichloroethylene concentrations measured in ground-water samples in January 1990 and March 1992 were used to calibrate the solute-transport component of the model, which consisted in the calibration of the longitudinal and transverse dispersivities, the distribution coefficient, and the solute influx at the source of trichloroethylene. Model input values assigned to specific storage, dispersivity, net recharge rates, effective porosity, riverbed conductivity, horizontal and vertical hydraulic conductivities, initial heads and trichloroethylene concentrations, and the locations of specified-head, river-leakage, and no-flow boundaries are described in this report. The root mean square error of simulated water-table heads from the ground-water-flow component of the calibrated model was 0.81 foot. The root mean square error of the simulated trichloroethylene concentrations, from the solute-transport component of the calibrated model, was 29 micrograms per liter of trichloroethylene.



The plume in Vega Alta was 10 miles long resulting from the rapid flow of groundwater in Karst (Limestone) bedrock and the steep groundwater gradients on the North Coast of PR

- **What are the possible routes of TCE exposure to human? (a Superfund heavy hitter) TCE shows up in many Superfund site**

The general population might be exposed to TCE via inhalation of indoor and outdoor air, contaminated drinking water, or dermal exposure to contaminated water. Inhalation is the primary route of exposure to TCE, as a result of TCE's volatility. Sep 9, 2022

- ***What are the risks associated with vapor intrusion from chemicals like TCE**

Exposure can result in effects to the immune and reproductive systems, liver, kidneys, central nervous system, and may affect fetal development during pregnancy. Long term exposures to TCE can increase the risk of kidney cancer.

Right of entry that may be required later for monitoring any groundwater plume or vapor intrusion barriers installed may cause issues

***Consumer rights in Real Estate transactions (Consumer Fraud, Material Facts, Latent Defects)**

Consumer Rights in Real Estate

- As a consumer you have rights, including the right to be informed about anything concerning your purchase. You also have the right to privacy to protect your personal information during and after making a purchase. These same rights apply when buying and selling real estate.

***Data on lower income neighborhoods being most affected per statistics**

TABLE 1: Proportions of Key Demographics in the Total Near Site Population and the Total U.S. Population

	Population within 1 mile of All Sites	Population within 3 miles of All Sites	U.S. Population
Minority	49.8%	49.4%	39.6%
Below poverty level	15.4%	15.1%	13.7%
Linguistically isolated	7.8%	7.3%	5.1%
Less than a High School Education	14.9%	14.1%	12.5%

Population Surrounding 1,857 Superfund Remedial Sites Superfund Remedial sites exist in thousands of communities across the U.S. ranging from remote to large urban settings. Many of these sites are in economically distressed communities. To help describe who benefits from EPA's Brownfields Program, the Agency used 2015-2018 American Community Survey populations data and FY 2019 Brownfields to summarize the population living within 3 and 1 miles of sites. These sites include Superfund and Federal Facilities final, deleted, and proposed National Priorities List (NPL) sites, non-NPL Superfund Alternative Agreement sites.

Demographics and impact on Near-Site Populations:

- While there is no single way to characterize communities located near our sites, this population is more minority, low income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole.
- **How land gets approved for homes after a Site Inspection but before the Remedial Investigation is finished so local Planning Commission's hands are tied to deny planning permission**
- **(no data is officially listed yet even if there is suspected contamination)**
- **Because your local officials believe they have no right to disapprove a planning permission "based on Current data" while the risk is investigated**
- **During an on-going investigation the developers are able to game the system.**
- **The problem with Waverley Developers is that they bought the property before they understood its risk, before they did proper research starting with a Phase 1 and now they want to push the risk of illness onto gullible homebuyers**
- **This issue is too important and too large to add to the current 4 page MD 10-702 Disclosure Disclaimer form**
- **it isn't suited to shove in between a leaky roof and airport noise)**
- **The senate has entertained excluding Baltimore City due to the density of housing. A Bad idea as their rights are no less than any other citizen**
- **Maryland Bill B0125 is just a start: It addresses the Tip of the Iceberg.**
Perhaps 10% of the sites that can hurt your children and your wife
- **Waverley View** development joined the voluntary cleanup plan and attempted to dupe the local council; and the home buyers by: not mention the elephant in the room

By using the misleading phrases like based on "current sampling the site is clean" this loophole needs closed

Environmental Searches

- ✓ NPL: EPA NATIONAL PRIORITY LIST - The National Priorities List is a list of the worst hazardous waste sites that have been identified by Superfund. Sites are only put on the list after they have been scored using the Hazard Ranking System (HRS), and have been subjected to public comment. Any site on the NPL is eligible for cleanup using Superfund Trust money.
- ✓ A Superfund site is any land in the United States that has been contaminated by hazardous waste and identified by the Environmental Protection Agency (EPA) as a candidate for cleanup because it poses a risk to human health and/or the environment.
- ✓ FINAL - Currently on the Final NPL PROPOSED - Proposed for NPL

This B0125 Search does not included the many data bases that for decades Env specialist have to research to study a new property for purchase according to ASTM Std

All the NJ developers conduct a Phase 1 Enquiry before they buy a site That include additional Phase 1 data bases for \$300. It makes sense to them

Additional data bases reviewed in Phase 1

NPL DELISTED: EPA NATIONAL PRIORITY LIST Subset - Database of delisted NPL sites. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

DELISTED - Deleted from the Final NPL CERCLIS: EPA
Removed from Proposed NPL SCAN PLAN

NFRAP: EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY INFORMATION SYSTEM ARCHIVED SITES - database of Archive designated CERCLA sites that, to the best of EPA's knowledge, assessment has been completed and has determined no further steps will be taken to list this site on the National Priorities List (NPL). This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

NFRAP – No Further Remedial Action Plan - Site is part of NPL site D - Deleted from the Final NPL F - Currently on the Final NPL N - Not on the NPL O - Not Valid Site or Incident P - Proposed for NPL R - Removed from Proposed NPL S - Pre-proposal Site W – Withdrawn

RCRA EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM

SITES - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. RCRA Info

RCRA TSD: EPA RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM

TREATMENT, STORAGE, and DISPOSAL FACILITIES. - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. Facilities that treat, store, dispose, or incinerate hazardous waste.

RCRA GEN: EPA/MA DEP/CT DEP RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM GENERATORS - Database of hazardous waste information contained in the Resource Conservation and Recovery Act Information (RCRAInfo), a national program management and inventory system about hazardous waste handlers. In general, all generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to state environmental agencies. These agencies, in turn pass on the information to regional and national EPA offices. This regulation is governed by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. Facilities that generate or transport hazardous waste or meet other RCRA requirements.

LGN - Large Quantity Generators SGN - Small Quantity Generators VGN – Conditionally Exempt Generator.

Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List) facilities.

HAZARDOUS WASTE MANIFEST – Database of all shipments of hazardous waste within, into or from Connecticut. The data includes date of shipment, transporter and TSD info, and material shipped and quantity. This data is appended to the details of existing generator records.

HAZARDOUS WASTE GENERATOR – database of generators that are regulated under the MA DEP.

VQN-MA = generates less than 220 pounds or 27 gallons per month of hazardous waste or waste oil.

SQN-MA = generates 220 to 2,200 pounds or 27 to 270 gallons per month of waste oil.

LQG-MA = generates greater than 2,200 lbs. of hazardous waste or waste oil per month.

ERNS: EPA/NRC EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) - Database of incidents reported to the National Response Center. These incidents include chemical spills, accidents involving chemicals (such as fires or explosions), oil spills, transportation accidents that involve oil or chemicals, releases of radioactive materials, sightings of oil sheens on bodies of water, terrorist incidents involving chemicals, incidents where illegally dumped chemicals have been found, and drills intended to prepare responders to handle these kinds of incidents. Data since January 2001 has been received from the National Response System database as the EPA no longer maintains this data.

Tribal Lands: DOI/BIA INDIAN LANDS OF THE UNITED STATES - Database of areas with boundaries established by treaty, statute, and (or) executive or court order, recognized by the Federal Government as territory in which American Indian tribes have primary governmental authority. The Indian Lands of the United States map layer shows areas of 640 acres or more, administered by the Bureau of Indian Affairs. Included are Federally-administered lands within a reservation which may or may not be considered part of the reservation.

BUREAU OF INDIAN AFFIARS CONTACT - Regional contact information for the Bureau of Indian Affairs

State/Tribal Sites: **STATE KNOWN CONTAMINATED SITES IN NEW JERSERY DATABASE** -

maintained by the New Jersey Department of Environmental Protection's Site Remediation Program. The database includes sites within the State of New Jersey where contamination of soil or ground water is confirmed, and where remediation is either currently underway or pending.

