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Residential Property Sales/Superfund: Proposed Maryland Legislation Requiring Contract Disclosure of Area National Priority List Sites

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Legislation ("SB 125") was introduced into the Maryland General Assembly (2024 Session) that would require the seller of any residential property located within 0.5 miles of a National Priority List ("NPL") Superfund Comprehensive Environmental Response, Compensation, and Liability Act/Superfund site to provide a specified addendum to the contract of sale.

The addendum must include:

1. Identification of the Superfund site that is within 0.5 miles of the property;
2. Definition of a NPL Superfund site under United States Environmental Protection Agency ("EPA") guidelines;
3. Information regarding specific EPA websites; and
4. Notice that within 5 days after signing and dating the contract (and on written notice to the seller) the buyer may void the contract; and on recession receive a full refund of any money paid to the seller.

Additional comments associated with the introduction of SB 125 note in part that the:

... Superfund is a program administered by EPA to locate, investigate, and clean up the worst hazardous waste sites throughout the United States. These sites include abandoned warehouses, manufacturing facilities, processing plants, and landfills. EPA's Superfund Enterprise Management System (known as SEMS) database is the official repository for site and nonsite specific Superfund data in support of CERCLA. It contains information on hazardous waste site assessment and remediation from 1983 to the present. 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.

The environmental organization Clean Water Action ("CWA") argues in testimony in support of SB 125 that existing real estate disclosures do not adequately address off-site contamination. It cites as a particular concern contamination that may impact newly-built homes. It further states that 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. An additional concern is CWA's argument that the disclosure form also primarily addresses source of contamination that are located on the property itself.

A copy of SB 125 can be downloaded [here](#).