

2. Does not directly cause the discharge of a hazardous substance on or from the site; [or]

(vii) Except in the case of gross negligence or willful misconduct, an owner or operator who is:

1. A state, county, or municipal government;
2. Any other political subdivision of the State; or
3. Any unit of a state, county, or municipal government or any other political subdivision;

(VIII) A HOLDER OF A MORTGAGE OR DEED OF TRUST WHO ACQUIRES TITLE TO AN ELIGIBLE PROPERTY AS DEFINED IN SUBTITLE 5 OF THIS TITLE SUBJECT TO A WRITTEN AGREEMENT IN ACCORDANCE WITH SUBTITLE 5 OF THIS TITLE PROVIDED THAT THE HOLDER COMPLIES WITH THE REQUIREMENTS, PROHIBITIONS, AND CONDITIONS OF THE AGREEMENT;

(IX) 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 RELEASE OF HAZARDOUS SUBSTANCES; AND
2. PREVIOUS TO EXTENDING THAT CREDIT, IS NOT A RESPONSIBLE PERSON AT THE SITE;

(X) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LENDER WHO TAKES ACTION TO PROTECT OR PRESERVE A MORTGAGE OR DEED OF TRUST ON A SITE OR A SECURITY INTEREST IN PROPERTY LOCATED ON A SITE AT WHICH A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE HAS OCCURRED, BY STABILIZING, CONTAINING, REMOVING, OR PREVENTING THE RELEASE OF A HAZARDOUS SUBSTANCE IN A MANNER THAT DOES NOT CAUSE OR CONTRIBUTE TO A RELEASE OR SIGNIFICANTLY INCREASE THE THREAT OF RELEASE OF A HAZARDOUS SUBSTANCE AT THE SITE IF:

1. THE LENDER PROVIDES ADVANCE WRITTEN NOTICE OF ITS ACTIONS TO THE DEPARTMENT OR IN THE EVENT OF AN EMERGENCY IN WHICH ACTION IS REQUIRED WITHIN 2 HOURS, PROVIDES NOTICE BY TELEPHONE;
2. THE LENDER, PREVIOUS TO TAKING THE ACTION, IS NOT A RESPONSIBLE PERSON FOR THE SITE; AND
3. THE ACTION TAKEN DOES NOT VIOLATE A PROVISION OF THIS ARTICLE; OR

(XI) A PERSON WHO RECEIVES A RESPONSE ACTION PLAN APPROVAL LETTER AS AN INCULPABLE PERSON OR THE PERSON'S SUCCESSOR IN TITLE WHO IS ALSO AN INCULPABLE PERSON UNDER SUBTITLE 5 OF THIS TITLE AND