State Spills DATABASE OF EMERGENCY RESPONSE ACTIONS AND SPILL RELEASES - maintained by the Division of Environmental Safety, Health, and Bureau of Discharge Prevention.

State/Tribal SWL: **DATABASE OF SOLID WASTE LANDFILLS** - maintained by the Division of

SOLID WASTE Bureau of Solid Waste Regulation.

State/Tribal LUST: **STATE LIST OF LEAKING UNDERGROUND STORAGE TANKS** - maintained by the Division of Environmental Safety, Health, and Analytical Programs Bureau of Discharge Prevention. The database is derived from the New Jersey spills database.

State/Tribal UST/AST: **STATE DATABASE OF UNDERGROUND STORAGE TANKS** - maintained by the Bureau of Federal Case Management Registration Billing Unit.

State/Tribal VCP: **STATE MOA VCP DATA** - In April 1992, the

VOLUNTARY CLEANUP PLANS (VCP) Environmental Protection's

responsible parties, developers, local officials, or individuals may work with the department to remediate.

BROWNFIELDS VCP DATA AND NJ BROWNFIELDS SITE MART SITES -sites contained in the NJ Voluntary Cleanup Program data and sites listed on the NJ Brownfields Site Mart, www.njsitemart.com.

RADON: N TIS NATIONAL RADON DATABASE - EPA radon data from 1990-1991 national radon project collected for a variety of zip codes across the United States.

John conducted a Phase 1 before he bought the property for 60 Townhouses in the West End Redevelopment in Hammonton NJ.

Based on the Phase 1 and diligent site inspection he conducted Phase 2 sampling

Based on the sampling results he excavated some heavy metals, took out 3 underground tanks before they leaked and excavated a 6” coal layer from a minor coal yard

It made sense for liability and was the right thing to do

Resume

**John Bee Professional Geologist Environmental Scientist LSRP Engineering Geologist
President of Tapash LLC, Certified Professional Geologist #6173 AIPG
Mobile (732) 267-5722 TapashB@aol.com, www.Tapash.net**

John Bee operated two environmental companies in New York & New Jersey for the last 30 years: Shakti Consultants and Tapash: He worked as an Environmental Consultant & Engineering Geologist for USEPA: John has worked as a LSRP in NJ, a Certified Professional Geologist and Hydrologist on chemical spill investigation and cleanup. Tapash cleans contaminated sites. John also operates the National Institute for Brownfields Redevelopment (NIBR) that buys contaminated sites and develops and manages a personal portfolio of Brownfields Redevelopment Sites.

John has worked on Disaster Response for USEPA and FEMA and as an Environmental Consultant and Hydrogeologist for the USEPA and Union Carbide in the previous ten years. Since the beginning of Superfund (CERCLA), John has been involved in Environmental Consulting and Chemical Spill Response for the USEPA and Industry and Redevelopment of Brownfield Sites in New Jersey. Over the last 25 years John has worked on Chemical Spills, ISRA, UST, Water Supply and Engineering Geology projects in the USA, Canada, India, Puerto Rico, South America & the UK.

EXPERIENCE SUMMARY

ENVIRONMENTAL EXPERT, SENIOR GEOLOGIST, ENVIRONMENTAL SCIENTIST, PRESIDENT,
John worked as an Engineering Geologist, building roads, bridges, dams, city centers and housing, and as an expert witness in England, Ontario Canada and the USA

Tunnel under Lake Ontario: Site investigation, instrumentation and stability testing for 2-mile Tunnel under Lake Ontario through shale and limestone formation that presented significant risk of collapse

A Tunnel Boring Machine was used to drive a 25'-diameter tunnel for wastewater discharge

Slurry Walls installed around LiPari Landfill, NJ for USEPA & Napoleonville lagoons in Louisiana

In the USA, John developed Shakti Consultants and Tapash into turn-key environmental consulting firms He has extensive experience working for very small to very large corporations, law firms, insurance companies and government agencies. Areas of expertise include chemical industry audits, groundwater investigations and spill cleanup including underground tanks, process spills including solvent spills, property transfer, RCRA compliance, audits and contingency planning, emergency response, hazardous waste management, training and public relations

As a Senior Geologist and Project Manager for Union Carbide, he directed the site investigations, spill responses and remedial actions for numerous environmental spills. He coordinated compliance with hazardous materials spills & hazardous waste regulations facing this major corporation.

As a Consultant to the U.S. Environmental Protection Agency his experience, as a Senior Geologist and Project Manager, included major CERCLA/Superfund sites involving air, surface water, groundwater and solid waste management. He directed the investigation and remedial action at over 100 major hazardous material spills and hazardous waste sites including nine Superfund sites. As a Senior Emergency Response Team Member, his experience includes the management of responses to chemical fires, spills of oil, PCB, pesticide, gasoline, solvent and metals to lakes, rivers, soil and groundwater. He responded to a wide variety of haz-mat incidents and air pollution episodes for the USEPA and Union Carbide in New York, New Jersey, Ohio, Louisiana, Texas and Puerto Rico.

Disaster Relief: As an Engineering Geologist he assisted in reinstating hydroelectric power to San Juan, Puerto Rico following hurricanes and subsequently completed a survey report on landslides. Worked for Federal Emergency Management Authority (FEMA) on Disaster Relief in the USA following Floods and Hurricanes. Assessed the damage to dams, public works, roads, bridges and treatment plants following floods and hurricanes in New York, New Jersey and Puerto Rico.

Groundwater Cleanup/Contaminant Hydrogeologist: Tapash employs very effective methods in investigating and cleaning up gas tank spills using field portable equipment and chemical and bio-oxidation treatment of the fuel spilled in the soil and groundwater.

Spill Cleanup for Property Transfers, Phase 1 and 2 Audits Redevelopment: For the last ten years, John has specialized in the investigation, cleanup and property transfer of industrial and commercial properties in the USA

Expert in the Dangers of Chemical Warfare Research

Investigation of Chemical and Biological Warfare Landfill and Cancer Clusters: Discovered 1000 cancers clustered in 3 generations in too many families surrounding the NPL-Listed, ultra-hazardous waste site Area B Fort Detrick Maryland: They were found ignorant of the environmental impact of their research and the suffering caused by poorly managed cleanups. Proved a malfunction of their ultra-hazardous waste treatment plant would contaminate two swimming pools downstream. Briefed the Maryland Senate.

Redevelops Derelict Brownfields Sites: John buys and redevelops Brownfield Sites: environmentally contaminated properties. John has the expertise to develop properties with capital appreciation potential and has developed the expertise in project engineering, project management, consulting and redevelopment construction, comprehensive environmental risk assessment, mitigation, and cleanup for the remediation of contaminated or derelict real estate. John can further renovate, build new and develop the feasibility and business plan.

John at present is working on the redevelopment of 6 acres in downtown Hammonton that was derelict. It will be a 59-Townhouse community

Licensed Site Remediation Professional Retired Licensed by the State of New Jersey to investigate, remediate and close out hazardous waste and chemical spill sites.

EDUCATION

MSc Candidate Univ. of Connecticut. Disaster Response and Humanitarian Aid 2004

BSc. Geology and Zoology with Honors. University of London, 1971.

MS Graduate Courses, Environmental Science, McMaster University, 1975 and

Graduate Course in Hydrology - College of Graduate Studies, Charleston, WV, 1983.

PROFESSIONAL ASSOCIATIONS, REGISTRATIONS & CERTIFICATIONS

President Tapash, Environmental Consultants 1997 to present

President of National Institute for Brownfields Redevelopment, 1997 to present

Certified Professional Geologist of the American Institute of Professional Geologists #6173 NJ

Licensed Site Remediation Professional (LSRP # 573502 in 2010).

Underground Tank Closure and Subsurface Evaluation Certification 0009722 NJ#G0000413

Emergency Response Team Member & Training Instructor for USEPA

Councilman for Jamesburg, NJ, 1983, 1994 to 1997

Chairman of Public Works Jamesburg, NJ. 1994 to 1997

Cancer Cluster investigation in Maryland: Brief to Maryland Senate on chemical screening 2014

UK and US Citizen, speaks English and French some Hindi, Bengali and Sanskrit

Sea Captain for 20 years: Captain's Licensed by USCG 2016.

Martial Artist: Ishanru Karate, Kung-Fu and China

Site Description: Fort Detrick



MDE Fort Detrick is located in Frederick, Maryland, approximately 45 miles north of Washington D.C. and 47 miles west of Baltimore, Maryland. It consists of three non-contiguous tracts of land, Areas A, B and C, with an area totaling 1,230 acres.

