

SUBTITLE 5. VOLUNTARY CLEANUP PROGRAM.

7-501. DEFINITIONS.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "ACTIVE ENFORCEMENT" MEANS AFTER THE DEPARTMENT HAS ISSUED A NOTICE OF VIOLATION, ORDER, CONSENT ORDER, OR OTHER ENFORCEMENT ACTION OF THE DEPARTMENT AND UNTIL COMPLETION OF ACTIVITIES REQUIRED BY THAT ACTION.

(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, "OTHER ENFORCEMENT ACTION" DOES NOT INCLUDE A SITE COMPLAINT.

(C) "APPLICANT" MEANS A PERSON WHO APPLIES TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM.

(D) "BACKGROUND LEVEL" MEANS THE LEVEL OF A SUBSTANCE OCCURRING NATURALLY AT THE SITE PRIOR TO ANY MANMADE SPILL OR RELEASE.

(E) "CONTAMINATION" MEANS A RELEASE, DISCHARGE, OR THREATENED RELEASE OF A CONTROLLED HAZARDOUS SUBSTANCE, AS DEFINED IN § 7-201 OF THIS TITLE.

(F) "ELIGIBLE APPLICANT" MEANS:

(1) A RESPONSIBLE PERSON WHO HAS NOT KNOWINGLY OR WILLFULLY VIOLATED ANY LAW OR REGULATION CONCERNING CONTROLLED HAZARDOUS SUBSTANCES; OR

(2) AN INCULPABLE PERSON.

(G) (1) "ELIGIBLE PROPERTY" MEANS PROPERTY THAT IS CONTAMINATED OR PERCEIVED TO BE CONTAMINATED.

(2) "ELIGIBLE PROPERTY" DOES NOT INCLUDE PROPERTY THAT IS:

(I) ON THE NATIONAL PRIORITIES LIST UNDER § 105 OF THE FEDERAL ACT;

(II) UNDER ACTIVE ENFORCEMENT; OR

(III) SUBJECT TO A CONTROLLED HAZARDOUS SUBSTANCES PERMIT ISSUED IN ACCORDANCE WITH TITLE 7 OF THIS ARTICLE.

(3) "ELIGIBLE PROPERTY" INCLUDES SITES LISTED ON THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY INFORMATION SYSTEM.

(H) "FEDERAL ACT" HAS THE MEANING STATED IN § 7-201(K) OF THIS TITLE.

(I) "IMMINENT AND SUBSTANTIAL ENDANGERMENT" MEANS A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE THAT MAY POSE A RISK OF