

Annotated Code of Maryland
(1994 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Environment

4-401.

(i) (1) "Person responsible for the discharge" includes:

- (i) The owner of the discharged oil;
- (ii) The owner, operator, or person in charge of the oil storage facility, vessel, barge, or vehicle involved in the discharge at the time of or immediately before the discharge; and
- (iii) Any other person who through act or omission causes the discharge.

(2) "Person responsible for the discharge" does not include:

(I) [a] A person who, without participating in the management of an underground oil storage tank, and who otherwise is not engaged in petroleum production, refining, or marketing, holds indicia of ownership in an underground oil storage tank primarily to protect its security interest in that underground oil storage tank if that person:

[[i)] 1. Has not foreclosed on its security interest in the underground oil storage tank; or

[[ii)] 2. Abandoned that underground oil storage tank under regulations of the Department within 180 days of acquiring the tank through foreclosure or other means;

(II) A HOLDER OF A MORTGAGE OR DEED OF TRUST WHO ACQUIRES TITLE TO A PROPERTY THAT IS SUBJECT TO A CORRECTIVE ACTION PLAN APPROVED BY THE DEPARTMENT UNDER THIS SUBTITLE PROVIDED THAT THE HOLDER COMPLIES WITH THE REQUIREMENTS, PROHIBITIONS, AND CONDITIONS OF THE PLAN;

(III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LENDER WHO EXTENDS CREDIT FOR THE PERFORMANCE OF REMOVAL OR REMEDIAL ACTIONS CONDUCTED IN ACCORDANCE WITH REQUIREMENTS IMPOSED UNDER THIS TITLE WHO:

1. HAS NOT CAUSED OR CONTRIBUTED TO A DISCHARGE OF OIL; AND

2. PREVIOUS TO EXTENDING THAT CREDIT, IS NOT A PERSON RESPONSIBLE FOR THE DISCHARGE AT THE SITE; OR