Area A covers 799 acres and contains most of the buildings and facilities for base operations. The surrounding land use is commercial and residential.

Area B consists of 399 acres located 0.5 miles west of Area A. The surrounding land use also is residential and commercial. Area B contains permitted and unpermitted landfills, test areas.

Site History

From 1943 through 1969, Fort Detrick was the nation's center for offensive and defensive biological warfare research. On November 25, 1969, President Nixon signed an executive order that outlawed offensive biological warfare research. However, defensive biological warfare research continues at Fort Detrick to this day.

In 1987, the Army discovered trichloroethene (TCE) in a production well that currently supplies Building 568 in Area A with water used to conduct fish studies. From approximately 1953 to 1970, Building 568 was the site of a brine refrigerating facility that utilized TCE as the circulating brine. TCE levels in the production well ranged from 300 parts per billion (ppb) to over 2000 ppb. Investigatory information suggested that low levels of TCE were migrating off base, leading the Army to conduct additional work to better define the potential for an off-site release. Wells were installed and sampled along the facility boundary hydrologically downgradient of Building 568. TCE at or just above the maximum contaminant level of 5 ppb was identified in samples from two of these wells. There are no residential wells in the off-post area downgradient of this plume.

Area B was originally purchased for use as an outdoor testing area for biological simulants. It was also a disposal site for construction and demolition debris, incinerated biological wastes, autoclaved animal carcasses, excess chemicals and herbicides, and accumulated sludge from the decontamination systems associated with the biological warfare research. The common disposal practice was digging a trench and disposing of wastes directly into the unlined trenches.

Documentation shows that waste laboratory chemicals and waste solvents were poured directly into the trenches, which allowed the wastes to contaminate the underlying soils and to percolate into the groundwater. It has also been confirmed that containers of liquid waste chemicals were disposed of in some of the disposal trenches in Area B. In the northern portion of Area B, a permitted sanitary landfill was constructed over a portion of an older, unlined unpermitted landfill. Monitoring wells present in Area B currently indicate the presence of various solvents in the groundwater.

In the Summer and Fall of 1992, the Maryland Department of the Environment (MDE) conducted a residential well survey around Area B followed by sampling of all identified residential wells. TCE and a suite of other volatile organic compounds were detected in residential wells located to the southeast of Area B.

Samples from four of the residential wells were found to contain TCE above regulatory levels. Groundwater contamination was initially addressed by placing affected residents on bottled water. The Army connected three of the four residences to the public water supply. The fourth residence was torn down and the well abandoned when the resident relocated. Due to the relatively low levels of contamination encountered historically and the nature of the karst aquifer beneath the facility, there was no major effort by the Army to address groundwater remediation at that time.

As a result of field investigations performed in 1997-1999, Fort Detrick identified potential “source areas” in the vicinity of the B-11 Trench area. Sampling of both ground and surface water in 1998 indicated that there was a significant elevation of the concentrations of both TCE and perchloroethene (PCE) in the ground and surface waters on and immediately adjacent to the southeast corner of Area B. This was the first measurement of high levels of PCE in the groundwater at the facility. Monitoring of both ground and surface water during 1999 indicated that contaminant levels dropped significantly from the high levels initially found in the 1997/1998 field phase of the Remedial Investigation. Contaminant “spikes” of this nature are not unusual in karst aquifer systems. Consequently, Fort Detrick continued an extensive monitoring program while remedial alternatives were further evaluated.

Since 2000, the Army conducted a removal action at the B-11 Disposal Pits to remove potential continuing source material. The removal of waste and contaminated soil from four pits in this area was completed in the winter of 2004. During 2007-2008 the Army signed decision documents for seven disposal areas relying on the US Environmental Protection Agency's presumptive remedy guidance for landfill closure. The landfill covers, which are currently being completed, meet the requirements of Maryland Solid Waste closure regulations for landfills.

In the winter of 2007 the Army's contractor submitted a ‘path forward’ document addressing Area B's groundwater. The Department did not agree with the adequacy of the contractor's proposal. Because of nature and the complexities of the karst aquifer which underlies Area B, the MDE supported the U.S. Environmental Protection Agency's (EPA) reevaluation of the site for potential inclusion on the National Priorities List (NPL). The Army,

EPA and the Department explored an alternative, an enforceable agreement between the Army and the Department, to listing the site on the National Priorities List (NPL). The negotiation of this alternative continued into the fall of 2007, but ultimately failed. Since the negotiations on an enforceable agreement were not successful, EPA submitted a listing package to EPA Headquarters, supported by the Governor. In June 2008, MDE wrote EPA requesting that it takes prompt action on the listing package. The U.S. EPA placed the Fort Detrick Area B Ground Water on the National Priorities List on April 9, 2009.

Environmental Investigations

Document reviews and environmental investigations of varying scopes have been conducted at Fort Detrick. In 1993, a base wide Remedial Investigation/Feasibility Study (RI/FS) was initiated by the Army to identify and characterize fifteen potential areas of concern that were not investigated thoroughly in the previous investigations. The RI/FS for Area A included geologic studies, soil gas surveys, and groundwater assessments. The results of this study showed TCE contaminated groundwater posed the greatest risk to human health and the environment. In order to monitor the effectiveness of the existing groundwater treatment system in Building 568, a long-term sampling program has been implemented at Area A.

Current Status

Technical meetings between the U.S. Army, the EPA and the MDE are being held to discuss the appropriate path forward regarding the investigation of groundwater contamination at Area B. Recent meetings have discussed future dye trace studies, additional monitoring wells, karst aquifer characterization and appropriate sampling parameters. A final work plan for the next phase of investigation at the site is in the final stages of development. Landfill designs, including sediment and erosion control plans, have been both reviewed and accepted by MDE. Cover construction for all the landfills is underway. It is anticipated that the project will be completed in the summer of 2010.

Facility Contacts

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General Questions: Detrick Environmental Contamination Concerns

1. Sampling was performed near Carroll Creek and the results were positive for TCE. See MDE letter posted under the October 3, 2011 meeting heading found on the main Cancer Investigation webpage on the Health Department's site (www.FrederickCountyMD.gov/CancerInvestigation).
2. What is [Ft. Detrick] Area B and what materials were disposed there? From EPA & MDE web sites] Area B is roughly 399 acres, and includes 8 landfill/trenched areas, burning pits that have been identified to date. Area B was established as a proving ground in the Army's Biological Warfare program. Later, Area B was used as a disposal area for chemical, biological, and radiological (CBR) material and until 1970 for biological experimentation. Area B has been the primary location of waste management activities for Fort Detrick and is the location of an active municipal landfill, animal farm, former skeet range, former explosives storage area, and former waste disposal/test areas associated with former research activities.

In the late 1940s, the Special Operations Group of Fort Detrick installed a test grid in Area B to test both live and simulant biological warfare (BW) materials. A list of the live agent materials used in Area B is not available, but it is known that simulant materials used included *Bacillus globigii*, *Serratia marcescens*, and *Escherichia coli*. Test animals were buried in trenches or pits located in Area B after autoclave sterilization. Many types of munitions were tested on the test grid in Area B.

Anthrax was buried in Area B. In addition, radiological tracer materials were reportedly buried at three locations in Area B, including radioactive carbon, sulfur, and phosphorous. Two cylinders marked "Phosgene" were also reportedly buried in Area B. Phosgene is considered a lethal chemical agent.

In 1970 and 1971, after the United States outlawed biological research for offensive operations, a decontamination program was initiated for Fort Detrick. Decontamination procedures for residual biological/chemical research materials included autoclave steam sterilization and incineration. Incineration ash was tilled into soil in the northwestern corner of Area B (Pit 13). Research buildings and equipment were also decontaminated, and an extensive wipe sampling program was completed after decontamination. In addition, sewage drainage lines were cut and capped, and drainage systems were filled with hypochlorite solution.

In 1977, severe soil erosion exposed buried scrap materials and created several deep cavities in Area B. The areas were subsequently covered with soil.

In June 2004, a removal action was completed at Area B-11, an Area B chemical disposal area. Activities completed included the removal of contaminated soil, chemical containers, compressed gas cylinders, and laboratory waste. The discovery of live pathogens in medical wastes at Area B -11 caused suspension of all intrusive work at the disposal area. The southwestern portion of Area B contains three known chemical waste disposal pits (Pits 1, 3, and 4), one suspected chemical waste disposal pit (Pit 2), and one ash disposal pit. Area B-11, also known as Pit 11, is reported to have received various types of waste chemicals from Fort Detrick, the National Bureau of Standards, and the Walter Reed Army Medical Center from 1955 to 1970.

