

## **Toxic Waste Poses Menace to Homeowners**

Charlotte Fairley had lived in her Sag Harbor home less than six months when she discovered it sat atop a toxic waste plume and was worth just a fraction of what she had paid for it. More disturbing, she found out purely by accident. She said the history of the site was never revealed to her either by the real estate agent, or the developer that built the home. She never thought to ask.

Fairley bought the home in the fall of 1993. The following spring, while speaking with a neighbor, she found that the home sat on a groundwater plume not far from a manufacturing plant about a quarter mile away that had recently been listed as a state SuperFund Site.

Several years before, well water in the community was found to be contaminated by chemicals leaking from barrels buried at the facility. Since all the homes are now hooked up to public water, government officials say there is little need to be concerned for health and safety.

Neighbors say there have been many cancer related illnesses and deaths in the neighborhood. Although there have been no medical studies, property values have plummeted.

Fairley had two appraisals conducted for her home. One by someone unaware of the property's environmental problems and another by an appraiser versed in such matters. The appraisals came back at \$267,000 and \$48,000, respectively. "I never realized that there was a plume, or where it went or that it would affect me," said Fairley, who noted that a title search on the property also failed to reveal anything unusual.

For many years now, commercial property buyers have been required to conduct environmental inspections as a condition for receiving a mortgage.

Guidelines for the purchase of residential real estate however, have not been as stringent. "It should be, according to hazards not only on their property, but the area around their property," said Steven Romalewski, Toxics Prevention Coordinator for the New York Public Research Interest Group. "It makes sense from a health perspective and a financial perspective. If someone finds out after the purchase of a property that it is contaminated, he or she may have to pay for some or all of the cleanup or may get sued for that cleanup. If someone buys a property without knowing about information on environmental hazards, it could be a headache, both literally and figuratively."

In general, home sellers whose properties are located near a known toxic waste site are not legally required to disclose this information unless they are directly on the site. "I don't believe there's any requirement that they tell them," said Cathleen Shigo, spokesperson for the State Department of Environmental Conservation at Stonybrook.

Environmental inspection companies keep track by geographical area. Toxic Targeting, Inc. of Ithaca, New York for instance, maps thousands of toxic sites identified in federal, state and local government databases and generates reports for homebuyers based on 16 toxic site categories. "There are so many homes that are immediately adjacent to toxic sites and so many homes that are themselves contaminated, particularly from leaking underground storage tanks. There are no requirements that homebuyers be told about these," said Walter Hang, President of Toxic Targeting. "You could be standing right next to a toxic dump that the authorities have determined to be there. There are no signs, there may not even be a fence. It will simply look like an overgrown lot, but it could be severely contaminated."

Sometimes that nicely landscaped lot is listed on the tax map as "proposed golf course and recreation site." Such was the case for John and Mary, a Manhattan couple who were looking to

move to Long Island with their infant twins. Last January, the couple put a binder on a home in a quite upscale neighborhood in Port Washington. Later that day, they discovered that the property abutted a former landfill that had been designated a Federal SuperFund Site.

"The whole thing struck me as strange that no one ever mentioned that it was there," said John. "There's a big open area that says "proposed golf course and recreation site." That led me to believe it was commercially owned land, not a landfill. And it's not just a landfill, it's a Federal SuperFund Site - one of the 1,200 most toxic sites in America. If it was cleaned, it wouldn't be a SuperFund Site. It's the little secret that no one tells you about."

"Now I don't trust anyone," Mary said. "It's not in anyone's interest to tell me the detriments of their property. It's made me very nervous about everything." She added that now she would call an environmental inspector when buying a house.

The source of toxic pollution does not have to be from a shutdown industrial site down the street, it can be found right in your backyard. Underground tanks, like those used for home heating oil, can pose significant health hazards if they leak. Their presence should raise a red flag for prospective home buyers. "They're ticking time bombs. The buyer would not know there is a leak unless he asks for it to be tested," said Joseph Baier, Director of Environmental Quality for Suffolk County Health Department. Baier advises buyers to have underground tanks tested before purchasing a home.

Buyers also need to be aware of lead. Federal law now requires that homeowners whose homes were built before 1978, when lead was legally permissible in paint, give buyers a brochure warning them about the possibility of the presence of lead.

Information about potential environmental hazards is more available now, but not always easy to find. Buyers have to know where to look and what to ask for.

Individuals who are looking to make substantial investments in properties should not rely on anyone telling them there's no problem.

A typical homeowner's report prepared by an environmental inspection company costs about \$150 and can be completed in one or two business days. It includes searches of toxic site categories as well as maps and profiles about the community in question.

Who should purchase these reports? "Absolutely everyone who is buying a home," Hang said. "You can't see toxic contamination. Very frequently it's underground. Most toxic dumps look like overgrown fields. Very often a passerby wouldn't know it's there."

Hang also recommends that buyers put a clause in their contract that allows them to walk away if any environmental problems are found. "In addition to due diligence, consider asking some lawyers what the escape clause should be. That has to be drafted carefully so it can't be disputed."

For more information about potential toxic hazards in your neighborhood, try contacting your local county health department, or department of environmental conservation. Also check the phonebook or real estate publications for environmental or toxic inspection companies.

The Environmental Protection Agency (EPA) keeps an eye on toxic waste sites around the country. They have developed a National Priority List of toxic waste sites of great concern. These are called SuperFund Sites. You can go to the EPA SuperFund WebSite... select a state from the national map... and view a list of SuperFund Sites in your area. The text will indicate the location,

date project started, approximate completion date, nature and history of the site's contamination and the current status of the site.

We were shocked to find SuperFund Sites closer to our homes than we ever imagined. Go take a look for yourself. Visit the [EPA's SuperFund - National Priorities List](#)

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