

(k) "Federal act" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended through January 1, [1990] 2003.

(x) (1) "Responsible person" means any person who:

(i) Is the owner or operator of a vehicle or a site containing a hazardous substance;

(ii) At the time of disposal of any hazardous substance, was the owner or operator of any site at which the hazardous substance was disposed;

(iii) By contract, agreement, or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by such person, by any other party or entity, at any site owned or operated by another party or entity and containing such hazardous substances; or

(iv) Accepts or accepted any hazardous substance for transport to a disposal or treatment facility or any sites selected by the person.

(7) A PERSON WHO OWNS REAL PROPERTY IS NOT CONSIDERED AN OWNER OR OPERATOR OF A VEHICLE OR SITE CONTAINING A HAZARDOUS SUBSTANCE UNDER SUBPARAGRAPH (1)(I) OF THIS SUBSECTION SOLELY BY REASON OF CONTAMINATION FROM A CONTIGUOUS OR OTHERWISE SIMILARLY SITUATED REAL PROPERTY IF:

(I) THE PERSON DOES NOT OWN THE CONTIGUOUS OR OTHERWISE SIMILARLY SITUATED REAL PROPERTY;

(II) THE PERSON'S REAL PROPERTY IS OR MAY BE CONTAMINATED BY A RELEASE OR THREATENED RELEASE OF A HAZARDOUS SUBSTANCE FROM THE CONTIGUOUS TO OR OTHERWISE SIMILARLY SITUATED REAL PROPERTY; AND

(III) THE PERSON MEETS THE REQUIREMENTS OF SECTION 107(Q) OF THE FEDERAL ACT AND ANY REGULATIONS ADOPTED BY THE DEPARTMENT IMPLEMENTING OR INTERPRETING THE REQUIREMENTS OF THAT SECTION.

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(a) To participate in the Program, an applicant shall:

(2) Pay to the Department an application fee of \$6,000, UNLESS THE DEPARTMENT DETERMINES THAT A LESSER FEE WOULD BE SUFFICIENT TO COVER THE COSTS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

(b) (1) (i) The Department shall notify the applicant in writing, within 60 days after receipt of the application, whether:

1. The application, including the applicant's status as a responsible person or an inculpable person, is approved;

2. The application is denied OR INCOMPLETE; or