Reportedly, eight 55-gallon drums of TCE were disposed of in Pit 1. Wastes disposed of in the pits included metals, wood, general waste from laboratory modifications and building demolition, refuse from housing and animal farm operations, acids and chemicals, incinerated medical waste, waste herbicides and insecticides, phosgene, and animals potentially contaminated by anthrax. Area B-11 is underlain by solution-weathered limestone of the Frederick Formation, a karst formation aquifer. Solution features such as voids were identified in Area B-11 during the installation of monitoring wells. The voids are 10 to 87 feet long and were encountered with the greatest concentration in the first 100 feet of drilling. Drilling in Area B-11 revealed that bedrock is located at 32 to 33 feet below ground.

surface (bgs). The nature of karst conditions in Area B-11 increases the probability of releases to ground water from wastes disposed of in Area B-11. Wastes may have been disposed of directly into karst solution cavities (voids). All of these disposal activities could have resulted in ground water contamination.

The EPA has requested that the Army undertake an Archives Search Report to identify all materials used, tested, and disposed of at Area B over time. Such historical information will aid in determining what potentially could exist at Area B.

3. What contaminants are under investigation ?

The known contaminants in groundwater beneath Area B include tetrachloroethene (PCE) and trichloroethene (TCE). However, under EPA's supervision the Army is conducting a new remedial investigation of the groundwater beneath Area B, which include the Priority Pollutant List. Other pollutant could be identified during the course of this new investigation. The most significant pollutants associated with the Fort Detrick incinerators include the following: hydrogen chloride, particulate matter, carbon monoxide, dioxins and furans, sulfur dioxide, nitrogen oxides, lead, cadmium, and mercury. There are many other known toxic air pollutants that are discharged from incinerators in trace quantities.

4. What are TCE and PCE?

PCE is also known as tetrachloroethylene, a manufactured chemical that is widely used for dry cleaning of fabrics and for metal-degreasing. It is also used to make other chemicals and is used in some consumer products. Other names for tetrachloroethylene include perchloroethylene, PCE, and tetrachloroethene. It is a nonflammable liquid at room temperature. It evaporates easily into the air and has a sharp, sweet odor. Most people can smell tetrachloroethylene when it is present in the air at a level of 1 part tetrachloroethylene per million parts of air (1 ppm) or more, although some can smell it at even lower levels.

The EPA maximum contaminant level for the amount of tetrachloroethylene that can be in drinking water is 0.005 milligrams tetrachloroethylene per liter of water (0.005 mg/L). The Occupational Safety and Health Administration (OSHA) has set a limit of 100 ppm for an 8-hour workday over a 40-hour workweek. The National Institute for Occupational Safety and Health (NIOSH) recommends that tetrachloroethylene be handled as a potential carcinogen and recommends that levels in workplace air should be as low as possible. [Source: ATSDR ToxFAQs accessed 12/29/10, <http://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=264&tid=48>]

TCE is Trichloroethylene (TCE), a nonflammable, colorless liquid with a somewhat sweet odor and a sweet, burning taste. It is used mainly as a solvent to remove grease from metal parts, but it is also an ingredient in adhesives, paint removers, typewriter correction fluids, and spot removers. Trichloroethylene is not thought to occur naturally in the environment. However, it has been found in underground water sources and many surface waters as a result of the manufacture, use, and disposal of the chemical.

Some studies with mice and rats have suggested that high levels of trichloroethylene may cause liver, kidney, or lung cancer. Some studies of people exposed over long periods to high levels of trichloroethylene in drinking water or in workplace air have found evidence of increased cancer. Although, there are some concerns about the studies of people who were exposed to trichloroethylene, some of the effects found in people were similar to effects in animals. In its 9th Report on Carcinogens, the National Toxicology Program (NTP) determined that trichloroethylene is "reasonably anticipated to be a human carcinogen." The International Agency for Research on Cancer (IARC) has determined that trichloroethylene is "probably carcinogenic to humans."

The EPA has set a maximum contaminant level for trichloroethylene in drinking water at 0.005 milligrams per liter (0.005 mg/L) or 5 parts of TCE per billion parts water. The EPA has also developed

regulations for the handling and disposal of trichloroethylene. The Occupational Safety and Health Administration (OSHA) has set an exposure limit of 100 parts of trichloroethylene per million parts of air (100 ppm) for an 8-hour workday, 40-hour workweek. [Source: ATSDR ToxFAQs accessed 12/29/10 <http://www.atsdr.cdc.gov/toxfaqs/faq.asp?id=172&tid=30>]

See also the ATSDR website

<http://www.atsdr.cdc.gov/HAC/pha/FtDetrickAreaBGroundwater/FortDetrickPHAFinal12-09-2009.pdf> or click to it from the link on the www.FrederickCountyMD.gov/CancerInvestigation web page under resources.

5. What is Vinyl Chloride and where was it found?

[Source MDE August 2010] Vinyl chloride (VC) is a second generation breakdown product of trichloroethylene (TCE) {TCE-Dichloroethene (1,2-DCE)- VC} and a third generation breakdown product of tetrachloroethylene (PCE) {PCE-TCE- 1,2-DCE-VC}. Both TCE and PCE are principal contaminants found in groundwater at Area B.

VC has been found in the source area near the B-11 pit. In 2007, 21 Area B monitoring wells were sampled with only 1 detection of VC (9.6 ppm, in BMW 56D) near the B-11 pit area. There were no off-site detections of VC. Consistent levels of vinyl chloride (VC) throughout the contaminant plume would indicate that the known contaminants (i.e. TCE, PCE) may be naturally degrading through the process of dehalogenation to a benign endpoint (i.e. ethane) through biologic and natural processes. Certain anaerobic bacteria, principally Dehalococoides ethenogenes, have been shown to effectively accomplish this conversion. The optimum pH range for D. ethenogenes has been reported in scientific literature as neutral to slightly alkaline, i.e., between 7 & 7.5. During the 2007 sampling event, the average pH reported was 7.56 or slightly beyond the optimum pH range. Also, with the exception of the anaerobic pit areas in Area B, the aquifer is oxygenated (i.e., aerobic). For this reason, significant D. ethenogenes activity is unlikely to be detected beyond the pit areas.

6. What toxins are emitted from incinerators in Area A?

[Source: MDE August 2010] Fort Detrick currently has four incinerators at the main base - Area A. They include two medical waste incinerators, each capable of processing up to 0.5 ton per hour medical waste; and two small municipal waste combustors, each capable of processing up to 1.5 tons per hour of municipal solid waste. Each of these units are equipped with rotary atomizing scrubbers designed to control emissions of particulate matter, heavy metals and acid gases. The air emissions from these incinerators are subject to very stringent Federal rules developed under the Clean Air Act (1990), sections 111(d)/129. The Federal rules address the emissions of criteria pollutants (sulfur dioxide, nitrogen dioxide, carbon monoxide, volatile organic compounds, particulate matter, and lead) and non - criteria pollutants such as hydrogen chloride, cadmium, mercury, and dioxins/furans.

With regard to toxic air pollutants (TAPs), screening levels (i.e., acceptable ambient concentrations for toxic air pollutants) are generally established at 1/100 of allowed worker exposure levels. The Maryland Department of Environment has also developed additional screening levels for carcinogenic compounds. The additional screening levels are established such that continuous exposure to the subject TAP at the screening level for a period of 70 years is expected to cause an increase in lifetime cancer risk of no more than 1 in 100,000.

The Fort Detrick incinerators are required to perform routine stack testing in order to demonstrate compliance with both federal and State emission standards. Based on these stack test results, Fort Detrick is in compliance with both the Federal and State regulatory requirements for air emissions. In addition, the same controls would reduce emissions of other unregulated toxic air pollutants.

7. Where does the City of Frederick get its water?

[Source: City of Frederick Annual Drinking Water Quality Report accessed September 2010 and personal communications] There are two types of water sources. They are ground water and surface water. Ground water is from a well and surface water is water from lakes (Lake Linganore), creeks (Linganore Creek), and reservoirs (Fishing Creek). The Monocacy River and Potomac River also provided water. We have both supplies available, however our wells (wells 3,7,9 located on Schifferstadt Blvd) were only in production for 4 months during the 2002 drought. The City of Frederick regularly tests its water supply for regulated and unregulated contaminants. A full report can be found on the City's website - <http://www.cityoffrederick.com/cms/files/dpw/annual-drinking-water-quality-report.pdf>.

8. What agencies are coordinating on the remediation?

Area B ground water and associated sources will be assessed during the Remedial Investigation (RI). The generated data will be shared among Federal, State and Local government agencies (including EPA, ATSDR, MDE and the Health Department, as well as Ft. Detrick). These entities will be in communication regarding all relevant issues and decisions, including those associated with the investigation and any clean-up efforts.

