

[(5)](6) (i) For purposes of paragraph (2)(iii), (iv), (v), and (vi) of this subsection, "management" means directing or controlling operations, production or treatment of a hazardous substance, storage or disposal of a hazardous substance, or remediation of a hazardous substance release.

(ii) "Management" does not include rendering advice on financial matters, rendering financial assistance, or actions taken to protect or secure the site or property located on the site if the advice, assistance, or actions do not involve the treatment, storage, or disposal of a hazardous substance or remediation of a hazardous substance release.

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