

(1) [a] A controlled hazardous substance, as defined in § 7-201 of this title; OR

(2) OIL, AS DEFINED IN § 4-401 OF THIS ARTICLE.

(g) (1) "Eligible property" means property ~~OR A PORTION OF A 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] EXCEPT AS PROVIDED IN PARAGRAPH (3)(I) OF THIS SUBSECTION, UNDER active enforcement; or

(iii) Subject to a controlled hazardous substances permit issued in accordance with Title 7 of this article.

(3) (I) "ELIGIBLE PROPERTY" ~~MAY INCLUDE~~ INCLUDES A SITE UNDER ACTIVE ENFORCEMENT IF:

1. ALL APPLICATIONS FILED IN CONNECTION WITH THE PROPERTY ARE FILED BY INCULPABLE PERSONS; AND

2. ANY RESPONSE ACTION PLAN AND CLEANUP CRITERIA APPROVED BY THE DEPARTMENT UNDER THIS SUBTITLE ~~ARE IS~~ AT LEAST AS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT AS THE REQUIREMENTS OF ANY OUTSTANDING ACTIVE ENFORCEMENT ACTION.

(II) "Eligible property" includes sites listed on the Comprehensive Environmental Response, Compensation, and Liability Information System.

(j) (1) "Inculpable person" means a person who:

(i) Has no prior or current ownership interest in an eligible property at the time of application to participate in the Voluntary Cleanup Program; and

(ii) Has not caused or contributed to contamination at the eligible property at the time of application to participate in the Voluntary Cleanup Program.

(2) "Inculpable person" includes:

(I) [a] A successor in interest in an eligible property acquired from an inculpable person, as defined in paragraph (1) of this subsection, if the successor in interest does not have a prior ownership interest in the eligible property and, other than by virtue of ownership of the eligible property, is not otherwise a responsible person at the eligible property; AND

(II) NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, A PERSON WHO IS NOT CONSIDERED A RESPONSIBLE PERSON UNDER § 7-201(X)(2) OF THIS TITLE.