9. What testing is the currently underway?

As part of the new Remedial Investigation, the Army is conducting surface water and sediment sampling to determine whether contamination from Area B has migrated off-site. In the course of completing the new remedial investigation of the groundwater beneath Area B, an analysis will be conducted for a wide range of potential pollutants including metals, semi-volatiles, pesticides, herbicides, and volatiles. Additionally, the Army will be conducting a new dye trace study of the karst geology to identify groundwater flow pathways from Area B. Additionally, the EPA has requested that the Army undertake an Archives Search Report to identify all materials used, tested, and disposed of at Area B over time.

10. Is vapor intrusion a Factor?

[Source: US EPA August 2010] Vapor intrusion (VI) refers to the migration of volatile chemicals from the subsurface into occupied buildings. As a general rule of thumb, the potential for VI of concern exists when structures are within 100 feet (horizontally and vertically) of volatile chemicals in the subsurface. It is proposed that the Army will conduct a vapor intrusion study as part of the new Remedial investigation for Area B. The vapor intrusion study will include the collection of soil gas samples through the foundations of occupied buildings that are known or suspected to be within 100 ft. of the PCE/TCE groundwater plume.

11. What are dioxins and are they being monitored in the vicinity of Ft. Detrick?

[Source: US EPA August 2010] The term "dioxin" refers to a group of chemicals with fairly similar structures, but different cancer potencies. To standardize the different types of dioxins and their propensity to cause cancer, internationally-accepted toxicological practice is to convert each dioxin potency to a concentration that would be equivalent to the most toxic form of dioxin, 2,3,7,8 -TCDD. It is this form (2,3,7,8-TCDD) that is associated with Agent Orange.

There are 7 principal dioxin compounds, 10 furan compounds, and 12 polychlorinated biphenyl (PCB) compounds which act similarly and may pose potential health risks. The compounds in this group (dioxins, furans, and PCBs) have different levels of toxicity, so a particular level of one compound does not necessarily pose the same risk as an equal level of another compound in the group. Dioxins are widespread environmental contaminants that tend to be present in soil at background levels. The background level of dioxins and related compounds in Frederick County has not been determined.

The only dioxin results reviewed by U.S. EPA thus far were submitted by John Bee on behalf of the Kristin Renee White Foundation. These soil samples, when evaluated in terms of 2,3,7,8 -TCDD equivalents (2,3,7,8-TCDD_{eq}), revealed dioxin levels (up to 7.89 parts per trillion [ppt] 2,3,7,8-TCDD_{eq}) that are within the background range expected for rural areas of the U.S. (up to 11 ppt 2,3,7,8 -TCDD). None of the levels reported in the referenced sampling effort exceed U.S. EPA's current residential

clean-up standard for dioxin (1000 ppt 2,3,7,8-TCDDeq), proposed interim Preliminary Remediation Goal (72 ppt 2,3,7,8-TCDDeq) or risk-based concentration for residential exposure (450 ppt 2,3,7,8-TCDD), at an excess cancer risk of 1 in 10,000). As part of the ongoing investigation of Area B, EPA and MDE are discussing how best to conduct dioxin sampling for both on-post and off-post locations. This effort should provide more thorough coverage than the limited dioxin sampling conducted to date, and should capture the extent of dioxin contamination, if any, in the vicinity of the Area B.

12. What groundwater tests need to be completed?

[Source: US EPA August 2010] The Army has in the past conducted dye tests and installed monitoring wells within the Area B property boundaries and reported the findings in several reports. However, EPA and MDE have raised concerns about some of these studies. Additionally, questions still exist regarding the bedrock features and the degree in which groundwater flow is affected by the orientation and connection of the voids and conduits within the bedrock and the flow direction within the deeper portions of the aquifer underlying Area B. New dye studies, installation of wells and sampling and analysis of new and existing wells will be part of the new upcoming Remedial Investigation activities.

13. Were Carroll Creek sampling results presented at the March 23, 2010 RAB meeting?

At the Ft. Detrick Restoration Advisory Board (RAB) meeting, data were presented for Robinson Springs. The values were 7.4 ppb for TCE and 0.8 ppb for PCE. The springs drain into a pond and then into Carroll Creek. It was determined years ago by the Army's testing that by the time the outfall reaches the creek it is well below MCLs or non-detect. Measurements of Carroll Creek in the 90's showed that where springs enter the creek that dilution and volatilization rapidly reduce concentrate ions below MCLs to non-detect within a short distance. Based on the monitoring data it was determined by the Army, MDE and EPA in the partnering meetings years ago that there was not a threat to the public use of Carroll Creek and that there is not any need to restrict access. Both TCE and PCE are not bio-accumulating compounds. The current Area B groundwater workplan includes taking new measurements in Carroll Creek to create a new baseline.

14. How many wells surround Fort Detrick?

Bibliography

EPA History Love Canal

Information on the origins of EPA, historical environmental topics, origins of environmental statutes, environmental disasters like Love Canal and Times Beach, and EPA administrators.

Show more

<https://www.epa.gov/history>

EPA History Love Canal

Links to EPA Press Releases and Articles on Love Canal Superfund Site in Niagara Falls, N.Y

<https://www.epa.gov/history/epa-history-love-canal>

LOVE CANAL | Superfund Site Profile | Superfund Site Information | US EPA

EPA's Superfund Site Information for LOVE CANAL

<https://cumulis.epa.gov/supercpad/CurSites/csinfo.cfm?id=0201290&msspp=med>

LOVE CANAL MONITORING PROGRAM. VOLUME 1 | Science Inventory | US EPA

This report summarizes the prime contractor activities during the monitoring phase of the Love Canal project. Since GCA Corporation was only responsible for data collection, no analytical results appear in this report. The program involved a multifaceted sampling and analytical effort designed to detect and quantify a variety of trace metals, volatile organics, pesticides and other compounds in soil, sediment, air, biota, and water samples. The principal purpose of these activities was to provide data with which EPA could assess the extent of environmental contamination in the Love Canal Area. Since the area declared as a National Emergency was extended from those homes directly surrounding the Love Canal dumpsite to a more general area on May 21, 1980, it had been determined that the overall exposure of residents must be established as quickly as possible. The program, therefore, was on an extremely tight schedule with field sampling activities to be completed by October 31, 1980. GCA organized its efforts into seven technical elements, each of which is discussed.

Show more

https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=ORD&dirEntryId=45400

Love Canal Monitoring Program-final Report Volume 1

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=2000TMG3.txt>

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<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=2000IA1W.txt>

Environmental Monitoring at Love Canal: Interagency Review

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100WNYH.txt>

Environmental Monitoring at Love Canal: Interagency Review

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9101HFLJ.txt>

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<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=2000AFYN.txt>

Selected Historical Press Releases, 1970-1998

Links to EPA Selected Historical Press Releases, 1970-1998. Releases shown below and dated mid-1994 or later are not duplicated in EPA newsroom database, y los comunicados de prensas.

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<https://www.epa.gov/history/selecte> LIPARI LANDFILL | Superfund Site Profile | Superfund Site Information | US EPA

EPA's Superfund Site Information for LIPARI LANDFILL

<https://cumulis.epa.gov/supercpad/CurSites/csinfo.cfm?id=0200557&msspp=med>

Superfund Record of Decision: Lipari Landfill, NJ

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100SA8I.txt>

Superfund Record of Decision: Lipari Landfill, NJ

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100SB12.txt>

Lipari Landfill Superfund Site Construction Project Scheduled for this Summer Cleanup Activities

Continue Mantua, New Jersey Summer 2011

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P100BNQJ.txt>

EPA History LiPari Landfill <https://www.epa.gov/landfills>

Superfund Record of Decision: Lipari Landfill, NJ (Second Remedial Action, 09/30/85)

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=9100SAHA.txt>

Municipal Solid Waste Landfills

this page describes municipal solid waste landfills

<https://www.epa.gov/landfills/municipal-solid-waste-landfills>

SUPERFUND RECORDS OF DECISION UPDATE JULY 31, 1985

<https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=94007H46.txt>

Landfill Methane Outreach Program (LMOP)

The U.S. EPA's Landfill Methane Outreach Program is a voluntary program that works cooperatively with industry stakeholders and waste officials to reduce or avoid methane emissions from landfills. Landfill gas contains methane, a potent greenhouse gas.

Show more

<https://www.epa.gov/lmop>

Superfund Sites in Reuse in New Jersey

Noteable sites in reuse and continued use in New Jersey include American Cyanamid Co., Lipari Landfill, NL Industries, Diamond Alkali Co., Welsbach & General Gas Mantle, Former Kil-Tone Company, Delilah Road, Ciba-Geigy Corp., and Ringwood Mines/Landfill.

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<https://www.epa.gov/superfund-redevelopment/superfund-sites-reuse-new-jerseyd-historical-press-releases-1970-1998>

National Priorities List (NPL) Sites - by State

View the National Priorities List (NPL), organized by state. <https://www.epa.gov/superfund/national-priorities-list-npl-sites-state>

Superfund

EPA's Superfund program is responsible for cleaning up some of the nation's most contaminated land and responding to environmental emergencies, oil spills and natural disasters in order to protect public health and the environment.

<https://www.epa.gov/superfund>

EPA Updates the National Priorities List to Clean Up Contamination and Protect Communities

EPA News Release EPA Updates the National Priorities List to Clean Up Contamination and Protect Communities

<https://www.epa.gov/newsreleases/epa-updates-national-priorities-list-clean-contamination-and-protect-communities-0>

[/www.epa.gov/superfund/proposed-national-priorities-list-npl-sites-proposed-date](https://www.epa.gov/superfund/proposed-national-priorities-list-npl-sites-proposed-date)

**Phase I ENVIRONMENTAL SITE ASSESSMENT
TRANSACTION SCREEN QUESTIONNAIRE**

Please answer the following questions regarding the *property* and note any observations of site conditions that may cause environmental impact or concern. Use good faith efforts in answering the questions. All answers should be given to the best of the *preparer's* knowledge. The most knowledgeable person available should be chosen to answer the questions "to the best of his/her knowledge."

The *preparer* should document "unknown" answers and evaluate it in light of the other information obtained in the *transaction screen process*, including, in particular, the site visit and the government records historical sources inquiry. A presumption exists that further inquiry is necessary if an affirmative answer is given to a question or because the answer was unknown or no response was given

All Appropriate Inquiries," (C.F.R.Part 312.) The *preparer* of the *transaction screen questionnaire* must complete and sign the questionnaire as provided at the end of the questionnaire.

Preparers represent that to the best of the preparer's knowledge the above statements and facts are true and correct and to the best of the preparer's actual knowledge no material facts have been suppressed or misstated.

Preparers	The Owner questionnaire answers were provided was completed by:	The Occupant questionnaire answers were provided by:
Name Title		
Firm		
Address		
Phone Number		
Date		
Role (s) at the site		
Number of years at the site		
Relationship to use (e.g. principal, employee, agent, consultant)		

	Government Records and Historical Sources questionnaire answers were provided was completed by:	The Site Visit questionnaire answers were provided by:
Name Title		
Firm		
Address		
Phone Number		
Date		
Role (s) at the site		
Number of years at the site		
Relationship to use (e.g. principal, employee, agent, consultant)		

Transaction Screen Questionnaire

Persons to Be Questioned-The following questions should be asked of (1) the current owner of the property, (2) any major occupant of the property or, if the property does not have any major occupants, at least 10 % of the occupants of the property, and (3) in addition to the current owner and the occupants identified in (2), any occupant likely to be using, treating, generating, storing, or disposing of hazardous substances or petroleum production or from the property. A major occupant is any occupant using at least 40 % of the leasable area of the property or any anchor tenant.

Description of Site
(applicable)

Address:

Occupants (if applicable)

Observations during Site Visit

1. Property use?

Is the property used as for industrial use, a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable circle which and explain)?

2 Is any adjoining property used for industrial use, a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which and explain)?

3. Did you observe evidence or do you have any prior knowledge that the property has been used for an industrial use in the past?

4. Solid and hazardous waste at the facility - Are there currently any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of >5 gal stored on or used at the property or at the facility?

5. Solid and hazardous waste adjacent to the facility - Are there currently any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of >5 gal stored on or used at the property or at the facility?

6. Any industrial drums (typically 55 gal (208 L)) or sacks or containers of chemicals located on the property or at the facility? Did you observe evidence or do you have any prior knowledge?

7. Fill dirt has been brought onto the property that is of an unknown origin? Did you observe evidence or do you have any prior knowledge?

8. Pits, ponds, or lagoons located on the property in connection with waste treatment or waste disposal? Are there currently or previously?

9. Stained soil on the property? Is there currently or previously?

10. Registered or unregistered storage tanks (above or underground) located on the property? Are there currently or previously?

11. Any vent pipes, fill pipes?

Did you observe evidence or do you have any prior knowledge that there have been previously?

12. Evidence of leaks, spills or staining by substances other than water, or foul odors, associated with any flooring, drains, walls, ceilings, or exposed grounds on the property? Is there currently or previously?

Any leaks, spills, or staining by substances other than water, or foul odors, associated with any flooring drains, walls, ceilings or exposed grounds on the property? Did you observe evidence or do you have any prior knowledge that there have been previously.

13. Is or was the property served by a private well or non-public water system? is there evidence of contaminants have been identified in the well or system that exceed guidelines applicable to the water system?

14. Any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws?

15. Any knowledge of past existence of hazardous substances or petroleum products dumped or spilled on property or adjacent to the property?

Any knowledge of environmental violations with respect to the property or any facility located on the property?

16. Presence of hazardous substances or petroleum products on, or contamination of, the property or any report that recommended further assessment of the property? Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility?

17. Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the property by any owner or occupant of the property?

18. Does the property discharge waste-water (not including sanitary waste or stormwater) onto the property or adjacent to the property and/or into a storm water system?

19. Did you observe evidence or do you have any prior knowledge that any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried and/or burned on the property?

20. Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the presence of PCBs?

21. Do any of the following federal, state, or tribal government record systems list the property? or any property within ¼ mile search:

Do you have any knowledge of

Federal NPL or Delisted NPL sites	
Federal CERCLIS site	
Federal RCRA facilities	
Federal RCRA generators	
Federal ERNS sites	
Hazardous waste sites	
Prior investigations or remediation:	
Landfill and/or solid waste disposal	
Leaking storage tanks	
Registered storage tank lists	
Institutional controls	
Voluntary cleanup sites	
Brownfield sites	

22. Based upon a review of fire insurance maps (10.2.3) or local street directories (10.2.3), all as specified in the guide, are any buildings or other improvements on the property or on an adjoining property identified as having been used for an industrial use or uses likely to lead to contamination of the property?

Signature _____ Name _____ Date _____
 Title _____

Please provide:

x	Engineering Construction Drawings: Reports Maps	
x	Construction Applications and Engineering Reports	
x	Soil Borings; Location of Monitor Wells Supply Wells; Well Logs	
x	Architectural drawings for basements, utility trenches	
x	Building Permits, UST and Demo Permits, Occupancy Permits, Building Violations	
x	Tax Map, Planning Map and pertinent Ordinances, Land Use Designations	
x	Zoning Map	
x	Storm Sewer Maps, Diameter, Manholes, Discharge Location	
x	Sanitary Sewer Maps Diameter, Manholes, Discharge Location	
x	Prior Septic System Location	
x	Historical Maps showing past buildings and structures Aerial Maps	
x	Surrounding Historical Land Use Maps	
x	Reports of Spills and Past Manufacturing Processes Waste Disposal Practices	
x	Environmental Maps, Reports, Violations, Flood and Wetlands Map, Sample Results	
x	Area History	
x	Police and Emergency Services Responses	
x	Utility Maps, Suppliers and Dates of Utility Hookup,	

Testimony in support of SB0125.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

1/30/2-24

Richard Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#0125 - POSITION: FAVORABLE
Residential Property Sales – Contract Disclosures – Superfund Sites

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB0125, Residential Property Sales – Contract Disclosures – Superfund Sites

There are 8 Superfund Sites in Frederick County
<https://www.homefacts.com/environmentalhazards/superfunds/Maryland/Frederick-County/Frederick.html> of which one is an active NPL Superfund site. It has been proposed that housing be constructed within the distance from the site delineated in this bill.

This bill will enforce common sense notifications to any prospect home buyer anywhere in Maryland that their purchase of a home might be affected by the presence of a nearby superfund site when the seller fails in their duty to make that information available. It will set the parameters around how that notification must be made.

I wish that every seller would fulfill their moral responsibility to properly represent dangers inherent in a site or home they are attempting to sell. **I respectfully urge this committee to return a favorable report on SB#0125.**

JAN30 TESTIMONY SB0125 -1.pdf

Uploaded by: Roberta Huber

Position: FAV

TESTIMONY FOR SB0125
JANUARY 30, 2024
SENATE JUDICIAL PROCEEDINGS COMMITTEE
BY ROBERTA HUBER

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. Examples include the, Beltsville Agricultural Research Center, Aberdeen Proving Ground, Sauer Dump, and Spectron Incorporated.

In 1980, Congress enacted the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). People call it the Superfund law. It allows EPA to clean up contaminated sites. It also forces parties responsible for contamination to clean it up or reimburse the government for an EPA-led site cleanup.

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 contaminated sites.

This investigation is to fully characterize the extent of the contamination. 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.

Here are a few examples of NPL sites. Ft. Detrick, was used for dumping and crop testing. From 2001- 2004, there was an Interim Removal Action of 4 disposal pits in Area B-11. No record was kept about what was disposed of in these 4 unlined pits or any other pits on the property.

After excavation of Pit 1, the excavation process was modified.

1

- Additional process changes included:
- Improvement to the air treatment system
 - Dust control,
 - Use of disinfectants,
 - Segregation of medical waste,
 - Laboratory analysis of biological pathogens,
 - Vaccination of site workers, and
 - Use of ultraviolet disinfection lamps.”

Why did these changes occur for excavating Pits 2, 3. And 4? 1

“The discovery that explosive, reactive and biological contaminants were present in Area B-11 pits necessitated changes to the excavation system in order to protect human health and the environment from potential air releases. When the word, “explosive is used it means explosions and fires. 2

Please note that experts believe this activity was not caused by munitions...

1 – Fort Detrick Interim Removal Action Area B-11 Disposal Pits, September 2004, Section 3.6.2
System Modifications

2 - Fort Detrick Interim Removal Action Area B-11 Disposal Pits, September 2004, Section 3.6.1

TESTIMONY FOR SB0125
JANUARY 30, 2024
SENATE JUDICIAL PROCEEDINGS COMMITTEE
BY ROBERTA HUBER

Another site is the Indian Head Surface Warfare Center established in 1890. It has manufactured a variety of munitions and chemicals. Site operations created explosive, reactive and hazardous waste. Waste products were dumped into pits and landfills on the Center and were also discharged into septic systems, open ditches and storm sewers that emptied into surrounding bodies of water.

The site was added to the NPL in September 1995. Currently, there are 114 areas to be studied on the facility under the CERCLA program. 12 of those areas are currently being addressed. **3**

I urge you to protect Marylanders and pass this disclosure legislation. This legislation will have no cost to the state government, but it will ensure Maryland citizens are informed via a disclosure document that the property they plan to buy is ½ mile from an NPL site. Buyers can decide if this will impact their home purchase.

3-

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0300430#background>

SB125 Written Testimony

Uploaded by: Senator Karen Lewis Young

Position: FAV

KAREN LEWIS YOUNG
Legislative District 3
Frederick County

Committee on Education, Energy,
and the Environment



James Senate Office Building
11 Bladen Street, Room 302
Annapolis, Maryland 21401
410-841-3575 • 301-858-3575
800-492-7122 Ext. 3575
Karen.Young@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

The Honorable Senator William C. Smith
The Honorable Senator Jeffrey Waldstreicher
Judicial Proceedings Committee
Maryland Senate
Annapolis, MD 21401

January 30, 2024

Chair Smith, Vice-Chair Waldstreicher, and esteemed members of this Committee:

Senate Bill 125, Residential Property Sales Contracts and Disclosures, will ensure transparency and health equity by requiring uniform disclosure of nearby superfund sites within one-half mile to homebuyers and giving them a 5-day right of rescission if this requirement is not met. What is a superfund site? Superfund sites are locations prioritized by the E.P.A. for treatment and remediation due to “the known releases or threatened releases of hazardous substances, pollutants, or contaminants”.¹ In other words, hazardous waste was dumped, left, or otherwise improperly managed. Maryland currently has 26 superfund sites that are undergoing various degrees of treatment and remediation.

Superfund sites exist all over the state and people from every type of community have been exposed. Unfortunately, lower income, minority, and marginalized peoples tend to be the largest group of people living around these sites. Further, current law exempts new builds and does not provide for a standard disclaimer. Instead, it merely asks for disclosures of issues “on the property”. The problem is that contaminated groundwater knows no boundaries; no property lines.

My office, our cross-file, and stakeholders have been working on a compromise to reach an agreement on when and how a buyer would be informed of nearby superfund sites. There is agreement among all parties that the presence of a superfund site needs to be disclosed so potential homeowners can make an informed decision. Unfortunately, some of those testifying today only want to advise buyers to learn what a superfund site is and do so by directing people to a website only in the testing phase. My bill requires full disclosure because, unlike a leaky roof that will cost the homebuyer money, exposure to the dangers of a nearby superfund site could cost a homebuyer their home equity, livelihood, quality of life, and more.

¹ Environmental Protection Agency. www.epa.gov/superfund/what-superfund. Accessed January 29th, 2024

A local version of this bill passed the Senate last year with bipartisan support. This statewide version of the bill again has bipartisan support. Just like we do with lead paint and asbestos, everyone deserves to be informed. To ensure that residential property buyers are given a timely and transparent picture of the potential environmental impact to their homes, I urge the committee to give a favorable report for Senate Bill 125.

Sincerely,

A handwritten signature in cursive script that reads "Karen Lewis Young".

Senator Karen Lewis Young

MBIA Letter of Support with Amendments SB125.pdf

Uploaded by: Lori Graf

Position: FWA

January 29, 2024

The Honorable William C. Smith Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Support with Amendments SB 125 Residential Property Sales – Contract Disclosures – Superfund Sites

Dear Chairman Smith,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, supports **SB 125 Residential Property Sales – Contract Disclosures – Superfund Sites** with amendments.

This bill requires the seller of any residential real property located within a certain distance of a NPL Superfund site to include an addendum to the contract for the sale of the property. MBIA supports this measure with amendments.

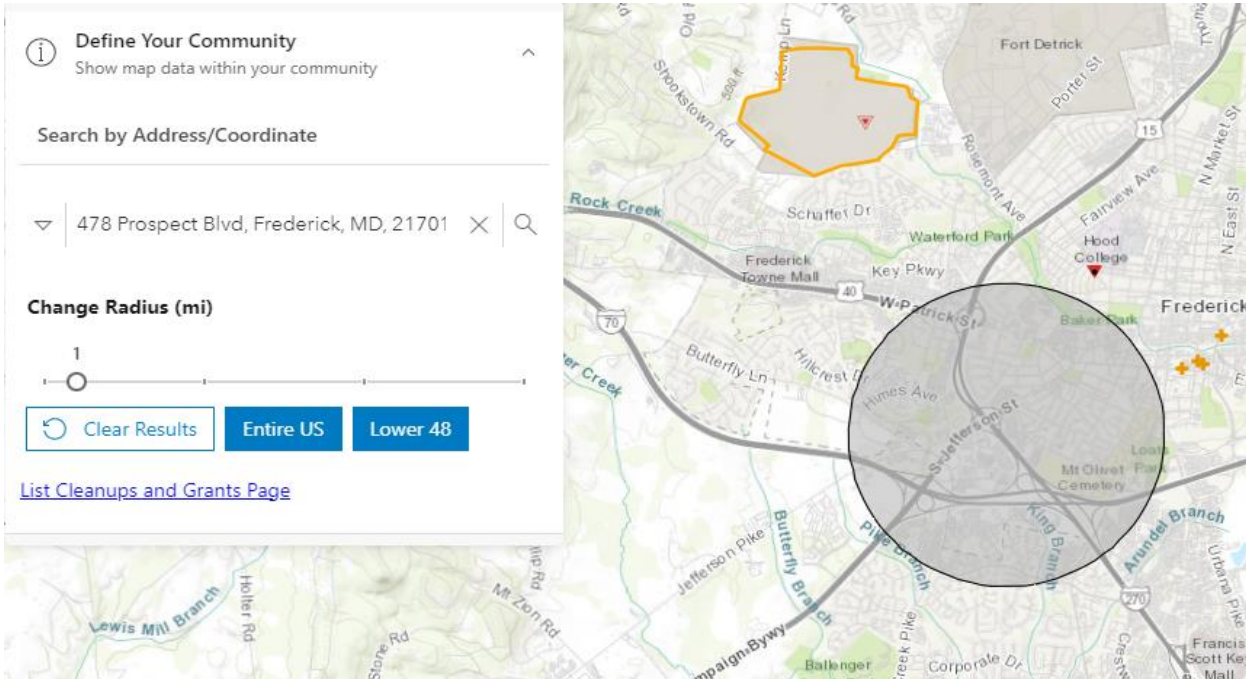
The bill text guides sellers to the EPA website for determining if their property is within 0.5 miles of a Superfund site. However, the site lacks clarity on locating a suitable link for mapping a property's distance, and some of the maps lack distance measuring tools. Although the EPA has introduced a test site with a mapping tool (<https://map22.epa.gov/cimc>), it only measures distances in 1-mile increments and can be difficult to find on the Superfund site.

Recently, the General Assembly has favored "buyer notices," guiding buyers to information sources and allowing them to assess its relevance to their purchase. Even online mapping tools may lack precision, granting sellers some leeway in what they want to disclose to the buyer. However, when buyers take responsibility for gathering information, they can choose to focus solely on properties outside 0.5 miles of a Superfund site or one mile away from it.

MBIA believes that the buyer should be in control of the information presented to them, and our below amendment substitutes a "buyer notice" with directions to the new EPA measuring tool. For these reasons, we respectfully request the Committee give this measure a favorable report with amendments. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Judicial Proceedings Committee



AMENDMENT #1

Beginning on page 1, strike lines 15 through line 16 on page 3 and substitute:

§ 10-713. SUPERFUND SITE DISCLOSURE

“SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” DEFINED

(A) IN THIS SECTION, “SUPERFUND ENTERPRISE MANAGEMENT SYSTEM” MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM

APPLICATION OF SECTION

(B) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY.

NOTICE

(C) A CONTRACT FOR THE SALE OF REAL PROPERTY SHALL INCLUDE, THE FOLLOWING BUYER NOTICE:

“NOTICE ON SUPERFUND HAZARDOUS WASTE SITES

A PURCHASER OF REAL PROPERTY IS ADVISED TO ACCESS THE WEBSITE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S SUPERFUND ENTERPRISE MANAGEMENT SYSTEM CLEANUPS IN MY COMMUNITY

TO DETERMINE IF A SUPERFUND HAZARDOUS WASTE SITE IS LOCATED NEAR THE PROPERTY. THE WEB PAGE IS LOCATED AT: [HTTPS://WWW.EPA.GOV/CLEANUPS/CLEANUPS-MY-COMMUNITY](https://www.epa.gov/cleanups/cleanups-my-community).” A PURCHASER WHO RECEIVES THIS NOTICE AFTER ENTERING INTO A CONTRACT OF SALE HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME OR WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE. IF EXERCISING THE RIGHT OF RESCISSION, THE PURCHASER IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT”

RIGHTS OF RESCISSION

(D)(1) A PURCHASER THAT RECEIVES THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE DOES NOT HAVE THE RIGHT TO RESCIND THE CONTRACT OF SALE BASED ON THE INFORMATION RECEIVED FROM THE VENDOR UNDER SUBSECTION (C) OF THIS SECTION.

(2)(I) A PURCHASER THAT DOES NOT RECEIVE THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ON OR BEFORE ENTERING INTO A CONTRACT OF SALE, ON WRITTEN NOTICE TO THE VENDOR OR THE VENDOR'S AGENT:

- 1. HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME BEFORE, OR WITHIN 5 DAYS AFTER, RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**
- 2. IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT.**

(II) THE RETURN OF ANY DEPOSITS HELD IN TRUST BY A LICENSED REAL ESTATE BROKER TO A PURCHASER UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES SET FORTH IN § 17-505 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

SB 125_realtors_fwa.pdf

Uploaded by: William Castelli

Position: FWA



Senate Bill 125 – Residential Property Sales – Contract Disclosures – Superfund Sites

Position: Support with Amendment

Maryland REALTORS® support SB 125 with important changes to more closely conform the legislation to other real estate disclosures passed by the General Assembly.

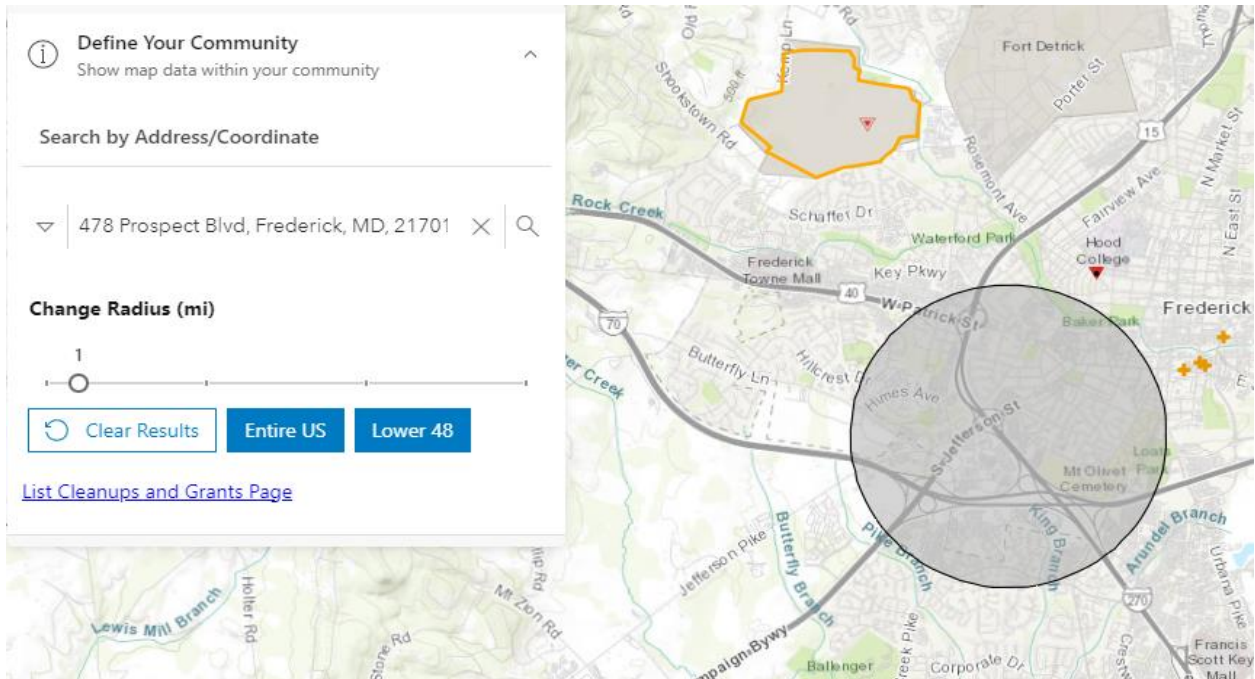
SB 125 seeks to ensure that homebuyers receive information about locations on the National Priorities List (so called Superfund sites). Superfund sites are contaminated with hazardous waste and the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) authorizes EPA to clean these sites and help fund the cleanup. SB 125 directs sellers to information on the EPA website in order to determine whether their property falls within the 0.5 miles of the site.

However, the information on the EPA website is not clear where to find an appropriate link to map a property's distance to a superfund site. Some of the maps do not include distance measuring tools. Recently, the EPA launched a test site with a mapping tool which will give sellers or buyers a good idea about the property's proximity to a superfund site but it only measures distances in 1-mile increments and can be difficult to find on the Superfund site. That site is: <https://map22.epa.gov/cimc>.

In the last few years, most disclosures passed by the General Assembly have generally been "buyer notices" directing the buyer to a source of information and allowing them to make a determination about whether the information impacts their purchase. Even mapping technology on a website is not guaranteed to be exact, giving a seller some discretion in what is disclosed to the buyer. However, when a buyer is in charge of collecting the information for themselves, the buyer can choose to search only properties outside 0.5 miles of a superfund site or a mile outside of a site.

Because the REALTORS® believe the buyer should be in control of the information presented to them, the attached REALTOR® amendment strikes the language in the bill and substitutes a "buyer notice" with direction to the new EPA web page and measuring tool.

**For more information contact lisa.mays@mdrealtor.org or
christa.mcgee@mdrealtor.org**



SB 125 – Residential Property Sales - Contract Disclosures – Superfund Sites REALTOR® Amendment

AMENDMENT #1

Beginning on page 1, strike lines 15 through line 16 on page 3 and substitute:

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[HTTPS://WWW.EPA.GOV/CLEANUPS/CLEANUPS-MY-COMMUNITY](https://www.epa.gov/cleanups/cleanups-my-community).”. A PURCHASER

WHO RECEIVES THIS NOTICE AFTER ENTERING INTO A CONTRACT OF SALE HAS THE UNCONDITIONAL RIGHT TO RESCIND THE CONTRACT AT ANY TIME OR WITHIN 5 DAYS AFTER RECEIPT OF THE NOTICE. IF EXERCISING THE RIGHT OF RESCISSION, THE PURCHASER IS ENTITLED TO THE IMMEDIATE RETURN OF ANY DEPOSITS MADE IN ACCORDANCE WITH THE CONTRACT”

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